



An
Bord
Pleanála

Inspector's Report

ABP-314616-22

Development

Renovate and extend house works will include the conversion of the shed to facilitate the first floor accommodation with reconnection to public utilities.

Location

No. 16 Peter Street, Westport, Co. Mayo.

Planning Authority

Mayo County Council

Planning Authority Reg. Ref.

211178

Applicant(s)

Goesta Fischer.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Goesta Fischer.

Observer(s)

None.

Date of Site Inspection

8th February 2023.

Inspector

Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a site 0.315 hectares located at 16 Peter Street in Westport, Co Mayo. The appeal site is an elongated rectangle in shape and is occupied by a two storey terraced dwelling fronting onto Peter Street with a shed to the rear. Peter Street is a steep hill with dwellings stepping up the hillside south-westwards. The appeal dwelling while having a higher finished floor level shares a common ridgeline with no 15 to the north east whilst adjoining dwelling no 17 is significantly more elevated at both levels also being a three storey property. The established dwelling on the appeal site has a floor area of 54sq.m and the floor area of the shed is 23 sq.m. The dwelling has apparently been vacant for a number of years and is in a poor state of repair. Rear yard is excavated whilst stone steps provide access to the elevated garden to the rear. Adjacent dwellings have been extended in various formats to the rear.

2.0 Proposed Development

- 2.1. The application involves the renovation and extension of the existing house to include the conversion of the existing shed into residential use and the extension of the shed to facilitate first floor accommodation with connection to public utilities.

3.0 Planning Authority Decision

3.1. Decision

By order dated 19th August 2022 Mayo County Council issued notification of the decision to refuse permission for the following reason:

Having regard to the nature and extent of the development proposed, in particular to the design and layout of the proposal, it is considered that the development as proposed would negatively impact on neighbouring properties in terms of overlooking and potential loss of natural light, which if permitted would seriously injure the amenities and depreciate the value of property in the vicinity, which would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report noted third party objections and concerns raised by the municipal architect. Further information was requested and the applicant was requested to revisit the proposal and to explore the possibility of a pitched roof solution running parallel to the property.

Final report considers that concerns regarding overshadowing overlooking and loss of light have not been addressed. Refusal was recommended as per subsequent decision.

3.2.2. Other Technical Reports

Westport Municipal District Architect notes the restricted width of the site and potential for negative impact on neighbouring properties, site levels and boundary walls. Information was deemed inadequate to assess the proposal and further information required including contextual site section through the rear garden and contextual site plan and roof structures. Applicant to demonstrate that the future extendibility and light levels of neighbouring properties is not reduced. Proposed flat roofed extension is unacceptable. Fenestration should ideally face north west and south east to avoid overlooking. Pitched roofed solutions possibly running parallel to the existing house should be considered.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

- 3.4.1 Submission from Katherine Sarah Carr, 14 Peter Street, objects on grounds of overlooking, overshadowing and negative impact on established residential amenity. Concern regarding negative effects of short term holiday lets on Peter Street. Second submission maintains concern regarding overlooking. Flat roof out of character in ACA, potential use of flat roofed structure as balcony. Scale and massing not sympathetic to the existing house. No indication of services. Structural issues.

- 3.4.2 Michael Kelly 17 Peter Street objects on grounds of height, loss of light, noise transfer. Potential undermining of property. Concern regarding Airbnb holiday lets. Second submission maintains concerns and notes lack of detail on services. Design out of character. Apparent encroachment onto boundaries of No 17 and No 15. Structural issues.
- 3.4.3 Allyson Murphy, 13 Peter Street queries the future use of the proposed extension for short term rental accommodation noting disruptive and transient nature gives rise to issues for long term residents including noise, antisocial behaviour and parking.
- 3.4.4 Carole Sinclair, 15 Peter Street outlines concern regarding impact on sunlight and loss of privacy. Use for short term letting give rise to negative impact on residential amenity. Noise, parking congestion.

4.0 Planning History

None

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 town and environs development plan 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.

Peter Street is within the Westport Town Centre Architectural Conservation Area.

5.2. Natural Heritage Designations

The site is not within a designated area.

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 appeal is submitted by Kilkelly Engineers Limited on behalf of the first party. Grounds of appeal are summarised as follows:

- The property has been derelict and vacant for some twenty years and is in a poor state of repair.
- Brief was to use the existing shed structure as much as possible while retaining the main fabric of the original building and restoring the front elevation with repair to render work to match existing and replacement of casement windows with matching casement double glazed units.
- Proposal will modernise the building and make it more attractive.
- Concerns regarding overlooking are noted. First floor window from the proposed bedroom has been removed and aperture of link corridor window reduced with threshold height in excess of 1.8m.
- Flat roofed structure was reintroduced to the design following concerns raised in relation to visual impact on neighbouring property to the southeast.
- Regarding light impact light levels into the yards are impeded by the property lying southwest and uphill of the proposed development.
- Analysis demonstrated on rear elevation plan appended to the appeal shows sun on 21 December and 22 June. The depletion of sunlight into the garden for a period in the height of summer has a negligible impact on the levels of sun currently enjoyed in the adjoining property to the northeast. The greater

level of sunlight enjoyed by these properties lies to the east in the evening sun and a slight reduction as a result of the proposed development is not such as to warrant a refusal.

- Services and utilities connections are existing.
- Proposal will have no visual impact from John's Row.

6.2. Planning Authority Response

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

6.3. Observations

None

7.0 Assessment

7.1. In assessing the likely impact of the proposal on the established residential amenity of adjoining properties the key issue raised in the Planning Authority's grounds of refusal relates to the issue of overlooking and loss of light to established neighbouring properties. Given the topography of the area and the narrow character of these dwelling sites the issues of overshadowing and overlooking is particularly pertinent. I also note the mixed character of existing extensions in the vicinity and I would particularly express some concerns with regard to the potential creation of a tunnel effect for the adjoining dwelling No 15 to the north east given the cumulative impact with the established structure to the rear of No 14. As noted in the first party appeal the

7.2. I acknowledge the modest scale of the existing dwelling and I consider it reasonable that the applicant should be in a position to increase floor area to provide additional accommodation and to ensure a modern standard of residential amenity, however this should be balanced against the protection of established residential amenity. I query the merits of reliance on the conversion of the existing shed structure and the elongated approach to the extension and consider that the link corridor represents a poor use of space. I note concerns raised by third parties in regard to structural

stability of the existing shed and I consider that this issue is not addressed within the application.

- 7.3. As regards the detailed drawings I note that the submitted plans appear to demonstrate an encroachment onto the adjoining property to the southwest. The level of detail provided on the submitted plans with respect to established adjacent development is deficient and this should be studied in order to enable detailed consideration of the context and appropriately best mitigate impacts arising. As regards light impact and overshadowing given the siting and topography and established development in the vicinity the level of sunlight available to these properties is limited and the implications of alternative design solutions should be evaluated. Based on my assessment I consider that the proposed development would constitute a discordant design progression in terms of its impact on the adjacent property to the northeast of the site and would therefore be contrary to the proper planning and sustainable development of the area.
- 7.4. As regards the issue of Appropriate Assessment, having regard to nature and scale of the proposed development and nature of the receiving environment and proximity to nearest European Site, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Having read the file, inspected the site and considered the grounds of appeal, I am of the opinion that alterations and extension to the dwelling would be acceptable in principle. However, the proposal as designed involves the encroachment onto the adjacent property to the southwest and the ability to carry out such works has not been established. I consider that the detailed design of the proposal does not represent the best design solution in respect of the extension of the property and I consider that it has not been demonstrated that the proposal would not give rise to significant negative impact on the adjoining residential property to the northeast. I recommend refusal for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Based on plans submitted the proposed development involves alterations outside the application site boundary and the applicant's ability to carry out such works has not been established. Having regard to the pattern of development in the area it is considered that the proposed development would constitute a discordant design progression in respect of its impact on the adjacent residential property to the northeast in terms of visual obtrusion, overlooking and overshadowing. The proposal would, therefore, seriously injure the amenities of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bríd Maxwell
Planning Inspector

06 June 2023