



An
Bord
Pleanála

Inspector's Report ABP-305788-19

Development	Retain house and groundworks and undertake alterations to house
Location	Fairview, Sheeroe, Westport, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P19/79
Applicant(s)	Charles McDermott
Type of Application	Retention Permission & Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Michael McBride
Observer(s)	None
Date of Site Inspection	10 th January 2020
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site, known as Fairview, is in the rural townland of Sheeroe, approximately 1.8km east of Westport town centre in County Mayo. The site is stated to measure 0.19ha and is accessed by a local road (L-58472) that connects with the N5 national road approximately 300m to the north of the site and terminates 600m to the south of the site. The immediate area is characterised by low-density detached housing of differing styles and scales, set back and fronting onto the local road and backing onto agricultural fields.
- 1.2.** Currently on site is a three-storey building, which is set back from the front roadside boundary by approximately 10m and with a bridged access to the front entrance door. The building largely reads as containing a two-storeys when viewed from the front with the basement level largely screened from view by the drop in surface levels moving into the site. There is a 7m drop from the front roadside boundary to the rear boundary of the site. The building on site does not appear to be currently occupied and the open areas on site are not maintained. A security fence is situated along the front roadside boundary. Ground levels in the surrounding area drop steadily moving southwest.

2.0 Proposed Development

- 2.1.** The proposed development to be retained comprises the following:
- three-storey detached house with a stated gross floor area (GFA) of 466sq.m and groundworks, including retaining wall structures;
- 2.2.** The proposed development comprises the following:
- construction of a single-storey garage with a GFA of approximately 42sq.m and a 2m-high stonewall along the southern elevation of the house at basement level,
 - demolition of the primary rear wall to house and construction of a replacement wall;
 - alterations to the roof of the house comprising reduced roof ridge and eaves height, as well as replacement roof pitches, removal of rear dormer features

and their replacement with rooflights, and elevation alterations to the house comprising the removal of rear balconies and the replacement of three rear balcony doors and a rear basement-level door with windows;

- landscaping, including planting throughout, and revised boundary treatments, including replacement of the front boundary masonry wall with a lower-level wall;
- two vehicular accesses off the local road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant retention permission and permission for the development subject to seven conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (March 2019) requested further information with respect to the following:

- drawings distinguishing between the existing and proposed development;
- clarify whether habitable space would be provided in the roofspace;
- landscaping plans, including south side boundary treatments;
- demonstrate how the subject proposals overcome the reason for refusal of retention permission and permission issued by An Bord Pleanála under ABP Ref. 302272-18 (Mayo County Council [MCC] Ref. P18/156).

The second report of the Planning Officer (August 2019) requested clarification of further information with respect to the following:

- revised application notices;
- front elevation drawings illustrating the basement level;

The final report of the Planning Officer (September 2019) reflects the decision of the planning authority and noted the following:

- the existing house was not constructed in accordance with the house previously permitted under MCC Ref. P05/437 and it is intended to amend the house to match, as closely as possible, the details of the previous permission;
- the property has been the subject of enforcement proceedings under MCC Ref. PE12/19;
- the responses to the further information requests are satisfactory.

3.2.2. Other Technical Reports

- Environment Section – no response;
- Road Design Office – no observations;
- Area Engineer – no response;
- National Roads Office – no observations.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – no observations.

3.4. Third-Party Submissions

- 3.4.1. During consideration of the planning application, the planning authority received five submissions from and on behalf of neighbouring residents of the Sheeroe area. The issues raised in these submissions are similar to those raised in the grounds of appeal and are summarised under the heading 'grounds of appeal' below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. The following planning applications relate to the appeal site:

- ABP Ref. 302272-18 (MCC Ref. P18/156) – in December 2018 An Bord Pleanála refused retention permission for a building and permission to

renovate externally and internally this building, due to the scale and bulk of the building, as well as the footprint and area of the building, which represented a significant departure from the house originally permitted under MCC Ref. P05/437;

- MCC Ref. P17/1026 – application lodged to the planning authority to retain the building and undertake internal and external works. This application was deemed incomplete in December 2017, as the site notice was not displayed;
- MCC Ref. P17/168 – application lodged to the planning authority to retain six apartments. This application was deemed incomplete in March 2017, as the newspaper notice did not provide sufficient details;
- MCC Ref. P05/437 – permission granted by the planning authority in October 2005 for a three-storey house, including basement level behind a front and south side retaining wall structure and with windows only to the rear and north side, a garage, a connection to the public sewer and all associated site works.

4.2. Surrounding Sites

- 4.2.1. Reflective of the rural character of the area, recent planning applications in the neighbouring area relate to one-off housing, as well as domestic extensions and alterations.

5.0 Policy & Context

5.1. Mayo County Development Plan 2018-2024

- 5.1.1. The site is situated 150m to the east of the Development Plan boundary for Westport town and environs. Mayo County Development Plan 2014-2020 is the statutory plan for this area. Volume 1 of the Development Plan primarily contains general planning policies and objectives for the County. Map 3 of the Development Plan addressing 'rural-area types', identifies the appeal site as being within a 'rural area under strong urban influence'. As part of the Settlement Strategy (Volume 1), the Plan sets out that the replacement or renovation of existing structures for residential use is encouraged in preference to new build development. Landscape protection

objectives of the Plan include LP-01, LP-02 and LP-03 and the Landscape Appraisal for the county identifies the appeal site as being in the East-Central Drumlin Spine.

5.1.2. Section 1.3 of Volume 2 to the Plan states that the replacement of dwellings or the development of other structures to habitable homes will be considered in all areas, subject to normal planning considerations, including the availability of services, the adequacy of ground conditions for the disposal of effluent from the development, traffic safety, residential amenity and visual amenity.

5.1.3. Section 7.3 of Volume 2 to the Plan states that rural housing shall be designed in accordance with the Council's Design Guidelines for Rural Housing and that consideration will be given to minor deviations from the Guidelines, where it can be demonstrated that the deviation would not have an adverse visual impact on the landscape or on residential amenity.

5.2. Natural Heritage Designations

5.2.1. The nearest designated European sites to the appeal site, which comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
001482	Clew Bay Complex SAC	3.4km	west
000471	Brackloon Woods SAC	6km	southwest

5.3. Environmental Impact Assessment - Preliminary Examination

5.3.1. Having regard to the limited nature and scale of the proposed development, including the development to be retained, 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

6.1.1. In conjunction with the third-party submissions, the issues raised in the grounds of appeal from neighbouring residents of Sheeroe, can be collectively summarised as follows:

- the applicant should have realised when purchasing the property that the subject building was not constructed in accordance with planning permission;
- it was previously proposed to house six apartments in the building and this building could be turned into apartments in the future;
- it is not suffice or acceptable for the development to be 'broadly in line' with the original permission, as it should be fully adhered to given the significant difference in the scale and bulk of the building constructed, when compared with the house that was originally permitted;
- the applicant is being given too much time to address the situation and the building should only be used as a single-family dwelling, in line with the original permission.

6.2. Applicant's Response

6.2.1. The response of the applicant to the grounds of appeal was accompanied by drawings illustrating the difference between the proposed development and the house original permitted on the site, and can be summarised as follows:

- the applicant purchased the property in 2017 and entered into discussions with the planning authority to resolve planning matters and continues to do so;
- the proposed development would reinstate the house as closely as possible to the house granted in the original permission (MCC Ref. P05/437);
- any further changes to the design would require demolition of the house.

6.3. Planning Authority Response

6.3.1. The planning authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1. None received.

6.5. Further Submissions

6.5.1. The appellant responded to the submission of the applicant, largely reaffirming and expanding on matters raised in the grounds of appeal.

7.0 Assessment

7.1. Introduction

- 7.1.1. Planning permission was granted by the planning authority for a house and a garage on the appeal site in October 2005. A building resembling this permitted house is currently situated on site, albeit with some deviations in design and scale, and this building was the subject of a recent order of An Bord Pleanála under ABP Ref. 302272-18. The development subject of this previous Board order involved the retention of the building, as constructed and as a seven-bedroom single-occupancy house, and the renovation of the building both internally and externally. In December 2018, the Board decided to refuse to grant retention permission and permission for the development, as it was considered that the bulk and scale of the building represented a significant departure from the house originally granted planning permission under MCC Ref. P05/437. The Board also stated that when compared with the house originally permitted, the altered footprint and area of the building would result in the proposed development having a seriously injurious impact on the visual amenities of the area and setting a negative precedent for further similar development. Further insight into the Board's reason for refusing permission is outlined in the order where it is stated that, in 'deciding not to accept the Inspector's recommendation to grant permission, the Board did not consider that the development could be satisfactorily assimilated into the landscape and did not consider that the issue of economic viability was a relevant planning consideration in the context of this development'.
- 7.1.2. In the Board's assessment of the previous application and appeal to retain the house on site and undertake alterations, matters relating to residential amenity, traffic

safety and services were all addressed, and all were considered not to be contrary to the proper planning and sustainable development of the area. Consequently, I consider the substantive and outstanding planning issues arising from the grounds of appeal and in the assessment of the application and appeal, amount to whether or not matters raised in the recently refused retention application, relating to design and visual amenity, have been satisfactorily resolved in this application.

7.2. Design

- 7.2.1. The 'Mayo Rural Housing Design Guidelines' (2008), which are appended to the Mayo County Development Plan 2014-2020, set out the principles to be adhered to when designing a house in the countryside of Mayo, and Section 7.3.1 of the Development Plan requires rural housing to be designed in accordance with these guidelines. The Design Guidelines encourage high standards in the design and construction of housing.
- 7.2.2. Within the recently refused application (ABP Ref. 302272-18), other than to remove the steel frame rear balcony elements and the installation of replacement rear windows, limited tangible physical external alterations to the building were proposed and alterations to the scale, height and floor area of the building were not proposed. The applicant has now proposed to undertake physical and structural alterations to the building, albeit primarily to the rear, which they assert would bring the development broadly in line with the scale, design and floor area of the house that was originally permitted for the site in 2005.
- 7.2.3. When compared with the development proposed as part of the refused application, the scale and bulk of the building would be altered along the front and rear elevations, via the maintaining of the originally permitted gable parapet features and the introduction of lower roof ridge lines, including approximately a 0.4m drop in roof ridge heights over both of the side projection elements. Along the rear elevation the dormer features would be removed and rooflights similar to those originally permitted would be installed. The rear roof pitches and primary rear wall would be removed and replaced with roof pitches matching those originally permitted. I am satisfied that these alterations would provide a reasonable and substantial reduction in the scale and bulk of the building, particularly as the building would no longer read as a

three-storey structure when viewed from the rear. I also note that the original chimneys, which were not constructed, would continue to be omitted from the house.

- 7.2.4. While a screen wall is proposed along the southern elevation to address the scale and bulk of the building, there remains scope for the building to read as a three-storey structure from the front and south side, and this was not provided for in the original 2005 permission. Consequently, considering the floor area of the house on site, the access to natural light on the upper levels and the use of the basement level, I am satisfied that in order to fully address the previous concerns raised regarding the scale of the development, infilling behind the screen wall and front retaining wall would be necessary and this can be secured by way of a condition of the permission. Substantive reasons for not taking this remedial action has not been provided by the applicant and economic viability would not be a justifiable reason in the circumstances.
- 7.2.5. The house granted planning permission on site in October 2005 was stated to have a gross floor area of 448 sq.m, whereas the proposed house would have a stated gross floor area of 466 sq.m. Drawing no.10 submitted with the application, titled 'layout comparison', illustrates the difference between the footprint of the permitted house, the house refused by the Board in 2018 and the proposed house, including the proposed alterations. While the primary front wall and the gross floor area would not directly correlate with the original permission, I am satisfied that with the reduction in the depth of the house by approximately 0.75m via the removal of the primary rear wall, the proposed amendments to the development would sufficiently overcome concerns raised in the previously refused application (ABP Ref. 302272-18) regarding the footprint and floor area of the house.
- 7.2.6. I note that it is also proposed to construct a domestic garage to serve the house. The development description for the original permission (MCC Ref. P05/437) referred to a garage. I am satisfied that the garage, which would be sited to the rear of the house, would be of a scale and design typical for an area such as this and, as such, would be in keeping with the character of the area.
- 7.2.7. Accordingly, subject to a condition to address the treatment of the area fronting the basement level, retention permission and permission should not be withheld for reasons relating to the scale, bulk, footprint and the floor area of the development.

7.3. Visual Amenity

- 7.3.1. The Mayo County Development Plan 2014-2020 outlines that the visual impact of developments should be assessed with respect to the Landscape Appraisal for County Mayo, which categorises the appeal site and immediate area as being in the East-Central Drumlin Spine, featuring undulating topography, which is not considered to feature sensitive or vulnerable landscapes in terms of accommodating rural housing. Objectives LP-01, LP-02 and LP-03 of the Development Plan seek to preserve and protect the scenic amenity of the county. To the south of the site there is a two-storey house, which has a finished-floor level that is 5m below the finished front ground-floor level of the building on the appeal site. To the north along the local road there are two-storey houses on similar levels to the appeal site and to the east of the site on the opposite side of the local road there are two-storey houses on more elevated ground. The area to the west is low-lying and the rear of the building is visible from these lands.
- 7.3.2. I am satisfied that with the proposed amendments to the house, as discussed in section 7.2, in particular the reduction in the roof ridge heights, the omission of the dormer features and the replacement of the roof pitches and the primary rear wall, and subject to a condition requiring the infilling of the area fronting the basement level, the revised development would better assimilate into the landscape, in line with the original development permitted in 2005. Accordingly, I am satisfied that the development would not set a negative precedent for further similar development and would not be seriously injurious to the visual amenities of the area.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and scale of the proposed development, including the development proposed to be retained and the connections to local services, to the nature of the receiving environment and the proximity to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on any European site.

9.0 Recommendation

- 9.1. I recommend that retention permission and permission should be granted for the proposed development and the development to be retained, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the planning history of the site and the scale, bulk, floor area and footprint of the proposed house, it is considered that, subject to compliance with the conditions set out below, the development to be retained and the proposed alterations, would be generally in accordance with the permission originally granted on the site under Mayo County Council reference P05/437, would not seriously injure the visual amenities of the area and would be in compliance with the provisions of the Mayo County Development Plan 2014-2020, including objectives LP-01, LP-02 and LP-03, which seek to preserve and protect the scenic amenity of the county. The development to be retained and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25th day of July 2019 and on the 6th day of 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/continuation of the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development to be retained and the proposed development shall be amended as follows:

(a) the area situated between the basement level, the proposed south side screen wall and the existing front retaining wall shall be infilled to a level similar to the front surface level (i.e. +76m based on spot levels detailed on drawing no. 17-035/13 submitted to the planning authority on the 8th day of February 2019) and shall be suitably landscaped.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The landscaping scheme shown on drg no. 19.282 LP001, as submitted to the planning authority on the 25th day of July, 2019 shall be carried out within the first planting season following the commencement of the proposed alterations to the house on site.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. The building shall function as a single occupancy dwellinghouse only and shall not be sub-divided into separate dwelling units.

Reason: To protect residential amenity and in the interest of orderly development.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

Colm McLoughlin
Planning Inspector

5th February 2020