



An  
Bord  
Pleanála

## Inspector's Report ABP317516-23

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<b>Development</b>	Retention of self-contained isolation unit in the rear garden together with all associated site works and connection into existing services.
<b>Location</b>	30, McHale Road, Castlebar, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	P23/219.
<b>Applicant(s)</b>	Joseph Costello.
<b>Type of Application</b>	Retention permission.
<b>Planning Authority Decision</b>	Grant subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Fair.
<b>Observer(s)</b>	None on file.
<b>Date of Site Inspection</b>	26 <sup>th</sup> September 2023.
<b>Inspector</b>	Des Johnson.

## 1.0 Site Location and Description

- 1.1. McHale Park is a residential road adjacent to the western side of McHale Park GAA grounds in Castlebar. No.30 is a two-storey terraced house, second from the end of a terrace of four houses. It has a narrow rear garden which leads on to a laneway to the rear.
- 1.2. A single storey unit has been developed at the north western end of the rear garden, and this unit has pedestrian access on to the laneway. It did not appear to be occupied at the time of inspection. The layout of the unit is substantially as shown on the drawings submitted with the application.

## 2.0 Proposed Development

- 2.1. The proposal is for the retention of self-contained isolation unit in the rear garden together with all associated site works and connection into existing services.
- 2.2. The floor area of the unit is stated to be 16sqm, and the site area is 0.183ha. The unit has a flat sloping roof (2980 – 2800mm) finished in metal sheeting, walls are external insulation painted boarding, and windows are white UPVC. The layout shows a single bed, sink and sitting room, and WC and shower room. There is pedestrian access on to a rear lane. It is proposed to connect to existing water supply, public sewer and public water disposal drain.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to three conditions. Condition 1 refers to standard compliance, and Condition 3 refers to surface water run-off. Condition 2 requires “the main dwelling house and ‘overflow sleeping accommodation’ shall be retained in single ownership and shall not be sold or let separately. The sleeping accommodation unit shall be occupied only by members of the immediate family of the occupier of the main dwelling house”. The reason for this condition is “in the interests of clarity and proper planning and development”.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The site is zoned 'existing residential'. One submission was received raising issues relating to a requirement to remove the unit, lack of understanding of what is an isolation unit, traffic, and fire hazard. The development is in accordance with guidance for considering isolation type units as set out in Sections 2.9.1 and 2.9.4 of the Mayo County Development Plan 2022-2028. Planning conditions are recommended linking the unit to the main dwelling as an overspill type accommodation for family members and not for other purposes i.e. independent living unit etc.

### **3.2.2. Other Technical Reports**

Preliminary Flood Risk Assessment Report, dated 05.05.2023, states that no further flood risk assessment is required.

## **4.0 Planning History**

None on file. Planner's report states "none relevant".

## **5.0 Policy and Context**

### **5.1. Development Plan**

The Mayo County Development Plan 2022-2028 was adopted on 29.06.2022 and came into effect on 10.08.2022.

Objective TVHO 11 – buildings which are ancillary to existing town or village dwellings, such as self-contained isolation units/granny flats/independent living unit or remote working office unit will be considered on their own merits, subject to criteria outlined in the Development Management Standards of the Plan.

Section 4.15 – All such units are ancillary to the main use of the dwelling and are not intended as options for sale, rent/lease (long or short term) or for tourist use separate to the main house and are intended for use by members of the existing residence or for immediate family members.

Section 4.16 – One bed isolation units may be considered separate to the existing house on site, subject to not exceeding 30sqm. Larger units shall be attached as an extension to the existing house.

Section 4.15.4 - Design Considerations The design of the ancillary buildings outlined in Sections 4.15.1, 4.15.2 and 4.15.3 above shall: •

- In general, be subordinate to the existing dwelling in its size
- Reflect the window proportions, detailing and finishes, texture, materials and colour of the existing house unless a high quality contemporary and innovatively designed unit 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.
- No part of the development, including eaves or surface water collection systems shall be contained within the boundary of the site.
- Carefully consider site coverage to avoid unacceptable loss of private open space, particularly the rear private open space shall not be reduced to less than 25m<sup>2</sup>

The draft Castlebar and Environs Draft LAP 2023-2029 zones McHale Road as 'existing residential'.

## 5.2. Natural Heritage Designations

The River Moy SAC is approximately 7km to the east of the subject site.

## 5.3. EIA Screening

5.4. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

These are submitted by McHale Road Residents Association (John Fair), and may be summarised as follows:

1. The unit was constructed without planning permission, is illegal and should be demolished.
2. The term “isolation unit” is not understood.
3. This is a close-knit community, and uncontrolled building causes the residents concern. Occupants of illegal buildings are unknown to the residents and may be isolated giving rise to safety concerns.
4. There are no street lights on the service road to the rear and occupants tend to park their vehicles on this service road. This is potentially dangerous hindering access to emergency vehicles.

### **6.2. Applicant Response**

This may be summarised as follows:

1. The unit was constructed during Covid. It is less than 25sqm and was assumed to be exempted planning permission.
2. Pre-planning discussion took place with the planning authority. The site was inspected. An application for retention was made for a ‘Self Contained Isolation Unit’ as provided for in the Development Plan.
3. Condition 2 controls the use of the unit. It is intended to fully comply with this condition.

### **6.3. Planning Authority Response**

None on file.

### **6.4. Observations**

None on file

## 6.5. Further Responses

None on file.

## 7.0 Assessment

7.1. The proposal is to retain an existing unit, designed for residential use and referred to as a 'self-contained isolation unit'. The unit has a stated floor area of 16sqm, is single storey, and has pedestrian access linking it to the main dwelling and, also pedestrian access on to a rear laneway. The unit has little usable private amenity space surrounding it. Retention is also sought for connection into existing services.

7.2. I submit that the key issues to be addressed in this appeal are as follows:

- Planning status of the unit
- Policy considerations
- Residential amenity and access issues
- Appropriate Assessment screening

## 7.3. Planning Status

The applicant states that the subject self-contained unit was constructed during the Covid period. Due to its limited floor area, it was assumed to be exempted development and was constructed without planning permission. The Planning Report records that there is no relevant planning history relating to the site and there is no reference to any enforcement proceedings.

Based on the information on file, I conclude that the unit is unauthorised. The planning system does provide for the regularising of such development through an application for retention permission, as in this case. In assessing the application, no benefit should be given to the fact that the development already exists.

## 7.4. Policy Considerations

The site is in an area zoned 'existing residential' in the Mayo County Development Plan 2022-2028. This Plan came into effect on 10.08.2022. The Plan provides for the provision of separate 'one bed isolation units' (section 4.16). The current proposal for retention has a floor area of 16sqm. In principle, the proposal is not in contravention

of Plan policy and meets the design criteria for such units. The permitted development is separate but subordinate to the existing dwelling, does not adversely impact on the amenities of adjoining properties, or have an over-dominant visual impact, is contained entirely within the site boundaries, and the private amenity space retained with the existing house exceeds 25sqm.

#### **7.5. Design**

The subject unit has a flat roof sloping from 2980mm to 2800mm. The roof is profiled metal sheeting with pressed metal trim. Walls are constructed of textured external painted insulation boarding. Windows and door are in white UPVC, with the door having a glazed panel. I submit that the design is visually acceptable in this location.

#### **7.6. Residential Amenity and Access**

The subject unit has a tight but basic layout. The outlook from the unit is restricted with a window in the north-western elevation looking towards the rear garden wall at a separation distance of approximately 1500mm, and another window in the south eastern elevation serving bathroom/toilet at a separation distance of 1780mm from the fenced boundary with a garden shed and private amenity space serving the existing dwelling. There is no usable private amenity space around the subject unit. While there is independent pedestrian access to the rear laneway, this does not have public lighting or footpaths. In these circumstances, the unit is not suitable for long term residential accommodation independent of the existing dwelling and, in this regard, the use of the unit (if retention is permitted) should be restricted by way of planning condition.

#### **7.7. Appropriate Assessment Screening**

The River Moy SAC is approximately 7km to the east of the subject site. There is no hydrological connection from the site to the European site. The Qualifying Interests for the SAC include hay meadows, raised bogs, alkaline fens, sessile oak woods, otter and water-based species. Having regard to the nature and scale of the development, and the absence of any direct pathway between the subject site and the European site, it can be concluded that the development (either during its construction or continued existence) could not give rise to any significant effects on the River Moy SAC, having regard to its qualifying interests and conservation

objectives, or on any other European site, and that Appropriate Assessment is not required.

## 8.0 Recommendation

8.1. I recommend that permission for retention be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Mayo County Development Plan 2022-2028, the nature and restricted use of the unit subordinate to the existing dwelling, and to the existing pattern of development in the area, it is considered that the retention of the unit, subject to the following conditions, would not be injurious to the residential amenities of property in the vicinity, would not constitute a pedestrian or traffic hazard, and would accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be in accordance with the plans and particulars lodged with the application on 20 <sup>th</sup> April 2023 except as may otherwise be required in order to comply with the following conditions. <b>Reason:</b> In the interest of clarity.
2.	The developer shall enter into water and wastewater connection agreements with Irish Water. <b>Reason:</b> In the interest of public health.
3.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. <b>Reason:</b> In the interest of public health.
4.	The unit hereby permitted for retention, and the main dwelling house, shall be used solely as a single dwelling unit and shall not be sold or let (long or short term), or for tourist use separate to the main house. The use of the



	<p>unit shall be strictly restricted to members of the immediate family of the occupier of the main house.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity and the proper planning and sustainable development of the area.</p>
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Des Johnson  
Planning Inspector

27<sup>th</sup> September 2023

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.