



An
Bord
Pleanála

Inspector's Report ABP-303743-19

Development	Retain House
Location	Formoyle, Louisburgh, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18932
Applicant(s)	Patricia Duffy.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary Collins.
Observer(s)	None.
Date of Site Inspection	29 th April 2019
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located c. 2.8 km south of Louisburgh village within an area identified within the Mayo Landscape appraisal as the South-West Coastal Basin. The site is in an elevated position to the east of the R378 where there is limited tree cover and views are afforded over the west Connacht coast line. The lands slope upwards in an easterly direction and existing dwellings can be seen from the R378. The surrounding area is sparsely populated with a limited number of modest bungalows present along the local road.
- 1.2. Development has commenced on the site in the form of foundations and rising walls. There is a mobile home and a caravan present on the site and the excavated soil from the foundations appears to be stockpiled within the middle of the site and screens the existing caravan from the public road.

2.0 Proposed Development

- 2.1. The proposed development consists of the retention of existing foundations and the completion of the construction of a dwelling.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission for the proposed development subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

One observation was received from a neighbouring property, the issues raised are as those raised within the grounds of appeal.

4.0 Planning History

P12/263 – Permission was granted for the construction of a dwelling and an on-site waste water treatment system.

5.0 Policy and Context

5.1. Development Plan

Mayo County Development Plan 2014-2020

The appeal site is located within a 'Structurally Weak Area', as defined within the Mayo County Development Plan 2014-2020.

Section 1. The Core Strategy & Settlement Strategy

Manage development outside the Linked Hub and Key Towns in a way that ensures the viability of rural communities but does not give rise to long-term problems such as climate change and water quality;

- 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.
- 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.

- TV-01 It is an objective of the Council to promote appropriate development and appropriate growth in other towns and all rural areas in an effort to ensure ongoing rural sustainability. Any new development shall respect the scale and character of the existing settlement.
- P-04 It is the policy of the Council to promote and facilitate the growth and sustainable development of the towns of Béal an Mhuirthead (Belmullet), Ballinrobe, Ballyhaunis, Claremorris, Charlestown, Killala, Kiltimagh, Knock, Louisburgh, Newport and Swinford in their role as Key Towns, towards achieving the population targets set out in the Core Strategy, with an appropriate range of social and physical infrastructure, facilities and services, including retail and commercial and enterprise development to serve the inhabitants of the towns and their rural hinterlands. In this regard, the Council will utilise all available tools and mechanisms, including the Vacant Site Levy (in accordance with the Urban Regeneration and Housing Act 2015) in order to facilitate and encourage appropriate development of vacant sites on lands identified as "Regeneration lands" and "Residential lands" on the maps titled "Residential & Regeneration Lands" which accompany each Area Plan.

Louisburgh Area Plan

The population of the town increased from 314 in 2006 to 422 in 2011, an increase of 34%. Future population growth targets, as set out in the Core Strategy of this plan, indicate a growth of up to 57 persons from 2011-2020 which equates to 26 households. Currently 54 housing units (excluding holiday homes) are vacant, indicating that there is an **ample supply of housing stock in Louisburgh to serve future population growth** within the timeframe of this plan and beyond. Therefore, the focus should be on encouraging population growth, service provision and attracting investment into the town.

Landscape Appraisal of County Mayo

- Site is located in the South West Coastal Basin.
- The site is also located within Policy Area 2: Lowland Coastal Zone.
- Section 1.1 Capacity to absorb development.
- Section 1.2 Disproportionate Visual Impacts.

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.

National Planning Framework – Project Ireland 2040

It is recognised within the NPF that there is a continuing need for housing provision for people to live and work in Ireland's countryside.

A more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile rural communities and in overall terms, will need to be related to the viability of smaller towns and rural settlements.

Policy Objective 19: 'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

5.2. Natural Heritage Designations

5.3. The West Connacht Coast SAC is located c. 3.4 km north west of the appeal site, the Lough Cahasy, Lough Baun and Roonah Lough SAC is located c. 3.6 km to the west of the appeal site, the Cross Lough (Killadoon) SAC is located c. 6.5 km to the south west of the site and the Mweelrea/Sheeffry/Erriff Complex SAC is located c. 2.8 metres to the south of the appeal site.

5.4. EIA Screening

5.5. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal has been submitted by Mary Collis who currently owns the property to the west of the appeal site. The issues raised within the grounds of appeal can be summarised as follows:

- Proposed development is not similar to that previously permitted under P12/263.
- Proposed building line of dwelling will be forward of appellants dwelling.
- Proposed dwelling will interfere with view from a feature window of the appellants house.
- Floor level will be 1.20 metres above appellants.
- It is not possible to confirm distance of proposed dwelling from boundaries.
- Applicant cleared site in 2013 and commenced foundations in 2018.
- It is unclear whether foundations are for previous house layout or proposed.
- Cars parked to front and side of proposed house will be in appellants eyeline from her dwelling which would significantly deteriorate the residential amenity.
- Overlooking.
- Retention should be applied for.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

7.0 Assessment

7.1. The proposed development consists of a residential dwelling within a rural settlement in an area defined as Structurally Weak within the Mayo County Development Plan 2014-2020. Whilst the principle of this development has been established under the original planning permission for the dwelling (ref: P12/263) this permission has expired and preceded the adoption of the National Planning Framework and the adoption of the Mayo County Development Plan 2014-2020. For this reason, I consider that in addition to the issues raised within the grounds of appeal, compliance with the rural housing policy and the visual impact of the development must also be considered. The issues under consideration before the board are as follows:

- Rural housing policy.
- Visual Impact.
- Loss of view & location of dwelling.
- Appropriate Assessment

Rural housing policy

7.2. As mentioned above the appeal site is located within a structurally weak area as defined within the Mayo County Development Plan 2014-2020, c.2.8km south of Louisburgh town. Rural housing is permissible in principle in such areas, provided it does not impact negatively upon the viability of rural communities and does not give rise to long-term problems such as climate change.

7.3. It is recognised within the NPF that there is a continuing need for housing provision for people to live and work in Ireland's countryside. A more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile rural communities. One-off housing will, however, be required to be considered within the context of the viability of smaller towns and rural settlements.

7.4. Whilst I acknowledge that the site is located in an area whereby the restrictions on the development of rural housing is limited, the impact of such development on the vitality and viability of rural towns cannot go un-mentioned. Louisburgh is a small rural town with a population of 450 persons as per census 2016. The Area Plan for

Louisburgh which is contained within the Mayo County Development Plan 2014-2020 states that there were 54 vacant units within the town at the time of writing. It is of note that this number excludes holiday homes. This level of vacancy in such a small settlement is significant. Unemployment levels are significantly higher than the national average at 23% and based on the information provided within the Mayo County Development Plan, Louisburgh is undoubtedly a rural town in need of regeneration and revitalisation. The permission of one-off housing in close proximity to this town will do little to assist the regeneration of this settlement and I consider, it will only serve to exacerbate the decline of the town.

- 7.5. The applicant has failed to submit any justification for a dwelling at this location. I note that the applicant has indicated the location of the family home to the north east of the site. However having regard to the foregoing, the location of the family home is not a sufficient justification for a one off dwelling. I therefore consider that the proposed development would be contrary to both the provisions of the Mayo County Development Plan and the NPF in that it will provide of a development which will do little to improve the viability or vitality of Louisburgh.
- 7.6. I further note that the proposed development will be heavily dependent on the private car which would hamper Irelands attempts to move toward a low carbon economy and would only serve to exacerbate long term problems such as climate change.
- 7.7. Overall, I consider the development of a one-off dwelling in this rural un-serviced site in such close proximity to a town in need of regeneration and revitalisation to be unacceptable and contrary to the proper planning and sustainable development of the area.

Visual Amenity

- 7.8. As aforementioned the site is located in a rural area within an area identified as the South West Coastal Basin within the Landscape Appraisal for County Mayo. It is a requirement of the Mayo County Development Plan 2014-2020 under Section 7.1.9, for new development within rural areas of a particular character to be accompanied by a Visual Impact Statement. Applicants must also refer to the Landscape Appraisal for County Mayo within their application. No such document has been submitted with the application.

- 7.9. The site is located in policy area 2 of the landscape appraisal which is designated as the lowland coastal area which is identified as having significantly different landscape attributes, sensitivities and robustness. Upland areas within this landscape are classified as having an extremely low capacity to absorb new development without causing disproportionate visual impacts.
- 7.10. The appeal site is located to the east of the R378 in an elevated position with uninterrupted views to the Connacht coastline. Existing dwellings adjacent to the appeal site can be seen from the R378. Whilst I note that the applicant is proposing a modest 2-bedroom single storey dwelling I consider that by virtue of the elevated nature of the site there is limited capacity to absorb the development. Additional dwellings along this route will be clearly seen from the surrounding landscape. I therefore consider that based on the information provided and the location of the site in an exposed upland position the proposal would be visually obtrusive and would have a negative impact upon the visual amenity of the surrounding rural landscape. The proposal would therefore be contrary to the provisions of the Mayo County Development Plan 2014-2020 and objective 19 of the National Planning Framework.

Loss of view & location of dwelling.

- 7.11. It is contended by the appellant that the location of the proposed building will be forward of her dwelling and will result in a loss of views from the appellants dwelling. The appellant also raised concerns that she would be able to view cars within the appeal site.
- 7.12. The appellants dwelling is located in excess of 20 metres from the proposed dwelling. Views to the coast from the appellants dwelling will be largely uninterrupted by the proposed dwelling. The interruption of a view from a side window is not a valid reason to refuse an application nor is the presence of residents' vehicles within their own site. I do not consider the issues raised by the appellant in this regard to be of such significance as to warrant a refusal.
- 7.13. I further note that the appellants concerns in relation to the foundations and whether these are the footprint of the revised dwelling. This is of no relevance to the assessment of the appeal, as any permission would only permit the development as submitted with the appeal.

- 7.14. The appellant also raises concerns in relation to the finished floor level and the impact this will have on the outlook from her property. I do not consider c. 1 metre difference in levels with a separation distance in excess of 20 metres to be significant. Concerns were also raised in relation to the positioning of the proposed dwelling forward of the appellants dwelling. The location of the single storey dwelling forward of the appellant's property is marginal and would not prohibit views from the appellants dwelling. I do not consider the view of parked cars within the applicant's site to impact the appellants visual amenity to such a degree as to warrant a result on this basis.
- 7.15. Overall, I do not consider that the proposed development would impact the appellants enjoyment of her property to such a degree as to warrant a refusal on the basis of the foregoing.

Appropriate Assessment

- 7.16. Having regard to the minor 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.

Conclusion

- 7.17. Having regard to the foregoing I consider that the proposed development would give rise to a development heavily reliant of the private car in an area removed from any urban centre where no justification has been given in relation to the need of the development. Furthermore, the proposal by virtue of its position in an elevated upland site where there is little in the way of vegetative screening would result in a visually obtrusive development within the landscape. The proposal would therefore be contrary to the provisions of both the Mayo County Development Plan 2014-2020 and the NPF.

8.0 Recommendation

- 8.1. I recommend that permission is refused for the following reasons:

9.0 Reasons and Considerations

The proposal would give rise to a residential development that is heavily reliant on the private car in a rural area removed from the Key town of Louisburgh where high residential vacancy rates have been recorded and the viability of the town has been identified as in need of regeneration. It is the policy of the Mayo County Development Plan 2014-2020 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, this is reasonable. Furthermore, the subject site is located in a rural area where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the proposed development would not negatively impact the viability of Louisburgh, furthermore the proposal by virtue of its siting in an elevated upland site where there is little in the way of vegetative screening would result in a visually obtrusive development within the landscape which would have a serious negative impact upon the visual amenities of the surrounding rural area. The proposal would therefore be contrary to both the provisions of the Mayo County Development Plan 2014-2020 and the overarching national policy as set out in the National Planning Framework and as such would be contrary to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

27th May 2019