



An
Bord
Pleanála

Inspector's Report ABP-311090-21

Development	Construction of dwelling, demolition of garden shed, and construction of a rear garden shed and reconfiguration/modification of site layout
Location	35 & 36 St Patricks Avenue, Castlebar, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	2188
Applicant(s)	Thelma Healy.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Ann & Michael Murray and others.
Observer(s)	None.
Date of Site Inspection	8 th February 2022.
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to an urban infill site comprising part of the curtilage of No 35 and no 36 St Patrick's Avenue, Castlebar, Co Mayo. The appeal site has a stated area of 0.1385 hectares and is at the termination of a well-established Mayo County Council housing development of 36 no terraced and semi-detached units. The appeal site comprises the end block, semi-detached units No 35 and 36 St Patrick's Avenue. Adjoining to the north-east is a 2 and 3 storey mixed use development (medical centre and residential) of recent construction. St Patrick's Avenue is set back off Old Westport road and the appeal site is south of the town centre in close proximity to a number of mixed uses including hotels, retail and Mayo General Hospital opposite to the southeast.

2.0 Proposed Development

- 2.1. The application involves permission for the construction of a part single part two storey flat roof dwelling (110sq.m) within the curtilage of and attached to no 36, the demolition of an existing rear garden shed at no 36 and the construction of a rear garden shed (19sq.m) at no 35. The proposal will include reconfiguration / modification of site layout, private open spaces, boundaries and access points, and all associated and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 19/7/2021 Mayo County Council issued notification of the decision to grant permission and 8 conditions were attached including Condition 8 requiring payment of a development contribution in accordance with the Mayo County Council Development Contribution Scheme¹. (€597 Surface water, €357 amenities, €1519 roads, €238 footpaths, €357 community open space and recreational facilities.)

¹ I note that the Mayo County Council Development was applied in error whereas the appropriate scheme is the Castlebar Town Development Contribution Scheme 2011.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial report requested additional information, proposed parking provision, boundary treatment, existing and proposed levels, and connection to services. Nature of proposed opening along the Westport Road to be clarified. Final report recommends permission subject to conditions as per subsequent decision.

3.2.2. Other Technical Reports

No technical reports.

3.3. Prescribed Bodies

No submissions.

3.4. Third Party Observations

- 3.4.1 Submission from Michael & Ann Murray and nine other named residents and at St Patrick's venue. Observer's object to the proposal on grounds that the proposed house would be out of place with the established character and would injure the visual amenities of the area. Design is dominant and overbearing in terms of established development. Previous refusal reasons remain valid. A recent application at No 1 Patrick's Avenue where a two storey extension was refused, and single storey design completed is noted.

4.0 Planning History

15/651 Refusal of permission to construct 4 no 3 bedroom houses and to construct extensions to houses 35 and 36. Refusal reasons referred to overdevelopment, backland development and injury to established residential amenity.

5.0 Policy Context

5.1. Development Plan

The Castlebar & Environs Development Plan 2008-2014 (as extended) refers. The site is zoned Existing Residential / Infill where the objective is to protect, preserve, improve and develop existing residential areas, to provide for appropriate infill residential development, to provide for new and improved ancillary services and to provide for facilities and amenities incidental to those residential areas.

5.2. Natural Heritage Designations

The site is not within a designated area.

The nearest such sites include the Newport River SAC (Site Code 002144) 8km to the northwest and River Moy SAC (Site Code 002298) 6km to the north east.

5.3. EIA Screening

The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a new dwelling and associated site works, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by Ann and Michael Murray and others of St Patrick's Avenue, Castlebar.

- St Patrick's Avenue has a notable architectural character, which depends on the symmetry of the layout.

- This symmetry would be marred by the proposal setting a precedent for erosion of the aesthetic value and architectural characteristics of the Avenue.
- St Patrick's Avenue is a well preserved example of an architectural designed and planned estate that has both architectural and historic significance.
- Propsoal is not in sympathy with the character and appearance of St Patrick's Avenue and would have significant adverse impact.
- Increased volume of traffic leading to traffic congestion.

6.2. Applicant Response

6.2.1 The response by The Planning Partnership on behalf of the first party is summarised as follows:

- Validity of the appeal is the appellant "Ann & Michael Murray and Others" is not the same "entity" or "person" which made an observation on the planning application. The observer was a group of 11 individuals. The current appeal omits 9 of the 11 and is not therefore the same person. No standing to make the appeal.
- Reference to "others" in the appellant name fails to meet the requirements of Section 127(1)(b) of the Planning and development Acts 2000-2020 in terms of names and addresses of 'others' not being provided.
- The proposed development is outside the core envelope of the architectural 'set piece' of St Patrick's Avenue as it is on the fringe or transition area of same.
- St Patrick's Avenue 'set piece' exists in the wider character area of Old Westport Road.
- The transition from the Avenue to the Adjoining lands is currently weak and would be substantially strengthened by the proposed development in terms of visual aesthetics and general urban morphology.
- The design and massing and siting aims to positively bridge the gap between old and new which is currently uncomfortably juxtaposed with St Patrick's Avenue due to the open / untreated edge to the Avenue where no 36 faces away from Westport Road.

- Propsoal will bookend the Avenue whilst also distinguishing from the existing core 'set piece' at St Patricks Avenue being specifically designed to avoid a terracing effect.
- Scale, finishes and positioning of the dwelling is such that it does not interfere / overlap with the 'symmetry or core element of the Avenue into adjoining higher density development towards the town centre to the northeast.
- Site is unique in the context of St Patrick's Avenue and is a site specific response. No precedent would be created.
- Scheme respects the character and architectural value of St Patrick's Avenue and scale, finishes and positioning of the dwelling ensures that the character area of the Avenue is not interfered with.
- Proposed dwelling will not give rise to a tangible increase in traffic levels.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

No submissions

7.0 **Assessment**

- 7.1. The agent for the first party has questioned the validity of the appeal alleging that Ann & Michael Murray & Others as referenced in the appeal documentation is not the same 'entity' or 'person' who made the original observation to the local authority namely Ann & Michael Murray and 9 other named residents of St Patrick's Avenue. It is alleged that in the absence of signatures from the other 9 residents on the grounds of appeal it should be assumed that they are no longer in opposition to the development and that the appellant (Ann & Michael Murray and others) has no legal standing to make the appeal. I do not accept these arguments and consider that the

appeal is valid in accordance with Section 37 of the Planning and Development Act 2000 as amended.

- 7.2 The Planning issues raised in the appeal relate to the question of appropriateness of the design and layout and impact the amenities of the area and traffic impact. The issue of appropriate assessment also needs to be addressed.
- 7.3 On the matter of design and layout it is the submission of the appellant that the proposal will have a significant negative impact on the architectural and historical context of St Patrick's Avenue which depends on the symmetry of the layout and consistency of design. The first party asserts that the proposal will appropriately fill a gap site in the streetscape and will bridge the currently uncomfortable juxtaposition of old and new. The assertion is that the site proposed for the new dwelling is outside the core envelope of the architectural set piece of St Patrick's Avenue and within a transition area. Having considered the design and layout in its detail and the site context, I am inclined to concur with the first party that the proposal represents an appropriate infill intervention in this centrally located urban area. I would concur that the site is within a transition area and in my view the proposal by way of the flat roofed single storey link to No 36 successfully marks this transition. The contemporary design creates a more integrated connection to the higher density development to the northeast. I consider that the design and impact on the streetscape has been justified.
- 7.4 As regards residential amenity I consider that the proposal provides for an adequate standard of development and I am satisfied that the design appropriately mitigates impacts on established residential amenity. I consider that the proposal is an appropriate infill development on a corner side garden and represents an appropriate means to making effective use of serviced residential lands.
- 7.5 The third party appellant expresses concerns regarding traffic impact and potential to exacerbate existing issue of congestion. I consider that the level of traffic arising

from an additional dwelling is not likely to be significant and can be accommodated within the existing road network.

- 7.6 On the issue of appropriate assessment, the proposed development would comprise a fully serviced dwelling within an established residential area in Castlebar. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.0 Recommendation

I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

9.0 Reasons and Considerations

Having regard to the to the established residential nature of the area, the zoning provisions for the site as set out in the current Castlebar and Environs Development Plan 2008-2014 (as extended), and to the design, character and layout of the development proposed, it is considered that the proposed dwelling would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, impact on architectural heritage and traffic safety, and would otherwise be in accordance with the provisions of the current Development Plan. The proposed development would, therefore, be in accordance 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 particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 12th May 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

3. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health and orderly development.

4. The 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 and to ensure a proper standard of development.

5. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of the visual amenities of the area.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and offsite disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the *Castlebar Development Contribution Scheme 2011* made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Bríd Maxwell
Planning Inspector

24th May 2022