



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317771-23

#### Development

Construction of an apartment to be provided within permitted planning reference no. 20/6156 and inclusive of all associated site works.

#### Location

48A Austin Friars Street, Mullingar,  
Co. Westmeath

#### Planning Authority

Westmeath County Council

#### Planning Authority Reg. Ref.

2373

#### Applicant(s)

Rosselwave Limited

#### Type of Application

Permission

#### Planning Authority Decision

Refusal

#### Type of Appeal

First Party

#### Appellant(s)

Rosselwave Limited.

#### Observer(s)

none.

#### Date of Site Inspection

12<sup>th</sup> of September 2024

#### Inspector

Caryn Coogan

## **1.0 Site Location and Description**

- 1.1. 48A Austin Friars Street, is located on one of the one town centres streets in Mullingar town. The street runs east to west through the centre of the town.
- 1.2. 48A Austin Friars Street (0.0411ha) is located midway on the north side of the street. The site includes a two-storey terrace unit which is used as apartments.
- 1.3. There is a shared covered access off Austin Friars Street to the rear of the property. There is a rear/ yard area which backs onto apartment / duplex units accessed off McCurtain Street.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of a new single storey apartment units to be provided to the rear of an existing apartment development granted under planning reference 20/6156.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

## **4.0 Westmeath Co. Co. refused**

The proposed development for one reason:

*It is considered to permit a new single storey separate apartment unit to the rear of the site as proposed would result in a haphazard development and non-integrated form of development, which would also impair the comprehensive development of adjoining lands should such development be later considered to be desirable or permissible. The proposed development would provide a substandard level of residential amenity for occupants of the proposed development; would seriously injure residential amenities and depreciate the value of adjoining properties would be contrary to Policy P-SR2 of the Mullingar Local Area Plan 2014-2020(as extended), would set an undesirable precedent and would therefore be contrary to the proper planning and sustainable development of the area.*

#### 4.1. **Planning Authority Reports**

##### 4.1.1. ***Planning Reports***

- It is not clear how the proposed development overcomes the previous reason for refusal on the site.
- Residential unit is in keeping with the zoning on the site
- The proposed development is considered to be haphazard and non-integrated form of development. The proposal is shoehorned into a very restrictive area.
- It would impact negatively on the redevelopment of the site.
- Recommendation to REFUSE

##### 4.1.2. ***Other Technical Reports***

- Engineering Report: No objections

#### 4.2. **Prescribed Bodies**

None

#### 4.3. **Third Party Observations**

None

### 5.0 **Planning History**

#### 5.1 **Ref: 20/6156**

Rosselwave Ltd sought permission for the redevelopment of existing apartment building containing 2No. apartments to include provision of 2No. 1 bedroom apartment to the front of the building with demolition of rear section of building to accommodate new extension containing 2No. two bedrooomed apartments. It was a split decision. The apartments along the streetscape were granted planning permission. The apartments to the rea were refused for one reason:

*It is considered to permit a separate apartment unit to the rear of the site comprising of Units 5 and 6 as proposed would result in a haphazard development and non-integrated form of development, which would also impair the comprehensive*

*development of adjoining lands should such development be later considered to be desirable or permissible. The proposed development would provide a substandard level of residential amenity for occupants of the proposed development; would seriously injure residential amenities and depreciate the value of adjoining properties would be contrary to Policy P-SR2 of the Mullingar Local Area Plan 2014-2020(as extended), would set an undesirable precedent and would therefore be contrary to the proper planning and sustainable development of the area.*

## 6.0 Policy Context

### 6.1. Development Plan

In the Mullingar Local Area Plan 2014-2020 (as extended) .

The subject site is zoned Mixed Use .

The site is located within an Architectural Conservation Area and an Archaeological Zone of Potential.

#### ***2.10 Sustainable Residential Policies and Objectives:***

**P-SR2** To encourage and promote the development of underutilised infill and backland development in the town, subject to Development Management criteria being met.

**P-SR4** To promote residential accommodation in the town centre as part of Mixed Use development schemes.

**P- SR13** To encourage appropriate densities for new housing development in different locations in the town, whilst recognising the need to protect existing residential communities and the established character of the area

### 6.2 **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of particular relevance to the proposed development:

- Sustainable Development Residential Developments and Compact Settlements – Guidelines for Planning Authorities 2024

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual);
- Design Standards for New Apartments - Guidelines for Planning Authorities 2018;

## **6.2. Natural Heritage Designations**

There are a number of Natura 2000 sites within a 15km radius of this appeal site. The nearest to the site are:

- Wooddown Bog SAC (Site Code: 002205) which is located c.4km to the east.
- Lough Ennell SPA (Site Code: 004044) which is located c.3km to the south west.
- The Special Area of Conservation: Lough Owel SAC (Site Code: 000688) which is located c.5km to the north west.
- Lough Owel SPA (Site Code: 004047) which is located c.5km to the north west.
- Lough Ennell SAC (Site Code: 000685) which is located c.4km to the south west.
- Scragh Bog SAC (Site Code: 000692) which is located c.6km to the north west.

## **6.3. EIA Screening**

See completed Form 1 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1 The First Party has submitted an appeal against the decision to refuse permission for the proposed development on the following grounds:

- The proposal was designed to form part of an existing development. The previous proposal (planning reference No. 20/6156) proposed a two-storey apartment in the same location. While the overall development was permitted it was conditioned to remove the two apartments at the rear.
- As part of the application a Daylight and Sunlight Drawings was submitted which illustrated the proposal would not impose or interfere with the adjoining residential apartment (Friar's Court). By reducing the apartment to single storey it addresses previous concerns and completes the rear of the development.
- The proposal maintains a public open space provision of 31% on the site which is twice the recommended area, and also retains a site coverage of 61%.
- Regarding the serious injury towards the adjoining residential properties, the proposal is only 3metres in height and only extends slightly over boundary walls (see attached drawings, Sectional Drawing B-B). There is no overlooking of any adjoining existing properties or is there any impact in relation to loss of daylight or sunlight.
- The proposed unit is a two bedroomed units, 73sq.m. which has been designed and complies with the relevant standards of the Sustainable Housing Design Standards for New Apartments – Appendix 1.

## 8.0 **Assessment**

8.1. The appeal will be considered under the following headings:

- Planning History
- Planning Policy
- Design and Layout

### 8.2 **Planning History**

8.2.1 Under the previous planning application associated with the subject site, Planning Ref. **20/6156**, the applicant was granted planning permission for 2No. apartments in the building on the street (48A Austin Friars) , and 2No. apartments within an

extension to the rear of the building on the streetscape. Currently there are 4No. permitted residential units on the subject site (0.041ha). Under the original proposal, planning ref: 20/6156, the applicant also applied for a detached building containing apartment No.s 5 and 6 which were to be located within a detached two storey unit to the rear of the site, which is the same location as the current proposal. The detached two storey unit was refused planning permission in a split decision under 20/6162 (see Section 5: Planning History) above.

8.2.2 Essentially, the proposed development is positioned in the same location only the current proposal is a single storey, containing one apartment, as described in the public notices. The proposal is a two-bedroom unit 73sq.m. which according to the applicant, complies with the relevant standards outlined in *Sustainable Urban Housing Design Standards for New Apartments*, Published by the DOHLG.

8.2.3 Since the previous decision, the same development is in place and new guidelines have been introduced, *Sustainable Development Residential Developments and Compact Settlements – Guidelines for Planning Authorities 2024*.

### 8.3 Planning Policy

8.3.1 Under the zoning provisions of **Mullingar Local Area Plan 2014-2020** (as extended), the subject site is zoned 'Mixed Use', whereby a residential development is permitted in principle.

8.3.2 Under the Guidelines, *Sustainable Development Residential Developments and Compact Settlements – Guidelines for Planning Authorities 2024*, the Guidelines provide for different densities to respond to settlement size, greater flexibility in residential design standards, setting national standards that support innovation in housing design and a greater range of house types, and more compact own-door housing as an alternative to apartment development. The proposed development complies with the essence of the Guidelines providing greater density and a more compact residential form within the town centre. The key development standards relevant to this case cited in the Guidelines are as follows:

**SPPR 1 – Separation Distances:** A minimum separation distance of 16 metres (previously 22 metres) with provision for further reductions in certain circumstances.

**SPPR 2 – Minimum Private Open Space Standards for Houses (minimum areas):** Minimum requirement reduced 30 sq.m – 2 bedroom house

**SPPR 3 – Car Parking:** In areas of high accessibility, car-parking provision should be minimised, substantially reduced or wholly eliminated, while in areas of medium accessibility, car-parking provision should be substantially reduced.

**SPPR 4 – Cycle Parking and Storage:** In the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied (with visitor parking to be also provided).

In Key Towns such as Mullingar, a density in the Town Centre area of 40-100 dwellings per hectare is anticipated.

The proposed apartment building does not comply with these standards. The private open space provided proposed for the unit is 16.3sq.m. There is no separation distance to the rear of the property and the rear boundary. On the opposite side of the common boundary, there are apartments/ duplex units at Friars Court, which are 6.6metres from the common boundary. There is no parking provisions proposed or bicycle bays.

#### **8.4 Design and Layout**

8.4.1 The configuration of the subject site is unusual. The existing building fronts the street, with a yard area to the rear which hosts the new apartment extension. There are 4No. permitted units on the total site area. The proposed development includes an additional single storey unit into a narrow portion of the site which is configured at an angle to the main part of the site. The proposed unit will take up the full width and most of the full dept of the wedge to the rear of the site. This portion backs onto Friars Court, an apartment / duplex complex. The design is a flat roofed structure, low profile, 3.05m in height.

8.4.2 In the Planning Report on file, I note the reporting officer stated the proposed development is show-horned into a very restricted area. I would agree with this description of the proposed layout. There is a large window on the front elevation providing light to the main living/ kitchen area of the unit. The total floor area of the two-bedroom unit is 73sq.m. which just about complies with Planning Policy



Requirement 3 *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018*. To the rear, both bedrooms have a window onto a small garden area (16sq.m). The bathroom has no window. The kitchen area has a door onto the rear garden area. The dimensions of the internal floor areas are restrictive for a two-bedroom unit, one of the bedroom is only 7.1sqm. The proposed development complies with the minimum apartment development standards.

8.4.3 On balance I consider the proposed development to be a substandard form of residential development. The public notices refer to the development as an 'apartment'. The proposed development is a standalone single storey dwelling unit. I have applied both the compact residential and apartment guidelines to the proposal. In my opinion, and by definition, an apartment is a private residence in a building or house that's divided into several separate dwellings. An apartment can be one small room or several. The proposed unit is a detached individual standalone dwelling unit. Therefore, I am not convinced the apartment guidelines are applicable to the case. I am more inclined to adhere to the development standards set out in the *Sustainable Development Residential Developments and Compact Settlements – Guidelines for Planning Authorities 2024*. The proposed development does not meet with the minimum criteria for a dwelling unit as prescribed in the *Sustainable Development Residential Developments and Compact Settlements – Guidelines for Planning Authorities 2024*.

8.4.4 I refer to **Section 2.10** Sustainable Residential Development Policies and Objectives in the Mullingar LAP 2014 -2020(as extended). The proposed development is out of character with the established residential developments in the general vicinity of the subject site, therefore it does not comply with policy **P- SR13** To encourage appropriate densities for new housing development in different locations in the town, whilst recognising the need to protect existing residential communities and the established character of the area.

8.4.5 The planning authority's reason for refusal cited the following policy in the Mullingar LAP 2024-2020:

**P-SR2** To encourage and promote the development of underutilised infill and backland development in the town, subject to Development Management criteria being met.

The proposal does not meet with basic dwelling standards and provides the bare minimum in terms of the standards for apartments. The proposal will result in a substandard level of habitable accommodation for the future occupants.

## **9.0 AA Screening**

- 9.1. Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment and the proximity of the lands in question to the nearest European Site, it is my opinion that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site

## **10.0 Recommendation**

I recommend the planning authority's decision to refuse planning permission for the proposed development be upheld.

## 11.0 Reasons and Considerations

The proposed development by reason of its substandard private open space area, restricted separation distance from opposing residential development and internal floor area layout and dimensions, would result in a substandard level of habitable accommodation for the occupants, set and undesirable precedent for similar forms of inappropriate development in the vicinity and would 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.

---

Caryn Coogan  
Planning Inspector  
24/09/2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	317771-23			
<b>Proposed Development Summary</b>	A single storey apartment unit			
<b>Development Address</b>	48A Austin Friars St. Mullingar			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>		
		<b>No</b> <span style="color: red;">X</span>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>			Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_