



An  
Bord  
Pleanála

## Inspector's Report PL07.249364

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<b>Development</b>	Construction of house.
<b>Location</b>	Gorteennacloch, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	17/1073
<b>Applicant(s)</b>	Larry O'Leary
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Larry O'Leary
<b>Observer(s)</b>	Rachel McNicholl
<b>Date of Site Inspection</b>	16 <sup>th</sup> January 2018
<b>Inspector</b>	Rónán O'Connor

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## 1.0 Site Location and Description

- 1.1. The site is located in the townland of Gorteennacloch, approximately 1km north-east of the village of Tully. The site is occupied by 2 no. partially standing structures.
- 1.2. There are extensive views north-east, north and north-west from the site over the bay and towards the Mwellrea Mountains in County Mayo, as well as to the south and south-west towards the village of Tully and towards Tully Mountain.

## 2.0 Proposed Development

- 2.1. Construction of a house.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Refuse permission for 3 reasons relating to (i) feasibility of structures to be redeveloped and impact on landscape (ii) local need (iii) presence of an invasive species (Giant Rhubarb)

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note include:

- Applicant is applying under the provisions of Objective RHO 7 relating to the Renovation of Existing Derelict Dwelling/Semi Ruinous Dwelling.
- Concern in relation to compliance with objective RHO 7.
- Was not satisfied that the proposal to redevelop these ruins would be appropriate having regard to the site's location within a sensitive coastal Class 4 Landscape, the current condition of the existing structure and the scale of the works required to upgrade the structures to modern standards.

- Ruin on site could not be described as either an existing derelict dwelling or a semi-ruinous dwelling due to the condition of the structures.
- Proposed development is effectively a new stand-alone development which is subject to the requirements of Objective RHO 3, Objective RHO 4 and DM Standard 39.
- No housing need details have been submitted.
- Noted presence of Giant Rhubarb, an invasive species – no detail or reference to this - contravenes Objective NHB5 – Control of Invasive and Alien Invasive Species
- Recommends permission is refused.

3.2.2. I note that there is a copy of unsolicited further information on file which was received on the 10<sup>th</sup> August 2017 by the planning authority. There is no reference to this information in the report of the planning officer. The information consists of a cover letter and drawings detailing a reduction in ridge height of the renovated structure from 5.7m to 4.4m. The extended portion of the dwelling house remains unchanged.

3.2.3. Other Technical Reports

None.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

Three submissions were received at application stage. The issues raised are as follows:

#### Design/Scale/Conservation/Visual Impact

- Size of the proposed building is far bigger than the original structure
- No input of an architectural/conservation expert
- No detailed site survey

- Details in the application form seem to relate to an area other than Gorteennacloch
- Previous refusal refers to the ruinous state of the existing structure – no information has been submitted by the applicant to change this fact
- Proposal is predominantly new build
- Would contravene materially development objective RHO 7
- Sections and elevations do not reflect the different in levels of the existing buildings on the site
- The floor levels of the ruined house is considerable lower than that of the outhouse – where the proposed extension/new-build would be
- Previously existing house was tucked into the landscape
- Proposal would be a visually more obtrusive structure
- Design is not in keeping with the traditional architecture of Connemara
- The planning precedent cited in Cashleen from 2010 is not relevant – pre-dates the current Development Plan
- Two previous refusals on the site
- Site and the ruins have heritage value
- No clear policy in relation to renovation of ruins

#### Access/Traffic

- Unsuitable access arrangements
- Width of the laneway restricts the free flow and passing of traffic
- Proposed entrance is in close proximity to two other entrances
- Create additional traffic noise impacting on residential amenity
- The current entrance to the west or anywhere else along the western boundary would be a more suitable access
- Another access will add further noise and congestion on a narrow dead-end road.
- Better sight lines to the south-west

## Other Issues

- Discrepancy within the Site Characterisation Form – states that development is to have four double bedrooms – only three bedrooms shown on the plan.
- Water run off may result in flooding of neighbouring property
- Site is sloping – site levels may be inaccurate
- Existing building is approximately 2m lower than the higher section of the site
- House is shown as being higher than the septic tank system – not clear if house is being sunk – may be necessary to lower the site or raise the level of the new house
- If levels are incorrect may result in building substantially different to what is being suggested in the drawings
- This is of particular concern given the Class 4 Landscape Sensitivity

## 4.0 **Planning History**

16/872 – Refuse - for development that will consist of the restoration of the remnants of a dwellinghouse, the demolition of the remnants of an outhouse, an extension to the former, a shed on site, together with a sewage treatment system and ancillary site services (gross floor space retain 45.32sqm; proposed 158sqm, outhouse 7.92sqm). This was refused for one reason relating to (i) contravention of Objective RHO 7, relating to redevelopment of derelict or semi-ruinous dwellings only, and would be a class of development that would fall under RHO 3 and DM Standard 39.

083730 – Refuse - to construct a dwelling house, sewage treatment plant, percolation area and ancillary services (gross floor space 218sqm). This was refused for four reasons relating to (i) housing need (ii) impact on landscape and visual amenity (iii) waste water (iv) traffic hazard/lack of traffic analysis

971861 – Refuse - for dwelling house, Biocycle Treatment Plant and ancillary site works on lands. This was refused for two reasons relating to (i) housing need (ii) impact on views and visual amenity of the area.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The relevant Development Plan is the Galway County Development Plan 2015-2021. Relevant policies and objectives are as follows:

Objective DS 6 – Natura 2000 Network and Habitats Directive Assessment /  
Objective DS 10 – Impacts of Developments on Protected Sites

Section 3.7 refers to Single Housing in the Countryside and has regard to the distinction between urban and rural generated housing and the requirement for sustainable rural housing.

S.3.8 identifies Rural Area Types – Map RH01 refers – the subject site is located in a Structurally Weak Area.

Section 3.8.2 refers and provides the objectives for such areas. This includes:

- To accommodate residential development proposals as they arise subject to satisfactory site suitability and technical considerations;
- To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines);
- To maintain and strengthen existing towns and villages and to direct urban generated housing demand into these areas;
- To protect areas located in Landscape Category 3, 4 and 5.

Map RHO2 shows that the appeal site is located in Zone 3 - Landscape Category 3-5. As per Section 3.8.3 the Site is within Rural Housing Zone 2. Structurally Weak Areas

Objective RHO 2 refers i.e. – It is an objective of the Council to facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards and Guidelines outlined in Chapter 13 and other applicable standards with the exception of those lands contained in Landscape Categories 3, 4 and 5 where objective RHO3 applies.

Objective RHO 3 also refers i.e: Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their Rural Links to the area and are required to submit a Substantiated Rural Housing Need.

Objective RHO 7 - Renovation of Existing Derelict Dwelling/Semi Ruinous Dwelling

*It is an objective of the Council that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the County are generally dealt with on their merits on a case by case basis, having regard to the relevant policies and objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi ruinous dwelling must be structurally sound, have the capacity to be renovated and/or extended and have the majority of its original features/walls in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed an Enurement Clause for seven years duration will apply.*

Objective RHO 9 – Design Guidelines - have regard to GCC's Design Guidelines for the Single Rural House /Objective RHO 12 – Waste Water Treatment Associated with Development in Un-Serviced Areas

Chapter 5 refers to Roads and Transportation.

Chapter 6 includes regard to Wastewater Treatment Systems. Objective WW 5 refers to WWT associated with development in un-serviced areas.

Chapter 9 refers to Heritage, Landscape and Environmental Management.

Section 9.8 refers to Natural Heritage and Biodiversity and includes regard to Natura 2000 sites. S.9.9 provides the Natural Heritage and Biodiversity Policies and Objectives. Objectives NHB1/2/3/4/12 are of note. Designated Environmental Sites are provided in Map NHB1.

Objectives LCM1/2 are of note. Map LCM 1 sets out Landscape Value Ratings. MAP LCM 2 sets out Landscape Sensitivity and Character Areas. 7.3.3. As shown on Map LCM2 the site is within a Class 4 Character Area which is described as Special



Sensitivity. Map LCM1 showing Landscape Value Rating – shows the site within the Outstanding Rating Area.

## 5.2. **The Sustainable Rural Housing Guidelines 2005**

This seeks to encourage and support appropriate development at the most suitable locations. Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working full-time or part-time in rural areas. Appendix 3 provides details of NSS Rural Area Types. Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.
- Section 4.4 is concerned with Access and regard is also had to Roadside Boundaries.

## 5.3. **Code of Practice Wastewater Treatment Disposal Systems serving Single Houses**

This document (2009) by the EPA relevant to single houses (p.e <10). The objective is to protect the environment and water quality from pollution and it is concerned with site suitability assessment. It is concerned with making a recommendation for selecting an appropriate on site domestic wastewater treatment and disposal system if the site is deemed appropriate subject to the site assessment and characterisation report. The implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

#### **5.4. EU Water Framework Directive**

- 5.4.1. The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater.

#### **5.5. EU Habitat Directive**

- 5.5.1. The aim of the EU Habitat Directive is 'to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies'.

#### **5.6. Natural Heritage Designations**

- 5.6.1. None

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- 6.1.1. The First Party Grounds of Appeal are summarised below:

- Refers to planning precedent including:
  - House at Pollnaclogha – (04/2721 and ABP Ref 07.211136)
  - House at Lisduff, Loughrea, Co. Galway (05/1290 and ABP Ref: PL07.212902) 10
  - Restoration and reconstruction of an existing semi-ruinous dwelling at Cashleen, Renvyle, Co. Galway (10/1651)
- Principle of a house with an established residential use has been established
- Therefore there should be no requirement for the applicant to substantiate a housing need at this location.
- Accords with relevant policies of the Development Plan
- Would not affect the residential amenities of the adjacent properties by means of noise and traffic congestion

- In relation to site levels, a topographical survey was carried out to determine the existing levels on site which is evident in the existing site layout map.
- In relation to the scale and design, there will be no impact on the character of the area.
- External finishes include natural stone from the locality and the height of the proposed restoration is in keeping with other residential development in the area.
- Concerns raised in the submissions were adequately addressed through the supplementary documentation that accompanied the planning application.

## 6.2. Planning Authority Response

6.2.1. None.

## 6.3. Observations

6.3.1. An observation was received from Rachel McNicholl, 13 Marlborough Road. This is summarised as follows:

- Planning precedents cited by the applicants are irrelevant in that they pre-date the current Country Development Plan 2015-2021.
- Housing need has been a deciding factor in other previous permissions where development is restricted due to landscape sensitivity.
- Habitable houses are often coming up for sale in the Renvyle Area.
- Planning Authority decided in 2016, and in 2017, that the ruin/semi-ruin in question did not have the capacity to be restored.
- Appellant did not seek any additional architectural or conservation expertise to support his contention that it could be restored.
- Under RH07 restoration must be done without compromising the original character of the dwelling.
- Proposed modification and extension is effectively a new-build with some of the ruin's rubble walls incorporated into the smaller section of building/The outhouse will be demolished entirely.

- Site has different levels/Concerned that finished floor levels/wall heights/ridge heights will be raised – will comprise character of the traditional dwelling and outhouse which is nestled into the landscape.
- Vehicular access and a parking bay are to be added on the seaward side of the site (northern boundary).
- Vehicular access will result in difficulties in parking and turning/a dwelling will increase traffic and congestion/entrance will lead to additional noise.
- Increased run off from site will lead to flooding.
- If the Board is minded to grant, the current entrance would be a more suitable vehicular access as the road is wider/has fewer entrances/already has a substantial drainage ditch.
- Applicant has been refused similar development on this site three times/last two has tried to justify under RH07/Planning Authority ruled it contravened RH07/Applicant has added little by way of new information.

#### 6.4. Further Responses

6.4.1. None.

### 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. I have also had regard to the unsolicited further information on file (received by the planning authority on the 10<sup>th</sup> August 2017) which details a reduction in ridge height of the renovated structure from 5.7m to 4.4m with the ridge height of the extended portion of the dwelling house remaining as per the original submission.

7.2. The main planning issues in the assessment of the proposed development are as follows:

- Compliance with Rural Housing Policy
- Landscape and Visual Amenity
- Ecology

- Access
- Water Supply/Waste Water/Drainage
- Appropriate Assessment

### **7.3. Compliance with Rural Housing Policy**

- 7.3.1. The documentation submitted with the application provides that the applicant is applying to retain and extend the semi-ruinous dwelling on the site under Policy RH07 of the County Development Plan. The key considerations of this policy are if the existing ruins are structurally sound, have the capacity to be renovated and extended, and have the majority of the original features/walls in place. Furthermore, the original character of the dwelling is required to be retained.
- 7.3.2. A report entitled 'Structural Analysis of loading on Footing of Old Walls' has been submitted with the application. This notes that the loading of the additional walls is unlikely to cause settlement and the existing structure has capacity to bear the extended walls and roof. A method statement is also included.
- 7.3.3. From my site visit, I noted that the existing structure is in a ruinous state, with the exterior walls of the main structure and outbuilding visible, in varying states of completeness. It is proposed to renovate and extend the remnants of the main structure, and to demolish the ruins of the outbuilding. I am concerned in relation to the adequacy of the submitted structural report and there is no discussion of the extent of the existing structure or structures on the site. While there is a discussion on the adequacy of the existing walls to support extended walls and a roof structure, as well as a method statement detailing the basic steps in renovating the structure including damp proofing, there is no explicit conclusion that the existing structure is capable of being brought back into use as a dwelling.
- 7.3.4. In addition to the above, and also addressed below, I do not consider the project as a whole constitutes a renovation and extension of the existing structure. The proposal is demolish the existing outbuilding, and to construct what is effectively a new build structure, with the remnants of the original dwellinghouse on the site incorporated into the new dwelling in the form of two bedrooms accessed via a walkway.

- 7.3.5. Having regard to the information provided with the application, and from my observations on site, I do not consider that the first hurdle has been overcome i.e. to demonstrate that the existing ruinous structure can be renovated and/or extended.
- 7.3.6. Notwithstanding this, I have further concerns in relation to the appearance of the replacement building, and whether the character of the original structure has been preserved. It is my view that this has not been achieved in this instance. A comparison of the plan of the existing building, and of the proposed building, demonstrates that there is significant uplift in the scale of the building proposed, with the plan of the proposed building far exceeding that which originally existed. The outbuilding associated with the original structure, which it appears was detached, was a relatively small feature. This is now proposed to be demolished and replaced with what is effectively a new build dwelling, incorporating the refurbished original dwelling house which is now accommodating two bedrooms, accessed off what is now the main dwelling house. While there is little evidence on file to demonstrate the complete appearance of the original dwelling, it is clear that the scale, at least in terms of floor area, was far smaller than now proposed. As such, having regard to the above, I consider the appellant has failed to overcome the second hurdle, that of preserving the character of the original dwelling.
- 7.3.7. In conclusion therefore I consider that the proposal is contrary to Policy RH07 and should be refused on this basis.
- 7.3.8. I note that the application does not supply any detail of housing need and as such the proposal is also contrary to Policy RHO 3 and should be refused on this basis also.

#### **7.4. Landscape**

- 7.4.1. Section 9.10 of the Galway CDP refers to Landscape Conservation and Management and Section 9.10.2.3 refers to Landscape Sensitivity. Policy LCM1 (Preservation of Landscape Character), Objectives LCM1 (Landscape Sensitivity Classification) and LCM2 (Landscape Sensitivity Ratings) in particular relate.
- 7.4.2. As shown on Map LCM2 the site is within a Class 4 Character Area which is described as Special Sensitivity. Map LCM1 showing Landscape Value Rating – shows the site within the Outstanding Rating Area. GCDP 2015-2021 also includes regard to the Landscape and Character Assessment for the County 2002. The site is

located within Area 20 –West Coast Clifden to mouth of Killary Harbour. This describes the area as within an Outstanding Landscape Value and a Class 3 (High with a coastal edge of Class 4 - Special) Landscape Sensitivity. DM Standard 6 of the current GCDP provides for Assimilation of Development into Landscape and this includes avoiding obtrusive elevated locations. DM Standard 39 refers to Compliance with Landscape Sensitivity Designations i.e. in Class 4 -Special, developments are restricted to essential residential needs to local households, family farm business and locally resourced enterprises.

- 7.4.3. Section 2.4 of the Sustainable Rural Housing Guidelines 2005, refers to Guiding Development and includes regard to impact on scenic landscapes and environmentally sensitive areas and to the sustainable siting of rural development. Section 3.3.1 includes regard to Landscape, Natural and Cultural Features and includes that particular care should be taken to protect those features that contribute to local distinctiveness including: Ridges, skylines, topographical features, geological features, and important views and prospects.
- 7.4.4. Photomontages and a Visual Impact Statement have been submitted with the application and I have had regard to same.
- 7.4.5. There will be views towards the site, facing north-east, from the approach from Tully, where the house will be visible against the backdrop of the Atlantic Ocean, and the mountainous landscapes beyond. Facing south-west the house will be visible against the backdrop of Tully Mountain. While visibility from the approach from the north-west will be limited due to the bend and dip in the road, the dwelling will be highly visible from closer points, near to the junction of the road, as a result of its elevated position with virtually no screening of the site.
- 7.4.6. As noted above, the scale of the proposed dwelling is far greater than that originally on the site. I note the unsolicited further information received which reduced the ridge height of the renovated structure from 5.7m to 4.4m. The ridge height of the extended element, which is in effect the main dwelling house, remains the same. Notwithstanding these amendments, it is my view that the result of this significant uplift in scale is a dwelling house that will be visually obtrusive on the landscape and will have a detrimental impact on visual amenity in this scenic and sensitive landscape location, which is designated as a landscape with ‘Special’ sensitivity and

a landscape value of 'Outstanding'. It would therefore not comply with Policy LCM1 or DM Standard 6 of the Galway CDP.

#### 7.5. **Ecology**

- 7.5.1. In relation to the third reason for refusal, that of invasive species on the site, it is my view that this issue, should the Board be minded to grant, can be overcome by way of a condition requiring that the applicant submit details of an Invasive Species Management Plan.

#### 7.6. **Access**

- 7.6.1. In relation to the issue of Access, I have concerns in relation to the new access proposed and the lack of adequate sightlines. My observations on site is that sightlines to the south-east were poor and that an access at this point could create a road safety hazard. There is little or no justification on file as to why the existing access is unsuitable. This may well be a better option for access, given that an access exists here, on a wider road, away from surrounding residential properties. I have noted the details of a previous application on this site (Planning Ref 083730), which proposed an access utilising the existing entrance. The planning authority raised concerns in relation to a possible traffic hazard and considered that further traffic analysis should be carried out. However, the principle of an access here was not ruled out. However, this is a **New Issue** and the Board may wish to consider cross-circulation on same.

#### 7.7. **Wastewater**

- 7.7.1. A Site Characterisation Form (SCF) was submitted with the application and I have had regard to same in my assessment.
- 7.7.2. The GSI Groundwater maps show that the site is located within an area with an Aquifer Category of 'Poor' (P) with a vulnerability classification of 'Low' representing a GWPR response of R1 under the EPA Code of Practice (COP). According to the response matrix, on-site treatment systems are acceptable in such areas subject to normal good practice.
- 7.7.3. I note this differs from the information on the SCF which states that the Aquifer is a Regionally Important Category with a vulnerability classification of extreme.



- 7.7.4. The trial hole was excavated to a depth of 2.1 m. The trial hole reported the presence of sandy clay with stones. On site I noted the trial hole had a depth of water of 200mm. One of the adjoining percolation test holes contained water to within 200mm of ground surface while the other smaller hole was dry. Weather conditions at the time of my site visit were changeable with intermittent rain, sleet and snow showers. Ground conditions underfoot were wet.
- 7.7.5. Under Part C.2.3 of the EPA Code of Practice: Waste Water Treatment and Disposal Systems serving Single Houses (p.e. <10) (COP), there is a requirement that the standard 'T' test be carried out on all sites irrespective of a P Test. I note that based on the Trial Hole examination, the applicant states that a T value of 15 is likely. A T value of 20.25 was found on site. A T value of greater than or equal to 3 and less than or equal to 50, means that the site is suitable for the development of a secondary treatment system discharging to groundwater.
- 7.7.6. I note the recommendation set out in Section 5 of the Site Characterisation form which sets out a proposal for a packaged wastewater treatment system and polishing filter discharging to ground water.
- 7.7.7. A Site Specific Report, prepared by Sepcon was submitted with the application. This proposes a 'Streamline BAF PE8 Waste Water Treatment System with a 60 sq. m pressurised percolation bed.
- 7.7.8. The location of the aeration plant and percolation area is indicated on the proposed site layout map.
- 7.7.9. I note the minimum separation distances in Table 6.1 of the COP. The percolation area should be located at least 10m from the dwelling and 4m from the road. In this instance, the separation distance of the percolation area from the dwelling is a minimum of 6m but is angled away from the dwelling so only a small area is with the 10m distance. It is located approximately 4m from the road. I consider the distances as set out above to be sufficient.
- 7.7.10. There are no wells on site and the applicant proposes to utilise the public mains for water supply.
- 7.8. In conclusion therefore I consider that the site is suitable for the wastewater treatment proposed and that no significant risk of ground or surface water pollution exists.

## Other Issues

- 7.8.1. The appellant has noted a number of other applications/appeals which have been approved. Two of these applications (Pollnicalogha and Lisduff) are some distance from the appeal site and as such I do not consider them of great relevance to this appeal.
- 7.8.2. In relation to the previous permission at Cashleen, Renvyle, Col. Galway (Ref 10/1651), this is within relatively close proximity to the appeal site. While this refers to a renovation and extension of a ruinous dwelling, and was granted by Galway County Council, I note that each application is considered on its own merits and I do not consider that direct parallels can be drawn between this previous application and this current appeal.
- 7.8.3. I note that an observation on the appeal has raised the issue of site levels, and this issue was also raised in the submissions at application state. I noted on site that the remnants of the outbuilding were at a higher level than the original house. The existing survey of site levels notes a spot level of 22m is recorded close to the remnants of the main dwelling house. The FFL of the dwelling house is indicated as 22.3. As such it would appear that the FFL level of the proposed dwelling house is similar to that existing.

## 7.9. Appropriate Assessment

- 7.9.1. An Appropriate Assessment (AA) screening report has been submitted with the application and I have had regard to same.
- 7.9.2. There are 21 no. Natura 2000 sites within 15km of the appeal site. However those with the potential to be impacted as a result of this proposal are set out below.

Name	Site Code	Distance/Direction from appeal site
West Connacht Coast SAC	002998	0.3km N
Tully Lough SAC	002130	0.7 km S.E.
The Twelve Bens/Garraun	002031	1.8 km S.E.

Complex SAC		
Tully Mountain SAC	000330	1.9 km S.W.
Rusheenduff Lough SAC	001311	2.3 km N.E.
Illaunnaon SPA	004221	4.2 km S

7.9.3. With the exception of three sites, West Connaught Coast SAC and Tully Lough SAC, and Rusheenduff Lough SAC I am satisfied that the remainder can be ‘screened out’ on the basis that significant impacts on these European Sites could be ruled out on the basis of a lack of a source-pathway link to these European Sites and/or distance to the European Site. There is a potential direct and indirect source-pathway to the three sites noted above by way of surface water run-off and via groundwater.

7.9.4. In relation to the three European noted above, these sites are selected for following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive.

<b>West Connaught Coast SAC (002998)</b>	<b>Tully Lough SAC (002130)</b>	<b>Rusheenduff Lough SAC (001311)</b>
Tursiops truncatus (Common Bottlenose Dolphin) [1349]	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]  Najas flexilis (Slender Naiad) [1833]	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]  Najas flexilis (Slender Naiad) [1833]

7.9.6. However, having regard to the scale and nature of the proposed development, a domestic dwelling, with a waste water treatment system that presents no significant risk of ground or surface water pollution, with a soakaway on the site, I consider it is reasonable to conclude that on the basis of the information on the 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 European Site Nos 002998, 002130 or 001311, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

REFUSE permission in accordance with the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Having regard to the existing condition of the structures on site, the extent of works required to complete a dwelling to modern standards, and the scale of the development proposed, relative to the original dwelling house, the proposed dwelling house is considered to be contrary to the requirements of Objective RHO 7 of the Galway County Development Plan, as the applicant has not demonstrated that the existing structure can be renovated or extended, nor does the proposed development preserve the character of the original dwelling house on the site. As such the proposal would detract from the visual amenity of the area and would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed dwelling house, have regard to its scale and having regard to its prominent siting in a highly scenic coastal location in an area of 'Outstanding' Landscape Value Rating as shown on Map LCM1, and shown as a Class 4 "Special" Landscape in the Galway County Development Plan 2015-2021, would have a detrimental impact on the character of the landscape and would have an adverse impact on the visual amenity of the area. As such, it would be contrary to Policy LCM 1 which seeks to preserve and enhance the character of the landscape and to DM Standard 6 as set out in the said Plan, which seeks to avoid obtrusive locations and provide for the assimilation of development into the

landscape. It is considered that the development proposed would, therefore, set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site in an area where housing is restricted to persons demonstrating local need in accordance with the current Galway County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Rónán O'Connor  
Planning Inspector

16<sup>th</sup> April 2018