



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304754-19

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<b>Development</b>	Construction of a house and garage.
<b>Location</b>	Mirehill, Caherlistrane, Co. Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	19/550
<b>Applicant(s)</b>	John Cox & Amy Trevethan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Alexander Peter Howe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25/09/2019
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of a narrow country lane that runs east from the N84 to the R333. The Mirehill rural area is approx. 2km east of the Galway / Mayo border and 3km north of Headford. The wider area is characterised by ribbon development on both sides of the road, all single storey or dormer bungalows. The landscape is flat, interspersed with low stone walls and agricultural lands.
- 1.1.2. The subject site is the western corner of a larger agricultural field, bound to the laneway and on the west by a low stone wall. The northern and eastern boundaries of the site are open to the field. An agricultural gateway lies in the south-western corner of the site.

## 2.0 Proposed Development

- 2.1.1. On the 11<sup>th</sup> April 2019, planning permission was sought for the construction of a two-storey dwelling house of 295sq.m. and a garage of 40sq.m. on a site of 0.3025ha. The application was accompanied by a site characterisation form and a letter of consent from the owner of the land.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 4<sup>th</sup> June 2019 the Planning Authority issued a notification of their intention to GRANT permission subject to 13 conditions. Conditions of note include:
- 2: dwelling design to be revised to reduce ridge height to 8m, rear balcony shall be omitted, first floor window serving mast bedroom shall be omitted.

### 3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** Sight lines are favourable. Site is suitable for drainage. Design of dwelling should be revised and landscaping should be required. Demonstration of housing need not required.
- 3.2.2. **Third Party Observations:** Two objections to the proposed development were submitted to the Planning Authority. The grounds of objection relate to the excessive nature of the proposed dwelling in an area characterised by bungalows and that the site is within the GTPS yet no evidence of housing need was submitted.

## 4.0 Planning History

4.1.1. None on the subject site.

## 5.0 Policy Context

### 5.1. National Planning Framework, (2018)

5.2. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements.

**National Policy Objective 15:** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.2.1. **National 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 under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- 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.

### 5.3. Sustainable Rural Housing Guidelines for Planning Authorities

5.3.1. The guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development. Among the policy aims identified for sustainable rural housing are;

- Ensuring that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.
- Managing pressure for overspill development from urban areas in the rural areas closest to the main cities and towns such as the gateways, hubs and other large towns.
- The planning authority should establish if the proposal is intended to meet a genuine rural housing need.

5.3.2. According to Map 1 Indicative Outline of NSS Rural Area Types the subject site is located in an area which is classified as being a **Structurally Weak Area**. The Guidelines state the key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas. In addition, policies will normally include references to:

- Identifying potential development areas such as crossroad type settlements or population decline blackspots where appropriately located and designed clustered development will be both encouraged and accommodated,
- Linkage to other policies aimed at enhancing development potential and availability of indigenous employment in weaker areas, for example by identifying potential for development of local enterprise, agri-tourism, waterway related development, tourist accommodation and renewable energy as some examples, and
- Monitoring the operation of settlement policies on an ongoing basis in structurally weak areas to avoid excessive levels of or inappropriately located development.

5.3.3. The Guidelines require that new houses in rural areas are sited and designed to integrate well with their physical surroundings and generally be compatible with:

- the protection of water quality in the arrangement made for onsite wastewater disposal facilities

- the provision of a safe means of access in relation to road and public safety and
- the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.

#### 5.4. Galway County Development Plan 2015 -2021

- 5.4.1. The subject site is located in an unzoned rural area which is designated in the development plan as being a Structurally Weaker Rural Area.
- 5.4.2. Section 2.6.7 of the development plan states that development in the un-serviced countryside requires careful management, in order to balance the need to revitalise and support communities, while ensuring the overall sustainable development of these areas.
- 5.4.3. **Objective SS8** refers to the Development of Rural Communities and states that Galway County Council shall recognise the important role of rural communities to the sustainable development of County Galway and shall ensure the careful management of development in these areas, having due regard to the relevant policies and objectives set out elsewhere in the plan.
- 5.4.4. Section 3.8.2 states the key objectives of the Council in structurally weak areas are
- To accommodate residential development proposals as they arise subject to satisfactory site suitability and technical considerations;
  - To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines);
  - To maintain and strengthen existing towns and villages and to direct urban generated housing demand into these areas;
  - To protect areas located in Landscape Category 3, 4 and 5.
- 5.4.5. **Objective RHO 2 - Rural Housing Zone 2** (Structurally Weak Area) states that it is an objective of the Council to facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards and Guidelines outlined in Chapter 13 and other applicable standards with the exception of those lands contained in Landscape Categories 3, 4 and 5 where objective RHO3 applies.

- 5.4.6. **Objective RHO 9 - Design Guidelines:** It is an objective of the Council to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following: a) It is an objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape; b) It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout; c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.
- 5.4.7. **Objective RHO 9 - Design Guidelines:** It is an objective of the Council to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following: a) It is an objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape; b) It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout; c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.
- 5.4.8. **DM Standard 20:** Sight Distances Required for Access onto National, Regional & Local Roads: Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. Where a new entrance onto a public road is proposed, the Planning Authority must consider traffic conditions and available sight lines. Road junction visibility requirements shall comply with Geometric Design of Major/Minor Priority Junctions and Vehicular Access to National Roads, Volume 6, Section 2, Part 6, NRA TD 41-42/11, November 2011 (including any updated/ superseding document).

## 5.5. **Natural Heritage Designations**

- 5.5.1. The subject site is located 2.4km from the Lough Corrib SAC (000297).

## 5.6. EIA Screening

- 5.6.1. Having regard to nature and scale of the development and the location of the site 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

- 6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission has been submitted by a neighbour of the subject site. The grounds of the appeal are summarised as follows:
- Most of the houses in the vicinity of the subject site are either single storey or 1.5 storey dormers.
  - The flat undulating countryside provides extensive views.
  - The lane is quite, with mostly agricultural traffic.
  - The proposed house is the size of three standard housing estate houses, with a width of 17.67m and a height of 8.97m – 9.27m above road level. The condition of the Planning Authority to reduce the house to 8m does not mitigate the bulkiness of the house.
  - The height is essentially 2.5 storeys.
  - The 40sq.m. garage is commercial in scale and raises questions as to its intended use.
  - The one-bedroom apartment of 50.4sq.m. projects forward oddly. The proposal is for two houses not one.
  - The proposed development is unsightly and excessive. It will dominate the landscape and set a precedent for future development.
  - There is no objection to a dwelling on the subject site, but one in keeping with the surrounding dwellings.

- Four new houses have been constructed on the road in the last three years. There are houses for sale, including one on the lane.
- The appeal is accompanied by a map indicating the storeys of the houses in the immediate area.

## 6.2. Applicant Response

6.2.1. None on file

## 6.3. Planning Authority Response

6.3.1. None on file.

## 7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Design

## 7.2. Principle of Development

7.2.1. The subject site is located in an area designated as being structurally weak. The applicants have not indicated their need for a dwelling in this area. The question of “need” for a dwelling is not removed from structurally weak areas – only the assessment of where the need generates from is removed. Applications do not require a statement of whether need is urban or rurally generated, but a need must still be demonstrated. It is not the intent of the development plan or any other policy document. The Sustainable Rural Housing Guidelines are clear that persons who are part of the rural community should be facilitated by the planning system, in all areas. For areas that experience substantial and persistent decline, the Guidelines provide that new development contributes by delivering social and economic benefits, but that these benefits are maximised where such development is located “as closely as conveniently possible to essential local services and community facilities”. As no



evidence of housing need and a need to live in this area has been presented, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines for a house at this location.

### **7.3. Design**

- 7.3.1. The proposed two storey dwelling has an overall height of 8.970m. As noted by the Planning Authority and the Planning Authority this is not in keeping with the pattern of single and dormer bungalows in the immediate area. I note Objective RHO9 of the development plan which requires that new dwellings respect the character, pattern and tradition of the existing area. The scale of the proposed dwelling is significantly in excess of that demonstrated in the immediate area. The flat wide landscape of the laneway is such that visibility is wide ranging. The proposed dwelling would not integrate smoothly, no matter what landscaping was proposed.
- 7.3.2. I note the provision of a single storey apartment / granny flat with own-door access to the side of the proposed dwelling. No details have been provided as to the proposed use of this additional dwelling, nor the impact it may have on the disposal of foul water.
- 7.3.3. It is considered that the proposed development would exacerbate the unsustainable pattern of ribbon development that has established on this rural laneway.

### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and small scale of the proposed development, it is considered that no appropriate assessment issues arise, and that the proposed development would not 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 recommended that the proposed development is refused for the reasons and considerations as set out below.

8.2.

## **9.0 Reasons and Considerations**

- 1 Having regard to the location of the site within a structurally weak area as identified in Sustainable Rural Housing Guidelines for Planning Authorities

issued by the Department of the Environment, Heritage and Local Government in April 2005 and having regard to the absence of a housing need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines for a house at this location. The proposed development, in the absence of any identified need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 3 It is considered that, by reason of its height and bulk, the proposed two-storey house would be visually obtrusive in this open rural area which is characterised by single-storey houses. The proposed house would, therefore, be contrary to the proper planning and sustainable development of the area.

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Gillian Kane  
Senior Planning Inspector

27 September 2019