



An
Bord
Pleanála

Inspector's Report 305522-19

Development	2-storey dwelling house, septic tank/effluent treatment unit & percolation/polishing bed, with all associated site works.
Location	Callacoon, Louisburgh, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	19/16
Applicant(s)	Ray Lyons
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Fiona & Denis Butler Patrick McCann & Annette Duffy - McCann
Observer(s)	None
Date of Site Inspection	4 th December 2019
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.333 ha and is located in the townland of Callacoon, approximately 1.6 km south of Louisburgh, Co. Mayo. It is accessed from Louisburgh via regional road R378 and directly via a local road which is substandard in nature.
- 1.2. The boundaries are characterised by irregular mature planting and scrub vegetation. The site slopes downwards in a northerly direction and is exposed in views from the north. Clearance and levelling works having taken place on the central and southern portions.
- 1.3. The site access is a shared entrance with the neighbouring dwelling to the west, a traditional part-dormer, part single-storey cottage. The entrance is set-back from the local road, with the roadside boundary comprising a stone wall, hedge planting and an agricultural entrance gate.
- 1.4. The neighbouring site to the east is elevated above the application site and accommodates a detached dormer bungalow and a detached garage structure.

2.0 Proposed Development

- 2.1. The proposed development comprises a two-storey dwelling house, septic tank/effluent treatment unit and percolation/polishing bed, together with all associated site works.
- 2.2. The building footprint as originally proposed was orientated in a north-west/south-east direction, being off-set from the front building line of the neighbouring dwellings. The building had a finished floor level of 77.85 m and a ridge height of 84.51 m.
- 2.3. The applicant's response to the Further Information Request as submitted to Mayo County Council on 4th July 2019 was deemed to be significant. An increased building height of 2.5 m was proposed on foot of a revised site survey, resulting in a new ground level of 80.15 m and a ridge level of 87 m.
- 2.4. The proposed development has been further amended by way of the first party appeal response. This includes the reorientation of the building such that the front building line reflects that of the neighbouring dwellings. The building has also been

repositioned centrally within the site. The finished floor level has been reduced to 79.7 m, with a new ridge height of 86.55 m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Planning Permission subject to 12 no. conditions issued on 5th September 2019.
- 3.1.2. Condition no. 4 requires the finished floor level to be at 80.15 m as per the applicant's Further Information response. Condition no. 11 restricts the occupancy of the dwelling to the applicant, members of the applicant's family or heirs for a period of 5 years.
- 3.1.3. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports (7th March 2019 and 27th August 2019)

3.2.2. A Request for Further Information issued on 12th March 2019 in relation to 5 no. items as follows:

- A requirement to demonstrate a genuine rural-generated housing need based on the applicant's roots in, or link to, the rural area and their compliance with one of the categories of housing need of Section 2.3.1 of the Mayo County Development Plan 2014-2020, including the submission of up to date land registry maps and folios for all land in the family ownership;
- Revised site layout plans relocating the dwelling on site in the exact location as granted under PA Reg. Ref. P07/234;
- The origin of the materials deposited on the site;
- Clarification of the applicant's right of way over the shared driveway with the adjoining property to the west;
- Revised site levels and cross sections relative to the neighbouring house to the east.

3.2.3. Following the assessment of the applicant's response to the Request for Further Information, a grant of permission subject to conditions was recommended as per the Notification of the Decision to Grant Permission.

3.3. **Other Technical Reports**

3.3.1. None received.

3.4. **Prescribed Bodies**

3.5. None.

3.6. **Third Party Observations**

3.6.1. 1 no. third party observation was received from Mr. & Mrs. McCann of Callacoon, Louisburgh, Co. Mayo (third party appellant). The observer's property is located to the east of the application site.

3.6.2. The issues raised relate to the accuracy of the site levels on the planning application drawings, the breaking of the established building line and the need for additional screen planting to the site boundaries.

3.6.3. Mr. & Mrs. McCann lodged a further submission in relation to the applicant's Significant Further Information Response. The observers submit that a two-storey dwelling would not be in keeping with the existing development at this location and that the relative levels of the development should be maintained as granted under PA Reg. Ref. P07/234.

3.6.4. Fiona and Dennis Butler, Callacoon Cottage, Louisburgh, Co. Mayo (third party appellant) lodged a submission in relation to the Significant Further Information Response. The observer's property is located to the west of the application site.

3.6.5. The issues raised relate to the height of the development and its orientation within the application site. Clarification is requested regarding whether any alterations are proposed to their shared vehicular entrance with the application site.

4.0 **Planning History**

4.1. **PA Reg. Ref. P07/234:** Planning permission granted on 14th June 2007 for a two-storey dwelling house, mechanical aeration system and polishing filter and all associated site development works.

5.0 Policy and Context

5.1. National Planning Framework (NPF)

5.1.1. In planning for the development of the countryside, the NPF acknowledges that there is a need to differentiate between demand for housing in areas under urban influence and elsewhere, as per the following objective:

5.1.2. **National 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.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.2.1. The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) **rural areas under strong urban influence** (close to large cities and towns, rapidly rising population, pressure for housing and infrastructure); (ii) **stronger rural areas** (stable population levels within a well-developed town and village structure and in the wider rural area; strong agricultural economic base and relatively low level of individual housing development activity); (iii) **structurally weaker rural areas** (persistent and significant population decline and weaker economic structure); and, (iv) **areas with clustered settlement patterns** (generally associated with counties of the western seaboard).

5.2.2. Development Plans must tailor policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.

5.3. Mayo County Development Plan 2014-2020 (including Louisburgh Area Plan)

5.3.1. The site is located within a 'Rural Area under Strong Urban Influence' as confirmed with reference to map 3 of the development plan. In such areas, applicants shall satisfy the planning authority that their proposal constitutes a genuine rural-generated housing need and must demonstrate compliance with one of the following categories:

- Persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives living (at least 5 years) in the rural area in which they propose to build a home;
- Persons working full-time or part-time in the rural area in which they propose to build their first house; and,
- Persons who exceptional health circumstances require them to live in a particular environment or close to family support.

5.3.2. Where permission has been granted for a rural housing proposal based on an applicant's links to an area, an occupancy condition (5 years) shall normally be imposed under Section 47 of the Planning and Development Act 2000.

Housing Policies

5.3.3. **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 the development plan.

5.3.4. **HG-02:** It is an objective of the Council to maximise the use of the existing housing stock throughout the County by exploring the viability of utilising existing vacant housing stock as an alternative to new build.

5.3.5. **HG04:** It is an objective of the Council to minimise ribbon development, with the exception of infill development, due to adverse impacts arising from this pattern of

development relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

- 5.3.6. **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), Map1 Core Strategy Conceptual Map and the Development Guidance document of the development plan.
- 5.3.7. **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). Consideration will be given to minor deviations from these guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in the area.

Landscape Appraisal

- 5.3.8. The Landscape Appraisal of County Mayo confirms the subject site is located in the South-West Coastal Basin (critical landscape factors include prominent ridge lines, smooth terrain, low vegetation) and Policy Area 2 – Lowland Coastal Zone. The development of rural dwellings in this policy area has low – medium potential for adverse impacts on the existing landscape character.
- 5.3.9. Section 7.1.9 (volume 2) of the development plan confirms that, where a proposal includes a new building in an existing landscape of a particular character, a Visual Impact Statement, consisting of photomontages or other visual aids showing how the development integrates into the landscape, shall be submitted with the planning application. Reference shall also be made to the Landscape Appraisal for Co. Mayo.

Louisburgh Area Plan

- 5.3.10. Louisburgh is identified as a Key Town under the development plan, and as such, forms part of the second tier of settlements within the county hierarchy, below the Linked Hub of Castlebar and Ballina.
- 5.3.11. Future population growth targets for the town, as set out in the Core Strategy of the Development Plan, indicate a growth of up to 57 persons between 2011-2020, equating to 26 households. A total of 54 housing units (excluding holiday homes) were noted to be vacant, indicating an ample supply of housing stock to serve future population growth within the timeframe of the plan and beyond. Therefore, the focus

should be on encouraging population growth, service provision and attracting investment into the town.

5.4. Natural Heritage Designations

5.4.1. None.

5.5. EIA Screening

5.5.1. Having regard to the nature and scale of the proposed development, comprising 1 no. residential dwelling, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. Two third party appeals have been lodged from (i) Fiona and Denis Butler, Callacoon, Louisburgh, Co. Mayo whose property adjoins the application site to the west and (ii) John Lambe Architectural & Engineering Services Ltd. on behalf of Annette Duffy-McCann and Patrick McCann, Callacoon, Louisburgh, Co. Mayo, whose property adjoins the application site to the east. The grounds of appeal can be summarised as follows:

- The site layout does not reflect that granted under Planning Reg. Ref. P07/234 as per the Further Information Request of Mayo County Council. This request has been ignored by the applicant and Mayo County Council;
- The proposed development does not reflect the long-established pattern of development at this location, with houses laid out parallel to the road. The house is set at an awkward angle, with the front of the dwelling facing towards the front garden of the neighbouring dwelling to the east, which will be obtrusive and result in a loss of privacy and the devaluation of this property;

- The proposed two-storey house type is overpowering compared with the existing developments at this location, which comprise bungalows and dormer bungalows;
- The slope of the subject site and the layout, orientation and fenestration of the proposed development, will provide an unacceptable level of overlooking of the neighbouring cottage to the west, impacting on its privacy and depreciating its value;
- The established building line will be compromised by the orientation and two-storey nature of the dwelling, which would set an undesirable precedent for future developments and seriously damage the character of this rural area;
- The proposed development will overshadow the neighbouring dwelling to the west and would be overbearing in views from adjoining dwellings;
- Both appellants submit that they are not opposed to the principle of the development, with the concerns raised generally relating to the orientation of the dwelling with respect to their properties.

6.2. Applicant Response

6.2.1. A response to the appeals was lodged by Axo Architects on behalf of the applicant on 29th October 2019, which can be summarised as follows:

- An initial site survey was carried out in advance of application lodgement which did not accurately reflect the site levels. A more extensive survey was subsequently carried out, which resulted in the height of the dwelling being raised above that originally shown;
- It is acknowledged that the dwelling is not in line with others in the immediate vicinity, with the traditional pattern of houses in rural Ireland noted to be sporadic rather than linear.
- Notwithstanding the foregoing, the layout of the dwelling has been amended so that it is consistent with the building line of the neighbouring dwellings, thus avoiding potential overlooking. The dwelling has been lowered, with the finished floor level reduced from 80.15 datum to 79.70 datum, and has been

moved further from the appellants house to assist with privacy, with no opposing bedroom windows proposed;

- While the house is two-storeys in height, it is approximately the same height as the appellant's house, from finished floor level to finished roof level;
- Traditional forms and proportions have been used in the building design, with the round roof being synonymous with rural built forms and thus wholly suitable in this rural area.

6.3. Planning Authority Response

6.3.1. None received.

6.4. Observations

6.4.1. None received.

6.5. Further Responses

6.5.1. Further responses were received from John Lambe Architectural & Engineering Services Ltd. on behalf of Annette Duffy-McCann and Patrick McCann on 27th November 2019 and from Fiona and Denis Butler on 28th November 2019.

6.5.2. The appellants reiterate that they do not object to the construction of a dwelling house on the subject site. The appellants further submit that the revised proposals do not address their earlier concerns as summarised in section 6.1.1 of this report.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Housing need
- Building height and orientation
- Overlooking, overshadowing and overbearing impacts
- Appropriate assessment

7.2. Each of these issues is addressed in turn below.

7.3. Housing Need

- 7.3.1. The site is located within a Rural Area Under Strong Urban Influence. On foot of this designation, item no. 1 of Mayo County Council's Further Information Request required the applicant to demonstrate their genuine rural-generated housing need to live in this area. In response, the applicant has indicated that they grew up within 5km of the subject site.
- 7.3.2. Section 2.3.1.1 (volume 2) of the development plan confirms that people who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives living in the rural area, includes:
- (i) farmers, their sons and daughters, a favourite niece/nephew and/or any persons taking over ownership and running of a farm, who wish to build on the family farm holding (of at least 4 ha);
 - (ii) sons and daughters of non-farming persons who have spent a substantial period of their lives (i.e. at least 5 years) living in the rural area on which they propose to build and wish to build a home near their family place of residence (i.e. within 5km in any direction of family residence);
 - (iii) returning emigrants who spent a substantial period of their lives living in the rural area in which they propose to build, who now wish to return to reside near (i.e. within 5km) other immediate family members, to care for elderly immediate family members, to work locally, or to retire.
- 7.3.3. It is considered that the applicant has submitted insufficient supporting evidence to demonstrate their compliance with category (ii) above. While an aerial image has been provided in response to the Further Information Request which indicates that the applicant grew up 4.83km to the north-west of the subject site, no further documentary or supporting evidence has been provided. The applicant has not confirmed that they lived in the identified location for a period of at least 5 years and they have not confirmed that this location continues to be their family place of residence.
- 7.3.4. In providing for rural housing in rural areas under urban influence, National Objective 19 of the National Planning Framework confirms that the provision of single housing in the countryside should be facilitated 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, having regard to the viability of smaller towns and settlements.

- 7.3.5. In considering the foregoing, I note that the Louisburgh Area Plan confirms that 54 housing units were vacant within the town at the time the plan was prepared, demonstrating an ample supply of housing stock to serve future population growth within the timeframe of the plan and beyond.
- 7.3.6. Thus, it is considered that the applicant has provided insufficient evidence of a demonstrable economic or social need to live in this Rural Area Under Strong Urban Influence. It is further considered that development such as this may be more appropriately directed to the town of Louisburgh as a Key Town within the settlement hierarchy of the county, which was noted to have sufficient housing stock to cater for growth to 2020 and beyond, and in relation to which, the development plan confirms the focus should be on encouraging population growth, service provision and new investment.

7.4. Building height and orientation

- 7.4.1. The appellants submit that the front building line does not reflect the long-established pattern of development at this location, with the existing houses being laid out parallel to the road. The appellants further submit that the two-storey height of the development is excessive.
- 7.4.2. The applicant's appeal response as submitted to An Bord Pleanála on 29th October 2019, includes a revised site plan (Drawing No. P (01) 05 Rev. B) with an amended building footprint. The front building line of the proposed dwelling is now parallel to the local road, in line with the neighbouring dwellings to the east and west. Both appellants submit that the revised proposals do not address their earlier concerns as summarised in section 6.1.1 of this report above. In my opinion, the revised building footprint comprises a preferable arrangement to that originally proposed and would be more sympathetic to the established pattern of development along the local road.
- 7.4.3. The proposed development is two-storeys in height, and as such, does not directly reflect the height of the cottage to the west and the dormer bungalow to the east. However, it is noted that the site levels increase in an easterly direction across these three sites, with a resulting stepped increase in building heights. Having regard to the foregoing, it is considered that a dwelling of two-storeys in height would be

acceptable on the subject site and would have no significant negative impact on the character of the neighbouring dwellings.

7.5. Overlooking, Overshadowing and Overbearing Impacts

7.5.1. In considering the impact of the development (as amended) on the neighbouring properties to the east and west, it is noted that a living room window is proposed at the ground floor level of the western elevation, with a study room window proposed at the ground floor level of the eastern elevation. No windows are proposed to either elevation at the first-floor level. A separation distance of 12.2 m would arise to the dwelling to the west and of 14.8 m to the dwelling to the east.

7.5.2. In my opinion, no significant overlooking impacts would arise to either neighbouring property given the separation distances which would arise and the absence of first-floor windows to the eastern and western elevations. It is also considered that no significant overshadowing or overbearing impacts would arise. Given the fragmented nature of the existing planting to the site boundaries, additional screen planting to all boundaries would be appropriate in the interests of safeguarding residential amenity.

7.6. Appropriate Assessment

7.6.1. Having regard to the minor nature and scale 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.

7.7. Conclusion

7.7.1. In conclusion, it is considered that the applicant has provided insufficient evidence of a demonstrable economic or social need to live in this Rural Area Under Strong Urban Influence as required under the Mayo County Development Plan 2014-2020 and National Objective 19 of the National Planning Framework. Thus, the proposed development would be contrary to the proper planning and sustainable development of this rural area.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location of the site within a Rural Area Under Strong Urban Influence in close proximity to the Key Town of Louisburgh, it is considered that insufficient evidence of a demonstrable economic or social need to live in this rural area has been provided as required under the Mayo County Development Plan 2014-2020 and National Objective 19 of the National Planning Framework. Thus, the proposed development would contribute to the encroachment of rural development in this 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.

Louise Treacy
Planning Inspector

14th January 2020