



An
Bord
Pleanála

Inspector's Report ABP-301623-18

Development	Construction of a new single storey extension to the existing cottage and a new garage including solar panels together with new finishes to existing access routes and all associated site works. Gross floor space of proposed works 55sqm.
Location	Curlews, Leitreach Ard, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/1635
Applicant(s)	Jeanne Meunier.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Jeanne Meunier.
Date of Site Inspection	26 th July 2018.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.8461 hectares is located at Curlews, Leitreach Ard, in Connemara, Co Galway. The site is within the Gaeltacht and lies north of the Glynsk Road overlooking Bertraghboy Bay to the north. The site is irregular in shape, its main body being roughly rectangular also and bordered by the coastline to the north with two elongated access arms from both southern corner extremities. A derelict cottage type structure currently in use as an outbuilding / domestic store occupies the western part of the site, and a more recent bungalow type dwelling is located on the eastern part of the site. The structure which is subject of the proposed works has external walls of natural stone and lime plaster and a corrugated metal roof. The general area while rural in character is peppered with scattered dwellings and characteristic stone walls.

2.0 Proposed Development

- 2.1. The application seeks permission for the construction of a new single storey extension of 55m² to the existing cottage type structure of 117m². A new detached garage including solar panels is also proposed. Existing access route is to be upgrade and all associated site works.
- 2.2. The established dwelling is served by a BioCycle wastewater treatment system and soil polishing filter of 40m located between the two established structures on the site. The application documentation indicates that it is intended that the extended cottage structure will function as the main dwelling while the established dwelling will provide accommodation for visiting family members.

3.0 Planning Authority Decision

3.1. Decision

By order dated 19th April 2018, Galway County Council issued notification of its decision to refuse permission for 5 detailed reasons as follows:

1. Having regard to the layout as proposed with a shared wastewater treatment system, shared access and parking facilities to serve both the existing dwelling and proposed upgraded cottage, the layout of the site, and the pattern of development in the area it is considered that the proposed development would constitute overdevelopment of this site, would be out of character with the existing forms and pattern of development in the vicinity, would seriously injure the residential amenities and depreciate value of the adjoining property in the vicinity, would contravene development management standards contained in the Galway County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.
2. The proposal to utilise an existing wastewater treatment system to provide a communal system to serve both the existing dwelling and the proposed upgraded cottage would conflict with DM Standard 29 'Effluent Treatment Plants' which requires single houses to 'be serviced by its own septic tank or treatment plat and shall not share this facility with any other dwelling.....'
3. The subject site is located adjacent to and encroaches on an identified flood risk area. Taking account of the nature of the development which proposes a highly flood vulnerable use in conjunction with climate change considerations, the absence of any information on flood risk associated with the site and the Planning System and Flood Risk Management Guidelines, the Planning Authority considers that if permitted as proposed, the development would be contrary to the Section 28 Ministerial Guidelines 'The Planning System and Flood Risk Management' 2009, would be contrary to Policies FL 1, FL4, Objectives FL1, FL 3 FL 5 and DS 1 of the Galway County Development Plan 2015-2021 and therefore would be contrary the proper planning and sustainable development of the area.
4. It is considered that the proposed development by reason of the construction of a substantial driveway (>150 metres) to access the proposed development on an open and exposed location, would result in a haphazard, disorderly development and it would also be an obstructive feature in the rural landscape. Accordingly, to grant the development, as proposed, would seriously injure the residential amenities and depreciate value of properties in

the vicinity, would set an undesirable precedent for similar type of development and would be contrary to the proper planning and sustainable development of the area.

5. In the absence of satisfactory evidence with respect to the proposed water supply to serve the proposed development, it is considered that the development, if permitted, would be prejudicial to public health, would seriously endanger the health and safety of persons occupying or employed in the structure and therefore would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes location within both a fluvial and coastal flood risk area. Proposal for a second dwelling on the site would constitute excessive overdevelopment. Shared wastewater treatment system also of concern. Proposals to upgrade access road would adversely impact on the receiving landscape. Refusal recommended.

4.0 Planning History

17/910 Application sought permission for construction of new single storey extension in the existing cottage and a new garage including solar panels together with new finishes to existing access routes and all associated site works. Withdrawn.

P.06/1363 Permission granted 14th July 2006 for extension to dwellinghouse and a garage and all ancillary site works and site service (gross floor space 82.25 sq.m.)

01744 Permission granted 7th June 2001 to Frank and Olwyn Ferris for retention of dwelling on revised site boundaries and retention of porch.

005093 Refusal of permission to Frank and Olwyn Ferris for retention of dwelling on revised site boundaries and retention of porch at property. Grounds for refusal referred to disorderly backland development and an undesirable precedent in an area of High Scenic Amenity.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Galway County Development Plan 2015 – 2021 refers.

The site is located in an area designated as Class 3 High Sensitivity within the Landscape Character Assessment. (Ratings range from Class 5 – unique to Class 1 low)

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 renovate 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 and enurement Clause for seven years duration will apply.”

DM Standard 4: Granny Flats (Urban and Rural Areas)

“The creation of a family flat to be occupied by a member of the occupant family is generally acceptable. Generally speaking, the granny flat must be attached to the family home unless there are exceptional circumstances to warrant a separate detached unit.”

DM Standard 20: Effluent Treatment Plants

The suitability of a site for the treatment of wastewater shall be determined, in accordance with the criteria set down the EPA Wastewater Treatment Manuals (1999, 2009) or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals.

Each dwellinghouse shall be serviced by its own septic tank or treatment plant and shall not share this facility with any other dwelling other than in exceptional circumstances.”

DM Standard 42: Coastal Management and Protection.

New developments shall generally comply with the following approach to coastal management for sea level change:

No new building or new development within 100m of ‘soft’ shoreline.

In addition to the above, a general minimum horizontal setback of 30m from the foreshore field boundary line, for new development, or along the 3m natural contour line, whichever is the greatest, is to be created. Any planning applications within this setback must demonstrate that any development would not be subject to potential rising sea levels as a result of climate change including global warming, and must address any issues with regard to rising sea levels. With regard to the siting of any development. The coastal edge and coastal habitats shall be protected from destruction and degradation to ensure their roles as ecological corridors, coastal flooding and storm surge buffers are retained and enhanced and developers proposing developments in the vicinity of this are will be requested to carry out an ecological plan that incorporates the natural vegetation and topography of the area.

5.2. Natural Heritage Designations

There are a number of designated sites in the area including:

Connemara Bog Complex SAC

Connemara Bog Complex SPA

Maumturk Mountains SAC

The Twelve Bens / Garraun Complex SAC

Slyne Head Peninsula SAC

Murvey Machair SAC

Rosroe Bog SAC

Cregduff Lough SAC

Connemara Bog Complex SAC

Lough Nageeron SAC

Dog's Bay SAC

Kilkeiran Bay and Islands SAC

Slyne Head to Ardmore Point SPA

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 The appeal is submitted by McGann Bauduin Architects on behalf of the first party and includes a number of enclosures to elucidate grounds of appeal, including a flood risk screening by Site Check Environmental Consultants, a letter from the applicant outlining motivation for application, correspondence from biocycle with respect to the wastewater treatment system. The grounds of appeal are summarised as follows:

- Extension to the existing cottage intended for use as granny flat type accommodation and all structures will constitute part of the dwelling ensemble and will remain under single ownership and constitute a single dwelling.
- Development is in compliance with Objective RH07 as confirmed by Galway County Council in Planner's report. Structural report confirms that the cottage is suitable for renovation.
- Noting DM Standard 4 Family Granny Flats (Urban and Rural Areas) allows for consideration of a separate detached unit in exceptional circumstances. The cottage proposed for renovation was the original dwelling on the property and in the 20th century a new detached dwelling was constructed and became the principal dwelling. Such exceptional circumstances of having two separate structures on the property warrants consideration.
- Extension allows only one additional bedroom which is less than the level of additional accommodation permitted in previous application PO6/1363.

- Design is more in keeping with traditional rural housing forms as opposed to larger extension to bungalow would have greater massing and have much greater impact on the landscape.
- Applicant is willing to give a legal undertaking not to split the property.
- Concerns were not expressed at pre-planning consultation.
- Appeal site size is adequate to accommodate effluent treatment system and a separate system to serve a one-bedroom cottage would be inefficient.
- Flood risk screening assessment indicates that the proposed development presents no significant flood risk.
- Improvement of the 150m long boreen will have no significant impact on the landscape as only natural stone permeable surfaces are proposed. Applicant enjoys a legal right of way over the western boreen and therefore is entitled to improve access here.
- Applicant is willing to renounce the legal right of way from eastern side past the neighbour's house if permission is granted for the western access.
- Existing water supply serving bungalow to be extended to supply the exiting cottage.
- Applicant has recently retired and intends to make this property her permanent home.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 **Assessment**

7.1 The issues raised in this appeal relate to:

- Adequacy of the application.
- Principle of Development
- Visual Impact and Impact on the amenities of the area
- Services
- Flood Risk
- Appropriate Assessment

7.2 **Adequacy of the application.**

7.2.1 On the issue of the adequacy of the application, I note reference within the development description and appeal documentation to the existing structure proposed for extension as an “existing cottage” however from my site visit and documentation on the appeal file it is evident that the structure is not used as a dwelling rather as a shed / or outbuilding to serve the established dwelling on the site. Furthermore, I note from the Planning History documentation on the file that it has been used as a shed for some considerable time. I note that permission granted to the current applicant for extension to dwellinghouse 06/1363 and permission granted to the previous owners of the site 01774 for retention of dwelling on revised site boundaries and retention of porch, the structure now referenced as “existing cottage” is labelled on all site plans as “shed” and “existing shed” respectively. On the basis of this information, I note that the adequacy or indeed validity of the application is in question as the development description is somewhat misleading. In any case I propose to proceed to consider the proposal as set out on its planning merit in the context of the relevant policies of the development plan and other matters.

7.3 Principle of Development.

- 7.3.1 On the issue of the principle of development, I note that the First Party relies on Objective RHO7 – Renovation of Existing Derelict Dwelling / Semi Ruinous Dwelling which is the objective 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 work 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.”
- 7.3.2 I note that the application is accompanied by a Building Survey Report compiled by Profe Building Engineering and Planning which certifies that the existing structure is in good condition and suitable for the proposed upgrade works. However, reliance on this objective is in question in the current appeal case in the context of the existing structure not being a derelict dwelling / ruinous dwelling and rather a shed on an established domestic dwelling site.
- 7.3.3 As regards DM Standard 4: Granny Flats (Urban and Rural Areas) this provides for the creation of a family flat to be occupied by a member of the occupant family and is generally acceptable. Generally speaking, the granny flat must be attached to the family home unless there are exceptional circumstances to warrant a separate detached unit. In the current case the applicant proposes that the existence of a “cottage” on the site warrants such exceptional circumstances. I consider that such circumstances of ancillary structures on a site would not be exceptional and I would consider that provision for a detached dwelling unit on this basis would set an undesirable precedent for similar such development. On this basis I would tend to concur with the local authority that the provision of ancillary living space would be more appropriately achieved by way of an extension to the existing dwelling. Having regard to the foregoing I consider that the established policies of the development plan do not support the principle of development on the site.

7.4 Visual Impact and Impact on the Amenities of the area.

7.4.1 The site is located within a coastal area and has a mid-range landscape sensitivity characterisation (class 3). I note the significant level of scattered settlement in the area and clearly this scenic coastal area has limited capacity to accommodate further development. Whilst I consider the application design approach is not without merit in terms of seeking to mirror traditional rural housing forms and break down the massing and scale of the proposed extension, I consider that the visual impact of the proposal would be significant and would be obtrusive in the landscape. As regards the visual impact of the proposed upgrade of the access road this is not highly significant in visual terms in itself although clearly the cumulative impact of all proposed works including the proposed detached garage should be considered. I consider that the proposal because of its scale, design and siting would be detrimental to the visual and rural amenities of the area, would constitute overdevelopment of the site and would set an undesirable precedent for similar such development in a scenic coastal area.

7.5 Services

7.5.1 The proposal involves provision of a connection to the existing wastewater treatment on the site. I note DM Standard 20: Effluent Treatment Plants which requires that each dwellinghouse shall be serviced by its own septic tank or treatment plant and shall not share this facility with any other dwelling other than in exceptional circumstances. I concur with the local authority that the proposal to provide a communal system would conflict with the stated development plan standard and would set an undesirable precedent for similar such development. On the issue of water supply I note that issue was addressed in the local authority's fifth reason for refusal. The Local authority took the view that a communal water supply would be inappropriate.

7.6 Flood Risk

7.6.1 On the issue of flood risk I note that the flood mapping indicates that the site is potentially affected by coastal flooding. The flood screening assessment, compiled by Site Check notes that there is a 1:500 year prediction of coastal event in this area causing localised flooding around the small inlet on the proposed site. The small inlet is located between two cliff faces located between the dwellinghouse and the proposed cottage. There have been no historical flooding incidents associated with this area. The report asserts that there is no risk to the proposed development given the elevation over the inlet.

7.6.2 I am not satisfied however given the proximity of the structure to the cliff edge and in light of possible future changes in flood risk including the effects of climate change and /or coastal erosion that the establishment of a vulnerable residential use is appropriate. I note the key messages as set out in “The Planning System and Flood Risk Management Guidelines for Planning Authorities which seek to avoid development in areas at risk of flooding. Exceptions to the restriction of development due to potential flood risks are provided for through the justification test, where the planning need and sustainable management of flood risk to an acceptable level must be demonstrated. I note policies within the Galway County Development Plan with regard to coastal management and protection which requires that no new building or new development within 100m of the ‘soft’ shoreline and minimal horizontal setback from the foreshore field boundary line for new development or along the 3m natural contour line whichever is the greatest is to be created. Any planning applications within this setback must demonstrate that any development would not be subject to potential rising sea levels as a result of climate change including global warming and must address any issues with regard to rising sea levels, with regard to the siting of any development. These issues are not addressed within the application and in my view the precautionary approach must be applied and refusal on grounds of flood risk is therefore warranted.

7.7 Appropriate Assessment

7.7.1 The site is not located within a designated Natura 2000 site, although there are a number of such sites within a 15km radius, the closest being the Connemara Bog Complex SAC which is within approximately 300m to the southeast of the site.

Having regard to the nature and scale of the development it is reasonable to conclude 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 the Connemara Bog Complex SAC, or any other European Site, in view of the site's conservation objectives and a stage 2 appropriate assessment and submission of an NIS is not therefore required.

8.0 Recommendation

- 8.1. Having read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising, I recommend that planning permission be refused for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the configuration and exposed coastal nature of the site, to the scale, nature and relationship to the established dwelling on the site, it is considered that the proposed development, would constitute overdevelopment of the site, would be injurious to the visual and rural amenities of the area, would contravene materially the objectives of the planning authority as set out in the development plan and would therefore be contrary to the proper planning and sustainable development of the area.
2. DM Standard 20: Effluent Treatment Plants of the Galway County Development Plan requires that each dwellinghouse shall be serviced by its own septic tank or treatment plant and shall not share this facility with any other dwelling other than in exceptional circumstances. The proposal to provide a communal system would conflict with the stated development plan standard. Accordingly, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for the future occupants of the proposed development, would be prejudicial to public health and would set an undesirable precedent for similar such development. The

proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the proposed development adjacent to the shoreline, to the provisions of the Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009, and to DM Standard 42: Coastal Management and Protection of the Galway County Development Plan 2015-2021 the Board is not satisfied that the proposed development adopts a sufficient setback from the shoreline. Accordingly, the proposed development would be subject to potential rising sea levels as a result of climate change including global warming. The proposed development would conflict with the development plan standards and would be contrary to the document the Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009 and would therefore be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

10th September 2018