



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317791-23

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<b>Development</b>	Construction of an extension, modifications/alterations to ground floor, and all associated site works.
<b>Location</b>	Quay Road, Crockets Town, Quignalecka, Ballina, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	2360099
<b>Applicant(s)</b>	Kieran Holmes
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Cuffe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	04/1/2024
<b>Inspector</b>	Darragh Ryan

## 1.0 Site Location and Description

- 1.1. The site is located within the town of Ballina, on Quay Road approx. 1.9km northeast of Ballina town centre.
- 1.2. The site is located along a terrace of dwellings facing out onto Quay Road, the River Moy and Bellick Woods. The building for which development relates is a small dwelling between two larger two storey dwelling houses.
- 1.3. The existing dwelling is a cottage type structure with loft overhead. There is a footpath and services immediately outside the development and the development connects into the public sewerage system.
- 1.4. The appellant's dwelling is located to the north immediately adjacent to the proposed site, a 2 storey dwelling.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - Construction of a rear two storey extension
  - Re-design of ground floor layout
  - Alterations to front elevation, including raising existing roof line and all associated site works

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority issued a decision to grant permission on the 20/07/2023.

Condition no 2 states:

- Side elevation walls of the house and extension to be finished in nap plaster or dash with no colour components
- Roof slates/tiles shall be blue black dark in colour
- No brick shall be permitted on any part of the dwelling
- Windows shall be of vertical emphasis and finished in timber effect.

Condition 4 states:

- The demolition of existing part constructed structures on site shall be carried out in a safe manner. All materials to be disposed of or re-utilised in an authorised manner. All demolition works shall be carried out so as not to cause to damage or infringe upon adjoining properties.

Condition 6 states:

- A development contribution of €628.05 is required to be paid prior to commencement of development

## **3.2. Planning Authority Reports**

### **3.2.1. Basis for Planning Authority Decision**

There are two planning reports on file. The 1<sup>st</sup> planning report noted the following:

- The site is within a flood risk area. The planning authority consulted with A/Senior Executive Engineer within the Environment, Climate Change and Agriculture Section, no further flood risk assessment was deemed to be required.
- An appropriate assessment screening was carried out and the development was screened out by the local authority.
- A revised design should be considered for first floor with hipped roof to extension with eaves level to match front elevation. A report on file from Architects Department with respect to design.
- Details to be revised with respect to private amenity space.

A further information request was sought for the following:

- Provide a private amenity space to the rear of the property in line with Mayo County Development Plan 2022-2028
- Provide a revised site layout plan indicating satisfactory refuse storage area and cycle storage facilities
- The planning authority has concerns with respect to overshadowing and its advised to reconsider the design to reduce the size of the rear element of the proposed extension, in order to avoid overshadowing on adjacent properties.

- A revised design with hipped roof to extension with eaves level to match front elevation.

3.2.2. The second planning report noted the following:

- A cover letter has been supplied to address issues of private amenity open space. The details are noted and considered acceptable having regard to public amenity space directly across the road from the site, refuse storage , cycle storage
- A revised design was submitted to address the concerns with respect to overshadowing.
- Having regard to the internal reports on file, submissions from the applicant and the size and scale of the proposed development it is considered the proposed development would not injure the amenities of the area and planning permission should be granted.

3.2.3. Other Technical Reports

- Report on file from Architects department – advising a revised design required for rear extension and front elevation. Second report received indicating the revised design acceptable.
- Report on file from Environment, Climate Change and Agriculture Section with respect to flood risk and its determined that no further flood risk assessment required.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

There is 1 no third party submission on the planning authority file , this reflects the concerns raised in the appeal documentation.

The proposed extension to the rear will block light into appellants dwelling

- The development is out of character and results in overdevelopment of the site

- The first floor window results in overlooking
- The proposal will require works to appellants property

## 4.0 Planning History

None recent

## 5.0 Policy Context

### 5.1. Mayo County Development Plan 2022 -2028

#### Development Management Standards

##### 4.13 House Extensions

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing
- Reflect the window proportions, detailing and finishes, texture, materials and colour of the existing dwelling, unless a high quality contemporary and innovatively designed extension 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.
- All parts 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>.

### 5.2. Natural Heritage Designations

Killa Bay/ Moy Estuary Special Area of Conservation (site code SAC: 000458) – immediately adjacent

### 5.3. EIA Screening

See completed form 2 on file. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning & Development Regulations there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### 6.1.1. Loss of light/ loss of amenity

- The proposal will result in a loss of direct sunlight into the rear of existing dwelling house and rear yard area.
- The proposal will have a negative impact on the BER of the appellants property. The proposed two storey extension will have serious negative impact on quality of light to all windows on the rear elevation of house and result in extreme temperature loss to appellants dwelling.
- The proposal will prevent enjoyment of amenity area of the rear yard of appellants property. There will be a first-floor window overlooking appellants property. The first-floor extension extends past the building line of appellants house and as such will seriously negatively impact enjoyment of rear yard.
- The further information submitted is incomplete with no side elevations been presented at further information stage.
- The shadow analysis submitted is purposefully selective to the applicants benefit and is misrepresentative of the facts.
- The proposal will set an undesirable precedent as it is out of character with surrounding buildings and is oversized and imposing.

- The proposed works will require access into appellants property for which no permission has been given, condition 2 and 4.
- The nature of development is likely intended for high season use as air bnb.

## 6.2. Applicant Response

- Access to through neighbouring property is not required and can be achieved directly from the public road and through the property.
- Condition 2 can be achieved without access to neighbouring properties whereby the condition is altered to allow a smooth concrete wall finish that does not require plastering. The demolition works can be carried out in the manner conditioned.
- The subject site has an existing rear yard that would be increased in size as a result of the proposed development. This is a result of reducing footprint of the existing property.
- There has been a shed constructed adjacent to the application site which impacts on light coming into applicants property.
- The shadow analysis shows that the impact on the adjoining property is minimal.
- The proposed development has been revised drastically to reduce the impact of the first-floor extension. There is no avenue to reduce the size and scale of the development any further, without making the development unviable.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Impact on amenity of adjoining property
- Sunlight/daylight cast analysis

- Appropriate Assessment

**7.1.1. Impact on amenity of adjoining property**

7.1.2. Owing to the size and scale of the development its put forward in the appeal that the design as outlined in the further information submitted would have significant negative impact on amenity of neighbouring property.

7.1.3. The site is a small narrow site at .0007 ha. There is an existing dwelling on site of 46.75m<sup>2</sup>. The proposed development includes for the demolition of existing rear unfinished single storey extension and the construction of a two-storey extension to existing dwelling. The roof shall be raised by approximately 1.5m, in line with neighbouring residential development to the north. A proposed new double door and railing is proposed on the front elevation at first floor level. As part of response to further information and concerns raised by the planning authority with respect to impact on amenity of the neighbouring property, the applicant submitted a revised design which reduced the scale of the 2-storey dwelling and extension from original proposal of 99.9m<sup>2</sup> to 81m<sup>2</sup>. The new 2 storey flat roofed extension will extend to the rear of the existing property building line by 5.6m. The revised proposal extends the ground floor area from rear building line of neighbouring property by 4.35m and first floor by 2.2m. As part of the revised design a larger rear yard amenity area is provided at 9.93m<sup>2</sup>.

7.1.4. Having regard to the site size and limited potential of the site, I do not consider the scale of the extension to be excessive. I consider the development proposal to be a welcome intervention with a respectful design approach that will be of benefit to the streetscape. While the appellant has expressed reservations about the applicant's capacity to execute works solely within their red line boundary, the applicant has addressed this concern by demonstrating their capability to undertake the entire project within the confines of their site. Despite these considerations, it is pertinent to underscore the relevance of Section 34 (13) of the Planning and Development Act in this context, stipulating that the grant of permission alone does not confer an absolute entitlement to execute any development.

7.1.5. I acknowledge the concerns raised by the appellant regarding potential for overlooking. The specific window in question is situated in a rear bedroom, directly facing into the rear yard space of the applicant's property. While there is a possibility



of overlooking, I am of the opinion that the potential for such overlooking is not substantially greater than the current arrangement on the site. Consequently, I do not concur with the assertion that the proposed development would significantly compromise the amenity of neighbouring properties in terms of site overdevelopment and overlooking.

#### **7.1.6. Sunlight/Daylight**

The shadow analysis accompanying the planning application focused on the original design proposal rather than the revised version submitted in response to additional information. The assessment examined the impact of the proposed development during specific periods, including winter (November & January), spring (March & May), summer (July), and Autumn (September), considering the times of 0800 hours and 1600 hours. This temporal and seasonal range is deemed acceptable for evaluating overshadowing effects.

7.1.7. Upon reviewing the shadow analysis and accompanying photographs presented during the appeal process, it is noted that the existing arrangement already entails some degree of overshadowing to the rear of the property to the north. The introduction of a two-storey extension of limited depth, within the urban context, is not considered an exceptional deviation. Additionally, it is observed that the shadow analysis was conducted for a larger extension than the final design submitted as part of the further information response. Consequently, the actual impact is expected to be less than initially indicated in the assessment.

7.1.8. Taking into account the periods and durations of overshadowing under consideration, the degree of overshadowing suggested falls within acceptable limits for an urban site. Therefore, it is concluded that the construction of the proposed two-storey extension, of limited depth, does not contribute to an exceptional increase in overshadowing beyond the norm for this context.

#### **7.1.9. Appropriate Assessment**

The proposed development is immediately adjacent to Killa Bay/ Moy Estuary Special Area of Conservation (site code: 000458). The proposed development comprises the construction of an extension to the rear of existing dwelling on site. There is an existing surface water connection for the building to the front of the site and surface water

runoff from the rear of the property shall be collected and discharged to soak pits on site. Wastewater shall be discharged to the wastewater network through the existing public sewer connection.

7.1.3 A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1. I have only included those sites with any possible ecological connection or pathway in this screening determination.

<b>Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.</b>				
<b>European Site (code)</b>	<b>List of Qualifying interest /Special conservation Interest</b>	<b>Distance from proposed development (Km)</b>	<b>Connections (source, pathway receptor)</b>	<b>Considered further in screening Y/N</b>
Killa Bay/ Moy Estuary (Site Code 000458)	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Annual vegetation of drift lines [1210]</li> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</li> <li>• Embryonic shifting dunes [2110]</li> <li>• Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> <li>• Humid dune slacks [2190]</li> </ul>	c. 10 metres west of appeal site	The site is completely outside of the SAC. The site is a brownfield site, surface water shall be managed on site and wastewater shall be discharged to the public sewer. There will be no direct effects as the project footprint is located entirely outside of the designated site.	<b>N</b>

	<ul style="list-style-type: none"> <li>• Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</li> <li>• Petromyzon marinus (Sea Lamprey) [1095]</li> <li>• Phoca vitulina (Harbour Seal) [1365]</li> </ul>			
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7.1.4 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having regard to the nature and limited scale of the proposed development, connection into the public sewer and the lack of a hydrological or other pathway between the site and European sites, it is considered 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 European site.

## 8.0 Recommendation

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

## 9.0 Reasons and Considerations

Having regard to the existing pattern of permitted development in the area, to the provisions of the Mayo County Development Plan 2022 -2028, and to the nature of the proposed development as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the amenity of neighbouring properties to an undue degree. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the plans and particulars received on the 30<sup>th</sup> of May 2023, except as may otherwise be required in order to comply with the following conditions.</p> <p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be used solely as ancillary to the adjoining use on site (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: In the interest of clarity</p>
3.	<p>Having regard to final design detail the applicant shall comply with the following:</p> <ul style="list-style-type: none"><li>a) Prior to commencement of development the applicant shall submit for the written approval of Mayo County Council revised side elevations, indicating finishes of smooth concrete or plaster dash.</li><li>b) Roof slates/tiles shall be blue black dark in colour.</li><li>c) Windows shall have vertical emphasis. The window frames shall be finished in timber effect, powder coated aluminium or other suitable agreed finish. No white uPVC is permitted. Front door shall be of simple design.</li></ul>

4.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interests of traffic safety and proper planning and sustainable development.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>a) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> <li>b) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</li> <li>c) Off-site disposal of construction/demolition waste</li> <li>d) Details of how it is proposed to manage excavated soil;</li> <li>e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</li> </ul> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety</p>
6.	<p>Construction on site shall be limited to between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1700 hours on Saturday, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of residential amenity and orderly development</p>

7.	<p>No part of the development including rainwater goods shall overhang any adjoining property.</p> <p>Reason - In the interest of proper planning and orderly development</p>
8.	<p>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.</p> <p>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.</p>

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.

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Darragh Ryan  
 Planning Inspector

25<sup>th</sup> of January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	Construction of an extension, modifications/alterations to ground floor, and all associated site works.		
<b>Development Address</b>	Quay Road, Crockets Town, Quignalecka, Ballina, Co. Mayo		
<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>	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:** \_\_\_\_\_



## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	317791 -23	
Proposed Development Summary	Construction of an extension, modifications/alterations to ground floor, and all associated site works.	
Development Address	Quay Road, Crockets Town, Quignalecka, Ballina, Co. Mayo	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located in a urban residential neighbourhood. The proposed development is not exceptional in the context of existing environment.</p> <p>No not exceptional in the context of refurbishing existing residential dwelling</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development. T</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>	No
Location of the Development	Killa Bay/ Moy Estuary Special Area of Conservation (site code SAC: 000458) –	No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>immediately adjacent. A construction management plan shall be conditioned to ensure standard best practices methodologies for the control and management of surface water on site are included.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<b>Conclusion</b>		
<p>Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development.</p> <p>EIA not required.</p>		

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

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

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)