



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307206-20

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<b>Development</b>	Chun teach cónaithe a thgail, garáiste, coras séarchais agus seirbhísí agus oibreacha talamh a bhaineann.
<b>Location</b>	Spiddle West, Co. Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2060
<b>Applicant(s)</b>	Rachel Ni Eidhin.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Andrea Confortini Dympna Hume
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22/07/20
<b>Inspector</b>	Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Spiddal West in County Galway, c. 1.1km north west of Spideal Village and c.18km west of Galway City centre. The appeal site is stated to measure 0.207ha.
- 1.2. The site is located on elevated lands along a narrow, meandering local road that runs from north to south. This local road connects the L1320 local road and the R336 regional road. The R336 connects west county Galway and Galway City. The local road primarily serves the rural area with a large number of one-off houses. The surrounding area is generally characterised by rugged and uneven ground. The road to the front of the site appears to be known locally as the Baille Eamoinn Road. It has grass growing in the middle along the site and ranges in width from c. 2.6m to 2.8m.
- 1.3. The site is bound to the local road by an overgrown low stone wall and dense unkempt vegetation is present throughout the site. The site can be accessed to the south corner by a breached entrance. The ground is notably uneven and appears to rise when entering the site before falling significantly when moving from west to east. A localised large hollow area with standing water was observed in the north west corner of the site close to the roadside boundary. The terrain was difficult to move around in this area. Rocky outcrops and level changes are evident throughout the site. Remains of a small shed like structure are visible along the southern boundary.
- 1.4. The site is located between two existing single storey dwellings with the dwelling to the north on higher grounds. The dwelling to the south is a well maintained thatched roofed cottage. The application site appears higher than the lands of the thatched roof dwelling. Both neighbouring dwellings appear to be orientated into the application site. A mature hedgerow restricts views into the site from the northern boundary. There are a number of trees along the southern boundary but views into the site are available along the boundary.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:

- A 200 sq.m, four double bedroom, storey and a half style dwelling. The dwelling will have a ridge height of 7.45m, length of 14.816m and depth of 9.1m.
- Dwelling to be located c. 23m from dwelling to north, c.28m from dwelling to south, c.47.5m from road edge and c.3.9m to rear boundary of the site.
- Proposed FFL 49.65. Ground level of road shown as 51.0- 51.5 at front of site.
- First floor southern gable windows to be located 11.5m from southern boundary
- The dwelling is to be finished with blue/black roof tiles, calcium silicate board/ plastered or white painted wood and clad wood windows.
- A c.37 sq.m garage with ridge height of 5.6m. Finished with blue black tiles, plastered and painted block walls. The garage is to be located in the North east corner of the site.
- An onsite wastewater treatment system- secondary treatment system with 90 sq.m soil polishing filter
- It is proposed to obtain a water supply from the public mains.

2.2. Following a request for further information on the 12/03/20 the following was submitted-

- A new Site Characterisation Assessment for trail hole in the NW part of the site
- Revisions to assimilate dwelling into site including-
  - dwelling relocated 10m further east and 4m further south
  - rotated 10 degrees
  - dwelling level reduced by 1m
  - first floor window to northern side gable was omitted,
  - a new roof light to western elevation and
  - the garage was reduced in height and floor area.

- Further documentation substantiating the applicants long standing intrinsic links to the area.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Following the receipt of Further Information, the Planning Authority decided to grant permission on the 27/04/20, subject to 14 conditions of a standard nature, including the following:

- Condition no. 2 placed a 7-year occupancy restriction on the house.
- Condition no.13 details requirements for materials and finishes
- Condition 14 sets out the applicable development contribution.

### **4.0 Planning Authority Reports**

#### **4.1. Planning Reports**

- The Planner's Report (11/03/20) considered there to be no concerns in relation to sightlines. The trial hole and p test on site were remote from the proposed location of percolation area, water supply is via the public mains, the building line and first floor gable windows should be reconsidered having regard to precedent set under 09/2025 and established built form in area. The report also details that the applicant needed to substantiate her rural housing need. Further Information was sought in this regard.
- The Planner's Report (approved by email dated 20/04/20) noted the content of the applicants further information submission and the precedent set on site under file ref no 09/2025 and considered the proposed development should be granted subject to conditions.
- The Planning Report reflected the decision of the Planning Authority.

#### 4.2. Other Technical Reports

- None on file

#### 4.3. Prescribed Bodies

- None on file

#### 4.4. Third Party Observations

Two submissions were received from-

- Dympna Hume (received 18<sup>th</sup> & 25<sup>th</sup> of February)
- Andrea Confortini (received 20<sup>th</sup> of February)

The issues raised in both submissions are similar to those issues raised in the grounds of appeal and are summarised in section 7.1.

### 5.0 Planning History

- 15/214- Extension of duration **granted** by Galway County Council until 22/04/20
- 09/2025- Permission **granted** by Galway County Council- chun teach conaithe aon stor agus coras searachais a thogail, maraon le h-oibreacha talun agus seirbhisi a bhaineann (gross floor space 109sqm). Christine and Gearoid Mac an tSaor
- 07/405- PL 07.223203 Permission **refused** by ABP on the 04/09/07 for- chun teach conaithe dhormanta agus garaiste a thogail maraon le coras searachais, oibreacha talamh agus seirbhisi (Gross floor area House 289 sqm Garage 25.2 sqm). This permission was refused for a-
- The applicant (Gearoid Mac an tSaor) was not considered to come within the scope of the housing need criteria set out in the Sustainable Rural Housing Guidelines for a house at this location

- the proposed development would result in an excessive concentration of wastewater treatment systems in the area discharging to the groundwater system. The proposed development would, therefore, be prejudicial to public health.

## 6.0 Policy Context

### 6.1. National Guidance

#### 6.1.1. National Planning Framework (NPF) – Project Ireland 2040 (2018)

Objective 19 of the National Planning Framework outlines-

*“In rural areas under urban influence, 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”*

#### 6.1.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns.

The appeal site is located in an area identified as under strong urban influence, as set out under Section 6.2 below. In these areas the guidelines advise that the housing needs of the local rural community should be facilitated, but that urban generated housing demand should be met on zoned and serviced land within settlements (Appendix 3, Box 1).

6.1.3. **EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) and the Code of Practice - Design Capacity Requirements August (2013),**

This code of practice provides guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses (p.e. less than or equal to 10).

6.2. **Local Policy**

6.2.1. **Galway County Development Plan**

Policy RHO 1 - Management of New Single Houses in the Countryside, Map RHO1.

*It is a policy of the Council to facilitate the management of new single houses in the countryside in accordance with the Rural Housing Zones 1, 2, 3 and 4 and to support the sustainable re-use of existing housing stock within the County.*

Rural Housing

The site appears to be located in an area where Objective RHO 4 - Rural Housing Zone 4 (An Ghaeltacht) applies. Objective RHO 4 states-

*It is an objective of the Council to facilitate Rural Housing in the open countryside subject to the following criteria:*

*(a) Those applicants within An Ghaeltacht which are located in Zone 1 (Rural Area Under Strong Urban Pressure-GTPS) and Zone 3 (Landscape Category 3, 4 and 5) shall comply with the objectives contained in RHO1 and RHO3 as appropriate. Applicants, whose original family home is located on the coastal strip west of An Spidéal, will be permitted to move closer to the city but not more than 8 km from the original family home.*

OR

*(b) It is an objective of the Council that consideration will be given to Irish speakers who can prove their competence to speak Irish in accordance with Galway County Council's requirements and who can demonstrate their ability*

*to be a long term asset to the traditional, cultural and language networks of vibrant Gaeltacht communities. This consideration will apply to applicants seeking to provide their principal permanent residence, in landscape designations Class 1, 2 and 3. It will also extend to Class 4 areas that are not in prominent scenic locations. A Language Enurement Clause of 15 years duration will apply to approved developments in this category*

As per RHO4 part (a) applicants in this area shall comply with *the objectives contained in RHO1 and RHO3 as appropriate*. Objective RHO 1 is therefore appropriate in this instance-

Objective RHO 1 - Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure-GTPS)

It is an objective of the Council to facilitate Rural Housing in the open countryside subject to a number of criteria. Based on the contents of the application it appears the applicant is applying under the following criteria-

*1.(b) Those applicants who have no family lands but who wish to build their first home within the community in which they have long standing Rural links\* and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Having established a substantiated Rural Housing Need\*, such persons making an application on a site within a 8km radius of their original family home will be accommodated, subject to normal development management criteria and provided the site does not encroach into the Urban Fringe\* of the towns of Gort, Loughrea, Athenry or Tuam. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

It is noted that point 3 of RHO 1 states-



*An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.*

The following definitions are relevant to the above criteria-

\*Rural Links:

*For the purpose of the above is defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life.*

\*Substantiated Rural Housing Need:

*Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a need for a dwelling for their own permanent occupation. In addition the applicants will also have to demonstrate their rural links as outlined above.*

Objective RHO 9 Design Guidelines-

*It is an objective of the Council to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following:*

- a) It is an objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape;*
- b) It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout;*
- c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.*

Objective RHO 12 Waste Water Treatment Associated with Development in Un-Serviced Areas

## Development Management Standards & Guidelines

### Section 13.4 Rural Residential Considerations

DM Standard 5: Rural Housing

DM Standard 6: Assimilation of Development into Landscape

DM Standard 7: Site Size for Single Houses Using Individual On-Site Waste Water Treatment Systems.

DM Standard 8: Landscaping

### Landscape

Policy LCM 1 – Preservation of Landscape Character

Objective LCM 1: Landscape Sensitivity Classification

Objective LCM 2: Landscape Sensitivity Ratings

The site appears to be located within Medium Value (P. 169 of DP) and Class 2-Moderate Sensitivity (P.170 of DP)

### **6.3. Natural Heritage Designations**

The Connemara Bog Complex SAC (002034) is approximately 800m north of the site and the Connemara Bog Complex SPA (004181) is approximately 3 km to the north west of the site.

### **6.4. EIA Screening**

Having regard to the limited nature and scale of the proposed development it is considered 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.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

There are two third party appeals to this application. The appeals are from the property owners either side of the application site- Dympna Hume to the north and Andrea Confortini to the south. The main grounds of both appeals can be summarised as follows-

- The height, design and layout are out of scale and excessive in terms of bulk and mass in the context of the site and surrounding buildings. Out of character with area.
- Designed without sensitivity to the scale of the rural area resulting in undue overlooking, loss of privacy, negative visual impact and has an adverse effect on the existing residential and rural built heritage of the area.
- Does not comply with the Galway County Development Plan 2015-2021 and its standards, the Gaeltacht Local Area Plan, 2015-21 or with Galway's Design Guidelines for Single Rural Housing.
- The repositioned house following further information remains in an obtrusive and elevated location. Not reduced in height. The appellant to north welcomes movement of window to avoid infringing privacy. Overlooking concern remains for appellant to south.
- The dwelling has been chosen from a catalogue of Scandinavian houses and has been "landed" on the site. It is a "Nordica Series" model with same dimensions layout and elevations.
- Appellant to north not notified of Further Information request
- No indication the council considered the unsuitability of the dwelling between two smaller buildings.
- No objection to a single storey dwelling more suitable for site as per previous permission
- Proposal will overshadow

## 7.2. Applicant Response

The applicants have responded to both appeals. The comments can be summarised as follows-

- The appellants do not object to the construction of a dwelling, but to the scale and disposition of the permitted dwelling
- A survey with factual measured information about the neighbouring dwellings has being submitted
- The response sets out the context of the site and details the development pattern in the area. It details that the site should not just be considered in its setting between the two appellant properties but in the wider context immediate context of the area.
- Revised drawings demonstrate a 'higher level of survey detail', the dwelling to north is on higher ground and will have a ridge 0.72m below proposed dwelling. It will also be 'barely higher' than dwelling to south. (Drawing shows 1.87m).
- Proposal not 'landed' but assimilated into mid-slope by displacement with moderate cut and fill.
- The image presented in appeal is out of scale and misleading and should be disregarded based on accurate data submitted with application.
- Proposal is set back and does not compete for space
- There are no windows within 11m of neighbouring boundaries
- The floor area of 200 sq.m complies with requirement for 0.2ha site
- The proposed and adjacent sites have extensive trees and bushes mitigating views from the road.
- Applicants discussed proposals with Appellants and revised the dwelling location through Further Information
- Scandinavia Homes are a Galway based company designing these dwellings to Passive House Standards. The applicant deserves to be able to make

design decisions. The design is simple and uncomplicated. It integrates into the site as an acceptable and unspectacular design.

- The applicant complies with Galway County Councils Development Plan in terms of 'Housing Need'.

### 7.3. **Planning Authority Response**

- None on file

### 7.4. **Observations**

- None

## 8.0 **Assessment**

### 8.1. **Main Issues**

While it is clear that the grounds of appeal for both appellants relate to the design and siting of the dwelling this assessment will consider the application on a *de novo* basis. Therefore, the substantive issues are considered as follows-

- Principle of Development /Rural Housing Policy
- Design and Siting
- Residential Amenity- Overlooking and Privacy Issues
- Wastewater
- Sightlines and Road Network
- Appropriate Assessment

### 8.2. **Principle of Development /Rural Housing Policy**

*Rural Area Type*

- 8.2.1. National Policy Objective 19 of the National Planning Framework (NPF) seeks 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 in areas under strong urban pressure.

8.2.2. The Sustainable Rural Housing Guidelines for Planning Authorities (2005) defines Rural Areas Under Strong Urban Influence as areas that-

*‘exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.’*

8.2.3. The application site is located in a rural area which has been identified in Section 3.8.1 of the County Development Plan as a Rural Area under Strong Urban Pressure (GTPS) in accordance with the 2005 Guidelines. As per the Development Plan the objective of these areas is to maintain a stable population base in rural areas within a strong network of small towns and villages. The key objectives of the Council are to facilitate the genuine housing requirements of the local rural community (rural generated housing) and to direct urban generated development to areas for new housing development in the adjoining urban centres, town and villages.

8.2.4. Objective RHO 4 – An Gaeltacht as set out in the Development Plan, requires applicants in this area to comply with the objectives contained in RHO1 and RHO3 as appropriate or consideration will be given to Irish speakers who can prove their competence to speak Irish in accordance with Galway County Council’s requirements and who can demonstrate their ability to be a long term asset to the traditional, cultural and language networks of vibrant Gaeltacht communities. The application has been made in Irish with some supporting documentation also submitted in Irish. Galway Co Co’s Planners Report does not demonstrate the file has been assessed on the applicants competence in Irish. The applicant has indicated she is purchasing the site subject to planning and has no relationship to the site owner. Therefore, Objective RHO 1 (b) is considered the appropriate assessment criterion in this instance. The applicant is required to demonstrate her “Rural Links” to the area.

8.2.5. In order to demonstrate the applicants rural links to the area she has submitted supporting documentation with the original application and following a request for further information from the Planning Authority. This documentation includes-

- A 'Record Place Map' identifying the location of the family home within 1km to the north east of the application site and in accordance with the 8km radius requirement as per Objective RHO 1 (b).
- A chronological history and timeline of the applicants places of residence from birth to present. The applicant lived in the family home from 1977-1999, before moving to Coleraine, Dublin and Sligo for educational, training and work purposes from 1999-2017. The applicant also indicates her place of residence as the family home from 1999-2008 which is not unusual for people attending third level education. The applicant then returned to Spideal and her current property (indicated as rented) in 2017.
- A letter from the applicant detailing her connections to the area and how she returned to the area in April 2018. She wishes to look after her elderly mother and raise her children with Irish.
- A number of other supporting documentation

Based on the information submitted in support of the application I am satisfied that the applicant was born locally, grew up in the area, spend time away from the area in pursuit of her education and career but has now returned to live in the Spideal area. The applicant has therefore adequately demonstrated her 'Rural Links' to the area as per Objective RHO 1(b) of the Development Plan.

8.2.6. Notwithstanding the above, Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area and should have regard to the viability of smaller towns and rural settlements. In addition, the Sustainable Rural Housing Guidelines 2005 note that circumstances for which a genuine housing need might apply and include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas.

- 8.2.7. With regard to an economic and working requirement to live in the area it is noted that the applicant has indicated she is a locum doctor working in West Galway based in Lettermore and Carraroe. In my opinion this employment does not demonstrate an economic or working need to build a dwelling in this rural area.
- 8.2.8. With regards to an 'social' and 'intrinsic' need to live in the area the applicant has demonstrated that she has lived in the immediate area of the subject site for a substantial period of her life, has familial links to the area and wishes to remain close to the family home to provide additional support to her mother.
- 8.2.9. Based on the information on file I am satisfied the applicant complies with local and national policy in relation to rural housing.

### 8.3. Design and Siting

- 8.3.1. Galway County Council's design criteria is set out in Objective RHO 9 which states it is an objective to have regard to Galway's Design Guidelines for the Single Rural House. In this regard it requires specific reference to paragraph (a) which details that it is an objective to encourage new dwelling house designs that *respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.*
- 8.3.2. The Design Guidelines when dealing with 'Location' (P.3) states that *'Sites should be avoided which will require extensive site works involving the removal of natural features such as hedgerows, stone boundary walls and ground contours'*. P15 of the Guidelines deals with Topography and provides a section called *'Working with the slope'*. This section seeks a *'site specific response'*. It states *'Any proposal should run with the slope as a general guideline and provide a unique design which integrates with its site. Deep plan house designs should be avoided as they require excessive excavations.....'*
- 8.3.3. Both appellants have raised concerns over the permitted dwelling for the site having regard to its design, topography and siting between two single storey dwellings. They refer to the suitability of a single storey dwelling previously permitted on the site located 20m from the public road under planning reference 09/2025. One of the appellants has identified the proposed design as directly from a pre-prepared



housing catalogue and named the design as a “Nordica Series” model and detail that the house design has been chosen without regard to the site itself.

- 8.3.4. The applicants have applied for a large singular block dwelling with first floor accommodation and a detached garage. Following the submission of Further Information, the dwelling is to be located c. 47.5m from the roadside boundary and 3.9m – c.7m from the eastern boundary. The stated finished floor level is 49.65. This is lower than the existing road level which indicated as 50.5 to 51.5. The dwelling is to be sited along the existing 47.5-48.5 contours suggesting filling of 1-2m to achieve the FFL of 49.65. The submitted section and the contours shown on the site layout plan appears to show significant cutting of the site from north to south (two ‘existing site profile- dashed’ lines shown). This cutting is mainly through the areas of the proposed ‘gravel drive’ with ‘forecourt’ and dwelling with garage. It appears that filling will be required to the south at the rear of the dwelling. The section appears to show a significant drop of c1.5m from the 49.5 to 48 levels less than 1m from the rear building line of the dwelling. A door to the dining area is noted on the rear elevation in this general area. The application proposes a new post and rail boundary fence along the eastern boundary. The functionality and safety of this space is questionable.
- 8.3.5. It is noted that there are a number of dwelling types and designs along both sides of the local road, some of which appear larger than the proposed dwelling. While I do not consider the proposed site to be particularly exposed or prominent along the public road, it is located between two existing and modest single storey houses. The dwelling to the immediate south is orientated directly into the application site and is sited 7m from the southern application site boundary. This dwelling is a well maintained existing thatched roof cottage and in my opinion is of high quality historical and cultural merit even though it is not a Protected Structure. It is considered that the proposed development by way of its bulky design, siting and general ground works would detract from the visual setting of this thatched cottage and as such does not in accordance with Objective RHO9.
- 8.3.6. It is considered that the proposed dwelling design does reflect features of traditional rural design that would be suitable to some rural locations. However, the proposed dwelling, particularly in combination with the garage structure entails a considerable footprint which will involve significant manipulation through cutting and filling into the

rear of the site with significant alterations throughout the remainder of the site to provide for the gravel drive, forecourt, new entrance, and 90 sq.m raised polishing filter. In my opinion the design proposal does not demonstrate a '*site specific response*' but is instead a bulky deep plan house that will require extensive excavations and site works which involves the removal of natural ground contours contrary to Galway County Council's Design Guidelines for the Single Rural House.

- 8.3.7. Having regard to all of the above, I consider that the proposed dwelling by way of its height, bulk, massing and siting does not respect the character, pattern and tradition of its immediate setting by way of its built form and due to the significant manipulations required to the site would not fit appropriately into the landscape. It is recommended that permission should be refused on this basis.

#### 8.4. **Residential Amenity- Overlooking and Privacy Issues**

- 8.4.1. Following a request for Further Information revised drawings were submitted relocating the dwelling 10 metres further east and with proposals to eliminate overlooking from upper first floor side gable windows to the north elevation. The windows on the upper floor southern gable are retained but set back 11.5m from the southern boundary. I am satisfied the separation distances are reasonable in this context and as such I have no concerns in relation to overlooking/loss of privacy to adjoining properties or overshadowing.

#### 8.5. **Wastewater**

- 8.5.1. Following a request for Further Information the applicants submitted a new Site Characterisation Report (SCR) to the Planning Authority for the proposed area of wastewater disposal to the west of the application site. The overall proposal is for a packaged wastewater treatment system with polishing filter to accommodate 4-8 persons.
- 8.5.2. The site is located in an area identified with a "Poor" aquifer category and an "Extreme" vulnerability classification in the GSI Groundwater maps. The CoP indicates that the site falls within the R2(1) response category where on-site systems are acceptable subject to normal good practice. The CoP also states-

*“Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 are met and that the likelihood of microbial pollution is minimised.”*

In this regard the area appears to be served by a public water supply.

- 8.5.3. The trial hole (as per the site layout plan) could not be observed at the time of the inspection with this area of the site particularly difficult to navigate due to its overgrown nature and difficult topography. There was no evidence of ponding on site although water could be observed in the north west corner of the site close to the public road. In this regards the contour levels as shown on the site layout plan do not appear accurate in this area. The ground elsewhere on the site was firm underfoot with rocky outcrops evident in many places.
- 8.5.4. The trial hole assessment in the SCR indicates bedrock was encountered at 1.6m and the water table at 0.8m. The SCR describes the soil conditions as Light Clay from ground level to 0.4m and Clay/Till from 0.5-0m.8m.
- 8.5.5. A t test was not carried out due to the high water table. The SCR records a P-test value of 28.39 min/25mm, which is within the acceptable range for a secondary treatment system with a polishing filter at ground surface or over ground.
- 8.5.6. The proposed treatment system and raised polishing filter appears to comply with the CoP requirements in relation to separation distances. It is noted that the area of the polishing filter has been calculated based on a Population Equivalent (PE) of 6 given an area of 90 sq.m. This is in accordance with the 2013 Design Capacity Requirements. Overall, the proposed treatment and disposal of wastewater appears satisfactory.

## **8.6. Sightlines and Road Network**

- 8.6.1. The local road fronting the site is a minor in nature c 2.6-2.8m in width and appears to predominantly serve local traffic with low road speeds. The proposed site layout plan shows a Y distance of 55.5m to the north and 40.5m to the south. Based on my inspection it is considered that a Y distance of c.35m from a height of 1.2m is achievable to the north given the vertical alignment of the road. Notwithstanding this it is considered that the narrow nature of the road and in particular the vertical and

horizontal alignment contribute to restrict traffic speed and act as a traffic calming measure. Therefore, the proposed entrance is considered satisfactory for a one of dwelling in this context.

## **8.7. Appropriate Assessment**

- 8.7.1. Having regard to the nature and small scale of the proposed development and the distance from 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 or projects, on a European site.

## **9.0 Recommendation**

- 9.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

1. Having regard to Objective RHO 9- Design Guidelines of Galway's County Development Plan 2015-2021 and the provisions of Galway County Council's Design Guidelines for the Single Rural House it is considered that the proposed development lacks a site specific response to siting and design which in the absence of same requires extensive interventions by way of cutting and filling to the established topography of the site. Furthermore, it is considered that the proposed dwelling design does not respect the character, pattern, built form and tradition of its immediate context and as such would not assimilate appropriately into the landscape. The proposed development would therefore interfere with the character of the landscape and be contrary to the proper planning and sustainable development of the area.

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Adrian Ormsby

Planning Inspector  
13<sup>th</sup> August 2020