



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307033-20

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<b>Development</b>	Chun le teach cónaithe dhá stór a thógháil, chomh maith le garáiste agus córás searachais.
<b>Location</b>	Truskey West , Bearna, Co Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	20/36
<b>Applicant(s)</b>	Grace Cunningham.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Grace Cunningham.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> June 2020.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

1.1. The appeal site which is irregular in shape extends to .23 hectares and is located on the northern fringes of the village of Bearna, in Co Galway. Bearna village is a coastal village situated on the western edge of Galway city circa 6.5km west of the City Centre (Eyre Square) and 11km east of Spiddal. The village is located at the gateway to Gaeltacht na Gaillimhe. The site is located within an agricultural field with access via a right of way from the local road to the east between two established dwellings. I note that the right of way which is currently grassed and overgrown and accessed by way of an agricultural gateway from the public road is not within the site redline boundary. The appeal site is undulating rising generally to the northwest and is currently used as grazing land with vegetation including grasses, rushes and ferns. Stone walls form field boundaries with rock outcrop also evident. Established individual dwelling sites adjoin to the southern boundary and there is a sporadic pattern of individual dwellings of various style, size, and design in the vicinity.

## 2.0 Proposed Development

- 2.1. The application as set out in public notices refers to “le teach cónaithe dhá stór a thógháil, chomh maith le garáiste agus córás searachais” (construct two storey dwelling, garage, and associated services).
- 2.2. The proposed dwelling is a substantial split-level structure of 252m<sup>2</sup> with a domestic shed of 22m<sup>2</sup>. The design includes pitched and monopitched roof with a balcony proposed to the front / southern elevation. Substantial excavation and ground works are proposed to incorporate the dwelling into the site. Wastewater treatment is proposed by way of a packaged wastewater treatment unit (pumped system with raised sand polishing filter) which will be located to the forward / south of the dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 By order dated 12<sup>th</sup> March 2020 Galway County Council issued notification of the decision to refuse permission for the following reason:

*“Having regard to the overall unconventional site configuration and excessively elongated access provision of the proposed development within an unserviced and rural landscape. It is considered that the proposal would if permitted result in a haphazard arrangement, which would not fit appropriately or integrate effectively into this unserviced setting by way of disorderly development. Furthermore, the proposed house would contravene materially Objective RHO 9, Objective LCM 1, Objective LCM 2, and DM Standard 6 contained in the Galway County Development Plan 2015-2021. Accordingly to grant the proposed development would interfere with the character of the landscape in this area, would detract from the residential visual and general amenity of this location, would militate against the preservation of the rural environment, would contravene materially a development objectives and a development management standard contained in the current county development plan, would set an undesirable precedent for similar future development in the area and therefore would be contrary to the proposed planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.1.1 Planner’s report considers that based on details submitted the applicant demonstrates compliance with rural housing policies. Reservations are expressed regarding configuration and siting of the development. Refusal was therefore recommended.

#### 3.2.2. Other Technical Reports

None.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland report will rely on the planning authority to abide by official policy in relation to development on / affecting national roads, as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012

### 3.4. Third Party Observations

No submissions

## 4.0 Planning History

**18/1672** Refusal of permission to Grace Cunningham. Proposal was for erection of a dwellinghouse, garage, on-site waste-water treatment plant and all associated works and services. Reasons for refusal on grounds of haphazard backland development.

**18/635** Refusal of permission to Grace Cunningham. Proposal was for erection of a dwellinghouse, garage, on-site waste-water treatment plant and all associated works and services. Refusal was on grounds of haphazard backland development, inadequate sightlines, and rural housing need.

## 5.0 Policy Context

### 5.1 National Policy

- Sustainable Rural Housing Guidelines 2005
- National Planning Framework – National Policy Objective 19

### 5.2 Development Plan

5.2.1 The Galway County Development Plan 2015-2021 refers. Variation No 2(a) Bearna Plan effective from 23<sup>rd</sup> July 2018.

- The site is located outside the development boundary for the village.

- The site lies within Rural Area under Strong Urban Pressure (GTPS) and within An Ghaeltacht.
- Objective RHO 1 Rural Housing Zone. (Rural Area Under Strong Urban Pressure – GTPS)
- Objective RHO 9 Design Guidelines.

### **5.3 Natural Heritage Designations**

5.3.1 The site is not itself within a designated area. The site falls within 1.6km of the Galway Bay Complex SPA and Galway Bay Complex SAC. Moycullen Bogs NHA is located circa 1.3km to the north west.

### **5.4 EIA Screening**

5.4.1 Having regard to the nature and scale of the development which consists of a single house in a rural location, 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 The Appeal**

### **6.1 Grounds of Appeal**

6.1.1 The appeal is submitted by Stephen Dowds on behalf of the first party. Grounds of appeal are summarised as follows:

- Applicant has made every effort to address previous refusal reasons.

While the appeal is backland development it does not have negative impact is not out of character. No requirement for frontage development and no ban on backland development within the current plan. Imposition of a rigid layout on rural housing is entirely contrary to the adopted policy of the development Plan and rural housing guidelines.

- Applicant complies with rural housing need policy.

- House will assimilate well into the landscape. Proposal responds to the specific character of the site.
- No objections
- Site is at the boundary of the zoning for Bearna.
- PL07.241981. Assessment of Inspector noted that there is no fundamental policy reason which would preclude 'backland' development.
- Development in accordance with RHO9 Design Guidelines

## **6.2 Planning Authority Response**

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

## **7 Assessment**

7.1 Having considered the documentation provided on the appeal file and having visited the site I consider that the matters to be addressed in the appeal can be considered under the following broad headings.

- Principle of Development Settlement Policy
- Public Health
- Design, Visual Impact and impact on the amenities of the area and the adequacy of the application
- Appropriate Assessment

### **7.2 Principle of Development – Settlement Policy**

7.2.1 As outlined above the site falls immediately outside the settlement boundary for Bearna Village and therefore is within an area indicated as an area under strong urban pressure in the Galway County Development Plan 2015-2020. It is national policy, as set out in National Policy Objective 19 of the National Planning

Framework, in rural areas under urban influence to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. Within the Development Plan it is the Council's policy to facilitate the rural generated housing requirements of the local rural community whilst also directing urban generated rural housing to areas zoned for new housing development in the city, towns and villages. Development Plan Objective RH01- Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure – GTPS provides for the limited circumstances within which rural housing within an area under strong urban pressure may be facilitated.

- 7.2.2 I note that in the case of the appeal site, the site is owned by the applicant's maternal aunt and previously her grandmother. The case demonstrates that the applicant has strong local links and her family home is located opposite the proposed entrance to the site. Furthermore, a case is made for need to live proximate to family members on medical grounds. Whilst the local need case was not questioned by the local authority, I would query given whether the need could be met within the settlement boundary.
- 7.2.3 I note that the current statutory policy as adopted in Variation No 2(a) of the Galway County Development Plan 2015-2021 effective from 23<sup>rd</sup> July 2018 clearly locates the appeal site outside the settlement boundary. The basis for refinement of the plan boundary is set out in some detail in terms of ensuring an appropriate development envelope for Bearnna, with a more compact form of development that makes more efficient use of existing services and infrastructure. Having assessed the proposal I would have concern that the proposal in itself and in terms of the precedent it would set for further such development would militate against the consolidation of the village and result in the expansion and sprawl of the village into the countryside. In terms of the character of the area, it is evident from site visit and mapping that the appeal site is within an area of sustained pressure for development. The proposed development would clearly exacerbate a pattern of haphazard development and increase the pattern of suburbanisation of this area. On this basis the proposal would

contravene national policy the policies of the development plan and would be contrary to the proper planning and sustainable development of the area.

### **7.3 Public Health**

7.3.1 On the issue of wastewater treatment and disposal, it is proposed to provide a packaged wastewater system, pumped to cater for raised sand polishing filter (Burke TPW Eurotank BAF). I note the proposed location of the system to the south of the dwelling and within 6m of the site boundary. Site suitability assessment notes that the trial hole excavated to 1.1m at which depth bedrock was encountered. Watertable was not encountered. A T value of 11.72 was recorded. P tested was not carried out. Soil is described as peaty/silt clay topsoil with gravelly clay/cobbles at 0.7m. I note that the site suitability assessment fails to provide any detail with regard to the location and nature of established wastewater treatment systems serving dwellings in the immediate vicinity. Notwithstanding the proposed use of proprietary water treatment systems concerns arise regarding the concentration of individual water treatment systems in this area and the potential for prejudice to public health.

### **7.4 Design and Visual Impact & Impact on the amenities of the area and the adequacy of the application**

7.4.1 On the issue of siting and site configuration, I note the submissions on behalf of the first party with regard to the established somewhat haphazard pattern of development in the vicinity. Concerns regarding backland development do not in my view give rise to concerns in this context. As regards the design and visual impact I have however a number of significant concerns. I consider that the scale and design of the dwelling on an elevated site would render it unduly prominent. The proposed first floor balcony would also result in an overbearing impact in terms of the established pattern of development to the south and on this basis, I consider the proposal to be entirely unacceptable.

7.4.2 As regards the proposed access I note the deficiency in the application in that the entrance off the public road and the access are not within the redline boundary. I

note that this is a new issue. I also note design concept with regard to the potential for further housing development off this private road which is clearly inappropriate in the context of the development plan policy for the area.

## **7.5 Appropriate Assessment**

7.5.1 On the matter of Appropriate Assessment having regard to the context, 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.

## **8 Recommendation**

8.1 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**

1. The site of the proposed development is located outside and immediately adjacent to the settlement boundary for the village of Bearna and within the “Area Under Strong Urban Pressure” as designated in the Galway County Development Plan 2015-2021 and in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, Department of Housing Planning and Local Government 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area. It is considered, that the proposed development in itself and by reason of the precedent it would set for similar such development would militate against the consolidation of the village and result in the expansion and sprawl of the village into the countryside contrary to the Ministerial Guidelines and to the over-arching national policy, and to the provisions of

the current Galway County Development Plan 2015-2021, and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its design and siting would constitute an inappropriate design response to the existing context of the site, would result in discordant development which would be unduly obtrusive and would seriously injure established residential and other amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that, taken in conjunction with existing development in the vicinity the proposed development would result in an excessive concentration of development served by individual wastewater treatment systems in the area. The Board is not satisfied therefore, that on the basis of the information submitted with the application, specifically with regard to the location and form of existing wastewater treatment systems in the vicinity, 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.

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Bríd Maxwell  
Planning Inspector

17<sup>th</sup> June 2020