



An
Bord
Pleanála

Inspector's Report ABP-301606-18

Development	CHANGE OF HOUSE TYPE PREVIOUSLY GRANTED UNDER P16/748 AND CHANGE OF HOUSE LOCATION ON SITE DUE TO ENGINEERING ISSUES WITH FOUNDATION AT APPROVED LOCATION TOGETHER WITH ALL ANCILLARY SITE WORKS
Location	MUCKLAGH, CARROWHOLLY, WESTPORT, CO. MAYO
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	17/919
Applicant(s)	Paul Groden
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Paul Groden
Date of Site Inspection	20 th July 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Mucklagh approximately 4km north-west of Westport. The surrounding area is characterised by rolling agricultural lands with one off dwellings aligning rural roads. The site is approximately 1.7km east of the closest coastal inlet. The Landscape Appraisal for Co. Mayo categorises this area as being within Clew Bay Glacial Drumlins.
- 1.2. The site is located on the northern side of a local road beside a 'Y' junction. Levels rise up from the road to the north quite steeply by as much as 18m over a distance of c. 80m. The site has a stated area of 0.608 hectare and there are no defined boundaries around the site. To the front of the site is an agricultural building to be demolished. An existing stone shed adjoins the site to the east along with a dwelling. There are 4 dwellings in a crescent to the west.

2.0 Proposed Development

- 2.1. Planning permission is sought for a change of house type to that previously granted under Reg. Ref: 16/748 and also a change of house location due to engineering issues with the foundation at the approved location, together with all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Mayo County Council issued notification of decision to refuse permission for the following reason:

“The proposed development, due to the mass and scale of the house proposed, at an elevated location on the landscape, combined with the extensive changes in site level and retaining walls proposed, would contravene Policy/ Objective 7.1.5 of Volume 2 of the Mayo County Development Plan 2014-2020 (as amended), which requires that proposed buildings and other structures be located and designed to minimise changes to the existing levels and natural features of the site. The proposed development would therefore constitute a visual intrusion on the

landscape and would militate against the preservation of the rural environment and interfere with the character of the landscape of which it is necessary to preserve and be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. The recommendation to refuse permission in the Planner’s Report reflects the decision of the Planning Authority. The main points raised in the Planner’s Report are as follows:

- Proposed to locate the house at a higher level and further up the sloping site, thereby requiring even more ground works than that granted under Reg. Ref: 16/748.
- Revised proposal necessitates the construction of a 3m high subterranean retaining wall along a section of the rear elevation, and a 4m high above ground retaining wall at right angles to the elevation.
- Finished floor level of house is 6.3m above road level and permitted dwelling is 5m above road level.
- Height of proposed dwelling is 8.693m above ground level and permitted dwelling has height of 7.408m above ground level.
- Proposed relocation involves changes to snaking access driveway, including an earthen berm with planting on top running parallel with the front elevation.
- Reference to Policy/ Objective 5.4 in relation to infill development which states that *“if ground floor level of site has to be reduced, a maximum reduction of 1m will be allowed.”*

4.0 Planning History

Mayo County Council Reg. Ref: 16/77

4.1. Application for dwelling at higher elevation withdrawn following recommendation to refuse permission.

- 4.2. Permission granted in July 2017 for demolition of existing sheds and construction of a dwelling house, domestic garage, proprietary effluent treatment system, soil polishing filter, with connection to services, together with all ancillary site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. It is an objective of the Council (RH02) *“...to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in the Area.”*
- 5.1.2. It is an objective of the Council (LP-01), *“through the Landscape Appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.”*
- 5.1.3. Planning guidance for residential development is contained in Volume 2 of the Development Plan.

5.2. Natural Heritage Designations

- 5.3. The Clew Bay Complex SAC is located approximately 1.3km to the west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against the Council’s decision was submitted on behalf of the applicant. The grounds of appeal and main points raised in this submission can be summarised as follows:
- Applicant was advised under Reg. Ref: 16/748 to have the footprint of the proposed dwelling overlapping with existing sheds to be demolished –

however, this would involve extensive ground works. New proposal sees house relocated back into site and redesigned to fit to topography.

- Permitted proposal requires extensive retaining walls to the front of the site and revised location allows a berm to be built on the south side of the access road on existing site levels.
- Proposed dwelling was designed with flat roof section matching the ridge of that granted under Reg. Ref: 16/748 – ‘A’ roof could be removed if Board conditioned it, thereby limiting the elevation to that previously agreed. Board could also omit integrated garage or west facing terrace area.
- Current proposal has integrated garage which removes the additional standalone garage previously approved.
- There were no objections to the current or previous proposals by any party.
- Current proposal is not significantly elevated when compared to houses to the west and lower than the applicant’s grandmother’s house to the east.
- Current proposal is not a visual intrusion and is sited neatly into the rural landscape.

6.2. Planning Authority Response

6.2.1. No response.

7.0 Assessment

7.1. Planning permission is sought for development described as a change of house type to that previously granted under Reg. Ref: P16/748 and change of house location on site due to engineering issues with foundations at the approved location. The original permission was granted in July 2017 and therefore remains live until July 2022.

7.2. Having regard to the nature of this application, I do not propose to carry out a detailed assessment of the case de novo. I have reviewed the issues arising with the original planning application and consider that there has been no change in

circumstances relating to matters of development principle, rural housing need, wastewater treatment and disposal, drainage and flooding.

- 7.3. Mayo County Council issued notification of decision to refuse permission for the new proposal for reasons relating to the visual impact on the landscape due to the mass and scale of the house proposed at an elevated location, combined with the extensive changes in site levels and retaining walls. Reference is made in the decision to Policy/ Objective 7.1.5 contained in Volume 2 of the Development Plan which states that *“proposed buildings and other structures shall be located and designed to minimize changes to the existing levels and natural features of the site.”*
- 7.4. The Planning Authority had concerns in terms of visual impact on the landscape at this location going back to a previous application (Reg. Ref: 16/77) for a dwelling with a finished floor level at 93m OD. This application was withdrawn following a recommendation to refuse permission for reasons relating to, inter alia, ribbon development, the elevated location in the landscape, the nature of groundworks proposed, and the setting of precedent for backland type development. Under Reg. Ref: 16/748, the Planning Authority sought further information from the applicant on matters relating to existing and proposed site levels, floor and ridge levels, level of proposed access road and the extent of embankments/ retaining walls proposed.
- 7.5. The permitted dwelling and detached domestic garage have a combined floor area of 288.9 sq.m. The dwelling has a finished floor level of 80m and a ridge height of 7.408m above ground level. This dwelling would partially be sited on the footprint of the existing 243 sq.m. agricultural shed on site to be demolished.
- 7.6. The proposed dwelling will have an integrated garage with combined floor area of 320 sq.m. The finished floor level to the front will be 81.35m and the ridge height will be 8.693m above ground level. The dwelling would be situated further back into the site, with the front building line approximately 11m behind the permitted front building line. The “L” shaped gable fronted layout of the permitted dwelling with front building line approximately 8.5m in width contrasts with the front building line of the proposed dwelling at c. 22m.
- 7.7. The applicant has offered to omit the attic level of the dwelling, which would bring the height of the structure down to 6.05m above ground level to the front. However, the

proposed development would still require substantial ground alteration of depths down to 4.3m. to achieve a similar ridge height as the permitted dwelling.

- 7.8. Having regard to the above, I would be in agreement that the proposed dwelling will have an adverse visual impact on the rural landscape having regard to its large volume and elevated position above the roadway and valley to the south. The revised proposal located further into the hillside will require a greater level of ground alteration, including placement of an earthen berm to the front of the proposed dwelling up to the height of the existing agricultural shed.
- 7.9. The applicant submits that the proposed revision is required to address engineering issues with the foundations of the approved location. In my opinion, there is sufficient area at the site of the existing agricultural building for a smaller scale rural style dwelling constructed in accordance with the advice contained in the Mayo Rural Housing Design Guidelines and requiring significantly less ground work.

Appropriate Assessment

- 7.10. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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. It is considered that the proposed development should be refused for the reasons and considerations hereunder.

9.0 Reasons and Considerations

Having regard to the topography of the site, the elevated positioning of the proposed dwelling, together with its width and scale, and the resulting extensive excavation and ground alteration, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural

environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

20th August 2018