



An
Bord
Pleanála

Inspector's Report PL 07 249390.

Development

Chun teach conaoithe a thogail, ina mbeidh seomraí agus fuinneoga sa dion, maraon le garaiste, coras searachhais, seirbhísi agus oibreacha talma a bhaineann.

Location

Baile Eamonn, An Spideal Thiar, Co. Galway

Planning Authority

Galway County Council.

P. A. Reg. Ref.

17/686

Applicant

Cait Ni Chonaill

Type of Application

Permission

Decision

Refuse Permission.

Type of Appeal

First Party

Appellant

Cait Ni Chonaill

Observer

Date of Site Inspection

5th December, 2017

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site has a stated area of 5700 square metres and is formed from elevated lands circa two kilometres to the north of the coast and R336 at the eastern edge of Spideal. It is covered in dense rough and overgrown scrubland and hedges has very uneven ground but with a steep fall from the north west toward the south east at the frontage onto Baille Eamoinn Road on with there is an agricultural entrance, some drystone walling and vegetation. A land drain is located along the west side of the site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 16th May, 2017 indicates proposals for:

Construction of a split-level dwelling with a total stated floor area of 235 square metres which is to be positioned towards the northern end of the site. A detached garage is to be constructed at the rear. Bedroom accommodation is shown at upper floor level and living accommodation and one bedroom is shown at the ground floor level. A podium enclosed by a retaining wall is to the front.

An entrance and drive way is shown at the lower end of the site where alterations will be made for demolition of part of the existing stone wall on the site frontage. A new wall at 1.2 metres in height is to be constructed providing for seventy metre sight lines in either direction at the frontage.

Foul drainage is to be disposed of by an Aswaflo 4-8 p e packaged waste treatment system with a pump via a wastewater pipe running beneath the culverted stream in the site to a percolation area with polishing filter and matrix at the lower end of the site. Surface water is to be disposed of to the ground through soakaways.

Copies of folio registry documentation indicating ownership of the site and some additional land to the south west by Sean Mooney with an address in Dublin are included with the application.

2.2. A response to a multiple item, further information request issued by the planning authority was received on 22nd August, 2017. According to the submission:

A revised house design is proposed providing for a dwelling described as a 'dormer' dwelling instead of 'split level' or 'two storey' and consistent with examples in the '*Design Guidelines for Single Rural Houses*' published by Galway County Council. The roof articulation is described as a smaller pitched in traditional proportions with fenestration confined to gables.

The dwelling is assimilated into the side of the slope to reduce visual impact. The earth to the west side is to be banked up against the dwelling to reduce visual mass of the patio and podium. Revisions are shown on Drawings PL02, 03, 04, and 05 and, axonometric and perspective views are shown on Drawing PL 09.

North south and east west sections and existing and proposed levels are shown on Drawing PL08 and,

A long section on Drawing PL 02 shows finished floor levels for the house, the sewage treatment tank cover level and a base level and associated information for the proposed sewage treatment and disposal arrangements.

2.3. According to the application submissions:

The applicant was born in County Mayo in 1979,

She attended the local school in Spideal,

She is employed at Ballybrit in Galway City and is residing in rented accommodation.

There is a family landholding to the south of the R336 close to Spideal from which some lands were assigned to other members of the family. Permission was granted to the applicant's brother for a dwelling The family home is assigned to one brother and another brother has a dwelling on the lands. (P. A. Reg. Ref. 16/1483 refers.).

The family land holding is unsuitable for further development of a dwelling due to traffic hazard.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission based on the following reason:

“It is considered the proposed dwelling house, by reason of a two storey suburban design which does not reflect the type of residential development in the area and the proposed extensive manipulation of the landscape in order to facilitate the proposed dwelling would interfere with the character of the landscape would detract from the visual amenities of the area, would establish an undesirable precedent for similar future developments in the area and this would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

Planning Reports

3.2.1. The planning officer indicated satisfaction with the development in principle by the applicant of a dwelling on the site in that it is not regarded as urban generated development; the location is subject to the residential zoning objective and is at the edge of the settlement although the landscape is rural in character. She considered that the design and interventions to the landscape shown in the original application and in the revisions shown in the further information submission were unsatisfactory. Following consideration of the further information submission the planning officer considered that the proposed development unacceptable due to interference with the character of the landscape, visual amenities and due to potential for undesirable precedent for further similar development.

3.2.2. There are no internal technical reports available on file.

4.0 Planning History

4.1.1. There is no record of any planning history for the appeal site.

- 4.1.2. The planning officer in her report refers to two prior successful applications for residential development in 1998 and in 2001 by Pdraig O'Treasaigh in the vicinity. (P. A. Reg. Refs 011805, 984749).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway County Development Plan, 2015-2021 according to which the site location is within an area where the landscape character is designated as Landscape Sensitivity Class 2 and where the area is also designated as having a poor and generally unproductive aquifer except in local zones. (P1)

Objective RHO 9 provides for proposals for new dwelling design in rural areas to be consistent with the "*Design Guidelines for the Single Rural House*" published by Galway County Council, to promote sustainable development approaches and to require appropriate landscaping and screen planting. (Galway County Development Plan, 2015-2021 - Page 61)

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from the applicant's agent on 10th October, 2017 attached to which is a set of drawings and illustrations. According to the appeal:
- The advice notes in the additional information request discouraging manipulation of the site to accommodate split level design and discouragement of two storey dwelling were noted. However, the proposed development was not for a 'split level' or 'two storey' design.
 - The proposed design is contemporary and traditional in proportions. There is a juxtaposition of two moderate sized blocks with 45 degree pitched roofs and simple openings, "on the public side". The design relates to the single storey or storey and half typology illustrated on page 27 and the other exemplar designs in the Design Guidelines for Single Rural Houses. (GCC)

- The proposed dwelling is no more a two storey dwelling or, more suburban in design than the six dwellings in the vicinity which have windows serving habitable accommodation in the roof space. (Exhibit A and B attached to the appeal refer.) The proposed dwelling is most comparable to the traditional form and roof in illustrated on Drawing PL 09. More than fifty percent of the dwellings in Baille Eamoinn have habitable upper spaces.
- The design intent, as illustrated in section and elevation drawings PL 08 and 09, is to site the dwelling on the “lea” side of the existing hill, relative to the road to integrate into the landscape and existing contours. This, in keeping with guidance on “Place making” in in the ‘*Design Guidelines for the Single Rural House*’.(Page 9) A detailed contour survey where spot levels at ten metre intervals were taken and translated into the contours on the site layout drawing PL 02 was provided. Sections 3 and 4 on Drawing PL 08 show the profile of the land in both directions and an even cut and fill with use of local stone to anchor into the site as recommended in the ‘*Design Guidelines for the Single Rural House*’. (page 16) The platform effect on the west side is softened by the banking of soil up to the base which restores a foot to the existing slope. The west elevation (2 Thiar) on Drawing PL 05A refers. The ‘man-made’ is integrated into the ‘natural’, in a practical and picturesque way.
- The principles in the ‘*Design Guidelines for the Single Rural House*’ on massing are addressed. A deep floor plan is avoided and the roof is articulated into two smaller adjoining pitches to avoid a large roof and overall mass. Gable windows provide light without the need for dormer windows and the pitch forms are simple with moderate height. The roof springs from 750m above what would be a single storey eaves height at a forty-five degree pitch. The pitch is moderate and refers to traditional typology such as workers’ or council cottages as illustrated in exhibit B in the appeal. The proposed design is in keeping with the massing.

6.1.2. In addition, it is stated that it has been established by the planning authority that the applicant has an entitlement to settle in the locality with her partner and is also entitled to make design decisions, within contextual and environmental limits. It is submitted that the proposed development accords with policies and objectives and

the Design Guidelines for the Single Rural House. (GCC) would not interfere with the character of the landscape or injure the visual amenities of the area.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

- 7.1. The issue central to the determination of the decision is that of the visual impact and the impact on the existing landscape character of the proposed development, the original proposal having been modified in the further information submission.
- 7.2. Further to the inspection of the site and environs and review of the original design proposal and the modified proposal shown in the additional information submission it has been concluded that the reason provided for the planning authority decision to refuse permission should be upheld. Notwithstanding the proposals to simplify and ameliorate the potential for adverse impact on visual amenities and landscape character it is considered that a satisfactory outcome has not been achieved for the steeply sloped elevated site location.
 - 7.2.1. It is acknowledged that the recommendations in the '*Design Guidelines for the single Rural House*' published by the County Council and incorporated into the Galway County Development Plan, 2015-2021 under policy objective RHO 9 are been taken into consideration in the proposed design. However, the proposed dwelling, particularly in combination with the garage structure entails a considerable footprint involving significant cut and fill into the slope, significant retaining wall construction and, alterations to provide for the driveway, new entrance, and landscaping all of which is suburban in characteristics.
 - 7.2.2. Irrespective of the proposal to provide for multiple roofs and for stepping of the structures, the assertion by the planning officer that the proposed dwelling is comparable to a two storey dwelling or split-level dwelling is reasonable, having regard to roof ridge height above the finished floor level and upper floor fenestration, albeit confined to the gable ends. The roof profiles are considerable and with expansive slopes and distance between the ridge and eaves are disproportionate and excessive relative to the facades beneath the eaves. It can be concluded that

while it is agreed that large dormers would be inappropriate and should be discouraged, the proposed design in scale and proportion is not acceptable especially in that the effect is exacerbated by the overall combination and cumulative impact of the three blocks, two for the dwelling and one for the adjoining detached garage structure.

- 7.2.3. It is not agreed that precedent for the proposed development is necessarily established by the examples of existing development to which reference is made in the appeal although it is agreed that existing residential development along Baile Eamonn is not confined to single storey development or a particular house type. It is considered that each development proposal should be considered on its own merits in the context of the site location and environs.
- 7.2.4. In view of the foregoing, it is considered that the capacity of the site the landscape in which is particularly sensitive would be limited to acceptance of development of a simple single storey, low profile dwelling incorporating the materials, textures and colours indicated in the application with reduced footprint, including a reduced size or omission of the garage and less intervention to the existing topography and features of the site.

7.3. *De Novo* Review.

- 7.3.1. Further to *de novo* review, the vertical and horizontal alignment of the road gives rise to concern as to hazardous conditions at the entrance and as to generation of additional traffic and turning movements. The optimal location on the site frontage for the proposed entrance has been selected but it appears based on review of the layout plan, and a visual inspection of the site and environs, that unobstructed seventy metres vision to the edge of the carriageway may not be achievable. The details on the layout plan appear to indicate vision at circa seventy metres from the centre line of the carriageway as opposed to the edge of the carriageway. There is a particularly sharp and dangerous bend a short distance to the north or left on exiting the site. There is limited scope for vehicles to pass on the carriageway along the road but the vertical and horizontal alignment is such that attainable speeds are very restricted. These existing limitations are effective in mitigating potential traffic hazard. However, the event of possible favourable consideration of

the proposed development it may be advisable, prior to the determination of a decision, for adequacy of the proposed entrance arrangements to be reviewed and reconsidered.

- 7.4. The details provided by the applicant in relation to the applicant's background, connections to the area and circumstances and the planning officer's satisfaction that no issues arise regarding the applicant's eligibility to reside at the site location is noted and acknowledged.
- 7.5. Appropriate Assessment.
 - 7.5.1. The site location is approximately a kilometre to the south of the Connemara Bog Complex SAC (Site Code 002304) However, having regard to the location and characteristics of the site and nature of the proposed development which falls in a south easterly direction and the proposed arrangements for foul effluent treatment and disposal and for collection and disposal of surface water from the development, notwithstanding the proximity to a culverted watercourse, it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is considered that the planning authority decision to refuse permission for the proposed development should be upheld. Draft reasons and considerations are set out overleaf:

9.0 Reasons and Considerations

The proposed development because of extensive interventions to the established topography and features of the elevated site to facilitate the development and the significant massing, scale, heights, upper floor fenestration and extensive and excessive roof profiles relative to the facades beneath the eaves would interfere with and be seriously injurious to the established and sensitive landscape character and the visual amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
22nd December, 2017.