



An
Bord
Pleanála

Inspector's Report 309298-21

Development	Alterations to front boundary wall to allow vehicular access to dwelling
Location	Bury Street, Ballina, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	20/826
Applicant(s)	Kathryn Jones and Noel White
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Kathryn Jones and Noel White
Observer(s)	None
Date of Site Inspection	4 th May 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.058 ha and is located on the southern side of Bury Street, in the town centre of Ballina, Co. Mayo. The site is bounded by the access road to a Lidl supermarket to the west, the surface car park of which extends along its southern (rear) boundary. A detached 2-storey dwelling with off-street car parking is located immediately to the east. Bury Street extends in an east-west direction to the front of the site, along which traffic movements are one-way in a westerly direction. Double yellow lines are present on the public road to the front of the site and extend around its western boundary along the Lidl access road.
- 1.2. The site itself accommodates a large, detached 2-storey dwelling which is enclosed by a low wall with cast iron railings facing onto Bury Street. A pedestrian entrance is provided within this boundary, with a grassed lawn area to the front of the dwelling. The western site boundary comprises a rendered wall, which accommodates a vehicular entrance to the rear of the site. A dropped kerb is provided in the public footpath to the front of this entrance. A detached garage structure is located at the rear of the site, the gable end of which fronts onto the western site boundary and the Lidl access road.

2.0 Proposed Development

- 2.1. The proposed development comprises alterations to the front boundary wall to facilitate vehicular access off Bury Street and all associated site works.
- 2.2. The proposed vehicular entrance has a width of 3.26 m. It is also proposed to replace part of the existing soft landscaping in the front garden with paving to facilitate the off-street car parking.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on 4th January 2021 for 1 no. reason as follows:

“The proposed house exit / access will be less than 40 m from adjacent road into Lidl development and therefore considered too close to a busy adjacent junction and may interfere with pedestrians/vehicular use of the adjacent roads/footpaths.

Therefore, the proposed development 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

3.2.2. Basis of Planning Authority’s decision.

3.2.3. While the Planning Officer noted that the existing property on the site is listed on the NIAH, I could find no such record at the time of writing this report, nor is the building listed as a Protected Structure.

3.2.4. Other Technical Reports

3.2.5. **Roads Department:** Recommends that planning permission be refused for the proposed development based on its proximity to the access road to the Lidl supermarket. The presence of the existing double gate access with dropped kerb to the side/rear of the house was noted.

3.2.6. **Water Services:** None received.

3.2.7. **District Architect and Conservation Officer:** None received.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** None received.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. **Planning Authority Reg. Ref. 19/669:** Planning permission refused on 20th January 2020 for alterations to front boundary wall to create new vehicular access gate, removal of existing chimneys and all associated site works.

4.2. Planning permission was refused for 3 no. reasons including:

(1) the proposed development would materially and adversely affect the character, architectural conservation and heritage value and setting of the existing dwelling and would materially contravene objectives of the Ballina Town and Environs Plan 2009-2015 (as extended),

(2) the proposed vehicular access would interfere with the existing parking arrangements on the street and would impact on pedestrian safety and traffic flows along the street, and

(3) the proposed development would impact on and injure or interfere with the character of the landscape.

5.0 Policy and Context

5.1. Mayo County Development Plan 2014-2020

5.2. The 2014-2022 county plan remains in place until such time as the draft 2021-2027 plan is adopted.

5.3. Development Management Standards

5.3.1. The development standards for residential development are contained in Volume 2 of the plan. Table 4 therein confirms that a new residential access onto a local road shall be a minimum distance of 40 m from a local road junction.

5.4. Ballina Town and Environs Plan 2009-2015 (as extended)

5.4.1. The preparation of the Ballina Town and Environs Plan 2021-2027 has commenced. The 2009-2015 plan (as extended) remains in force until such time as the new plan is adopted.

5.5. Land Use Zoning

5.5.1. The site is subject to land use zoning “C1 – Commercial (Town Centre)” which has the objective “to protect the role of the town centre and provide for town centre uses”.

5.5.2. Parking

5.5.3. **Objective T31:** Restrict on-street facilities, where possible, to short-term, commercial loading, mobility impaired and taxi parking.

5.6. Natural Heritage Designations

5.6.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged by Simon Beale + Associates on behalf of the applicants, which can be summarised as follows:

- Mayo County Council recently added “double-yellow” lines outside the appellants’ home without notice or notification, thus removing the longstanding parking provision at this location.
- The current access to the rear of the property uses a drive-in, reverse-out approach, whereby the appellants are required to exit the vehicle on the road to open and close the gate. There is no visibility or sight-lines and this entrance has only been used as a maintenance entry point.
- The proposed access will provide safe access and exit for the appellants, with clear visibility of one-way oncoming pedestrians and traffic.
- Planning application P20/316 for a much larger commercial development directly adjacent to the appellants’ home, appears to be facilitating a larger access close to an existing carpark access/exit onto a 2-way national primary route on Teeling Street.
- Adjacent private homes have similar on-site parking and access facilities.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Traffic Impact of the Proposed Development
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. Traffic Impact of the Proposed Development

7.3.1. Mayo County Council refused planning permission for the proposed development on the basis that the proposed vehicular access would be less than 40 m from the adjacent road into the Lidl supermarket, and as such, was considered too close to a busy junction and may interfere with pedestrian/vehicular use of the adjacent roads/footpaths. Therefore, it was considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.

7.3.2. In responding to the foregoing, the appellants' agent submits that the proposed development will provide safe exit and access, with clear visibility of one-way oncoming pedestrians and traffic. It is also noted that adjacent private homes have similar on-site parking and access facilities.

7.3.3. I note that the planning application cover letter states that the applicants had on-street parking to the front of their dwelling on Bury Street for a 20-year period. This parking has been removed on foot of double yellow lines which have been placed to the front of the site. In reviewing Google Street View images from September 2019, I note that no double yellow lines were present to the front of the site at the time, with the markings commencing further to the west at the junction with the Lidl access road. The cover letter also states that the applicants had a second parking option along the access road to the west of the property. This option has also been removed, on foot of the double yellow lines which have been placed along the Lidl access road.

7.3.4. The existing vehicular entrance to the rear of the site is acknowledged in the planning application cover letter. The applicants' agent states that there is insufficient turning space to the rear of the dwelling, which results in the occupiers having to

reverse into or out of the rear garden area. On foot of the foregoing, and the limited visibility which can be achieved from this access gate, it is submitted that this option would endanger public safety by reason of traffic hazard, as the occupiers are required to stop and alight from the vehicle to close the gateway.

- 7.3.5. While the applicants' rationale for the proposed development is acknowledged, I note that the Mayo County Development Plan 2014-2020 requires a new residential access to be a minimum distance of 40 m from a local road junction. The proposed vehicular entrance is set back by 14 m from the junction with the Lidl access road. The Roads Department of Mayo County Council noted that the required set-back had not been achieved, with the access considered too close to the junction, thus interfering with pedestrian/vehicular use of the adjacent roads/footpaths.
- 7.3.6. I acknowledge that the adjoining dwelling to the east of the site has a vehicular entrance which facilitates off-street parking. However, I could not identify any planning history in relation to same. While I acknowledge that permission has been granted for a single-storey discount supermarket on a site on the opposite side of Bury Street (Planning Authority Reg. Ref. P20/316 refers as identified by the appellants' agent), I do not consider that this is a comparable development in the context of the current appeal case, with each application required to be adjudicated on its merits.
- 7.3.7. As such, in conclusion, I consider that the proposed development would be contrary to development plan standards, and I recommend that planning permission be refused in this instance.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused in this instance.

9.0 Reasons and Considerations

- 9.1.1. The proposed development does not comply with the residential development management standards contained in Volume 2 of the Mayo County Development Plan 2014-2020, which require residential entrances to be a minimum distance of 40 m from a local road junction. Thus, the proposed development would be contrary to development plan standards and would set a precedent for similar development in the area, which would be contrary to the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

4th June 2021