



An
Bord
Pleanála

Inspector's Report ABP-305279-18

Development	Retention of previously approved dwelling House.
Location	Derrynabrock, Cloontia, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	19464
Applicant(s)	Annemarie Walker
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sean Forkin.
Observer(s)	None
Date of Site Inspection	5 th November.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Derrynabrock in County Mayo, proximate to the Roscommon border. The site is located in sparsely populated rural setting and is accessed by a narrow country road which is c. 4km north of the N5.
- 1.2. The dwellings located within the immediate vicinity of the appeal site consist of two single storey bungalows. The lands within the appeal site are relatively flat and are currently under grass. The site forms part of a larger field and there is a large agricultural shed to the rear. The site is open and can be clearly seen from the public road.
- 1.3. The predominant land use of the surrounding area is agriculture with a limited number of one-off dwellings interspersed within the landscape. The topography is smoothly contoured with gently sloping valleys where bog/moor type grasses are the predominant vegetation.

2.0 Proposed Development

- 2.1. Planning permission is being sought for the retention of the location and minor alterations to the design/layout of the existing dwelling which was permitted under planning application 99/577.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 3 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report was consistent with the decision of the local authority.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- One submission was received the issues raised related to complaints to GSOC and Mayo County Council.

4.0 Planning History

99/577 permission was granted for a dwelling, septic tank and associated works.

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

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.

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- The subject site is located within an area designated as being 'Rural Areas under Strong Urban Influence' within these Guidelines.
- Section 3.3.3 deals with 'Siting and Design'.

National Planning Framework – Project Ireland 2040

- 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

The nearest Natura 2000 sites to the site include the following:

River Moy SAC – c. 1km west of the appeal site.

Cloonakillinia Lough – c. 4km north west of site.

Flughany Bog SAC – c. 4.6km north of the site.

5.3. EIA Screening

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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 grounds of appeal have been submitted by Sean Forkin who is a previous resident of the dwelling. The issues raised can be summarised as follows:

- Underground water pump feeds cattle shed.
- Electricity from house feeds cattle shed.
- Septic tank is operating.
- Topsoil moved
- Sand under house
- Dampness in house.

Reference is made to personal legal proceedings which are not relevant to the assessment of this appeal.

7.0 Assessment

7.1. The site is located in a structurally weak area as identified within the Mayo County Development Plan 2014-2020. This is a third party appeal in relation to the retention of this dwelling at a revised location within the site to that previously approved under planning reference 99/577. Minor alterations were also carried out at the time of construction for which the applicant is seeking to obtain retention permission. The principle of this development is accepted subject to compliance with the provisions of the Mayo County Development Plan 2014-2020 in relation to siting and design. It is important to note at this juncture that the grounds of appeal are unclear, reference is made to the use of water and electricity supplied to the dwelling which currently supplies the cattle shed to the rear of the house no issues have been raised within the grounds of appeal in relation to the siting or design of the property.

7.2. Whilst the siting and design alterations are minor, I consider it relevant to mention these issues within the assessment in addition to the issue of water and electrical connections as raised within the grounds of appeal. It is important to note at the outset that this dwelling has the benefit of full planning permission and as such the principle of a rural dwelling at this location has been previously determined and as such is not for consideration under this appeal. The issues for consideration before the Board can therefore be summarised as follows:

- Location of dwelling.
- Alterations to dwelling
- Water & electricity supply to cattle shed.
- Appropriate Assessment

Location of dwelling.

7.3. It is proposed to retain the existing dwelling within the appeal site at a revised location. I note from the plans submitted that the dwelling has been set back from the road boundary by 20 metres which appears to be marginally different from that permitted under planning ref 99/577. There are no dwellings directly abutting the existing house on either side and as such the revised location of this single storey bungalow does not impact on the amenities of any residential property. Furthermore,

the appeal site is located in a rural setting whereby the topography of the land is relatively flat and as such creates no visual impact.

- 7.4. Having regard to the foregoing I consider the revised location of this dwelling to be acceptable.

Alterations to dwelling

- 7.5. Within the revised construction drawings, I note that there is currently a door from bedroom no. 2 out to the rear garden where within the original plans there was none. The configuration of the kitchen/dining area is slightly altered and a larger utility room has been provided for. These alterations are minor in nature and do not significantly alter the character of the dwelling as originally permitted. I consider the design and layout of the proposed dwelling as constructed to be acceptable.

Water & electricity supply to cattle shed

- 7.6. I note from the grounds of appeal that the appellant raises a concern regarding the supply of water and electricity to the cattle shed. This shed has not been identified within the grounds of appeal in terms of location. However, I noted at the time of site inspection that there was a large agricultural building to the rear of the dwelling. The supply of such services to an agricultural building is not a matter that the Board can adjudicate on and the agreement as to whether this situation continues or is altered is a civil matter between the appellant and the applicant.

Appropriate Assessment

- 7.7. 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.

8.0 Recommendation

- 8.1. I recommend that the application is granted for the following reason.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Mayo County Development Plan 2014-2020, the existing pattern of development in the area, and the nature and scale of the

proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars 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. All relevant conditions relating to P99/577 shall continue to apply.

Reason: In the interest of orderly development.

3. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

Sarah Lynch
Planning Inspector

25th November 2019

