



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306063-19

---

<b>Development</b>	Construction of a dwelling house, garage, treatment unit and all associated services.
<b>Location</b>	Portumna , Co Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	191410
<b>Applicant(s)</b>	Peter Dillon.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant(s)</b>	Peter Dillon.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	31 <sup>st</sup> January 2020.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

1.1. The appeal site .91hectares is located on the southern side of the Regional Road R352 approximately 1.5km west of Portumna in County Galway. The site comprises a clear-felled area within an area of mature forestry within the townland of Portumna Demesne. Portumna golf club is located circa 400m to the west. There is an existing dwelling house opposite to the northeast of the site. A forestry entrance road forms the eastern boundary of the site. The front roadside boundary is defined by stone demesne wall. Within the site there are mounds of imported stone and fill material. Ground conditions are visibly wet with rushes and grass growth. Application details indicate that the site was historically occupied by a sawmill and remnants of buildings are evident on the site.

## 2.0 Proposed Development

2.1. The application seeks permission for the construction of a dwelling house, garage treatment unit and all associated services. The proposed dwelling is a two-storey structure with a central two storey gable breakfront and a single storey gable fronted annex. A mix plaster and stone finish is proposed. A single storey garage 31.5sq.m is proposed to the side of the dwelling, The proposed dwelling is set circa 83m from the public road. The proposed dwelling is to be served by a wastewater treatment system to be located to the rear southwest of the dwelling. It is proposed to provide an entrance adjacent to the established forestry entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 By order dated 6<sup>th</sup> November 2019 Galway County Council issued notification of its decision to refuse permission for the following reason

*“Having regard to the following*

*(a) The horizontal and vertical layout of the R352 which inhibit the sightlines and create a blind spot where vulnerable road users may not be observed.*

*(b) The height of the boundary walls which do not allow of clear sightlines a safe distance back from the road verge; and*

*(c) The proposed joint perpendicular junction layout onto the R352 which is likely to create a traffic hazard for road users where an 80KPH speed limit applies;*

*The planning authority consider that the development as proposed would endanger public safe by reason of traffic hazard or obstruction of road users or otherwise, would contravene DM Standard 20 of the Galway County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.*

*The requirement to remove or alter the demesne walling from Portumna Demesne in order to avail of improved sightlines from the entrance to the site, would be contrary to Objective AH10 of the Galway County Development Plan 2015-2021 which refers to designed landscapes and promotes the conservation of their essential character (both built and natural) and would also be contrary to objective AH 6 of said plan which refers to vernacular architecture and the importance of its contribution to the character of a place and ensuring its protection, retention and appropriate revitalisation including structures that contribute to landscape. The Planning Authority consider the boundary elements (demesne walling) as vernacular in nature which contribute to the landscape. Therefore, it is considered that the removal or alteration of this feature would materially contravene said objectives of the Galway County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planner’s report outlines concerns regarding sightlines and with regard to the height and suburban design of the dwelling. Proposed removal / alteration of demesne boundary wall considered detrimental to heritage.

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

Senior Executive Engineer recommends refusal on grounds of traffic hazard.

### 3.3. **Prescribed Bodies**

No submissions

### 3.4. **Third Party Observations**

None

### 4.0 **Planning History**

**19/990** Invalid

**15/1147** (Part of current site) Application for permission for construction of a dwelling site access, sewage treatment system and percolation area. Withdrawn.

**07/1662** Permission granted to P Summers for a dwelling, site access, sewage treatment system, percolation area, garage, family room store and associated site works.

**06/3515** Refusal of permission for dwelling house site access sewage treatment system and percolation area. Reasons for refusal related to prejudice to public health arising from absence of satisfactory evidence regarding suitability of the site for safe disposal of domestic effluent and absence of chemical bacteriological and yield analysis of the proposed water supply.

**01/1744** Application for permission for 8 holiday log homes and ancillary works. Withdrawn.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

- The Galway County Development Plan 2015-2021 refers.
- The site is located within an area designated as structurally weak area in terms of the Rural Area Type.

Objective RH02 – Rural Housing Zone 1 (Structurally Weak Areas) *“It is an objective of the Council to facilitate the development of individual houses in the open countryside in “Structurally Weak Areas” subject to compliance with normal planning and environmental criteria and the Development Management Standards and Guidelines outlined in Chapter 13 and other applicable standards with the exception of those lands contained in Landscape Categories 3, 4 and 5 where objective RHO3 applies.”*

- The site is within Portumna Demesne which provides the setting for Portumna Castle, a protected structure.

**Objective AH 6 – Vernacular Architecture**

*Recognise the importance of the contribution of vernacular architecture to the character of a place and ensure the protection, retention and appropriate revitalisation and use of the vernacular built heritage, including structures that contribute to landscape and streetscape character and resist the demolition of these structures.*

**Objective AH 10 – Designed Landscapes**

*Identify and evaluate the surviving historic designed landscapes in the County and promote the conservation of their essential character, both built and natural.*

**5.2. Natural Heritage Designations**

- 5.2.1 The site is not within a designated area. The Lough Derg SAC and Lough Derg Shannon SPA are within 1.1km to the south of the site.

**5.3. EIA Screening**

- 5.3.1 Having regard to the limited nature of the proposed development and to the nature of the receiving environment, 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 The appeal is submitted by Deely Chartered Engineers, Planning and Engineering consultants on behalf of the first party. Grounds of appeal area summarised as follows:

- Site was used as a sawmill for in excess of 20 years (ceased early 1990s). No record of traffic accidents.
- Appellant's father received permission on the site in 2007 for similar design and sized dwelling.
- Second entrance proposed adjacent to the Coillte right of way to provide a more central entrance and improve sightlines from east to west.
- Refute assertion that the proposed entrance would cause a blind spot for vulnerable road users.
- Proposal for new boundary walls is to set them back at either side of the proposed entrance and splay them back to the existing boundary. Reconstruction of wall also proposed.
- Proposal would not prejudice provision of footpath along the road.
- Proposal will improve the demesne wall and is in accordance with Objective AH6 and AH10 of the County Development Plan in terms of protection of vernacular architecture.

### 6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

## 7.0 **Assessment**

7.1 From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the main issues in this appeal can be dealt with under the following broad headings:

- Settlement Strategy
- Road Safety
- Wastewater treatment and Impact on rural amenity
- Appropriate Assessment

## 7.2 **Settlement Strategy.**

7.2.1 I note that the site is located within a structurally weak area where the key development plan objective is to accommodate residential development proposals as they arise and subject to satisfactory site suitability and technical considerations whilst also maintaining and strengthening existing towns and villages and directing urban generated housing demand into these areas. I note that the Local Authority Planner has concluded that on the basis of location within a structurally weak area a housing need does not have to be demonstrated.

7.2.2 I note that the site is within the environs of Portumna Town and would increase the pattern of suburbanisation within the rural fringe, however I am also conscious of the planning history on the site in particular grant of permission 07/1662 and also note that the site was previously occupied by a sawmill. In light of the planning history I consider that the principle of development on the site is acceptable and does not conflict with the settlement strategy as set out in the Galway County Development Plan 2015-2021.

## 7.3 **Road Safety**

7.3.1 Traffic and impact on the national road network is a key issue in this case. The Council's first reason for refusal was as follows:

*"Having regard to the following*

*(a) The horizontal and vertical layout of the R352 which inhibit the sightlines and create a blind spot where vulnerable road users may not be observed.*

*(b) The height of the boundary walls which do not allow of clear sightlines a safe distance back from the road verge; and*

*(c) The proposed joint perpendicular junction layout onto the R352 which is likely to create a traffic hazard for road users where an 80KPH speed limit applies;*

*The planning authority consider that the development as proposed would endanger public safe by reason of traffic hazard or obstruction of road users or otherwise, would contravene DM Standard 20 of the Galway County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.*

7.3.2 Having visited the site, I am in agreement with the Planning Authority that the proposed development would give rise to traffic hazard having regard to deficient sightlines. The appeal site is located on a section of regional road marked by a continuous white line and where the maximum speed limit applies. The achievement of adequate sightlines is restricted by virtue of the vertical and horizontal alignment of the road and nature of boundary walls. I would further agree that the provision of a second entrance adjacent to the existing forestry road entrance is undesirable on traffic safety and visual amenity grounds. In my view the additional traffic turning movements arising from the proposed development would adversely affect the use of this regional road and the proposed development would give rise to a traffic hazard.

## **7.4 Wastewater Treatment and Impact on rural amenity**

7.4.1 On the issue of wastewater treatment and disposal, it is proposed to provide a packaged wastewater treatment system and polishing filter. I note that the site

suitability assessment itself dated 7/8/2015 and based on trial holes excavated on 3/8/2015 refers to an on-site well however the application indicates a proposal to connect to public water supply and site layout plan does not plot a well. The site suitability assessment also does not include a map to indicate location of trial holes. I note that within the trial hole excavated to 2.1m water table was recorded at 2m. The soil profile as described includes a peaty soil, gravelly silt/clay with boulders/broken limestone leading to gravelly silt/clay and pockets of silty sand at 1.1m. A fast percolation rate T=32 was recorded with P value of 21.

7.4.2 I consider that clarification with regard to on site well and further detail and up to date site tests would be desirable in order to ensure compliance with EPA Wastewater Treatment Manuals in terms of ground conditions and separation distances. I note that this is a new issue not addressed within the decision of the Council.

7.4.3 As regards visual impact and impact on rural amenity, I consider that the having regard to the set back from the public road and potential for forestry screening the visual impact of the proposed house is not significant. On the issue of provision of a new entrance and proposed alterations to the demesne walling, I would concur with the view of the Local Authority planner that any significant alteration to the demesne walling would be undesirable and would clearly conflict with Objective AH6 and AH10 of the Galway County Development Plan which seek to ensure the protection, retention and appropriate revitalisation of the vernacular built heritage and to promote the conservation of the essential character of designed landscapes.

## **7.5 Appropriate Assessment**

7.5.1 On the matter of Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European site.

## **7.6 Recommendation**

7.6.1 Having read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission be refused for the following reasons and considerations.

### **Reasons and Considerations**

The proposed development including the provision of an additional entrance onto the R352 at a point marked by a continuous white line and where sightlines are severely restricted would endanger public safety by reason of traffic hazard. The proposed development by itself and by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a regional road by traffic and would be contrary to the proper planning and sustainable development of the area.

The Board is not satisfied on the basis of the information submitted with the application that the proposed development would not have significant adverse impacts on groundwater. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

The proposed development which would require the removal and alteration of the demesne walling of Portumna Demesne in order to improve sightlines would be contrary to Objective AH6 and AH10 of the Galway County Development Plan 2015-2021 which seek to ensure the protection, retention and appropriate revitalisation of the vernacular built heritage and to promote the conservation of the essential character of designed landscapes, and would be contrary to the proper planning and sustainable development of the area.

---

Bríd Maxwell  
Planning Inspector  
02 February 2020