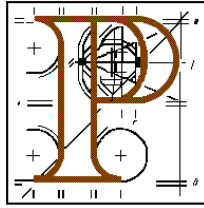


An Bord Pleanála



Inspector's Report

PL16. 246179

DEVELOPMENT: House, garage and wastewater treatment system

ADDRESS: Cloonan, Islandeady, Castlebar, Mayo

PLANNING APPLICATION

Planning Authority: Mayo County Council

Planning Authority Reg. No.: 15/828

Applicant: Maeve McCormack

Application Type: Permission

Planning Authority Decision: Grant permission subject to conditions

APPEAL

Appellants: Annette Casey and others

Type of Appeal: 3rd party vs. grant

Observers: None

DATE OF SITE INSPECTION: 6th May 2016

INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a third party appeal against a decision by Mayo County Council to grant permission for a house.

2.0 SITE

- 2.1 The stated area of the site is 0.45ha. It is in a rural area between the lakes at Islandeady c6km west of Castlebar. The site is c300m west of the nucleus of settlement at Islandeady that contains the church, GAA club and community centre. However the direct road between them is private and gated, and the distance by public road is c1.6km. The site consists of a rectangular part of a field under pasture, with c45m frontage onto a county road c2.4m wide. The roadside boundary of the field is marked by a ditch and an established hedgerow. The front of the field is relatively flat, but the ground rises to the rear of the site, before falling again to the shore of a small lake. A two storey house stands within the same original field to the south of the site. A boarding school occupies the adjoining land to the north.

3.0 PROPOSAL

- 3.1 It is proposed to build a two storey house with a roof ridge height of 8.25m. the application form states the floor area of the house as 152m², while the plans show it as 252m². A new access would be laid out onto the public road at the south-eastern corner of the site, away from the existing gate to the field. The house would be connected to a public water supply. Drainage would be to an on-site wastewater treatment system with a percolation area. A detached garage of 44m² would also be erected.
- 3.2 The notices of the proposed development described it as a change of house type and a domestic garage.

4.0 POLICY

- 4.1 The site is in an area identified by the Guidelines for Planning Authorities on Sustainable Rural Housing issued in 2005 as being under strong urban influence. The guidelines advise that in such areas the housing needs of the local rural community should be facilitated, while urban generated housing demand should be met on zoned and serviced land in settlements.
- 4.2 The Mayo County Development Plan 2014-2020 applies. The plan recognises Islandeady as a rural village. However it is not part of the settlement hierarchy because it is not serviced. The plan identifies this rural area as being under strong urban influence. It is policy to restrict the provision of housing in such areas unless it meets the needs of certain categories of person with family or work connections to the rural area as set out in section 2.3.1 of volume 2 of the plan. A rural house design guide is appended to the plan. Section 2.1 states that entrances should be located to minimise the removal of hedgerows.

Section 3.1 states that the scale, form and proportions of traditional architecture in the area should be reflected. Roof spans greater than 8m should be avoided.

5.0 HISTORY

5.1 Reg. Ref. P07/2751 – Permission for a house was granted on the site on 17th January 2008. Condition no 16 restricted occupancy of that house to the applicant or members of her family. The period of this permission was subsequently extended to 17th January 2018.

6.0 DECISION

6.1 The planning authority decided to grant permission subject to 6 conditions which specified that the conditions of the permission P07/2751 would apply, as would its expiry date of 17th January 2018. Condition no. 3 said the proposed house type was unacceptable and a new one with a single storey porch should be agreed before construction.

7.0 REPORTS TO THE PLANNING AUTHORITY

7.1 Submission – The appellants objected to the proposed development on grounds similar to those raised in the subsequent appeal

7.2 Planner's report – The principle of development was formerly assessed so this assessment relates to house type only. A grant of permission was recommended.

8.0 GROUNDS OF APPEAL

8.1 The grounds of appeal can be summarised as follows-

- The permission for a house granted under P07-2751 expired on 17th January 2013 and so the application for a change of house type is not valid.
- A new trial hole test is required but one was not carried out.
- There is no objection in principle to a new house but the school junction is very close to the proposed house. There have been many accidents there. A yield sign was vandalised and removed increasing the risk to staff and students using the junction. It would be reasonable to install all appropriate signage, ramps etc. for the safety of all.

9.0 RESPONSES

9.1 No response to the appeal has been received.

10.0 ASSESSMENT

- 10.1 It is noted that there is an extant permission on the site that would permit the construction of a house there, Reg. Ref. P07/2751, before 17th January 2018. Nevertheless the development that would be authorised if the present application was granted would be a particular house and waste water treatment system, so the compliance of that particular development with the proper planning and sustainable development of the area should be considered before the application is decided.
- 10.2 The sustainable rural housing guidelines and the county development plan both set a restrictive policy towards the development of houses in this part of the countryside. No information has been presented to indicate that the proposed house would serve a local rural housing need within the terms of the guidelines or section 2.3.1 of the development plan. The proposed development would therefore contravene the provisions of both. The policy set down in the guidelines was in place when the previous permission on the site was granted in 2008, although that in the development plan was not. The issue of compliance with rural housing policy was not raised in the appeal.
- 10.3 The applicable standards for domestic wastewater treatment systems are set down in the 2009 guidelines issued by the EPA which require a site suitability assessment. No such assessment has been submitted in the course of the application or appeal. The proposed development would not, therefore, comply with the 2009 EPA guidelines and would be prejudicial to public health.
- 10.4 There is a limit on the amount of traffic which the country lane serving the site could accommodate. However the impact of the proposed development in this regard would be marginal. It would not in itself give rise to a traffic hazard.
- 10.5 The proposed house would have two roof spans each 8m wide, the maximum recommended under the planning authority's design guide. Their combined effect would be to provide the house with bulky form over a generally square floorplan. The proposed house would therefore fail to reflect the traditional form and proportions of rural houses in the area. The proposed layout of the entrance to it would require the removal of a significant length of the established hedgerow from the front of the site. The hedgerow makes a significant contribution to the rural amenity of the area. The proposed development would therefore contravene the advice given the rural housing design guide appended to the county development plan. It would seriously injure the rural character and visual amenities of the area.

11.0 RECOMMENDATION

- 11.1 I recommend that permission be refused for the reasons set out below.

REASONS AND CONSIDERATIONS

1. The proposed house, by virtue of its height, depth and proportions and the extent of the existing roadside hedgerow that would be removed to provide access to it, would contravene the advice given in the Rural Housing Design Guidelines issued by the planning authority and incorporated into the county development plan. It would therefore seriously injure the rural character and visual amenities of the area and would be contrary to its proper planning and sustainable development.
2. The board is not satisfied, on the basis of the information submitted in connection with the application and appeal, that the foul effluent that would be generated by the proposed development could be properly treated and disposed of on the site in accordance with the requirements set down in the *Guidelines for Wastewater Treatment and Disposal Systems Serving Single Houses* issued by the EPA in 2009. The proposed development would therefore be prejudicial to public health.
3. The proposed house would be located in a rural area under strong urban influence. The *Guidelines for Planning Authorities on Sustainable Rural Housing* issued by the minister in 2005 and the Mayo County Development Plan 2014-2020 both restrict the development of houses in such areas to those that meet certain categories of local, rural housing need. The board is not satisfied, on the basis of the information submitted in the course of the application and appeal, that the proposed house would meet such a need. It would therefore be contrary to the provisions of the guidelines and the development plan, and would be contrary to the proper planning and sustainable development of the area.

Stephen J. O'Sullivan
11th May 2016