



An
Bord
Pleanála

Inspector's Report ABP-320543-24

Development	<i>Retain an existing domestic garage and for the permission for the change of use of the existing domestic garage to a single bed annex, together with all associated site works.</i>		
Location	<i>No. 8 Maryland, Saleen, Castlebar, Co Mayo.</i>		
Planning Authority Ref.	<i>2460322.</i>		
Applicant(s)	<i>William & Valerie Irwin.</i>		
Type of Application	<i>Retention</i>	PA Decision	<i>Refuse.</i>
	<i>Permission.</i>		
Type of Appeal	<i>First Party</i>	Appellant	<i>William & Valerie Irwin</i>
Observer(s)	<i>Tim & Mary Kyne</i>		
Date of Site Inspection	<i>21-10-2024</i>	Inspector	<i>Adam Kearney</i>

Context

1. Site Location/ and Description

Maryland is a small scheme of established detached dwellings off Station Road circa 1km southwest of Castlebar Town Centre in County Mayo. No. 8 Maryland is located close to the main entrance and comprises a two-storey dwelling with a traditional masonry constructed garage to the rear that is partly visible from the road. The garage has been modified with alterations to openings and some incomplete internal partition work. A roller door and window occupy the front/south facing elevation with a single window on the west facing gable. The garage is located in the northeastern corner of the site offset from the rear boundary at an angle, ranging from 0.6m to 3m. To the rear of the garage is a heating oil storage tank. Also in the rear garden is a steel-clad garden shed with a footprint of circa 12m².

2. Description of development.

The applicants are seeking to retain an existing domestic garage and for permission for a 'change of use' of the existing domestic garage to a single bed annex or Independent Living Unit together with all associated site works.

3. Planning History

23/681 retention permission for an existing domestic garage, and full planning permission for change of use of an existing garage into overflow accommodation-
Refused for 2 No. Reasons

4. National/Regional/Local Planning Policy

Mayo County Development Plan (CDP) 2022 – 2028
Castlebar Town and Environs Plan 2023-2029

Volume 1 - Written Statement (CDP)

TVHO 11 Buildings which are ancillary to existing town or village dwelling(s), such as self-isolation units/granny flats/independent living unit or remote working office unit will be considered on their individual merits, subject to compliance with the

criteria outlined in Section 4.15 of Volume 2 (Development Management Standards) of the Plan

Volume 2 - Development Management Standards (CDP)

4.15 Other Ancillary Building to the Existing Residential Unit (Urban)

The Council recognises the difficult times throughout 2020 and the need to provide different options in terms of ancillary buildings within the curtilage of existing houses. Such buildings will respond to the need to provide small self-isolation units as the need arises and to facilitate remote working options, both separate from the main residence on site. All ancillary buildings outlined in this section 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 on site or in relation to granny flats / independent living units for immediate family members who require to be located beside the members of the existing household onsite.

4.15.2 Granny Flats / Independent Living Units

Granny Flats/ Independent Living Units maybe considered separate to the existing house on site, subject to not exceeding a floor area of 60m². Such units shall be single storey only. Any larger units shall be attached as an extension to the existing house on site. The design of such structures shall be in accordance with the provisions of Section 4.15.4 below

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 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 25m².

5. Natural Heritage Designations

None of relevance in the vicinity, nearest Natura Sites are:

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

Refused Permission for 2 no. Reasons

1. The development as proposed is considered contrary to Town and Village Housing Objective TVHO 11 of the Mayo County Development Plan 2022-2028 whereby *“Buildings which are ancillary to existing town or village dwelling(s) such as self-contained isolation units / granny flats / independent living unit or remote working office unit will be considered on their individual merits subject to compliance with the criteria outlined in section 4.15 of Volume 2 (Development Management standards) of the plan”*. 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.

2. On the basis of site inspections made in connection with the planning application it appears to Mayo County Council that the proposed development is located adjacent to an unauthorised structure i.e. a second garage. Therefore, the proposed development would facilitate the consolidation of this unauthorised structure. Accordingly, it is considered that it would be inappropriate for Mayo County Council to consider the grant of a retention permission and change of use permission for the proposed development in such circumstances.

7. First Party Appeal. *Grounds:*

- The agent for the appellant provides detail with regard to the provenance of the structure dating back to 2007
- Details how the garage was deemed inoffensive to adjoining property owners for much of the time it was built and questions their assertion that they only realised that a garage was constructed close to their boundary within the previous 5 years
- Photographic imagery is provided from historic Google 'street view' imagery to support this assertion
- The reason for the proposed change of use is stated, whereby the applicant's daughter and partner are finding it difficult to source independent accommodation in the area
- The chronology of the previous application, the enforcement action and the current application are provided
- The proposal sought is compared and considered compliant by the applicant with the criteria as set out under TVHO 11 and Section 4.15 of the CDP Development Management Guidelines

Observation from Tim & Mary Kyne

- Assumed the development in 2007 lawfully complied with the Planning & Development Regulations.
- Only became aware of the unauthorised nature of the garage when planning Ref 23/521 was submitted
- Questions the rationale for the change of use
- Contends that any of the reasons offered for the residential change are not supported by 'Other Ancillary Building' Policy.
- The garage is close to their boundary, obtrusive and oppressive and overshadows their rear garden
- Accepted that they had no issue when erected in 2007

- Refers to use of Airbnb in the applicant's property and questions the rationale for additional accommodation
- Suggests traffic issues will arise
- The scale of the garage only became apparent in 2018 when foliage was removed
- The additional steel shed is unauthorised and referred to in the layout but does not form part of the application as there are no detailed drawing provided
- Fire hazard from oil tank location
- Depreciation of property values

8. PA Response

- None

Environmental Screening

9. EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001(as amended), I have concluded at preliminary examination that 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. See Form 1 and Form 2 attached to this report.

10. AA Screening

I have considered the retention and change of use proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in a suburban area circa 6km from the nearest European site namely The River Moy SAC (Site Code 002298)

The proposed development comprises retention of an existing domestic garage and for permission for a 'change of use' of the existing domestic garage to a single bed annex or Independent Living Unit together with all associated site works

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- small scale and nature of the development
- The distance from the nearest European site and lack of connections
- And taking into account screening determination by LPA

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

2.0 **Assessment**

2.1. I have visited the site, read the documentation attached to this file including the Appeal, the report of the Planning Authority and 3rd party observations and consider the primary issues as follows

- Principle of Development
- Impact on Residential Amenity
- Question of unauthorised development
- Other items

2.2. Principle of development

The existing garage is single storey and located to the rear of a detached dwelling in a suburban area in close proximity to Castlebar Town Centre. The garage was built in 2007 without permission and in excess of exemption limits. The applicants are now seeking to retain the structure and change its use from a garage to an Independent Living Unit to house their daughter and her partner.

2.3. The Mayo County Development Plan 2022 – 2028 under Towns and Village Housing Objective 11 allows for subsidiary detached structures within the curtilage of a property to cater for granny flats/Independent Living Units subject to Development Management criteria.

2.4. The appellant sets out the detail of the proposal and its compliance with the stated policy. I am satisfied that the proposal is compliant with the criteria as per Section 4.15 of the Development Management Standards for a change of use as it is below the maximum allowable area of 60m², is single storey structure, subordinate to the primary dwelling and wholly contained within the curtilage of the site inclusive of rainwater goods. The structure is of traditional masonry construction under a pitched roof and is sympathetic to the main dwelling in terms of general level of finish.

2.5. Impact on Residential Amenity

2.6. The garage is located in the northeast corner and is single storey with no potential for overlooking. The structure has been in place for circa 17 years and has not proved contentious while in use as a garage. The design does not seek to increase the footprint or height of the structure nor introduce new fenestration to elevations without openings at present. The elevations closest to the adjoining boundaries will remain unaltered. I am satisfied that the use of the structure as an independent residential unit will not impact on the residential amenity of neighbouring properties.

2.7. Questions of Unauthorised Development

2.8. The PA in their 2nd reason for refusal take issue with the existence of a second storage shed on the property. I noted the presence of same and the applicant's assertion that it replaced a timber structure that suffered from rot, I also noted the residual private open space available taking this structure into account and am

satisfied that there is ample private open space remaining for the occupants of the primary dwelling and the and the Independent Living Unit.

- 2.9. The question of unauthorised development is a matter for the Local Authority with regard to the second storage shed but its presence is not an impediment to granting permission for the subject application.

2.10. **Other Items**

- 2.11. The Observers have raised concerns around the use of the primary dwelling as an Airbnb, however the letting of individual rooms on an online platform is not a relevant planning issue for the purposes of the subject application.

- 2.12. The potential for a fire hazard associated with the oil tank location to the rear of the garage unit was raised and in this regard the applicants and their preferred building contractor and assigned certifier are responsible for complying with current building regulations that present as the project progresses.

- 2.13. The prospect of the depreciation of property values was raised and I note that there are two letters on the file from local property agents/advisors with opposing views on the impact of the proposed development on property values in the area. I am satisfied that due to the limited scale of the proposal and the subsidiary nature of the development with no subdivision involved that the proposal, if granted subject to conditions will not have a negative impact on property value in the area.

- 2.14. Traffic was also raised as an issue, but I do not perceive any issue with regard to parking or congestion associated with the provision of a 1-bedroom Independent Living Unit at this location as there is ample parking provision within the curtilage of, and fronting the property.

3.0 **Recommendation**

- 3.1. I recommend that permission for the development be Granted for this development based on the following reasons and considerations and subject to the following conditions.

4.0 Reasons & Considerations

Having regard to the Policy Objective Town and Village Housing Objective 11 (TVHO 11) and adherence with qualifying criteria stipulated for Independent Living Units as set out under Section 4.15 of Volume 2 (Development Management Standards) of the Mayo County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the established character or appearance of the area, would not serve to devalue property in the area and would therefore be in accordance with the proper planning and sustainable development of the area.

1.	<p>The development shall be retained and 'use' changed 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 retained and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and wastewater drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
3.	<p>The external finish will be consistent with the primary dwelling in terms of render, fenestration and rainwater goods and shall be agreed in writing with the Planning Authority prior to commencement of works.</p> <p>Reason: In the interest of orderly development and residential amenity</p>

4.	<p>The proposed Independent Living Unt/Annex shall be used solely for that purpose. It shall not be sold, conveyed or leased separately from the main residence.</p> <p>Reason: To protect the amenities of property in the vicinity and in order to comply with the Objectives of the current Development Plan for the area.</p>
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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: 11-11-2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320543-24		
Proposed Development Summary	<i>Retain an existing domestic garage and for the permission for the change of use of the existing domestic garage to a single bed annex, together with all associated site works.</i>		
Development Address	<i>No. 8 Maryland, Saleen, Castlebar, Co Mayo.</i>		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes X	
		No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10, (b), (i) (threshold is 500 dwelling units)	EIA Mandatory EIAR required
No			Proceed to Q3.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	N/A	No EIAR or Preliminary

			Examination required
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____

Date: _____

1.0 Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320543-24
Proposed Development Summary	Retain an existing domestic garage and for the permission for the change of use of the existing domestic garage to a single bed annex, together with all associated site works.
Development Address	No. 8 Maryland, Saleen, Castlebar, Co Mayo.
<p>The Board carried 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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	The development is the conversion of a an existing garage structure within the curtilage of an existing dwelling in a built up urban area , It does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of</p>	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 and Development

natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Regulations 2001 (as amended); 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	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)