



An
Bord
Pleanála

inspector's Report ABP-313831-22

Development	Permission to retain extension to side of dwelling, domestic shed to rear of property and front boundary wall as constructed and all associated services.
Location	Cross West, Cross, Claremorris, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	22/274
Applicant(s)	Pauline Burke.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party V. Decision.
Appellant(s)	Teresa Mullaghy.
Observer(s)	None.
Date of Site Inspection	20 th October 2022.
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site is located within the rural village of Cross, approximately 18 kilometres south of Claremorris, with access off a local county road.
- 1.2. Immediately east, west and north of the appeal site are other residential properties and there are also residential properties to the south of the appeal site on the opposite side of the local road. The western site boundary is defined by a two metre wooden panelled fence and some beech planting forward of the building line and a walled boundary exists along the roadside (southern) and northern boundaries. The front garden is bound to the roadside (south) by a wall whose levels are consistent with those of the adjoining public roadway and rises gradually from west to east.
- 1.3. Entrance to the property comprises a vehicular gated entrance to the south-east of the site frontage and a pedestrian entrance to the south-west of the appeal site.
- 1.4. The overall site area comprises 0.251 hectares.

2.0 Development

- 2.1. Planning permission is sought to retain a single storey side extension to the dwelling with a floor area of 38 square metres (sq. m) and a max ridge height of 4.4 metres, a detached domestic shed to the rear of the dwelling with a floor area of 55 sq. m. and a max ridge height of 3.6 metres and the front boundary wall as constructed and all associated site services.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted planning permission for the retention of the development works on site subject to six conditions. Conditions of relevance include the following:

Condition 4: Limitation on use of private domestic shed for domestic use only.

Condition 6: Within 6 months of grant of planning permission two surface water drainage gullies and drainage channel to be installed at entrance point to appeal site.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planners Report (dated the 20th day of May 2022) is the basis for the Planning Authority decision, and can be summarised as follows

- The single-storey extension to the side of the dwelling comprises a kitchen/living/dining room area with two windows that look onto the gable wall of the domestic garage of the neighbouring property to the west of the appeal site.
- The domestic extension is located 5 metres from the western boundary and a fence has been erected along the western site boundary.
- It is not considered that the development would injure the amenities of the area or property in the vicinity.

3.2.2. **Other Technical Reports**

Area Engineer: No objection subject to conditions.

3.3. **Prescribed Bodies**

Not referred externally

3.4. **Third Party Observations**

One observation received. Issues raised within the observation are similar to those raised in the grounds of appeal.

4.0 **Planning History**

No recent planning history pertains to the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The Mayo County Development Plan 2022-2028 is the operative plan.

Within Volume 1 of the current Mayo County Development Plan (MCDP), Cross is identified as a Rural Village within the Settlement Strategy as set out within Section 2 of the Development Plan.

Volume 2 of the Plan pertains to Development Management Standards.

Section 2.7 pertains to domestic extensions and sets out the following: Rural Housing Extensions shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension complements the existing dwelling in its design and massing.
- Reflect the window proportions, detailing and finishes, texture, materials and colour of the existing dwelling, unless a high quality contemporary and innovatively designed extension is proposed.
- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.

Section 2.8 pertains to domestic sheds/garages and sets out the following:

Rural Housing Garages / Sheds shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger garage / shed complements the existing dwelling in its design and massing.
- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.

5.2. Natural Heritage Designations

5.2.1. The Lough Corrib SAC (site code 000297) is located approximately 0.6 kilometres south-west of the appeal site.

5.2.2. The Lough Corrib pNHA (site code 000297) is located approximately 0.7 kilometres south-west of the appeal site.

5.3. Environmental Impact Assessment-Preliminary Examination

- 5.3.1. Having regard to the modest scale of the development, the nature of the receiving environment, and proximity to the nearest 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

The third-party appeal was submitted by Teresa Mullaghy, owner of the adjoining residential property to the west of the appeal site. The main grounds of appeal are summarised as follows:

6.1.1. Unauthorised development:

- The Council have already indicated their dis-satisfaction with the development and have issued enforcement proceedings regarding unauthorised works within the appeal site.

6.1.2. Design, layout and scale of the development:

- The front boundary wall with a height of at least 1.4 metres is too high, unsightly and bulky and represents a visual intrusion and would be contrary to the provisions of the Mayo Rural Housing Design Guidelines.
- The wall has a maximum height of 2.4 metres above the finished floor level of the appellants property and reduces her visibility to the south-east by reason of its overshadowing impact on her front boundary and lawn and impacts upon the value of her property.
- The design, scale and soffit height of the shed structure indicates that it will be used for non-domestic purposes. This is a residential area and commercial development should not be permitted to intrude on the residential amenity in this neighbourhood.

6.1.3. Residential Amenity:

- That overlooking arises from the windows on the western elevation of the extension due to the elevated nature of the appeal site where site levels are significantly greater than levels on the appellants' property.

6.2. Applicants Response

A response to the third-party appeal was submitted by the applicant, Pauline Burke. The issues raised therein can be summarised as follows:

6.2.1. Unauthorised Development

- The applicant was issued with an enforcement notice, reference number PE114/21 following a letter of complaint to the Planning Authority from the appellant, instructing her to remedy the on-site planning situation on her site. This has duly been done by applying for planning permission for the retention of the works. Mayo County Council have granted planning permission for the retention of these works and therefore, no enforcement issues now arise.

6.2.2. Design, Layout and Scale of Equine Development

- The domestic shed is used for domestic storage purposes including bicycles, toys and scooters belonging to the family and should not be considered as a commercial entity.
- The domestic extension is single storey and looks into a fence along the western site boundary and therefore, no overlooking arises
- The front boundary wall has a Romanesque design with a painted render finish which follows the contours of the adjoining public roadway rising gradually from west to east.

6.2.3. Other Matters.

- The development will not impact upon the property value of the appellants property

6.3. **Planning Authority Response**

The Planning Authority did not submit any comment in relation to the planning appeal.

7.0 **Assessment**

7.1. The main issues raised in this appeal are those raised in the grounds of appeal, and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design and layout of development
- Residential Amenity
- Other issues
- Appropriate Assessment

7.2. **Principle of Development.**

7.2.1. The development comprises the retention of a domestic extension, front boundary wall and domestic shed within the curtilage of a permitted dwelling house.

7.2.2. The appeal site is located within a designated rural village of Cross, south of the settlement of Crossmolina. The principle of domestic extensions is provided for within the policies and objectives of the current Mayo County Development Plan (MCDP) 2022-28 in terms of being subordinate to the main dwelling on site and consistent with existing development on site in terms of scale. Therefore, I am satisfied that the principle of development is acceptable, subject to suitability of the design and layout and that residential and visual amenities are respected.

7.3. **Design and Layout of extensions**

7.3.1. The domestic extension is attached to the main dwelling and is located to the west (side) of the dwelling and comprises a kitchen/living/dining room area. I consider that the extension integrates satisfactorily with the main dwelling on site and that the external finishes are consistent with those of the main dwelling and that the ridge height does not exceed that of the main dwelling. The domestic shed is located to

the rear of the dwelling nearest the western site boundary. I consider that the domestic extensions are consistent with the DM standards as set out within the current MCDP, Volume 2, Sections 2.7 and 2.8 in relation to domestic extensions/sheds.

- 7.3.2. The appellant has raised the issue of scale and height and appropriateness of the front walled boundary within the appeal site. This walled boundary is based on a Romanesque design with a series of twelve piers ranging in height from 1.2 metres to approximately 2 metres and the rise in height follows the contours of the adjoining public road. In between the piers is a low base wall ranging in height from 300 mm to 600 mm with horizontal timber latts between the piers and over the low base walls. I am satisfied that the boundary wall is acceptable in this instance within a rural village setting and integrates appropriately with the dwelling on site. I note that neighbouring dwellings also have walled boundary treatment facing onto the public road.
- 7.3.3. In conclusion, I am satisfied that the design and scale of the development on site is acceptable and in accordance with Sections 2.7 and 2.8 of the MCDP and with the proper planning and sustainable development of the area.

7.4. Residential Amenity

- 7.4.1. The appellants have raised the issue of proximity of the domestic extension to their property which would result in overlooking and adversely impacting upon their residential amenities. I note that the single storey extension would be located approximately three metres from the western site boundary at its closest point. There is a two metre fenced boundary along the western site boundary. The windows on the western elevation of the extension would look out onto a two metre boundary fence which in turn adjoins the appellants' domestic garage. Therefore, having regard to the separation distances, the existence of the fenced boundary and that the extension looks onto the gable wall of a domestic garage, I am satisfied that no undue adverse impact upon the appellants residential amenities arises in this instance.
- 7.4.2. Given the low level single storey height of the extensions and the separation distances from the development to the appellants property, I am satisfied that no overshadowing arises. The appellants' property is located west of the appeal site,

and therefore, the appeal site would not adversely impact upon the sunlight experienced within the appellants property from mid-morning till late evening.

- 7.4.3. There is low-level planting separating the front garden of the appeal site and the appellants property which is acceptable and would not impact the neighbouring garden area in terms of overshadowing.

7.5. **Other Matters**

- 7.5.1. The appellants have raised the matter of a potential commercial use being conducted from the domestic shed to the rear of the site. The applicants have stated within their appeal response that the shed is used for domestic storage purposes and the storage of bicycles, toys and scooters. I am satisfied that the use is a matter that can be addressed by means of an appropriate planning condition.
- 7.5.2. In terms of the development reducing property values, I note that the appellant has failed to submit any documentation to the Board to substantiate this claim. In the absence of such evidence, I do not consider that this issue of property depreciation arises in this instance.

7.6. **Appropriate Assessment**

Having regard to the nature and scale of development to be retained, to the nature of the receiving environment, the separation distance to the nearest European site and the absence of hydrological connectivity 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.

8.0 **Recommendation**

I recommend that permission for retention of the domestic extension, domestic shed and front boundary wall be granted subject to conditions for the reasons and considerations as set out below

9.0 **Reasons and Considerations**

Having regard to the location of the site within a rural settlement and to the compliance with the policies and objectives of the Mayo County Development Plan

2022-2028, to the acceptable scale and design of the extension to be retained, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the development to be retained would not seriously injure the residential or visual amenities of the area or property in the vicinity. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be retained in accordance with the plans and particulars lodged with the application to the Planning Authority on the 17th day of April 2022, 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 domestic shed shall be used for domestic storage purposes only and shall not be used for human habitation or commercial purposes. The shed shall not be sold, let or other transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the property in the interest of residential amenity.

- 3 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
(b) Within six months of this grant of planning permission details of two

roadside gullies and a drainage channel to be installed at the vehicular entrance point shall be submitted for the written agreement of the Local Authority.

Reason: In the interest of proper planning and sustainable development.

- 4 The fencing along the western boundary shall be maintained in situ.

Reason: In the interest of residential amenity.

Fergal O'Bric
Planning Inspector

27th day of February 2023