



An
Bord
Pleanála

Inspector's Report

ABP-305432-19

Development	Alterations and construction of an extension to house.
Location	Belass, Foxford, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18677
Applicant(s)	Maria Heneghan.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Maria Heneghan.
Observer(s)	None.
Date of Site Inspection	5 th November 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located to the north west of Foxford town centre and is directly accessed off the N26. There is an existing single storey dwelling on site which pre dates 1963 and is accessed via a pedestrian gate and a vehicular gate to the south of the site.
- 1.2. The surrounding area is characterised by similar individual dwellings with both pedestrian gates and separate vehicle gates onto the N26. No footpath is present to the east of the N26 and it is of note that the appeal site is located within the 50km speed limits of the town.
- 1.3. There is an existing undeveloped area to the south of the dwelling with an additional vehicular entrance which is proposed to be incorporated into the proposed development. The site is bounded by a traditional 1930's dwarf wall and railing to the front and hedgerows to the north and south.
- 1.4. There are two single storey dwellings located to the east and south east of the appeal site which are separated from the appeal site by a 2 metre stone wall.

2.0 Proposed Development

- 2.1. It is proposed to construct the following development:
 - Two storey extension to existing dwelling,
 - Alterations to an existing access.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council determined to refuse permission for the following reason:

1. The proposed development is located off a National Primary Road (N26). Notwithstanding submissions to date the applicant has not submitted satisfactory evidence that the minimum sight distances for a National Primary Road can be achieved in both directions of the site to ensure that no traffic hazard is created as a result of the development. It is considered that the

proposed development, if permitted, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report was consistent with the decision of the planning authority.

Further information was requested as follows:

- Revised plans showing the visibility triangle.
- Boundary wall to be set back by 2 metres.
- Provision of one vehicular entrance.

An advice note was added to the FI request – ridge of extension should not exceed the ridge of house and first floor windows to be omitted at rear.

Further Clarification was requested as follows:

- Revised plan demonstrating achievable sight lines.
- The applicant will be required to set back the entire front boundary by 2 metres to facilitate a future footpath.

3.2.2. Other Technical Reports

- Mayo National Road Design Office – No objections.
- Water – Existing connections.
- Architect – Reduce ridge so as not to exceed the height of existing ridge of bungalow, all first-floor windows at rear to new extension to be removed and constructed as roof lights to avoid overlooking.
- Environment and Climate Change – Site is outside of flood zone, no objections.
- Road Design – visibility in both directions is substandard, front boundary wall to be set back by 2 metres, one entrance point to be provided.

3.3. **Prescribed Bodies**

TII – no objections

3.4. **Third Party Observations**

- None

4.0 **Planning History**

00/27 – Permission was refused for an apartment development.

5.0 **Policy Context**

5.1. **Development Plan**

Mayo County Development Plan 2014-2020

- Section 7 – Layout, scale and design.
- Section 8 - Overlooking
- Section 16 - Access

5.2. **Natural Heritage Designations**

The River Moy SAC is located c. 96 metres to the east of the site.

The Lough Conn and Lough Cullin SPA is located c. 2.5km south west of the site.

5.3. **EIA Screening**

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against Mayo County Councils decision to refuse permission for the proposed development. The grounds appeal have been prepared by AXO Architects on behalf of the applicant and the issues raised can be summarised as follows:

- The appeal site is the applicant's family home.
- The wall and house have heritage value and the removal of same would be a loss of heritage to the town.
- The request to remove 58 metres of wall and dig out the verge to provide for public infrastructure does not seem reasonable.
- Solutions were put forward to the council, such as provision of one entrance, widen access to comply with development plan standards, provide turning space internally to stop reversing onto road, remove mature tree to improve visibility.
- House is located within the 50km zone.
- The proposal would improve the existing access arrangement and therefore improve road safety.
- The proposal is for an extension to an existing dwelling, there will be no change of use and no intensification of the existing access.

6.2. Observations

- None

7.0 Assessment

7.1. This is a first party appeal against the decision of Mayo County Council to refuse permission for a two storey rear and side extension and alterations to an existing access onto the N26. The appeal site is located within the development boundary of

Foxford and is within the 50kph speed zone. It is important to note that this juncture that revised plans were submitted to the local authority in response to a further information request. These plans provided for a single access rather than two entrances and opaque glazing to rear windows. These plans will be considered within the following assessment. The issues for consideration before the Board can be summarised as follows:

- 7.2. Overlooking
- 7.3. Access
- 7.4. Appropriate Assessment
- 7.5. pertaining to the appeal pertain to the

Overlooking

- 7.6. I note that the Council raised concerns in relation to overlooking to both dwellings located to the east and south east of the site and the applicant responded to these concerns through the submission of revised plans which demonstrated the removal of the first floor side bedroom window and the proposal to install opaque glazing within the rear elevation of the extension.
- 7.7. It is important to note at this juncture that the revised plans submitted have adequately mitigated any potential for overlooking to these properties and will be the plans and as such these revised plans replace the original submitted plans for the purpose of this assessment.
- 7.8. I note that the opaque glazing within the rear elevation will serve a bathroom and the stair well and as such I consider this solution to prevent any loss of privacy to neighbouring dwellings to be acceptable.
- 7.9. I further note that the proposed side first floor bedroom window within the southern elevation has been removed and I consider this to also be an acceptable alteration from the original design.
- 7.10. Having regard to the foregoing I do not consider the revised proposal to give rise to any overlooking issues.
- 7.11. It is of note that comments were made within the further information requests in relation to the ridge height of the proposed extension. It was requested that the ridge

line be brought down to the same height as the single storey dwelling. I note that the proposed first floor will be constructed at an angle to the existing dwelling and having regard to the proposed design and the materials to be used I consider do not consider that the proposed extension will appear overbearing or dominant when viewed in conjunction with the existing dwelling.

7.12. I further note that Foxford has 185 vacant properties excluding holiday homes at present and it is therefore of importance to reuse and modernise existing housing stock where appropriate.

7.13. Thus, on balance I consider the proposed extension in terms of design, height, scale and massing to be acceptable and appropriate to the context of the appeal site.

Access

7.14. It is contended by the Council that the proposed entrance which is located off the N26 can not achieve minimum sight distances for a National Primary road and as such the proposed development would endanger safety by creating a traffic hazard. I note that there are two vehicle entrances within the site at present, nether of which is splayed and open directly onto the N26. The applicant has revised the proposed development in response to the further information request to provide one entrance which will be set back from the road edge by c. 2.6 metres and will be c. 9 metres wide. It is also proposed to provide a turning area within the site to prevent cars reversing onto the N26 which his currently the situation. The applicant has also proposed to remove two existing trees which are hampering sight visibility at this location and open this part of the road frontage up to provide greatly improved access to this existing dwelling.

7.15. Section 16.1.2 of the Mayo County Development Plan provides for instances of access upgrades for developments that directly access onto National roads. Such upgrades must demonstrate that the do not interfere with the traffic safety of the Strategically Important Regional Road and are within the categories permitted. An extension to an existing house is within such a category.

7.16. I note that Table 3 Section 16.3.3 of the Mayo County Development Plan 2014-2020 specifies sight visibility distances for speed zones. It is stated within this table that developments within the 50kph should provide sight visibility distances of 24 metres

in either direction. The applicant has complied with this requirement and provided visibility of 24 metres in both direction from the revised site entrance.

7.17. Thus, having regard to the information submitted, the fact that there is an existing dwelling on site with an existing substandard entrance and that the proposal will significantly improve this situation, I consider the proposed access to be acceptable and in accordance with the provisions of the Mayo County Development Plan 2014-2020 in this regard.

Appropriate Assessment

7.18. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.19. Overall, I consider the proposed development to be compliant with the provisions of the Mayo County Development Plan 2014-2020.

8.0 Recommendation

8.1. I recommend that permission is granted subject to the following conditions:

9.0 Reasons and Consideration

9.1. Having regard to the provisions of the Mayo County Development Plan 2014-2020, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not endanger safety be reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the layout plan submitted to the local authority on the 24th July 2019 and the

elevation plans submitted to the local authority on the 4th September 2019 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

3. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The site and development works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developers expense.

Reason: In the interest of orderly development

Sarah Lynch
Planning Inspector

6th December 2019