



An
Bord
Pleanála

Inspector's Report

ABP-310822-21

Development	Construction of an extension and retention of a shed as constructed and all ancillary site works.
Location	35 Westland, Westport, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	20488
Applicant(s)	Fergal & Vanessa Macken.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Genevieve King.
Observer(s)	None.
Date of Site Inspection	8 th February 2022.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to an existing dwelling site located within a well-established residential area to the west of Westport. The appeal site has a stated area of .052 hectares and is occupied by a detached two storey dwelling set within its own grounds with garden to front and rear. To the eastern side of the dwelling is a shed structure.

2.0 Proposed Development

- 2.1. The application seeks permission to construct an extension to the existing dwellinghouse and to retain the domestic shed as constructed. The design of the proposed extension was amended during the course of the application. The initial proposal for a two-storey extension was revised to a single storey proposal located to the western side and rear of the dwelling. The *steeltech* shed proposed for retention is located to the eastern side of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

By order dated 17th June 2021 Mayo County Council issued notification of its decision to grant permission subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report sought additional information also advising a revised extension design more in keeping with the existing dwelling or of an entirely different light weight contemporary architectural type and set back from the facade such that the original house retains its original form and proportions. Planner's second report considers the design to be appropriate to the context and recommends permission subject to conditions.

3.2.2. Other Technical Reports

Architect's report considers the initial proposal to be out of keeping with the house and setting in general and recommends a redesign.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

Submission by Genevieve King, 36 Westlands, objects to the proposal to construct the extension against the shared boundary. Concerns regarding maintenance and devaluation of property. Negative impact on light to the garden. Velux window compromises privacy. Heat pump could give rise to emissions and noise nuisance.

4.0 Planning History

I am not advised of any planning history on the appeal site.

5.0 Policy Context

5.1. Development Plan

Westport Town & Environs Development Plan 2010-2016 remains the statutory Plan for this area. Within the Development Plan the appeal site is zoned 'Residential Phase 1 (A1 - High Density)', which has a stated land-use zoning objective 'to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas, where appropriate'.

Section 4 of the Development Plan includes policies and objectives, the following of which are of relevance to this appeal:

HO-02 – 'to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas';

TP-01 – 'to maintain, conserve and protect the architectural quality, character and scale of the town';

TO-12 It is an objective of the Council to encourage a high standard of architectural design and layout in all developments.

5.2. **Natural Heritage Designations**

The nearest Natura 2000 site is the Clew Bay Complex SAC, which is located approximately 600 metres to the north-west of the appeal site.

5.3. **EIA Screening**

The development is not of a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Accordingly, I am satisfied that EIA or EIA screening is not required in this case.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal is submitted by Genevieve King, 36 Westlands. Grounds of appeal are summarised as follows:

- Location on boundary gives rise to maintenance issues.
- No precedent for construction along the common boundary
- Diminution of property value.
- Reduced sunlight to the garden.
- Diminution of privacy during construction and due to rooflight.
- Negative visual impact
- Plant room adjacent to the boundary gives rise to potential noise disturbance / emissions.
- Impact on gas tank which is located adjacent to the other side of the wall.

6.2. Applicant Response

The response of Keith O Connell, Chartered Engineer on behalf of the first party is summarised as follows:

- Plans discussed with the third-party appellant prior to submission of the application. Notably concerns arise in relation to the revised plans.
- Access to the appellant's property will not be required for construction or maintenance.
- Improvements such as extensions and renovations can have knock on effect in terms of increasing value of properties.
- Sun path analysis demonstrates no negative impact on the appellant's property.
- No overlooking. Rooflight positioned for light and will not create overlooking.
- Propsoal revised during the course of the application to address visual impact.
- No emissions from heat pump and noise levels insignificant.
- No negative impact on gas tank or negative impact on property.

6.3. Planning Authority Response

The Planning Authority did not respond to the appeal.

7.0 Assessment

- 7.1 The issues arising in this appeal relate to the acceptability of the proposed development in light of the visual impact and impact on the character of the dwelling and the residential amenities of adjacent properties. Given the established residential use and residential zoning objective pertaining the principle of development of an extension intended to enhance and improve the level of residential accommodation on the site is acceptable. I note that the appellant does not raise any concerns in respect of the shed structure proposed for retention.

- 7.2 The key issue is therefore to consider whether the proposed extension is acceptable in terms of its impact on residential amenity, its visual impact and impact on the character of the dwelling and the area in the specific circumstances of this site. Regarding the scale of the proposal, I note that the extension proposed as revised in response to the request for additional information is a single storey structure extending along the side and rear of the established dwelling. In my view the site is sufficiently large to accommodate the level of development proposed. The proposal is not in my view out of character and I consider it to be reasonable in the context of the site.
- 7.3 As regards design and visual impact, the materials proposed in the development are appropriate. As regards the concern regarding construction along the common boundary I note that the proposed extension is within the appeal site boundary and as outlined in the first party response to the appeal will not require access from the appellant's property either for construction or maintenance. As regards impact on property values I find no basis for the contention that it would give rise to devaluation of the appellant's property. Standard good practice construction methods and practices will ensure mutual protection of residential amenity.
- 7.4 In design terms the proposal integrates appropriately with its context. Given its single storey nature and design overlooking does not occur. Given its scale and orientation the proposed extension it is not likely to give rise to a significant impact in terms of outlook from the adjacent dwelling and will not be overbearing or give rise to overshadowing. The heat pump is not a significant will not give rise to emissions or nuisance noise and there is no basis for the contention that construction would impact on appellant's gas tank.
- 7.5 The proposed development the proposed development, as revised during the application to the local authority, appropriately mitigates negative impacts arising on established residential amenity and achieves an appropriate balance in terms of

improvement of living accommodation on the appeal site whilst protecting the amenities of the adjoining property.

- 7.6 As regards Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site and had due regard to the development plan and all other matters arising. I recommend that the Board uphold the decision of the planning authority and grant permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the location of the site and pattern of development in the area, it is considered that the proposal would be compatible with the visual and residential amenities of the area and would not impact unduly on the residential amenities of adjacent properties. No appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by full plans and particulars received on 26th April 2021 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 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 attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 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.

Brid Maxwell

Planning Inspector
3rd March 2022