



An
Bord
Pleanála

Inspector's Report PL07.249082

Development	Retention of a dwelling house, WWTS and domestic garage on revised site boundaries.
Location	Knocknagrenna, Furbo, County Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/790
Applicant(s)	John & Caroline O'Brien
Type of Application	Appeal
Planning Authority Decision	Grant permission
Type of Appeal	Third v Grant
Appellant(s)	Brendan & Patricia Martyn
Observer(s)	None
Date of Site Inspection	2 nd November 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Knocknagrena in NW County Galway which is located to the N of the main Barna Road between Furbo and Spiddal. The surrounding area is rural in character, the site is located at the end of a cul-de-sac and there are several detached houses in the vicinity. The site is bound by existing houses to the N and W and by agricultural fields to the S and E, and there is a small stream along the E site boundary which flows S to the coast. The site is occupied by an existing split level dwelling house and an adjacent single storey garage.
- 1.2. Photographs & maps in Appendix 1 describe the site and surroundings in detail.

2.0 Proposed Development

Planning permission is being sought to retain the dwelling house, WWTP and domestic garage on revised site boundaries.

- The c.343sq.m. development occupies a c.20ha site.
- The house is c.29m wide, 8.5m to 16.5m deep and c. 5.5m to 6.5m high.
- The single storey garage is c.6m wide, c.6m deep and c.4m high.
- The WWTS is located in the rear SE corner of the site.

The application was accompanied by:

- A Septic Tank & Percolation Area Assessment report.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant retention permission subject to 5 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Planning officer recommended a grant of permission subject to 5 conditions.

3.2.2. Other Technical Reports:

None received.

3.2.3. Submissions

One letter of objection received from Brendan & Patricia Martyn who raised concerns in relation to inadequate separation distances and density of development.

4.0 Planning History

Reg. Ref: 95/2489: permission granted for a dwelling house & WWTS.

Reg. Ref: 97/2249: permission granted for a house & WWTS on a larger site.

Reg. Ref: 00/4445: permission granted for retention of a house on a reduced site.

Reg. Ref: 04/1741: permission refused for the retention of a garage to separate living accommodation and the construction of a new domestic garage (c.29sq.m.).

Permission refused for one reason related to:

- Material contravention of a Development Plan objective which seeks to control non-essential development and non-substantiated essential housing need.

Reg. Ref: 04/3601: permission granted for the retention of a garage to living accommodation (granny flat) and the construction of a detached domestic garage (c.29sq.m.) subject to 5 conditions.

- Condition no.1 required that the “granny flat” be occupied by a member of the immediate family, the link to the house should be maintained, and that the unit should be incorporated back into the house when no longer required.
- Condition no.3 stated that the garage should not be used for commercial purposes or human occupation and should not be independently sold.

5.0 Policy Context

5.1. County Galway Development Plan 2015 to 2021

- Landscape Sensitivity Class 2 (Class 1 is the least sensitive)
- Within the Gaeltacht
- Within a protected view/focal point
- A Poor Aquifer, generally unproductive except on local zones
- Within 500m of a proposed NRA route
- Within the GTPA

5.2. Natural Heritage Designations

There are several European sites located within a 15km radius of the site.

6.0 The Appeal

6.1. Grounds of Third Party Appeal

- The original density in the cul-de-sac is low with substantial distances between the gable ends of properties.
- The distance of the gables of the garage and the gable of the neighbouring building is c.12m to 15m.
- A second garage was refused under Reg. Ref. 04/1741 and subsequently granted under Reg. Ref. 04/1741, when permission was also granted for a granny flat with the stipulation that it be occupied by a family member.
- Appellant lives directly opposite the site and has never seen a family member occupy the granny flat.

6.2. **First Party response**

- The house is a single family dwelling used solely by the applicants.
- Permission was granted under 04/3601 for the granny flat conversion and new garage.
- The house occupies a c.0.2ha site which accords with the surrounding low density of development.
- There is no Development Plan separation distance standard for garages and the 13m separation is acceptable.
- SR6 should apply as the development was complete prior to 2009.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 Assessment

The issues arising in this case relate to:

- Principle of development
- Visual & residential amenity
- Environmental services
- Appropriate Assessment

7.1. Principle of development

The development proposed for retention, which is located within a rural area covered by the County Galway Development Plan 2015 to 2021 and within an established residential cul-de-sac, would be acceptable in principle subject to compliance with other planning policies and environmental considerations.

7.3. Visual and residential amenity

The applicant is seeking planning permission to retain the existing house, garage and WWTS on the site which has revised boundaries.

Planning permission was originally granted under Reg. Ref: 95/2489 for a detached house with an integral garage and WWTS on the site. Permission was subsequently granted under 97/2249 for a house and WWTS on a larger site, and then later under 00/4445 for the retention of a house on a reduced size site. Following a change in ownership to the current owner, permission was granted under Reg. Ref: 04/3601 for the retention of a change of use of the integral garage to living accommodation (granny flat) and the construction of a new detached garage to side of the house.

According to the plans attached to Reg. Ref. 04/3601, the previously permitted house was approximately 28m wide, 8.5m to 12m deep and 5.5m to 5.6m high. The previously permitted detached garage was approximately 6m wide, 6m deep and 4m high, and it was located almost entirely to the rear of the side gable of the house with a c.3m set back and a c.7m separation distance to the W site boundary with the neighbouring house. The permitted vehicular entrance was located approximately

one third of the way along the roadside boundary and the permitted septic tank and percolation area were located to the rear SE section of the site. The N site boundary extended to the centre line of the road, the S site boundary was c.70m and the W site boundary was c.63m whilst the E site boundary was kinked to take account of a bend in the stream.

According to the submitted plans, the house as constructed has similar dimensions to the previously permitted house except for a narrow extended area to the rear west. The detached garage as constructed also has similar dimensions and it is located parallel to the side gable of the house with a c.3m set back, and a c.4.4m separation distance to the W site boundary with the neighbouring house. The vehicular entrance is located approximately one quarter of the way along the roadside boundary and the septic tank and percolation area are located to the rear SE section of the site. The N site boundary extends to the boundary with the public footpath, the S site boundary is c.67.5m and the W site boundary was c.69m, whilst the E site boundary continues to take account of the bend in the stream.

The main differences between the two schemes relate to the change in the site boundaries to the W and N, the location of the vehicular entrance, the proximity of the garage to the W site boundary and slight changes to the footprint of the house which is slightly larger than previously permitted.

The N boundary has been set back from the centre of the road to the along the public footpath. The W site boundary has been relocated c.4 to the E which has resulted in a reduction the area of the appeal site and an increase in the site area of the neighbouring house to the W. It has also given rise to the repositioning of the W site boundary c.4m closer to the side gable of the garage than previously permitted under Reg. Ref. 04/3601. Thus the garage is located in approximately the same position as permitted under 04/3601 whilst the position of the site boundary has changed. The vehicular entrance has been widened and it is located slightly further W along the N boundary, however the sightlines are adequate and the entrance would not give rise to a traffic hazard or endanger the safety of other road users. The slight changes to the footprint of the house would have little additional impact.

Having regard to all of the foregoing and to the concerns raised by the Appellants in relation to density and separation distances I am satisfied that the development proposed for retention would not have an adverse impact on the residential or visual amenities of the area.

7.4. Environmental services

The development is served by a septic tank and percolation area which is located to the rear SE of the site. The applicant submitted an Engineer's assessment of the existing system by way of unsolicited Additional Information.

The report states that the septic tank was installed in c.1998 under SR6 1991, that it was not possible to confirm the existence or length of any percolation pipes, and that the tank has a capacity of 3.6cubic metres. Given that this is an application to retain a previously permitted scheme on revised site boundaries, the report confirmed that there would be no additional loading or intensification of use of the existing tank, and that the capacity is adequate for a PE of 8, with regard to the EPA Guidelines.

The report states that the septic tank has been well maintained, and although the distribution box and percolation area were not readily identifiable, it is likely that they exist and that the system is working efficiency and effectively.

The report states that the septic tank is a precast unit, and although it has not been placed in the ground in a level state with a difference in level across the tank, this disparity is favourable towards gravity flow and effluent is flowing into and out of the tank without hindrance. The WWTS has also been registered, the tank is regularly de-sludged and the Engineers report raised no cause for concern.

Notwithstanding this conclusion, in the absence of any details in relation to the presence of an adequately functioning percolation area, the applicant should be required to install a new wastewater treatment system and percolation area in accordance with EPA Guidelines.

7.5. Appropriate assessment

Having regard to the established built up and suburban character of the area and the separation distance with the nearest European site, the proposed development would not affect any SACs or SPAs in the wider area.

8.0 Recommendation

Arising from my assessment of the appeal case I recommend that planning permission should be granted the development proposed for retention for the following reasons and considerations, subject to compliance with the conditions set down below.

9.0 Reasons and Considerations

Having regard to the provisions of the Galway Development Plan 2015 to 2021, and to the nature, and scale of the development proposed for retention, it is considered that subject to compliance with the following conditions, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The following wastewater treatment requirements shall be complied with:
- (a) The developer shall submit a Site Characterisation Report along with detailed proposals for a wastewater treatment system. The design of the system should be based on the results of the site assessment and in accordance with the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009." Details to be agreed in writing with the planning authority before development commences.
 - (b) The wastewater treatment facility shall be located, constructed and maintained in accordance with the details submitted to and agreed with the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009." No system other than the type proposed and agreed with the planning authority in response to (a) above shall be installed unless agreed in writing with the planning authority.
 - (c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
 - (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the development and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
 - (e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the wastewater treatment system.

- (f) The developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

Karla Mc Bride

Planning Inspector

29th November 2017