



An
Bord
Pleanála

Inspector's Report ABP-318215-23

Development	<i>Demolition of the existing house and shed, construction of a new dwelling house, a new driveway access and connection to all existing services, together with all ancillary site development works.</i>		
Location	<i>Breaffy Road, Castlebar, Co. Mayo.</i>		
Planning Authority Ref.	<i>22/1178.</i>		
Applicant(s)	<i>Joe Mongan Building Contractors Ltd.</i>		
Type of Application	<i>Permission.</i>	PA Decision	<i>Grant Permission.</i>
Type of Appeal	<i>Third Party</i>	Appellant	<i>Joseph & Sabrina Munnelly</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>29-12-2023</i>	Inspector	<i>Adam Kearney</i>

Context

1. Site Location/ and Description.

The subject property is located on Breafy Road near the signalised junction with Station Road and circa 1km southeast of Castlebar Town Centre. There is an existing derelict dwelling with ornate mock Georgian detailing inset among other mid-20th century single storey dwellings. To the west is a laneway that separates the derelict property from a pair of semi-detached cottages situated at a lower level. To the west is a detached dwelling, with an extension to the rear built up to the boundary.

2. Description of development.

The proposal seeks to demolish the existing derelict dwelling and to construct a replacement dwelling of circa 200m². The ground level falls away from a higher level at the front to a lower level at the rear and the proposal includes a two storey, flat roof rear projection with the ground floor of the rear projection at a lower split level.

2. Planning History

No recent history of relevance

4. Local Planning Policy

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

Castlebar Town & Environs Local Area Plan 2023-2029 - Effective from 17th January 2024.

Note: the original application was considered under the expired town and environs development plans for Ballina, Castlebar and Westport by way of SSO 13 of the CDP that stated that until such time as the Local Area Plans are adopted the land use zonings shall continue to be implemented.

Site designation remains unchanged as 'Existing Residential'

Zoning - LUZ 5 - Existing Residential To protect and improve the amenity and character of existing residential areas.

DSP 7 Support the effective and efficient use of land in Castlebar, prioritising compact growth through the development of brownfield/infill land in the built-up footprint of the town in preference to greenfield land.

Relevant CDP Policy

BEP 8 To encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings, including vernacular dwellings or farm buildings and the retention of historic streetscape character, fabric, detail and features, where appropriate.

SO 11 Urban Renewal and Regeneration Continue to enhance the towns and villages of County Mayo, through renewal and regeneration, improvements to public realm infrastructure, healthy place-making and by improving the visual amenity, urban design, viability, vibrancy of these areas so that people can live, work and invest in these areas

SSO 3 To require sustainable, compact, sequential growth and urban regeneration in Ballina, Castlebar and Westport by consolidating the built-up footprints of these towns through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth.

5. Natural Heritage Designations

None of relevance in the vicinity

Nearest Natura Site is Newport River SAC (Site Code 002144) c. 8km & River Moy SAC (Site Code 002298) c. 6km

Development, Decision and Grounds of Appeal

6. PA Decision Permission

Granted subject to 6 conditions following a request for Further Information that sought measures to mitigate the potential for overlooking of property to the west

7. Third Party Appeal

Grounds

- (i) Principal of Demolition- questions the need for demolition over refurbishment
- (ii) Design – materials not in keeping with area, replacement is a pastiche of existing and at 200m² is over 2.5 times the original floor area representing over development
- (iii) Overshadowing with respect of the loss of residential amenity- 6.4m two storey structure opposite the kitchen window where there is currently a 1.8m fence. The proposed development because of its height and proximity to the party boundary will overshadow the rear garden and will severely reduce light into the kitchen.
- (iv) Overlooking with respect of the loss of residential amenity- concerned with respect of overlooking of rear garden from the large first floor window serving Bedroom 4.
- Offers a technical analysis in respect of the potential loss of daylight.
- In summary the appellants are not opposed to a dwelling on the site but are concerned about the potential for overshadowing and overlooking of private open space with the introduction of a single storey and two storey structure in close proximity to their western boundary where two existing window openings face onto the subject site and where one window (living room) forms part of the common boundary with the subject site.

7.1 Appeal Response

- Mayo County Council have not included the existing building on the Record of Protected Structures (RPS)
- Window is already overshadowed.
- No fenestration proposed for east facing elevation save for a utility door.
- PA Architects report does not recommend retention of building based on architectural merit.

- Dwelling unoccupied for 30 years, roof and floor has collapsed, no internal features of architectural merit.
- Existing dwelling not of historic significance.
- New dwelling references character of existing building
- Two storey component steps down to rear and overall height is lower than ridge of neighbouring property.
- Applicant has calculated that the vertical sky component (used to measure daylight entering a window). The kitchen window is recorded at 32 and the living room window at 32.5 where values greater than 27 are considered acceptable.
- A series of overshadowing projections have been presented

8. PA Response

- None

Environmental Screening

9. EIA Screening

Having regard to the nature and modest scale of the proposed development (infill redevelopment of an urban brownfield site), 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.

10. AA Screening

As regards appropriate assessment having regard to the minor nature of the proposed development (redevelopment of an infill brownfield site for a single dwelling) and location within the serviced urban area and separation distance to the 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.

3. Assessment

3.1. I have visited the site and reviewed the planning file and the third-party appeal and consider the issues as follows.

- Principle of development
- Design

3.2. Principle of development

The proposal is for a replacement dwelling on an existing infill brownfield site that currently houses a derelict dwelling. The Planning Authority Architect had expressed a preference for retention of the dwelling, but the applicant's FI response stated that the structure was beyond redemption with both roof and floor having collapsed and that property redevelopment would be unviable.

I would agree that the property is in a serious state of disrepair and the level of works required to reinstate would not make it a feasible option over the demolition and rebuilding of a new energy efficient dwelling.

The appellant and indeed the planning authority also referred to the historic significance of the building. The property however dates from the 1950's and was constructed at the time in the style of an older Georgian structure and is not on the Record of Protected Structures. I am satisfied that the replacement of the dwelling is appropriate and accords with the existing residential zoning and the character of the area.

3.3. Design

The appellants have stated in their appeal that they are happy to see the site being developed. They do however take issue with the design and how they feel it will impact on their enjoyment of their own property where they have resided for almost 40 years.

The primary issues concerning the appellants as I see it is the scale of the development proposed in proximity to their 2 no. west facing windows where no structures exist today and the potential for the first floor north facing bedroom window to overlook their adjoining private open space.

I will look at each of these items individually.

The kitchen window of the appellants property is furthest north, and they are concerned that the current timber boundary fence which is 4.7m offset from this window and at a height of 1.8m is to be replaced by a dwelling wall 6.4m high. The appellants state that this window is the only window allowing light into their kitchen and that the only other opening is a door on the north facing wall. I note from my site visit that the properties step up considerably from west to east and that the appellants property Ground level is significantly higher than the subject property. Drg 2224/450 records the proposed lower split level ground floor FFL at 42.100 and the appellants FFL at 44.2 In this respect the 6.4m building height will be significantly less in real terms for the appellant at circa 4.4m. I am satisfied that the current vista which is of an overgrown garden being replaced by a dwelling and at a separation of 4.7m will not have a significant impact on the light entering this window and am also satisfied that the amenity value of the view will not be greatly reduced from what it is at present.

In terms of the living room/dining room window. This window comprises part of the common boundary. It is a problematic feature as it is now impacting on the ability of the subject property to expand without encountering constraints around overshadowing and overbearing proximity. The applicant has gone some way to pre-empting the issue in the design and has stepped the structure down to a single storey flat roof design opposite this window and omitted any fenestration at first or second floor level facing east other than a

utility room door. The separation distance is 1.76m from the living room window to the wall of the proposed kitchen. The level of the window however as per 'Section CC' of drawing 2224/450 is such that the top half of the opening sees over the single storey flat roof.

However, I believe this can be improved upon considering the generous floor to ceiling height of the proposed kitchen at 3.1m. While I am satisfied with the lateral separation distance, I feel that a reduction in height of the single storey roof component would vastly improve the visual amenity from the appellants living room window and the kitchen window to a lesser degree. A reduction of 0.4m would be appropriate and would not have a significant impact on the proposed dwelling.

Finally in relation to the north facing window at first floor level in bedroom 4. I do not accept that this window will result in overlooking of the private open space of the appellant's property. The window is positioned on the western side of the rear gable projection and is looking directly north. Also, I do not see a necessity for this window to be opaque.

4. Recommendation

I recommend that permission for the development is GRANTED subject to revised conditions.

5. Reasons & Considerations

Having regard to the Mayo County Development Plan 2022 – 2028, the Castlebar and Environs Development Plan 2023 – 2029 and the 'Existing Residential' designation of the site, the nature and scale of the proposed development and to the property location, within a serviced urban area and to the pattern of development in the area. It is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area, in terms of visual impact or in terms of overshadowing or loss of daylight. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the Significant Further information plans and particulars submitted on the 17th May 2023 and Clarification of Further Information on the 23rd of August 2023 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 in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Referring specifically to DRG. No. 2224/450 'Section CC' that accompanied the Appeal Response. The parapet/flat roof level of the single storey kitchen area shall be reduced by 0.4m. Revised drawings to be submitted to and agreed with the Planning Authority prior to commencement.</p> <p>Reason: To protect the residential and visual amenity of the dwelling to the east.</p>
3.	<p>No surface water run off shall be discharged from the site onto the public road. The developer shall not cause any water to impinge on the road and/or adjacent properties and shall bear the cost of any works carried out by the Roads Authority to correct any such drainage problem.</p> <p>Reason: To prevent flooding.</p>
4.	<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, Mayo County Council prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

5.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Eireann prior to commencement of development.</p> <p>Reason: In the interests of public health.</p>
6.	<p>Details of the materials colours and textures of all external finishes shall be submitted to and agreed with the planning authority prior to commencement of development. Roof covering of pitched roof shall be natural slate.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Mayo County Council.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</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 Mayo County Council Development Contribution Scheme 2023 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.

Name: Adam Kearney

Planning Inspector

Date: 20-02-2024