



An
Bord
Pleanála

Inspector's Report

ABP-314611-22

Development	Alterations and extension to a house.
Location	6 McNella Terrace, Quay Road, Westport , Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	22243
Applicant(s)	Fintan McGinty.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Síochfradha Kelly.
Observer(s)	None.
Date of Site Inspection	7 th February 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to an established dwelling 6 McNella Terrace a semi-detached dwelling located on Quay Road in Westport Co Mayo. The dwelling comprises a two storey semi-detached property with a single storey conservatory to the front elevation and a rear two storey annexe which currently extends to the side and rear of the dwelling.

2.0 Proposed Development

- 2.1. The application involves permission for alterations and extensions to the existing dwelling. Essentially the proposal involves modification and extension of the existing two storey rear annexe to provide an additional 71sq.m (42.45sq.m at ground floor level) and 28.78sq.m at first floor level. Modifications are also proposed to the existing front conservatory.
- 2.2. I note that the design was modified (porch height reduced and shape modified and side extension height reduced) during the course of the application to the local authority in response to concerns raised with respect to potential for overshadowing of the adjacent property.

3.0 Planning Authority Decision

3.1. Decision

By order dated 18th August 2022 Mayo County Council issued notification of its decision to grant permission and three conditions were attached including Condition 3 external finishes and roof finishes to be agreed. All windows to east and west elevation shall be of obscure glass.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report sought additional information to include complete set of elevations with larger font size and details of proposed boundary treatment to include retention of existing hedging along the eastern site boundary.

Following submission of additional information, the planner's report asserts that the proposal will not have a negative impact on the residential amenity of the adjoining property. Permission was recommended as per subsequent decision.

3.2.2. Other Technical Reports

None

3.3. **Prescribed Bodies**

No submissions.

3.4. **Third Party Observations**

Submission from the appellant, owner of no 7 McNeela Terrace to the east outlines concern regarding overshadowing and loss of light and potential for overlooking by east facing windows. Mature hedge boundary between the houses should be retained.

4.0 **Planning History**

No planning history on the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

The Mayo County Development Plan 2022-2028 refers. The Plan states that the land use zoning provisions of the existing Westport Town and Environs Development Plan 2010-2016 shall continue to be implemented on an interim basis until such time as the local area plans is adopted.

Within the Westport Town and Environs Development Plan 2010-2016 as extended the site is zoned A1 Residential Phase 1.

5.2. **Natural Heritage Designations**

The nearest such site is Clew Bay Complex SAC which occurs within 250m.

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**

6.1.1 The grounds of appeal are summarised as follows:

- Proposal will cause overshadowing loss of light and a negative impact on the appellant's dwelling at 7 McNeela Terrace to the east.
- As evidenced from the shadow analysis the extension along the east side of the house will diminish the existing natural day light between the hours 3-6pm in the appellants living room.
- Ground floor living room faces east and will become even darker to the extent of becoming unbearably gloomy.
- Shadow analysis taken for mid-summer. Autumn, winter and spring conditions will result in even less light.
- Proposal will have a negative impact on the appellant's dwelling and quality of life and will make the property less appealing to prospective buyers.

6.2. **Applicant Response**

The applicant did not respond to the grounds of appeal.

6.3. **Planning Authority Response**

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

7.0 **Assessment**

- 7.1. The main issues in this appeal relate to the impact the proposed extension would have on existing residential amenities in terms of its scale and design and potential for overshadowing. Appropriate Assessment requirements also need to be considered. I am satisfied that no other substantial planning issues arise.
- 7.2. The key matter to be addressed is whether the intervention proposed on the site is acceptable in terms of its impact on established residential amenity in the specific circumstances of this site.
- 7.3. As regards the design and form of the extension it adopts a contemporary format which I consider to be appropriate. I note the poor quality of the elevation drawings (submitted in response to request for further information 28/6/2022) provided to the Board and also matching those available on the Council's website, however I consider that the proposal can be assessed based on the remaining submitted plans and particulars.
- 7.4. On the issue of overshadowing, I note that as outlined in the submissions of the applicant the existing house gives rise to overshadowing of No 7 Mc Neela Terrace in the evenings due to the dwelling orientation and proximity. It is evident that the proposal does not result in a significant change in terms of the existing shadow conditions to warrant a refusal. As regards overlooking windows to the eastern gable will be obscurely glazed thereby improving privacy relationship between the two dwellings. Having considered the detail of the proposal I am satisfied that the design and scale the proposal appropriately mitigates impact on established residential amenity and on the amenities of the area.
- 7.5. On the issue of Appropriate Assessment having regard to the nature and small scale of the proposed development within the existing built-up area, 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

8.1 It is recommended that permission be granted subject to conditions.

Reasons and Considerations

Having regard to the zoning objective of the site and the scale and design of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area, in terms of visual impact and overshadowing. 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 lodged with the application as amended by the further information plans and particulars submitted on the 28th June 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. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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 amenities of property in the vicinity

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. Details of the materials, colours, and textures of all the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Upper floor windows to the eastern and western elevations shall be permanently glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

Bríd Maxwell
Planning Inspector

2 June 2023