



An
Bord
Pleanála

Inspector's Report

ABP-314859-22

Development	Construction of house and associated site development works
Location	Sli Na Misean , Carrownalurgan , Westport, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	22657
Applicant(s)	Natalie Barrett.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Natalie Barrett.
Observer(s)	None.
Date of Site Inspection	8 th February 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a site located within the townland of Carrownalurgan within the Sli na Misean housing estate on the southern outskirts of Westport. The estate is accessed off the Regional Road R335 (linking Westport and Louisburgh) and is within the 80kph speed zone. The Sli na Misean estate, a is partly occupied and partly under construction.

2.0 Proposed Development

- 2.1. The application seeks permission to construct a 3 bedroom detached residential unit 114.5sq.m and associated site development works. The proposed dwelling is to be located at the north eastern section of the estate adjacent to the south of semi-detached house no 15A.
- 2.2. Within the grounds of appeal it was clarified that the associated site works will include the provision of a tarmac footpath to link to the greenway across the estate site frontage.

3.0 Planning Authority Decision

3.1. Decision

By order dated 26th September 2022 Mayo County Council issued notification of the decision to refuse permission for the following reasons:

The proposed development, by reason of its location and design on a site which forms part of designated and assigned public open space associated with Sli na Misean housing development Westport Co Mayo, would constitute disorderly random development in public open space which would adversely affect amenities of existing residential properties on adjacent sites and would seriously injure the amenities and depreciate the value of property in the vicinity.

The proposed house design, due to its design features and characteristics and scale, would be out of character with the overall design themes permitted for Sli Na Misean housing development, Westport, Co Mayo, and if permitted would set an undesirable precedence for similar house types. It is therefore considered that the proposed

development would seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report considers that the proposal is inappropriate in terms of siting and design in a low density edge of town location. The development on a relatively restricted site area would be more akin to a brownfield urban town centre or high density zoned lands. Proposal would set an undesirable precedent for development within green area /open space previously associated with the overall permitted development. Proposal due to proximity to boundary would seriously injure residential amenity of adjoining development.

3.2.2. Other Technical Reports

Roads Design Office report indicates no objection to the application.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

Submission by Patrick Duffy and Annin Muldowney on behalf of the residents of Sli na Misean. While accepting the pressure for housing at this time, concerns arise with regard to significant past failures to comply with planning conditions and failure of Mayo County Council to enforce such conditions. Further increases to residential density, traffic and road safety concerns and inconsistent design approach also considered as grounds for refusal.

4.0 Planning History

There have been a number of previous applications in respect of the Sli na Mísean Development including the following:

20/348 Permission granted for “minor alterations to site layout of house no’s 35 and 36 previously granted under P18/705 and to replace detached house no’s 24 and 37 with semi detached houses together with change of detached house no 15 **(adjoining the current appeal site)** to semi-detached houses and associated site works.

18/705 Permission granted for minor change of layout to portion of already approved P16/933 estate layout, to incorporate 18 semi detached and 6 detached units (total estate 37) and associated works.

16/933 Permission granted for change of layout to portion (House no’s affected 23-28) of already approved 15/961 housing development to incorporate 3 no additional house types (House no’s 29-31 and associated site works)

15/691 Retention permission of 5 houses as granted under P07/800036 and full permission for construction of 26 houses together with associated services/

07/800003636 Permission to construct 30 no dwellinghouses (6 no detached type A, 6 no detached type B, 10 no semi detached Type A and 8 no semi detached type B new entrance road, connection to services, new boundary walls/hedge row and associated site development works.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Mayo County Development Plan 2022-2028 refers.

- Objective SSO13 states that “The Land use zoning provisions of the existing town and environs plan for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such time as local area plans are adopted for these towns whilst also having regard to any draft local area plan and subject to

compliance with the provisions of the Mayo County Development Plan including the core strategy and population housing targets.

- Within the Westport Town and Environs Development Plan 2010-2016 the site is zoned A3 Phase 1 Low density.

Within the Mayo County Development Plan 2022 I note the following relevant considerations:

- **CSO 4** To move towards more compact towns by promoting the development of infill and brownfield/consolidation/regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.
- **CSP 4** To support the compact growth of towns and villages to ensure that development proceeds sustainably and at an appropriate scale, density and sequence and in line with the Core Strategy Table.
- At 3.4.11 in relation to residential densities it is set out that higher densities will be applied to Westport, in recognition of its Tier I status within the settlement hierarchy subject to good design and development management standards being met.
- Town and Village Housing Policy **TVHP 2** “To support the creation of attractive residential developments with a range of housing options and appropriate provision of functional public and private open space that is consistent with the standards and principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the associated Urban Design Manual – A Best Practice Guide, DEHLG (2009) and any subsequent guidelines.”
- **EO 40** To facilitate appropriate densities and compact growth within urban settlements, the Planning Authority will consider a relaxation of relevant the development management guidelines to assist the delivery of appropriate uses on urban brownfield and infill sites, based on the individual merits of each development proposal, with due cognisance to NPO 13.

5.2. Natural Heritage Designations

The site is not within a designated area. The nearest such sites include:

Clew Bay Complex SAC 001482 1km to the northwest

Brackloon Woods SAC 000471 within 3.3km to the south west.

5.3. EIA Screening

Having regard to the nature of development comprising a single dwelling in a built up area it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore, be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by James O Donnell Planning Consultant on behalf of the first party. Grounds of Appeal are summarised as follows:

- Refusal reason no 1 is unreasonable and unwarranted. The proposal would have negligible impact on overall qualitative and quantitative value of public open space within the Sli na Misean estate.
- The existing estate provides an excessive amount of public open space. If the development were to proceed the public open space provision would amount to 38% of site area over double the standard requirement of 15%.
- The narrow footprint of the proposed single dwelling would have negligible impact on the quantum of public open space within the estate.
- Proposal is consistent with Town and Village Housing Policy RVHP2 of the Mayo County Development Plan 2022 which sets out to support the creation of attractive residential developments with a range of housing options and an appropriate provision of functional public and private open space consistent with Guidelines on Sustainable Residential Development in Urban Areas and Associated Urban Design Manual – A Best Practice Guide. DEHLG 2009 and subsequent guidelines.

- In qualitative terms the existing site essentially consists of a turning head to the front of a residual poorly configured element of public open space onto the rear.
- Proposal will respect the 20m building line setback requirement from the R335 Regional Road.
- As part of “associated site works” it is proposed to complete a tarmac footpath link to greenway along the northern edge of the site as indicated on the site layout plan thereby providing a valuable community gain for all residents of the estate.
- Proposal for greenway connection in lieu of the residual communal open space should be considered. Applicant has no objection to a condition requiring completion of footpath link to greenway prior to occupation of the dwelling.
- Proposal is consistent with national policy with respect to consolidated urban growth on zoned and serviced lands whilst respecting the character of the existing housing estate.
- The proposed would result in 41 houses within the estate 3.785ha amounting to 4.38 units per acre 10.83per hectare.
- Section 7.10 of the Westport plan provides that the control of density will depend on the design and layout of the scheme and local conditions such as the topographical features of the site and the infrastructural capacity of the area. This site is not inhibited by topographical or infrastructural capacity constraints.
- Refusal reason no 2 this is unfounded and subjective. CGI image of the proposed dwelling prepared by Brian Ahern Architects shows the quality of the proposed design.
- Siting, design and external finish in keeping with adjacent development.
- Proposal will subtly introduce visual variety, avoid repetitive design and provide a new smaller type detached house within the estate.
- Regarding proximity to adjoining house to the north 15A, Section 4.0 of the County Development Plan requires a clear distance of 3m between side elevations, the proposal exceeds this at 3.2m.

6.2. Planning Authority Response

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

7.0 Assessment

- 7.1. The main issues of the appeal relate to the principle of development of an additional dwelling on part of the site previously designated as open space and the suitability of design and potential impacts on established residential amenity. The issue of appropriate assessment also needs to be addressed.
- 7.2 The proposed development involves construction of a house and associated site works on lands zoned for residential development and therefore subject to complying with other planning requirements, the principle of the proposal is acceptable. The Planning Authority's in its first reason for refusal asserted that the location on a site which formed part of the designated and assigned open space associated with the Sli na Misean housing development would constitute random disorderly development and would adversely affect the residential amenity of adjacent properties.
- 7.3 The first party appeal argues that proposal will more effectively complete this row of houses at the western edge of the site and given the extent of open space on the overall site (48% of site area after proposed site development) the loss of this residual and poorly configured element of open space is not significant, The first party also notes that it is proposed as part of the associated site works to complete a tarmac footpath link to the greenway across the frontage of the site and therefore the greenway connection in lieu of residual open space would be considered a planning gain. I note that the greenway link was also indicated on site layout plan of most recent application 20/348.
- 7.4 Having considered the proposal in its detail I am inclined to concur with the grounds of appeal and I consider that refusal on grounds of loss of open space is not

warranted based on the quantum of open space available and the residual nature of the open space involved in the site of the proposed dwelling. Having regard to the character and location of the site I also consider that the proposal does not set a precedent for further development on other designated open space lands. In my view the development of a dwelling on this site would represent a more appropriate use of serviced urban land and would more effectively complete this row of houses and provides for better overlooking of adjacent public open space. Based on the extent and location of remaining open space within the Sli na Misean estate I consider that the remaining communal open space allocation is sufficient for the enjoyment of the residents of the development.

- 7.5 Regarding visual impact the second reason for refusal suggests an incoherence with the overall design character within the Sli na Misean estate. I consider that the dwelling integrates well into the streetscape and the scale design and location is in keeping with that of the existing and permitted dwellings in the vicinity. I do not consider that the proposed development would have a detrimental affect on the remainder of the units within the estate.
- 7.6 Regarding development standards the proposed development meets the provisions set out in the development plan in respect of separation distances and the dwelling achieves the standards included in “Quality Housing for Sustainable Communities” in terms of internal space standards. The proposed development includes private open space to the front and rear of the dwelling, which is useable, and sufficient to comply with the development standards. In my view the proposed dwelling provides for a reasonable standard of residential amenity.
- 7.7 As regards other issues raised within the third party submissions to the local authority, I note that issues of compliance with the conditions of the overall development and enforcement are matters for the local authority.

7.8 On the issue of appropriate assessment having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest 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 the conservation objectives of any European site.

8.0 Recommendation

8.1 I recommend that planning permission should be granted, subject to conditions, as set out below.

Reasons and Considerations

Having regard to the zoning objective, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. 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 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be linked to the requirements of permission 18/705 and 20/348.

Reason: In the interest of public health.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann formerly Irish Water.

Reason: In the interest of public health.

4. Details of the materials colours and textures of all external finishes 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. 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 Development Contribution Scheme 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

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

15th June 2023