



An
Bord
Pleanála

Inspector's Report PL07.248246.

Development	Construction of a 1-2 storey dwelling with connection to the public sewer as approved under 15/1204 and associated site works including road and new boundary walls.
Location	Knockaunnacarragh, Barna, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	16/1374.
Applicant(s)	Michael Walsh.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Michael Walsh.
Observer(s)	Michael P. Henry.
Date of Site Inspection	16th of May 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The site is located along a Regional Road (R336) 1 km east of Barna village and 6km west of Galway City. The lands are currently undeveloped although there are three large detached dwellings currently under construction and nearing completion surrounding the site. The site is accessed by a newly constructed communal access route which goes north past the site and includes an associated footpath.

2.0 Proposed Development

2.1. The proposed development is for the construction of a 1-2 storey dwelling (252m²) with connection to the public sewer (as approved 15/1204) and associated site works including new boundary walls.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for reasons of noncompliance with any housing need defined in the Bearna Local Area Plan 2007-2017 for Phase 2 residential lands and for the negative impact of the dwelling on that existing dwellings to the southwest of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and notes the permission for those dwellings adjoining the site, granted prior to 20th of December 2012, was not subject to the Core Strategy.

3.2.2. Other Technical Reports

None received.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

No planning history on the subject site.

Three dwellings around the site.

15/1204

Grant of permission for provision of public sewer connection to service land and replace previously granted treatment plants for 3no dwellings (14/1272, 14/1315 & 15/19) and associated site development works for applicant Michael Breathnach.

Dwelling to the immediate east

16/1574 & 16/1372

Grant of permission for alterations and amendments to permitted dwelling for applicants Aoife Jackson & Pat Laffey.

16/09

Extension of duration for dwelling which included a shared entrance to an existing cottage to the east for applicants Aoife Jackson & Pat Laffey.

14/1315

Grant of permission for a change of house plans to previous permissions (13/1401 & 10/1321) for applicants Aoife Jackson & Pat Laffey.

13/1401

Grant of permission for relocation of dwelling and amendments to site layout for applicant Michael Breathnach.

10/1821

Grant of permission for a dwelling for applicant Michael Breathnach.

Dwelling to the immediate east

15/983

Grant of permission for retention and completion of garage for applicant M & A Henry.

14/1272

Grant of permission for change of house plans, previously granted 13/897 for M & A Henry.

13/897

Grant of permission for demolition of substandard house and replacement dwelling for Michael Breathnach.

Dwelling to the far east

16/313

Grant of permission for alterations to dwelling for Michael Walsh.

15/19

Grant of permission for change of house plans granted 13/1400 for Michael Walsh.

13/1400

Grant of permission for relocation of dwelling granted 11/1072 for applicant Michael Walsh.

11/1072

Grant of permission for construction of a 2 storey dwelling with treatment system for Michael Walsh.

5.0 Policy Context

5.1. Bearna Local Area Plan 2007-2017

The subject site is located within an area defined as the Outer Village and the site is located in the Gaeltacht.

Objective LU5 | Outer Village Area

Develop the areas surrounding the Village Core and Inner Village area as a less intensive Outer Village area with lower density residential development, community facilities, local services and enterprise as appropriate with larger plot sizes and landscaped areas.

Objective LU13 | Residential Development Phasing

Direct residential development into appropriately zoned and serviced areas in accordance with the land use zones/development areas and phased development framework shown on Map 2.3.2A and 2.3.2B. Support the development of lands designated as Village Consolidation Zone/Outer Village (Phase 1) within the lifetime of the Plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Village Consolidation Zone/Outer Village (Phase 2) for the longer term growth needs of the town. Village Consolidation Zone/Outer Village (Phase 2) lands are generally not developable for housing within the lifetime of this Plan, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of this Local Area Plan subject to a suitable case being made for the proposal:

- a) Single house developments for family members on family owned lands.
- b) Non-residential developments that are appropriate to the site context, any existing residential amenities, the existing pattern of development in the area and the policies and objectives in the Plan.
- c) Where it is apparent that Village Consolidation Zone/Outer Village (Phase 1) lands cannot or will not be developed for residential purposes within the plan period, residential development may be considered in a phased manner on some Village Consolidation Zone/Outer Village (Phase 2) lands.

The above exceptions will be subject to compliance with the Core Strategy in the Galway County Development Plan, the policies and objectives in this Local Area Plan, the principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. Developments will only be permitted where a substantiated case has been made to the satisfaction of the

Planning Authority and the development will not prejudice the future use of the lands for the longer term growth needs of the town.

Development Management Guidance

- Plot Ratio: 0.30 maximum plot area ratio.
- Site Coverage: Max 30%.
- Building Height: 2 storeys.
- Low to medium density for residential development
- Home zone approach with an organic layout filled into the landscape.

Overlooking/Privacy: The privacy of occupants of adjacent properties will be respected. Layouts will minimise overlooking and first floor windows will not directly overlook adjoining lands with a minimum of 11m separation distance.

Residential Clusters: The Plan supports the use of residential clusters in the Outer Village area as an alternative to ribbon and suburban development patterns. This will help to ensure a more sympathetic assimilation of development into the landscape, help to foster a sense of place and local community, provide opportunities for shared areas and services and make more optimum use of the significant backland areas in the Outer Village area.

5.2. Natural Heritage Designations

The site is c. 500km from the edge of the Galway Bay Complex SAC and Inner Galway Bay SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant and may be summarised as follows:

- There are a number of planning permissions for dwellings in the vicinity which indicate a residential cluster.

- The proposed development complies with the guidance as set out in the Outer Village designation in the Bearna Local Area Plan in relation to land use, design, density and development potential.
- The proposed development complies with the Galway County Core Strategy, in particular the requirement for population growth for 420 people in the Bearna settlement.
- The lands in Phase 1 of the Bearna LAP have not been developed and the subject sites are serviced, therefore complying with Objective LU12 of the LAP (sustainable servicing).
- The development forms part of an overall masterplan for the area.
- The subject site is spacious and the second reason of refusal, overbearing and overlooking is incorrect as the proposed dwelling has been designed to assimilate into its surroundings. The closet point of the first floor windows from the dwelling to the southwest is 18m.

6.2. Planning Authority Response

No response received.

6.3. Observations

One observation was received from the owner of the dwelling located directly to the east of the site, under construction and nearing completion, which may be summarised as follows:

- Due to the height of the adjoining site there will be direct overlooking in the front room.
- The set back of the front building line of the proposed dwelling is not sufficient to prevent overlooking.
- If there is a decision to grant permission, it is considered a condition requiring the planting of a hedge above the existing boundary wall, with a minimum height of 1.5m from the centre point of the gable wall of the existing dwelling to the end of the driveway.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Impact on Residential Amenity
- Appropriate Assessment.

Principle of Development

7.2. The proposed development is for a dwelling located on the outskirts of Bearna Village and the subject site is central to three large detached dwellings which are currently under construction and nearing completion. A communal access road and footpath is provided from the main R336. There is a proliferation of one-off dwellings radiating along this regional route from the village. The proposed development has been refused on grounds of non-compliance with the criteria for Phase 2, and housing need, in the Bearna LAP 2010-2017. The grounds of appeal argue the proposed development complies with the development plan and is in keeping with the planning history of surrounding lands, I have addressed each of these separately below.

7.3. Planning History: There is a significant amount of planning history relating to the three dwellings in the immediate vicinity of the site, which are currently nearing completion. The grounds of appeal argue the development of these dwellings and the proposal (15/1204) to provide connection to the public system, supports the overall development of the site and the proposed dwelling. The report of the area planner notes the grant of permission for the adjoining sites was prior to the Core Strategy in 2012. I note the initial grant of permissions (10/1821, 13/897 and 11/1072) were submitted by Michael Breathnach/ Walsh and the dwelling granted under 13/897 was a replacement dwelling for a substandard cottage on the site. Two of the dwellings are currently being developed by third parties.

7.4. The development of the three dwellings adjoining the subject site has been incremental over the last seven years and have been assessed in the context of one-off dwellings rather than part of a residential development. Reg Ref 15/1204 is for the connection of the existing three sites to the public water and waste water system and whilst I acknowledge the provision of a public connection for the site, I do not

consider this an automatic justification to support the development of an additional 11 sites at this location. I note the reference to residential clusters in the LAP, although in the context of the site's location and the scale of future development proposed I do not consider the subject site may be defined as a cluster, rather it is a large residential development which requires the support and provision of appropriate amenities and community facilities. Therefore, I do not consider the planning history relating to the three dwellings in the vicinity supports the proposed development nor does it automatically support the provision of future development of the surrounding lands for a housing development.

- 7.5. Development Plan: The subject site is located on residential lands zoned as Phase 2 in the Bearna LAP 2010-2017. The first reason for refusal states the applicant does not come within the scope of the housing need criteria as set out in the Bearna LAP for a house at this location. The grounds of appeal argue the location of these lands is such that it supports the village centre and refers to the Phase 1 lands which have not been developed, therefore there is insufficient housing to satisfy the population growth of the village. Objective LU 13 of the Bearna LAP refers to Phase 2 lands and states that they are generally undevelopable in the lifetime of the plan, with the exception of single dwellings for family members, non-residential development and a phased approach to the release of Phase 2 lands should it be considered if Phase 1 lands cannot be developed. As stated above in the planning history, the applicant has received permission for the three dwellings in the vicinity and disposed of two, therefore does not qualify for a housing need. The grounds of appeal refer to the masterplan submitted as unsolicited information, illustrating the inclusion of 14 sites within the applicant's ownership, and states that they can comply with Objective LU13 of the LAP and for a phased approach to the release of Phase 2 lands.
- 7.6. I note there is a substantial amount of residential lands remaining in Phase 1 of the Bearna LAP. The applicant has not submitted an analysis or any quantifiable data to support the grounds of appeal relating to the lack of potential for development of these lands. In addition, no supporting evidence has been submitted in relation to the development of Phase 2 lands in a phased manner, which I consider is a requirement for compliance with Objective LU13 and the Core Strategy for the Village. I note there is a significant amount of Phase 2 lands adjacent to the Village centre and I consider, in support of the sequential approach, these lands would be

considered more appropriate. It is my opinion that to permit the expansion of this site for residential development would set an undesirable precedent for similar types of development around the outskirts of Barna Village, within Phase 2 lands.

- 7.7. Therefore, based on the location of the development at a distance of 1km from Barna Village on residential lands zoned for Phase 2, the significant amount of Phase 1 lands available and the current pattern of development in the area, I do not consider the proposed development complies with the policies and objectives of the development plan.

Impact on Residential Amenity.

- 7.8. The proposed dwelling is located to the west of an existing detached two storey dwelling which is currently under construction and nearing completion. The second reason for refusal relates to the design of the proposed development and the negative impact on the dwelling located immediately southwest of the site. I have assessed the impact on the residential amenity of both the dwelling to the east and southwest of the site below.
- 7.9. Overlooking: There are no windows along eastern gable of the proposed development which I consider directly overlook the dwelling to the east. An observation from the owner of the dwelling to the east and argues that the design of the dwelling, in particular the kitchen window on the ground floor will overlook into the ground floor living space and requests 1.5m high planting along the top of their existing western boundary wall. I note the location of the corner kitchen window elevated above the site to the east and I consider reasonable that 1.5m high planting would remove any potential for overlooking onto the living room. I note the location of the building to the south west of the site is c. 45m and guidance in the development plan refers to a separation distance of 11m. Therefore, based on the distance, I do not consider there is potential to overlook that property to the southwest.
- 7.10. Overbearing: The subject site is c.0.5 acres and the proposed dwelling is a two storey detached dwellings (252m²). The proposed dwelling is located c.6m from the side of the dwelling to the east and the building line has been staggered and set back. The overall design is similar in scale and mass to the existing dwellings around the site nearing completion. Therefore, based on the size of the site and design of

the dwelling I do not consider there would be any overbearing on the adjoining dwelling.

- 7.11. Overshadowing: The proposed dwelling is located to the east of an existing dwelling and c. 45m to the north east of another adjoining dwelling. Therefore, based on the location of the proposed development I do not consider there would be any overshadowing on adjoining properties.

Appropriate Assessment

- 7.12. The site is c. 500km from the edge of the Galway Bay Complex SAC and Inner Galway Bay SPA and it is proposed the site will connect to the public water and waste water system granted to service the adjoining three dwellings under Reg Ref 15/1204. I note the site is standard agricultural lands with no distinguishing habitats. Therefore, having regard to the nature and scale of the proposed development, the conservation objectives and distance from the European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Galway Bay Complex SAC and Inner Galway Bay SPA, or any other European site, in view of the sites conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

The site is located within lands zoned as Outer Village Area (Phase 2) and Objective LU 13/ Residential Development Phasing of the Bearna Local Area Plan 2007-2017 refers to the reservation of these lands for the long term growth needs of the town, which would generally not be developable for housing within the lifetime of the LAP, subject to exceptions. It has not been

demonstrated that these Phase 1 lands cannot be developed or that an appropriate phased approach to the release of Phase 2 lands can be achieved. Therefore, based on the planning history, the policies and objectives of the development plan, the location of the site and pattern of development in the vicinity, it is considered the proposed development would be contrary to Objective LU 13 of the Bearna Local Area Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

27th of June 2017.