

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Galway County

Planning Register Reference Number: 17/763

An Bord Pleanála Reference Number: ABP-300207-17

APPEAL by John Kilmartin care of Ryehill Planning and Design of Caherlissakill, Monivea, County Galway against the decision made on the 19th day of October, 2017 by Galway County Council to refuse permission to the said John Kilmartin.

PROPOSED DEVELOPMENT: Construction of dwelling house, garage and associated wastewater treatment system at Cartronlathan, Kilcummin, Inverin, County Galway.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The site of the proposed development is located within 'Rural Areas under Strong Urban Pressure' as set out in the Galway County Development Plan 2015-2021, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion, as set out in the Design Guidelines for a Single Rural House, issued by Galway County Council, which Guidelines are considered to be reasonable. The site is also located on lands which are identified as having a high Landscape Sensitivity rating and within a protected Focal Point/View. Having regard to the topography of the site and the height of the dwelling, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the coastal landscape, would militate against the preservation of the rural environment, would set an undesirable precedent for other such prominently located development in the vicinity and would, therefore, be contrary to policy NHB 10 of the Development Plan, Protection of the Coastal Zone, which requires the protection of the visual values of the coast and conservation of the character, quality and distinctiveness of seascapes. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to unavailability of any trial holes to inspect and the information on the planning application in relation to the high water table on the site and the location of natural wetlands in the immediate vicinity, the Board is not satisfied that the effluent from the development can be satisfactorily treated or disposed of on the site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

3. The proposed development is circa six metres from an area which is identified as being at risk from coastal flooding and in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, in accordance with the “Planning System and Flood Risk Management Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in September 2009, the Board is not satisfied that the site would not be at risk of flooding. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.