



An  
Bord  
Pleanála

## Inspector's Report ABP-301621-18

<b>Development</b>	(1) demolish rear elevation of existing house (2) proposed single storey extension to front elevation of the existing house (3) proposed external & internal alterations to the existing house (4) proposed alterations to existing access road & all ancillary site works. Gross floor space of proposed works 102.34sqm, retention 38.66sqm, demolition 20.34sqm.
<b>Location</b>	Fakeeragh Td, Clifden, Co Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	18/219
<b>Applicant</b>	Brigit O Hagan.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ruth and Stuart Morgan.
<b>Date of Site Inspection</b>	7 <sup>th</sup> July 2018.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.2733 hectares relates to the site of an established dwellinghouse located approximately 2km to the west of Clifden, Co Galway. The site is irregular in shape and is accessed via a right of way over a shared private access road running northeast of the scenic "Sky Road" which links Clifden to the east with headlands and viewpoints to the west and forms part of a loop road back to the N59 (Galway – Clifden – Westport National Secondary Road).
- 1.2. The appeal site is occupied by a fire damaged dwellinghouse with significant roof damage and which is currently uninhabitable. The cottage has a modest floor area (59 sq.m) providing a kitchen / living room and bedroom in the main building with an additional bedroom and utility and bathroom provided in flat roofed extension. The appeal site is elevated rising in a north-easterly direction. There are numerous dwellings in the vicinity of mixed character with those to the south being on lower ground level. The dwelling immediately to the south of the appeal site, which is owned by the appellants is on a significantly lower ground level with an embankment and retaining wall on the appellant's site and mature landscaping north of the boundary. The appeal site is served by a septic tank and percolation area located to the front southwest of the dwelling.

## 2.0 Proposed Development

- 2.1. The proposal as described in the public notices involves
  - Permission to (1) Demolish rear elevation of existing house
  - (2) proposed single storey front elevation extension
  - (3) proposed external and internal alterations to existing house
  - (4) proposed alterations to existing access road as well as all ancillary site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1 By order dated 19<sup>th</sup> April 2018 Galway County Council issued notification of decision to grant permission for the development subject to 9 conditions which included the following of particular note:

Condition 3. Existing septic tank and augmented percolation system maintained and operated in good working order. Desludging a minimum of once every 2 years.

Condition 9. Site perimeter augmentation planting.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planner's report recommends permission subject to conditions.

### **3.3. Third Party Observations**

3.3.1 Submission by the appellants to the local authority questions right of way over access road and capacity of access road to accommodate construction machinery. Waste water treatment details unclear and give rise to concern regarding runoff to Hillside lodge. Application refers to public mains water supply however water is gravity fed from Buttermilk lake located in the hill above the site. Questions raised regarding construction details and surface water drainage.

## **4.0 Planning History**

No planning history on the appeal site.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Galway County Development Plan 2015-2021 refers.

## 5.2. Natural Heritage Designations

The site is not within a designated site however there are numerous designated sites within a 15km radius of the site including:

Rosroe Bog SAC

Slyne Head Islands SAC

Aughrushbeg Machair and Lake SAC

Omey Island Machair SAC

Rusheenduff Lough SAC

The Twelve Bens / Garruan Complex SAC

Dogs Bay SAC

Cregduff Lough SAC

Murvey Machair SAC

Inishbofin and Inishark SAC

Slyne Head Peninsula SAC

West Connacht Coast SAC

Barnahalia Lough SAC

Tully Lough SAC

Kingstown Bay SAC

Tully Mountain SAC

Connemara Bog Complex SAC

Inisbofin Omey Island and Turbot Island SPA

Ilaunnaon SPA

High Island Inishark and Davillaun SPA

Cruagh Island SPA

Connemara Bog Complex SPA

Slyne Head to Ardmore Point Islands SPA

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Ruth and Stuart Morgan, owners of adjoining dwelling Hillside Lodge. The appellants welcome the conditions imposed by Galway County Council however express concern that conditions do not go far enough to protect

their property in respect of the access road and wastewater treatment. Grounds of appeal are summarised as follows:

- Given the location of Hillside Lodge directly below the property any mismanagement of drainage will give rise to significant negative impact on Hillside Lodge.
- Right of way over the access road is not dispute however applicant should be required to take responsibility for the maintenance, repair and general upkeep of the road. Damage should be rectified and drainage maintained.
- Potential for outflow from the septic tank having regard to the site topography. Septic tank is 6m from boundary and percolation area adjacent to a steep bank with an almost vertical fall of approximately 4metres directly to the rear of Hillside Lodge.
- Potential for run off of untreated sewage to Hillside Lodge in the event of a malfunction or defect should be mitigated by way of installation of a modern system maximising distance to boundaries.

## 6.2. Applicant Response

The first party has not responded to the appeal.

## 6.3. Planning Authority Response

The Planning Authority has not responded to the appeal.

## 7.0 Assessment

- 7.1. The key issues arising in this appeal relate to detailed matters of potential impact on access, surface water run-off and wastewater treatment. The issue of appropriate assessment also needs to be addressed. The third party raises no concerns with regard to the design of the proposed extension and having regard to the established dwelling on site, level of existing landscaping and character of the area and to the single storey design and layout of the proposed extension, I consider that the visual

impact of the proposed development is acceptable in the context of the scenic character of the area.

- 7.2. On the issue the right of way over the access road, this is a civil matter and not strictly a planning issue. I consider that best construction practice will ensure that works be carried out so as not to cause damage to, interfere with or infringe upon adjoining properties, or cause damage to the private access road or the public road. Maintenance of roadside drainage is appropriate. I consider that these matters can be addressed by condition.
- 7.3. As regards wastewater treatment, I note that the application is accompanied by a report by Enda O Malley, Chartered Engineer and Planning Consultant. The report assesses the condition of the existing treatment system comprising a septic tank with gravity feed percolation area. The report deems the existing septic tank to be structurally intact and of sufficient capacity however requiring vent stacks and new cover with inspection lids. The report recommends the replacement of the percolation area with a new distribution box, percolation piping and vent stacks. I note that no percolation tests were performed and no detailed site characterisation in accordance with Wastewater Treatment Manuals Treatment Systems for Single Houses, EPA 2000 was provided. Furthermore, at date of site inspection the dwelling had been unoccupied for sometime therefore assumptions with regard to the operating order of the existing system are not possible. I note the concerns of the third party appellant arise on the basis of the topography of the site and location of steep embankment along the southern site boundary in close proximity to the septic tank and percolation area. I consider that having regard to the increased building footprint and level of accommodation proposed, it is appropriate that the applicant be required to provide a proprietary effluent treatment and disposal system to current standards. This can be addressed by condition. A condition regarding ongoing monitoring and maintenance of the system is also appropriate to ensure that it is functioning correctly.

- 7.4. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European Site.

### **Recommendation**

- 7.5. I have read the submissions on file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

## **8.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, and the unique circumstances of the appeal site, it is considered that subject to compliance with the conditions set out below, the development would not seriously injure the amenities of adjoining neighbours or the character of the area. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and 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 carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of the development, the developer shall submit to and agree in writing with the planning authority a method statement for the proposed works on site certified by a Chartered Structural Engineer with Professional Indemnity Insurance. Works shall be carried out so as not to cause damage to, interfere with or infringe upon adjoining properties, or cause damage to the private road or public road.

**Reason:** In the interest of orderly development and amenity.

3. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and 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) Within three months of the first occupation of the 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.

**Reason:** In the interest of public health.

4. Water supply and drainage arrangements (including surface water disposal) shall accord with the requirements of the planning authority for such services and works.

**Reason:** To ensure the proper drainage of the proposed development.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in



accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interests of sustainable waste management.

6. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of the visual amenities of the area.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species. Any plants which die, are removed or become seriously damaged or diseased within a period of 5 years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

---

Bríd Maxwell  
Planning Inspector  
4th September 2018