



An
Bord
Pleanála

Inspector's Report ABP-300227-17

Development	Renovate and extend the existing detached dwelling house and to construct a domestic garage, septic tank treatment system (to replace existing septic tank) and all associated site works
Location	Kilbride, Finney, Clonbur, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	17/441
Applicant(s)	Tom Summerville
Type of Application	Permission
Planning Authority Decision	GRANT with conditions
Type of Appeal	Third Party
Appellant(s)	Des Summerville
Observer(s)	None
Date of Site Inspection	14/03/18
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application site is located in mid-south County Mayo on the border with County Galway, c.26km south of Westport, c.38km north of Galway city and c.8km west-northwest of the village of Cong. The area is rural in character and landscape is characterised by rugged mountains, hills and lakes. The site is almost on the shore of Lough Mask (33m to the east), separated therefrom by a local road and a narrow strip of land within the applicant's control.
- 1.2. The site has a stated area of 0.375ha and slopes up from east to west by c.7m. The site comprises a formal residential curtilage, with the balance being agricultural lands (southwest, west and north of the apparent original curtilage). The boundaries include formal hedging (holly) to the original residential curtilage and dry-stone walls (covered in ivy) to the roadside, and traditional field boundary hedging and post and wire fencing to the side and rear.
- 1.3. The application relates to an old 2-storey cottage of 112-sq.m stated gross floor area, dating most probably from the interwar period, with a later single-storey attached garage. The dwelling, which is vacant and apparently suffering from some decay, is simple and traditional in style, with render finish and slate roof. The dwelling faces east towards the lake and the public road.

2.0 Proposed Development

- 2.1. It is proposed to:
 - Renovate and extend the dwellinghouse;
 - Construct a domestic garage;
 - Construct a septic tank treatment system replacing existing septic tank;
 - All associated works.
- 2.2. Supporting documents
 - Site Assessment (wastewater treatment site characterisation) proposing Tricel Novo IRL6+ pumped WWTP with soil polishing filter (details appended).

2.3. Further information (31/07/17)

- Report entitled 'Screening for Appropriate Assessment in line with Requirements of Article 6(3) of the EU Habitats Directive, August 2017.'
- Revised plans and elevations detailing external finishes.
- The applicant re-advertised the proposed development (05/10/17) for submission of significant further information.

3.0 Planning Authority Decision

3.1. Planning Authority Reports

3.1.1. Planning Reports

The second report of the Planning Officer (copy not dated or signed) is consistent with the decision of the Planning Authority, except that it did not include condition no.7 amending side windows. Whilst the report refers to the Stage 1 Appropriate Assessment Screening Report submitted by the applicant as further information, the Planner's Report does not include a screening assessment by the Planning Authority.

The first report of the Planning Officer (26/07/17) is not a recognisable Planner's Report, with assessment of planning issues arising and consideration of third party submissions, but rather comprises a recommendation to request further information on two points. The recommendation is as per the decision of the Planning Authority to seek further information.

3.1.2. Other Technical Reports

Roads Design Office (11/07/17) – No objection subject to three conditions, including requiring provision of 2no. off-street car parking spaces and for the entrance to be as per drawing no.17-012/12 (09/06/17).

3.2. Prescribed Bodies

No referrals indicated and no submissions received to file.

3.3. **Third Party Observations**

Two letters of observation were received from Des Summerville of Kilbride, Clonbur. Apart from those issues repeated in the appeal and summarised in the appropriate section below, the observer made the following additional points:

- No use of natural stone.
- Garage should be located to the rear.
- No detail of how the existing stream through the site is to be incorporated.

The applicant also made a submission responding to the observations on 24/10/17.

4.0 **Planning History**

None located.

5.0 **Policy Context**

5.1. **Development Plan**

Mayo County Development Plan 2014-2020

P-06 It is the policy of the Council to support the sustainable development of the countryside and rural villages in the County.

PY-03 It is the policy of the Council, in conjunction with all relevant statutory agencies, to recognise the inter-relationship between the environment (natural and cultural); the economy; and wellbeing of our citizens and thereby ensuring development in the County does not compromise the value of, or cause deterioration to, our natural and cultural resources by implementing the objectives below and the Development Guidance document of this Plan.

Landscape Policy Area 3A Lakeland sub-area.

5.2. **Natural Heritage Designations**

Lough Mask SPA 004062 c.9m to east of application site boundary.

Lough Carra / Lough Mask Complex SAC 001774 overlapping eastern site boundary to application site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third-party appeal by Des Summerville may be summarised as follows:

Disputes housing need -

- The applicant owns a house in Dublin, has worked there for 15 years and the dwelling will be used as a holiday home rather than as a main residence, or sold.
- An enurement clause should be a condition of any planning to prevent people obtaining planning to add value for resale if they don't live in an area.
- Adverse impact on character of area through overdevelopment.

Scale of development –

- Height, scale and number of windows excessive in sensitive area.

Inadequate environmental assessment –

- Full environmental assessment is required due to proximity to Lough Mask.
- Applicant's assessment is incorrect – there is a stream on site (partly ducted) to conduct pollutants to Lough Mask (attachment D); there is a spring within 60m and a domestic well within 250m (attachment E); c.60 acres of bog lie behind the site and drain via the site drain into Lough Mask.
- Construction impact on flora and fauna needs to be properly assessed.

Resource requirements –

- No public water supply – well required?

Visual obtrusiveness –

- Impact on highly scenic area from overdevelopment.

Health and safety due to demolition

- Risk from asbestos to young families using the laneway during demolition works.
- Asbestos survey required.

6.2. Applicant Response

None received to date.

6.3. Decision

To **GRANT** permission subject to 12no. conditions. The following conditions are of note:

No.4 - vehicular entrance to be as per site layout plans submitted 09/06/17.

No.5 - FFL at 20.747m as per drawings submitted 09/06/17.

No.6 - specifies external finishes, including front door design.

No.7 - requires side windows to match front windows and the submission of revised drawings for written agreement.

Nos.8 & 9 - foul drainage specifications.

No.12 - retention and planting of trees / hedgerows.

6.4. Planning Authority Response

None received to date.

6.5. Observations

None received to date.

7.0 Assessment

The issues arising under this appeal may be addressed under the following headings:

- 7.1 Policy / principle
- 7.2 Visual impact
- 7.3 Wastewater treatment
- 7.4 Impact on residential amenities
- 7.5 Traffic issues
- 7.6 Appropriate Assessment

7.1. Policy / principle

- 7.1.1. The proposal to renovate and extend an existing habitable dwelling is acceptable in principle. As this application is neither for a new nor replacement dwelling the issue of rural housing need and occupancy is not relevant.

7.2. Visual impact

- 7.2.1. The application site is located in proximity to the shores of Lough Mask within the Landscape Policy Area 3A Lakeland sub-area. Within that area rural dwellings are considered to have medium to low potential for adverse impacts on landscape character subject to careful siting and good design.
- 7.2.2. I consider the scale and design of the proposed extension and modifications, including the proposed garage, not to be excessive or unduly out of character and to be generally visually acceptable. I do not consider condition no.7 amending the fenestration pattern of the proposed side elevation to be necessary – the visual impact of the fenestration will be minimal, being obscured by roadside boundary hedging on approach from the south; or reasonable - the structure is not a protected structure and the Development Plan does not appear to contain a specific policy in this regard. The proposed finishes are indicated (drawing 'Elevation 2of2') as *'decorated nap plaster finish, with corner quoins in contrasting colour...all to match finishes of existing house'* and *'roofs to be covered in grey /blue slate'* and are acceptable in my opinion and no specific condition is therefore required
- 7.2.3. I consider proposals to alter the roadside boundaries to be more likely to have a significant negative, albeit localised visual impact on the landscape character of this scenic area. The boundary setback will entail the loss of the roadside hedging and

dry-stone walls which are characteristic of this rural area. Taken cumulatively with similar development, the setting back and replacement of traditional roadside boundaries will erode the character of the landscape character area. I could find no relevant policy in the Development Plan concerning roadside boundaries, but I would consider the alterations to the roadside boundary to be undesirable within this scenic landscape and that such works should be avoided where possible.

7.3. Wastewater treatment

- 7.3.1. The applicant proposes to install a replacement wastewater treatment system to accommodate the renovated and extended dwellinghouse.
- 7.3.2. The application is accompanied by a Site Assessment of the suitability of the site to accommodate an onsite WWTP, which determined a Ground Water Response rating of R2¹ (acceptable subject to normal good practice) based on the site's location within an area of extreme vulnerability and within the inner zone for Source Protection Area (Lough Mask and within a Ground Water Protection Scheme). Based on the SA details, according to the EPA's COP (table B2 Response Matrix) the GWR rating of R3² would apply, in which case an onsite WWTP would not generally be acceptable except under specified conditions. However, the SA provides an incorrect vulnerability rating for the site - the GSI data indicates that it is 'high', not 'extreme'. Assuming the rest of the SA data is correct¹ a GWR of R2⁴ applies and an onsite system would be acceptable subject to normal good practice and three conditions² with which the proposed system would appear able to comply.
- 7.3.3. The T-test and P-test results are within the range of $3 \geq$ and ≤ 75 , the trial hole and test holes left open on site revealed free-draining soils. The site vegetation is also

¹ I could find no mapped data to confirm the inner source protection area as Irish Water provide information only for public schemes and the information does not appear to be available on Mayo County Council's website. The rest of the information appears to be correct.

² 1. *There is a minimum thickness of 2m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system*
or
A secondary treatment system as described in Sections 8 and 9 is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with P/T values from 3 to 75 (in addition to the polishing filter which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter).

2. *The authority should be satisfied that, on the evidence of the groundwater quality of the source and the number of existing houses, the accumulation of significant nitrate and/or microbiological contamination is unlikely.*

3. *No on-site treatment system should be located within 60 m of a public, group scheme or industrial water supply source.*

consistent with free draining soil. I am satisfied therefore that the site is suitable for an onsite system. Contrary to the assertion of the appellant, there is no evidence of a stream on site or on the GSI mapping system, although there is a dry drainage ditch (open drain) of sorts along the northern boundary of the original residential curtilage, possibly extending west therefrom in proximity to the proposed percolation area. A 10m separation distance from drainage ditches apply under the EPA's CoP (table 6.1). It is feasible for the percolation area to be relocated to achieve the required distance and I am satisfied that it would be reasonable to address this issue by condition.

- 7.3.4. The applicant proposes to install a Tricel Novo IRL6+ pumped WWTP, with a soil polishing filter of at least 37.5-sq.m, the details of which are appended to the SA and the location and layout of which is indicated on the site layout plans (drawing no.17-012/12 received 09/06/17). It is reasonable to assume that the proposed new system will provide a higher standard of treatment than the existing system on site and would therefore pose no significant threat to ground water and surface water if installed in compliance with the CoP.

7.4. Impact on residential amenities

- 7.4.1. The proposed development would not seriously injure the amenities of residential property in the vicinity - there are no residential properties directly adjacent.

7.5. Traffic issues

- 7.5.1. The site is accessed via a narrow, third class county road of narrow width and of unfavourable horizontal alignment. The applicant proposes to upgrade the existing entrance, setting back the existing roadside 4.5m from the roadside edge to achieve line of sight of c.56m to the right-hand side (south) and c.57m from to the left-hand side (north) based on 50kph speed limit (as stated on Drawing no.17-073/13 received 09/06/17). It would appear that the 80kph speed limit applies, although the road design speed would be far less given the unfavourable horizontal alignment and narrow width of the carriageway and visual enclosure of this rural road by vegetation and boundary structures which limit forward visibility. The proposed sightlines and amended entrance was acceptable to the Planning Authority and to the Council's

Road Design Office, which may be considered reasonable given that the applicant proposes to improve an existing entrance.

7.5.2. It is apparent that the dry-stone wall to the LHS is no more than c.800mm high and is without hedging and would not interfere with the line of sight in that direction and can be maintained, although the gate pier would need to be set back. It would seem that only c.3m of hedgerow to the RHS would need to be setback to achieve the indicated line of sight.

7.5.3. Should the Board decide to grant permission a condition should be attached requiring the roadside site boundary structures and hedgerows to be retained except within the line of sight indicated on drawing no.17-073/13. The proposed vehicular entrance structure and the existing roadside boundary structure / hedgerow should be located just outside the said line of sight and the existing roadside edge and grass verge to be retained and maintained, except at the proposed amended entrance which should tie in with the public road to the satisfaction of the Planning Authority.

7.6. **Appropriate Assessment**

7.6.1. Having regard to nature and scale of the proposed development, comprising the renovation and extension of an existing dwelling, with replacement WWTP, notwithstanding the proximity of the proposed development to the nearest European sites (Lough Carra/Mask Complex SAC 001774 overlaps the application site boundary, but the said area encompasses only the public roadway; Lough Mask SPA 004062 c.9m distant), having regard to their Conservation Objectives and to the threats and pressures on those sites (as detailed by the NPWS), no Appropriate Assessment issues arise and it is not considered that the proposed development would 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. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0

9.0 Reasons and Considerations

Having regard to the nature, scale and location of the proposed development, it is considered that proposed development would not seriously injure the amenities of property in the vicinity, would be consistent with the provisions of the Mayo County Development Plan 2014-2020 and be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions set out below.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 5th day of September 2017, 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The existing front boundary hedge and stone wall shall be retained except to the extent that their removal is necessary to provide for sightlines to the site entrance as indicated on drawing no.17-073/13 (received 09/06/17), in which instance the said boundary elements shall be setback just behind the line of sight.

(b) The roadside verge shall be retained in place except at the amended vehicular entrance to the public road, and the entrance driveway shall tie in with the public road to the satisfaction of the planning authority.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such

works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

5. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 9th day of June 2017, except as amended by part (b) of this condition and as necessary to comply 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. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Prior to the commencement of development, the developer shall submit revised details and drawings showing the proposed percolation area relocated only insofar as is necessary to achieve the minimum separation distances detailed in table 6.1 of the EPA's 'Code of Practice' document, including in particular the provision of a 10m separation distance from any open drain. Note: In this regard, the percolation area appears to be within 10m of an open drain to the north.

Within three months of the first occupation of the renovated and extended dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

. John Desmond
Senior Planning Inspector

22nd March 2017