



An
Bord
Pleanála

Inspector's Report ABP-302381-18

Development	Construct dwelling house and domestic garage, waste water treatment system and all associated site works
Location	Carrowcastle, Ballina, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	17992
Applicant(s)	Kathy Ann Fox and Padraic MacNally
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Chris and Miriam Sweeney
Observer(s)	None
Date of Site Inspection	20 th November 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Carrowcastle, approx. 6km southeast of Ballina town centre. There are a number of rural dwellings aligning local roads in the surrounding area. There is a detached dwelling immediately west of the appeal site. There is a t-junction 200m east of the site, proximate to which is small national school.
- 1.2. The site, which has a stated area of 0.31ha, is rectangular in shape and is under pasture. The land is part of a larger landholding indicated in blue. The land is elevated on the western portion of the site where the dwelling is proposed, and drops significantly to the northeast where a low point with ponding was observed upon site inspection. There is a stone wall/hedgerow with agricultural gate along the roadside boundary. The local road off which the site is accessed is narrow being approx. 4m wide, with a poor vertical alignment.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a storey and a half dwelling, 200sqm in area.
 - Construction of a garage with a gross floor area of 35sqm.
 - Water connection will be via a group water scheme.
 - Wastewater will be treated by an on-site wastewater treatment system.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 15 conditions, including the following:

C2: Finishes

C4: Finished floor level shall be at 100.8m.

C5: Existing boundary along the whole site frontage to be removed and replaced with a new wall, which shall be at least 3m from the roadside edge and a maximum of 1.2m high.

C9: Planting.

C10 & C11: Foul waste to be disposed of as per the site assessment report and as per the EPA code of practice.

C15: Development contribution of 357 euro.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- Significant Further information was requested on the 12th February 2018 in relation to roadside drainage; the set back of the boundary wall by 3m and associated revised sightlines; details of boundary wall construction and retaining properties; level of access onto the road; properly scaled site layout plan; finished floor levels of house in relation to invert levels of drainage, septic tanks pipes, proprietary units and discharge pipes to percolation area; revised site layout indicating contours of the site; cross section of the site to indicate the neighbouring dwelling; a detailed landscaping screen comprising native deciduous trees for the purposes of screening; land registry map.
- A satisfactory response to the significant further information was received on the 14th May 2018 with an additional response to third party issues received on the 26th June 2018.
- Clarification of further information was requested on the 5th June 2018 in relation to a properly scaled site layout plan which were incorrectly stated to be at a scale of 1:100; and also the location of the waste water treatment and disposal system related to the dwelling to the west. An advice note was also attached requesting the garage to be located 6m from the western boundary and the overall height of the dwelling house to be reduced to 6m only. The applicant responded on the 24th July 2018. The planning authority was

satisfied with the response and permission was recommended subject to conditions.

3.2.2. **Other Technical Reports**

Architect Report: No objection subject to condition in relation to boundary treatment and vegetation.

Engineers Report: Further information requested.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

The third party observation received is summarised in the grounds of appeal hereunder.

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **National Policy**

- Sustainable Rural Housing, Guidelines for Planning Authorities (2005).
- EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009).

5.2. **Mayo County Development Plan 2014-2020**

- **P-01:** It is the policy of the Council to ensure the sustainable development of the Linked Hub and Key Towns in the County and to manage development outside these towns in a way that ensures the viability of rural communities while ensuring environmental protection through the implementation of the objectives and Development Guidance document of this Plan.

- **P-02:** It is the policy of the Council to support the sustainable development of the Linked Hub of Castlebar-Ballina to facilitate long term economic growth and a minimum population target of 28,700 persons by 2022 within the context of a high quality environment and to ensure that the towns are centres of economic growth to attract and support a wide range of services and amenities and deliver a high quality of life, thereby making the areas attractive as places to work, live, visit and invest in, while ensuring no significant adverse effects on the environment including the Natura 2000 network.
- **P-06:** It is the policy of the Council to support the sustainable development of the countryside and rural villages in the county.
- **RH-01:** It is an objective of the Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), Map 1 Core Strategy Conceptual Map and the Development Guidance document of this Plan.
- **RH-02:** It is an objective of the Council to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council)...
- **Policy 24:** Encourage development that will not result in detrimental impacts (through excessive bulk, scale or inappropriate siting) on the landscape at a local or micro level as viewed from areas of the public realm.
- **Map 3 Rural Area Types** – the appeal site is located within the area defined as ‘Structurally Weak Rural Area’.
- **Volume 2, Section 2.3.2:**

In areas classified as Structurally Weak Areas, permanent residential development (urban and rural generated) will be accommodated, in particular special consideration will be given to the provision of housing in rural areas that have sustained population loss since 1951, subject to good planning practice.

- **Section 16.3: Access Visibility Requirements:**

For regional and local roads, the design speed ranges from 42kph to 70kph, with the sight distance, from a set back of 3m, ranging from 50m to 120m.

- **Landscape Protection Policy Area 4: Drumlins and Inland Lowland.**

5.3. Mayo Rural Housing Design Guidelines 2008

The rural house design guide aims to encourage the use of traditional forms, scale and materials that have a proven history of blending into the landscape. Houses should be sited to minimise the impact on the landscape and avoid the need for significant filling or excavation.

5.4. Natural Heritage Designations

The closest Natura 2000 sites to the appeal location are the River Moy SAC (site code: 002298), approx. 2.6km north of the site and 4km to the east; Lough Hoe Bog SAC (000633), approx. 3.4km to the southeast; and Ox Mountains Bogs SAC (002006), approx. 7km to the northeast.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal is summarised as follow.

- The applicant cannot demonstrate adequate sightlines. No longitudinal section of the sightlines has been provided. In accordance with Mayo Development Plan 2014-2020, table 3, 120m sightlines are required in both directions and the applicant is proposing 70m in a south westerly direction.
- The proposal would result in a traffic hazard. Any sight lines are crossing the appellant's property and are unachievable.
- The issue of sight lines was not correctly considered in the area engineer's report and was not a reasonable report upon which a planner can have made a sound decision.
- The engineers report notes that the sightlines pass through an obstruction, but no change to the entrance was proposed.

6.2. Applicant Response

The applicant's response is summarised as follows:

- There is a 70m clear sightline from the proposed entrance to the centre of the public road. The sightline is taken from a point 17.2m from the existing dwelling house entrance and 3m from the road edge. The appellant has assessed the sightline based on the incorrect location of the entrance, which is shown to be 10m from the existing house entrance, but which is proposed to be 17.2m from the house on the application drawings. An existing pier is to be removed and so the proposed dwelling can be clearly seen.
- The public road is a narrow local road with a sharp bend to the southwest of the proposed dwelling. The practical speed at this location is 50 km/hr and the required visibility is therefore 70m in accordance with section 16.3.1 and table 3 of the development plan.
- A longitudinal section of the sightline was submitted to Mayo County Council as part of the clarification of the further information response and is attached.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Rural Housing Policy

- Location and Visual Impact
- Sightlines
- Wastewater Treatment System

Rural Housing Policy

- 7.2. Under the Mayo County Development Plan 2014-2020, section 2.3.1, the site is located in an area identified as a Structurally Weak Rural Area, where permanent residential development (urban and rural generated) will be accommodated, in particular special consideration will be given to the provision of housing in rural areas that have sustained population loss since 1951, subject to good planning practice.
- 7.3. National policy guidance recommends a development plan should illustrate the broad categories of circumstances that would lead the planning authority to conclude that a particular proposal for development is intended to meet rural generated housing need, including suggestions such as identification of persons who are an intrinsic part the rural community or persons working full time or part time in rural areas. In accordance with Mayo County development plan policy, the applicant does not have to demonstrate any specific rural housing need to construct a dwelling at this location, therefore the applicant complies with local development plan policy.
- 7.4. From an examination of SAPS data, the area does not appear to have experienced sustained population loss since 1951.
- 7.5. I note the site is approx. 6km southeast of Ballina, and while not identified on the map as being within the rural area under pressure from this settlement, I have concerns in relation to the site's proximity and potential impact on Ballina, which is identified in the development plan as a linked hub with Castlebar. It is a key element of the core strategy and settlement strategy to focus growth into the linked hub and key towns. Ballina has excess zoned land to cater for residential development, as per the development plan, and there is a focus on consolidating its growth. The proposal would by itself and by the precedence it would set, in strategic terms, undermine the current development plan objectives for the consolidation of the town of Ballina, as per policy P-01 of the Mayo County Development Plan and also the sustainable development of the rural area.

- 7.6. I furthermore have serious reservations about the need for a rural dwelling at this unserviced location, which would in my opinion result in the increasing pattern of suburbanisation of this rural area where there are already a number of rural dwellings. The proposed additional dwelling would lead to increased trip generation and private car usage and increased demands for the provision of further public services and community facilities where none are proposed.

Location and Visual Impact

- 7.7. With regard to its visual impact, the proposed dwelling is located on elevated and sloping ground, with the finished ground level indicated to be 100.65mOD, reduced in part from an existing ground level of 101.5m/102mOD along the western boundary and filled toward the roadside to improve the gradient. It is contrary to the advice contained within the Mayo Rural Housing Design Guidelines to locate a dwelling at the high point of a site, which appears to be the case in this instance. I note the land to the west and south is also undulating with limited visibility from these perspectives of the proposed dwelling, however, the land to the east and northeast is at a significantly lower level, rising up toward the main road further to the east. While the dwelling has been reduced in height by way of further information to the planning authority, I consider the construction of a dwelling on this higher landscape would be visually obtrusive, particularly when viewed from the east.
- 7.8. To facilitate access to the site and improved sightlines, it is proposed to remove a stone wall and hedgerow along the frontage of the site with the boundary and entrance set back. The boundary to be altered (including the existing agricultural entrance) is approx. 45m in length. This is a significant loss of a traditional boundary which will have a negative visual impact and is contrary to the advice contained within the Mayo Rural Housing Design Guidelines, whereby traditional boundaries should be maintained.

Sightlines

- 7.9. The third party raises concerns in relation to the lack of sightlines, given the location of this entrance on a road with poor vertical and horizontal alignment. The third party contends the entrance was not properly considered and no assessment from the area engineer was sought following the receipt of further information in relation to this issue.

- 7.10. The applicant indicates the location of the entrance as measured by the third party is inaccurate and the entrance is located further east along the road frontage, therefore the sightlines can be met.
- 7.11. I note a condition of the planning authority requires the existing boundary along the whole site frontage to be removed and replaced with a new wall, which shall be at least 3m from the roadside edge and a maximum of 1.2m high. While the setback required to achieve the sightlines may be achievable, I have nonetheless concerns in relation to the overall visual impact of such a setback on this rural landscape, as well as the limitations of this narrow rural road to accommodate increased traffic movements.

Wastewater Treatment System

- 7.12. The GSI maps and site characterisation form indicate the site is over a regionally important aquifer, with groundwater vulnerability classified as moderate. In accordance with the EPA CoP, this indicates a vulnerability rating of R1, whereby an on-site treatment system is acceptable subject to normal good practice.
- 7.13. From site inspection I noted the ground was elevated from the road on the western half of the site, where the dwelling and wastewater treatment system and percolation area is proposed, and was dry underfoot. There is a significant slope to the east of the site to a low point where water is frequently ponded.
- 7.14. The trial hole depth was 2.1m. The soil type comprises a silty coarse sand with numerous small to large cobbles. It is stated within the documents that no ground water was found.
- 7.15. A T-test result of 7.36 min/25mm is indicated. The CoP states that a figure between 3 and 50 indicates the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater. A P test was not undertaken.
- 7.16. The site characterisation form states the site is technically suitable for a conventional septic tank system, however the sloping nature of the site would present difficulties with regard to the construction of a percolation area. It is therefore proposed to utilise a mechanical aeration type system, which would result in a reduction of the footprint of the disposal area.

7.17. The area of the site where ponding occurs is at a lower level to the proposed dwelling and associated percolation area. Having regard to the ground condition, it is not considered likely that the proposed development would result in environmental pollution on the site or that it would result in a deterioration in the quality of surface or groundwater.

Appropriate Assessment

7.18. The River Moy SAC (site code: 002298) is approximately 2.6km north of the site and 4km to the east. Lough Hoe Bog SAC (000633) is approx. 3.4km to the southeast and Ox Mountains Bogs SAC (002006) is approx. 7km to the northeast. There is no direct source/pathway receptor route between the appeal site and the Natura 2000 sites in the area. The primary potential link would be by way of the groundwater.

7.19. The wastewater treatment system is to comprise a conventional septic tank system and indications are that ground conditions on site are suitable for effluent disposal, subject to the use of a mechanical aeration system for the percolation area, given difficulties presented by the sloping nature of the ground.

7.20. Having regard to the nature of the development and the separation distance to any European site, 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.

Environmental Impact Assessment

7.21. Having regard to the minor nature and scale of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. It is recommended that permission be refused.

9.0 Reasons and Considerations

1. The site is located in a Structurally Weak Rural Area, as set out in the Mayo County Development Plan 2014-2020, however, given the proximity of the proposed development in this rural area to the linked hub town of Ballina, the proposal would contravene policy P-01 and P-02 of Mayo County Development Plan 2014-2020 and undermine the settlement strategy for the county. Furthermore, the proposed development, taken in conjunction with existing development in the area, would militate against the preservation of the rural environment, and the efficient provision of public services and infrastructure, contrary to policy P-06 of the Mayo County Development Plan 2014-2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development of this rural dwelling on elevated ground and the removal of the existing boundary would contribute to the encroachment of random rural development in the area, would form a discordant and obtrusive feature on the landscape and would, therefore, be seriously injurious to the amenities of the area and contrary to the proper planning and sustainable development of the area.
3. The site is located on a narrow local road where adequate sightlines cannot be achieved without the removal of an existing boundary hedgerow and stone wall. It is therefore considered that the proposed development would endanger public safety by reason of traffic hazard arising from the additional traffic movements that would be generated on this substandard road, and, if sightlines were to be improved by the removal of the front boundary, would seriously injure the visual amenities of the area, in the light of the removal of the boundary and the elevated location of the proposed dwelling. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

19th December 2018