



An
Bord
Pleanála

Inspector's Report PL16.246986

Development	Construction of a house with ancillary site works at Newfield, Mulranny, Westport, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	16/159
Applicant(s)	Padraic Holmes
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	An Taisce
Observer(s)	None
Date of Site Inspection	20 th October 2016
Inspector	L. Dockery

1.0 **Site Location and Description**

1.1. The subject site, which has a stated area of 0.5 hectares is located within the townland of Newfield, Mulranny, Westport, Co. Mayo. The site is currently under grass and slopes in a westerly direction by approximately 8 metres from the eastern boundary to the western. It is substantially elevated above the public roadway and is very exposed with little in the way of screening. There are two properties currently under construction on sites to the north and west of the subject site. These are stated to be siblings of the applicant's. Due to the location of the property to the west on an elevated part of the site, it is very prominent as one approaches in both directions.

2.0 **Proposed Development**

- 2.1. The proposed development as per the submitted public notices comprises permission for a dwelling house with a proprietary effluent treatment system and ancillary site works at Newfield, Mulranny, Westport, Co. Mayo.
- 2.2. The stated floor area of the proposed dwelling is 284 square metres with a maximum height of approximately 7.6 metres. It would appear that the elevations comprise part stone/render finish, although this has not been explicitly stated. The floorplan comprises one bedroom with en-suite, living room/kitchen, dining room, sitting room, utility, bathroom, toilet and hotpress at ground floor level with three bedrooms, study, bathroom and en-suite at first floor level.
- 2.3. Proposed water supply is from a new connection to the mains system while a conventional septic tank and percolation area is proposed for wastewater treatment. Surface water disposal is by means of a soakpit.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED subject to 10 no. conditions

Condition No. 2 relates to an occupancy condition; Condition No. 3 relates to floor level; Condition No. 5 relates to effluent treatment; Condition No. 8 relates to finishes; Condition 9 relates to screening and Condition 10 relates to development contributions.

Further Information was requested by the planning authority in relation to land ownership and the possible identification of an alternative site in less scenic coastal location; submission of an assessment under Article 6 of EU Habitats Directive; site sections showing levels. In a note attached, the applicant was advised to submit revised plans and elevations showing the omission of the gable fronted feature in the front elevation. This note was not addressed by the applicant in his response to the Further Information request.

3.2. Planning Authority Reports

The report of the area planner reflects the decision of the planning authority

A condition attached to the Planner's report relating to revised plans and elevations was omitted in the Manager's Order.

3.3. Other Technical Reports

Iain Douglas Senior Planner: Report on Ecology which states that the site is not located with the Clew Bay Complex SAC (Site Code 001482). The site on agricultural land will not affect the Annex I habitats of Clew Bay SAC. The site is located approximately 200 metres from the SAC. The report concludes that impacts on the SAC is unlikely.

Roads Design Office: Further Information requested in relation to access and setting back of boundary

TII: Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads

Mayo National Roads Design Office: Application does not raise issues for the National Road system

An Taisce: Site is in an elevated position overlooking Clew Bay with views from the N59- proposal has cumulative impact and would exacerbate sprawl pattern of development with piecemeal development permitted in recent years including 09/652 and 08/1382

4.0 **Planning History**

09/652

Permission GRANTED for house, garage, effluent treatment plant and ancillary works on site to north of subject site

08/1382

Permission GRANTED for house and septic tank to Brian Holmes on site to west of subject site

5.0 **Development Plan**

The Mayo County Development Plan 2014-2020 is the operative County Development Plan for the area.

The subject site is located within the Structurally Weak Rural Area as designated in the operative County Development Plan (same designation applies within the Sustainable Rural Housing Guidelines).

Located within Policy Area 2- Lowland Coastal Zone

Area J: Clew Bay Glacial Drumlins

'...The unit is sandwiched between the dominating bulk of Croagh Patrick to the south and the Beg Range to the north, but relatively open vistas are available out to sea and inland toward Castlebar. Clew Bay can be described as an area of high scenic value'.

The N59 is designated as a 'Scenic Route' with 'Scenic Views'.

This general area is recognised as a 'Sensitive Area'.

The site is located within approximately 200 metres of the Clew Bay SAC (Site Code 00001482).

Objective RH-01

It is an objective of the Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), Map 1 Core Strategy Conceptual Map and the Development Guidance document of this Plan.

Objective RH-02

It is an objective of the Council to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in the Area.

Section 2.3.2

In areas classified as Structurally Weak Areas (see Appendix 9 Rural Area Types Map) permanent residential development (urban and rural generated) will be accommodated, in particular special consideration will be given to the provision of housing in rural areas that have sustained population loss since 1951, subject to good planning practice.

Objective 2.3.4

In areas along the sea, estuaries and lake shore lines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible

Mayo Rural Housing Design Guidelines 2008 apply

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- The subject site is located within an area designated as being as 'Structurally Weak Rural Area' within these Guidelines
- Section 3.2.3 deals with 'Rural Generated Housing'
- Section 3.3.3 deals with 'Siting and Design'

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Considers that the proposed development would be unsuitable in terms of its location on the ridgeline on this elevated site and the design of the proposed dwelling
- Consider that a more suitable location may be available for the proposed proposed development- failure to scope alternative siting opportunities on the landholding or alternative housing opportunities in the area
- Information pertaining to redesign of subject dwelling to the Council- condition relating to same attached in Planner's report- condition omitted

- Due to lack of redesign measures at Further Information stage and the omission of the design condition, considers there to be a failure to visually assess the impact of the development in a sensitive location and ensure consistency with the Design Guide for Single one-off houses within the Mayo country-side
- Clew Bay recognised as an area of high scenic value in the landscape appraisal
- Due to the elevated nature of the site, overlooking Clew Bay to the north and its location between the Bay and the N59, considers that the proposed development may detract from both the views across the bay and possibly from the N59
- Subject site considered to be inappropriate for such development- does not have capacity to absorb the proposed development without injuring the surrounding landscape character
- Would contravene the 'Sustainable Rural Housing Guidelines, Guidelines for Planning Authorities 20005
- Designated as a 'Vulnerable Area' within the 'Scenic Evaluation-Vulnerable Features' map
- Visual impingement upon the character and integrity of the surrounding area
- Refers to Scenic Routes and Landscape Sensitivity Matrix
- Located within Policy Area 2: lowland Coastal Zone- proposal contrary to the policies outlined in the Landscape Appraisal for Co. Mayo

6.2. **Planning Authority Response**

6.3. The response may be summarised as follows:

- Application was subject of extensive informal pre-planning discussions in an attempt to identify the optimum location for the proposed dwelling
- Choice of site was largely dictated by the fact that the majority of family landholding abuts the N59 National Secondary Route, onto which new entrances are severely restricted
- Family lands to the west and north were considered unsuitable having regard to the safe disposal of domestic effluent as these lands are low lying and tend to become waterlogged during winter months
- Chosen site availed of an existing partially constructed entrance and access road and topography of surrounding area is such that the dwelling will only partially visible from the N59, a designated Scenic Route- proposal will form part of an existing cluster of dwellings as opposed to a stand-alone dwelling on an exposed site
- With regard to proposed house design, confident that ABP can deal satisfactorily with this matter by condition

6.4. **Other Party Responses**

6.5. A first party response was received which may be summarised as follows:

- Permanent residence for the applicant, who grew up on the family farm on which the subject site is situated and who is a qualified farmer and herd owner and will ultimately take over the running of the existing family farm
- Strong presumption in favour of facilitating the construction of a dwelling by the applicant, subject to mitigation of any potential impacts

- In the absence of a grant of permission, the applicant will be unable to fulfil his intended farming career
- In terms of proximity to Clew Bay SAC, a Screening Exercise was conducted in accordance with Appropriate Assessment process which concluded that the proposed development will have no significant effect on the integrity of the Clew Bay SAC complex- planning authority determined that the proposed development would be acceptable in terms of environmental/ecological issues
- Therefore, proximity of the subject site to the SAC/pNHA should have no bearing on the Bord's assessment of the subject appeal
- In terms of site justification/consideration of alternatives, states that entirety of lands to north of N59 are unsuitable for development- only lands accessible from existing local road network to south are available- this is the only viable location available to the applicant
- Existing and under construction dwellings on farm holding number 5- occupied by other family members (3 to north of N59 and 2 adjacent to subject site)- no alternatives to new construction nearest settlements are over 5km away and would not be viable locations to reside
- Policy to encourage the establishment of residence in rural area and strengthening of housing clusters in Structurally Weak Areas- clustering also referred to in Sustainable Rural Housing Guidelines 2005
- Proposal would form a new cluster with two existing dwellings- less visual impact than a series of scattered dwellings along roadside
- Proposal would not have any material effect on visual or other amenities of the area
- Considers there to be no valid ground of appeal on issue of design of proposed development

- In terms of landscape character impact assessment- considers this to be subjective in nature- consider that the design/siting of proposed dwelling will follow a traditional pattern with only a minimal effect on the character of the area- proposal would not conflict with any of the landscape policies of the planning authority and as such would not significantly or materially impinge on the landscape- Table 2 makes comment on specific policies in this regard
- Given the inflexible necessity to build at this location and the fact that the proposal will not materially alter the prior development scenario, the proposed development is fully in accordance with the Development Impact-Landscape Sensitivity Matrix
- Contrary to assertion in appeal, only N59 to the north is a designated scenic route- no designated scenic views in the vicinity of the subject site- no obstruction or degradation of views towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas
- Proposed development will be absorbed into an emerging cluster of family homes which will not be an incongruous feature of the landscape

6.6. **Observations**

6.7. None

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Principle of proposed development/Compliance with rural housing policy in relation to provision of dwelling
- Impacts on amenity
- Appropriate Assessment

7.2. Principle of proposed development/Compliance with rural housing policy in relation to provision of dwelling

7.3. The subject site is located within a rural area and the rural housing policy, as set out in the Settlement Strategy of the operative Mayo County Development Plan applies. Having regard to the information before me, it would appear to me that the applicant is local to the area. In terms of local need, it is stated in the response to the appeal that the applicant is a farmer, is registered as a herd keeper and herd owner and it is his intention to take over the family farm in due course. This is considered reasonable and considered acceptable in principle.

7.4. I draw the attention of the Bord to the fact that there are stated to be 5 existing/permitted dwellings on the family lands. A grant of permission for the proposed development would increase this figure to 6 no. Two dwellings have been granted adjacent to the subject site, for a brother and a sister. While the area of the entire landholding is not specifically stated, I consider the amount of dwellings located thereon to be substantial. I therefore recommend that if the Bord is disposed towards a grant of permission, that a condition be attached stipulating that no further residential development take place on the lands, as outlined in red in Figure 1 of the first party response to the appeal.

7.5. IMPACTS ON AMENITY

7.6. This is the issue of greatest concern considering the location of the site within a sensitive, rural area. The provisions set out in the operative Mayo County Development Plan are such that any new development in such rural areas should not seriously detract from the landscape character of the area, or impinge upon the rural amenity of the lowland coastal landscape. Given the proximity of the site to both Westport and Newport, demand for houses at this location is expected to be high. The site is located in an area recognised as being of high scenic value, the Lowland Coastal Area and within Area J of the operative County Development Plan- Clew Bay Glacial Drumlins. The N59 National Secondary Route, which is located to the

north of the site is designated as a 'Scenic Route' with 'Scenic Views'. The general area is recognised as being a 'Sensitive Area' within the operative County Development Plan. The site itself is located approximately 200 metres from the shoreline and from the Clew Bay SAC and there are views from the subject site.

7.7. While I acknowledge that the applicant may satisfy the rural housing policy in relation to being a native of the area, I do question the proposal before me in terms of its impact on the rural environment into which it is proposed to be placed. I consider the location of the subject site to be inappropriate. This is a scenic, coastal area in very close proximity to the sea and any development at this location has the potential to detract significantly from the amenity of the area and impact negatively on the rural amenities that currently exist. This is especially true considering the elevated and exposed nature of the site. The first party response to the appeal argues that the proposed development could be described as creating an 'emerging cluster of family dwellings'. I would not give credence to this argument. While I agree that the proposal would form the third family property in a limited area, which in itself is questionable, I consider this to be more a case of the urbanisation of the rural landscape than the creation of a cluster/clachan. Permission was granted individually for the properties, on an apparent ad hoc nature with no plan available to me as to how it was envisaged that they could be read as one entity, one cluster. It is my opinion that their positioning on individual sites is such that they do not read as a clachan on the landscape. I note that there are a number of one-off residential properties in this immediate rural area. The pattern of development in the area is such that the density of housing is beginning to blur the boundary between urban and rural hinterland and in my opinion, the current proposal if permitted would further exacerbate this.

7.8. The proposed dwelling at almost 300 square metres is substantial in size and is located at a prominent position on the landholding. The design of the proposal with a large gable fronted element and numerous roof elements does not relate to the rural environment into which it is to be located, very close to the shoreline. This is a

suburban type dwelling of a scale and mass that is out of character with this sensitive, rural area. This is all exacerbated by the elevated and exposed nature of the site. Having regard to the above, I consider that the proposal would add to the already extensive development that exists in this area and that it would add to the further suburbanisation of this exposed coastal area. It is my opinion that it would form a discordant and obtrusive feature on the landscape at this location; would be seriously injurious to the visual amenities of the area, including views of Clew Bay looking south and if permitted would set an undesirable precedent for further similar development in the vicinity.

7.9. **Other Issues**

7.10. The attention of the Bord is drawn to the fact that the proposed development would, if approved, intensify the use of an access lane which accesses onto the N59 at a location where the maximum speed limit (100 kilometres per hour) applies. The local road onto which it is proposed to access is inadequate in width and alignment. Having regard to the above, the proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users due to the generation of additional traffic turning movements.

7.11. As I have stated above, I have concerns regarding the existing density of development in the vicinity of the site. There are already a considerable number of dwellings constructed within the immediate vicinity. Water supply is proposed by means of a connection to mains supply with a septic tank proposed to deal with wastewater. Considering the location, I can only assume that existing dwellings in the vicinity are currently operating similar systems, namely individual waste-water treatment units. I note the poor quality vegetation evident on site. Considering the elevated nature of the site, it is likely that excavation works will be necessary to accommodate the proposed septic tank system. I question the capacity of the site to accommodate a unit such as that proposed. Having regard to all of the above, I would have concerns with regards to the proliferation of such wastewater treatment units in the area, the impacts that they may have on the environmental quality and

the possible increase in the likelihood of contaminants reaching water sources in the vicinity. This is considering the proximity of the sea to the subject site. It is therefore considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by waste water treatment units in the area. I am also not satisfied that the site has the capacity to accommodate a development of the nature and scale proposed. The proposed development, would, therefore, be prejudicial to public health and accordingly I recommend a refusal of permission for this reason.

7.12. APPROPRIATE ASSESSMENT

7.13. The subject site is located within 200 metres of the Clew Bay complex SAC (Site Code 001482). The issue of impacts on this designated site was not dealt with in the original application and Further Information was requested by the planning authority in relation to the submission of an assessment under article 6 of the EU Habitat Directive. On foot of this, a Screening Report for Appropriate Assessment was submitted which states that the proposed development will have no direct effect on the qualifying interests of the SAC. Indirect effects relate to the environmental risk associated with contaminated surface water runoff from the site during and post construction. The report concludes that the proposed development will have no significant effect on the integrity of the Clew Bay SAC and there is therefore no requirement to prepare any further assessment on this proposal. An Ecology Report was prepared by the Planning Authority which concluded that there would be unlikely to be impacts from the proposed development on the SAC. It recognises that the primary impact of the development would be septic tank effluent due to the natural drainage downwards from the site to the sea. It acknowledges that the Screening Report addresses this issue by stating that the septic tank effluent will be treated to EPA standards. I note the proliferation of septic tanks in the vicinity. I also note the steeply sloping, elevated site onto which it is proposed to position the dwelling. I noted the poor ground conditions at the time of my site visit. Having regard to the precautionary principle and on the basis of the information provided with the

application and appeal I am not satisfied that the proposed development individually, and in combination with other plans and projects would not be likely to have a significant effect on the European Site No.s 001482 in view of the site's conservation objectives. I draw the attention of the Bord to this issue.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons

1. Having regard to the elevated and unscreened nature of this exposed coastal site, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location; would be seriously injurious to the visual amenities of the area; would lead to the further suburbanisation of this rural area and would set an undesirable precedent for other development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. 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 waste water treatment plants in the area. In addition, having regard to the ground conditions, the Bord is not satisfied that the site has the capacity to accommodate a development of the nature and scale proposed. The proposed development, would, therefore, be prejudicial to public health.

Lorraine Dockery
Planning Inspector

27th October 2016