



An
Bord
Pleanála

Inspector's Report ABP-306025-19

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| Development | Construction of house with garage |
| Location | Dooagh, Achill, Co. Mayo. |
| Planning Authority | Mayo County Council |
| Planning Authority Reg. Ref. | 19715 |
| Applicant(s) | Michael Bradley |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Michael Bradley |
| Observer(s) | None |
| Date of Site Inspection | 16 th January 2020 |
| Inspector | Suzanne Kehely |

1.0 Site Location and Description

- 1.1. The subject site (0.68ha) is located at the western end of Achill Island and on a southern coastline at the eastern periphery of Dooagh Village. The site is in an elevated location and commands dramatic views over the village settlement, the Dooagh Bay and Atlantic Ocean. The site is deep (c.230m) and narrow extending from the south side of the road (R319) and sloping down towards the sea. The road level is around 42-43m OD whereas the rear of the site is 32.389m OD at its lowest point in the southwest corner. Houses are setback around 30m and 100m on each side of the field and a national school is beyond the house to the south. There is extensive ribbon development along the R319 between Dooagh and Keel to the east.
- 1.2. The site is predominantly grassland near the road and there is evidence of grazing. It is more uneven to the rear with a mix of bog and rock. There is drainage channel to the front and partly along the western boundary.
- 1.3. At time of inspection there were very strong winds. On the following day in the national news it was reported there were gale force winds and part of the neighbouring school roof blew off.

2.0 Proposed Development

- 2.1. Permission is sought for a dwelling house and the main elements of the proposal include:
 - A single storey dwelling (220sq.m.) and garage (45sq.m.)
 - A setback of almost 200m from the road and at point where the ground level is 34.8 to 36mOD.
 - A simple rendered building comprising a group of traditional modestly scaled gable ended blocks interconnected with a low flat roofed link.
 - A winding driveway is proposed with 'landscape engineering to reduce visibility of road' which include 3 berms.
 - A retaining wall 1m-2m in height along the eastern boundary beside the house
 - Water supply and wastewater treatment will be via existing mains and public sewer.

- Soak pit proposed for surface water

3.0 Planning Authority Decision

3.1. Decision

The planning authority by order on 31st October 2019 decided to refuse permission for the following stated reasons

1) Policy section 2.3.4 of the Mayo County Development Plan 2014-2020 Volume 2 Planning Guidance and Standards for Development in county Mayo states 'In areas along the sea, estuaries and lake shore lines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible. It is considered that the proposed development would interfere with the character of the existing landscape , which it is necessary to preserve. The proposed development therefore would be contrary to the proper planning and sustainable development of the area.

2) The site is located in close proximity (<250m) to Achill Head Special Area of Conservations Site Code 002268. In the absence of an assessment under Article 6 of the EU Habitats Directive any potential adverse impact on the integrity of this Natura 2000 site at this location cannot be dismissed . Therefore the development would contravene materially the development plan for the conservation and preservation of a European site insofar as the proposed development may adversely affect one or more species in Annex I of the Habitats Directive which the site hosts.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Refers to the history of planning decisions in the area- notably two decisions to refuse permission (one of which was upheld on appeal) to the same applicant at the same location. A comparison is made between the last case before the Board and the subject proposal.

- It is accepted that the siting and design and design are more acceptable in rendering the house inconspicuous however the long drive and berms are undesirable. These concerns were raised in informal pre-application correspondence.
- There are technical concerns relating to pumping effluent to sewer pipe give the 7m descent from connection point to house. Complex system setting an undesirable precedent.
- The Development Plan is cited - sections 2.3.4 (P/RH-16 in previous CDP)
- No letters of objection noted.
- A representation in support by Minister Ring is noted. The context of a previous permission referred to in the area is clarified in that it was on foot of managerial direction.
- There is insufficient information to screen out Appropriate Assessment
- Outstanding matters regarding, AA, landscaping, surface water disposal and water connection proposals.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

An Taisce was invited to make a submission – none received.

3.4. Third Party Observations

None.

4.0 Planning History

- 4.1.1. **PL16.240032** (file attached). This file refers to a refusal of permission upheld on appeal for a contemporary style house on the same site and by the same applicant. The house is at a higher level and closer to the road. The stated reasons are:

- 1) Policy P/RH-16 of the Planning authority as set out in the Mayo County Development Plan 2008-2014 states that areas along the sea, estuaries and lakeshore lines shall be referred to as scenic areas and that scenic views in

those areas are protected as much as possible and only planning permission for replacement housing extensions or where a farmer has no other land except in those areas will be allowed. Having regard to the significant pressure for development in this area and to the location of the proposed house on the coastline with scenic and highly scenic views, the Board is not satisfied on the basis of the documentation submitted on file that the applicant comes within the scope of the criteria for a house at this rural location as set out in the development plan or in the Sustainable Rural Housing guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (2005). The proposed development would therefore militate against the preservation of the rural environment and would be contrary to the proper planning and sustainable development of the area.

- 2) Policy P/EH-VP 1 of the planning authority as set out in the Mayo County Development Plan 2008-2014 seeks to ensure that development does not adversely interfere with views and prospects and the amenities of places and features of natural beauty or interest when viewed from the public realm, It is considered that the proposed development at this exposed, prominent and highly scenic coastal location, would interfere with highly scenic views and would by itself and in combination with significant development sprawl between Dooagh and Keel contribute to further erosion of the landscape character of the area. The proposed development would therefore seriously injure the visual amenities of the area, **contravene the provisions of the development plan** and be contrary to the proper planning and sustainable development of the area.
- 3) Policy P/RH-5 of the planning authority as set out in the Mayo County Development Plan 2008-2014 seeks to ensure that housing in rural area is of the highest architectural standard and respects the landscape character and amenities of the countryside having regard to the Guidelines for the Design and Siting of the Rural House in County Mayo, which constitute part of this Plan. Having regard to the established built form and character of dwellings in this rural area, it is considered that the proposed development by reason of its design and notwithstanding its high architectural quality, would be significantly out of character with the existing residential properties in this exposed and prominent rural location. The proposed development would therefore seriously injure the

visual amenities of this scenic area would **contravene the provision of the development plan** and would be contrary to the proper planning and sustainable development of the area

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. Section 6.6 identifies the issues associated with fragmented/leapfrog development including ribbon development and objective 33 aims to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.’ It sets out key objectives for housing including the recognition that housing ‘be located in our smaller towns, villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.’

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

- Section 3.2.3, Rural Generated Housing
- Section 3.3.3, Siting and Design

5.3. Mayo County Development Plan 2014-2020

5.3.1. The Core Strategy and Settlement Strategy

- Dooagh is in Tier 3 – ‘Other Towns and Villages’ of the settlement strategy as indicated in Map 1.
- P-05 It is the policy of the Council to support the sustainable development and growth of the towns of Foxford, Crossmolina, Balla, **Keel-Dooagh**, Shrule, Kilkelly, Achill Sound, Bangor Erris, Ballindine, Ballycastle, Bonniconlon, Bellavary, Kilmaine, Cong, Turlough, Mulranny, Belcarra, Bohola and Lahardane to the population levels set out in the Core Strategy Table (Table 1(B)) and through the implementation of this plan.

- **Countryside/Rural Areas:** P-06 It is the policy of the Council to support the sustainable development of the countryside and rural villages in the County.
- **Housing:** UH-01 It is an objective of the Council to ensure that future housing in urban areas in the County is located on lands zoned for residential use. In un-zoned towns and villages residential development shall be located in town/village centres or immediately adjacent to town/village centres (based on the sequential approach); on serviced lands; and in accordance with the Development Guidance document of this Plan.
- Residential Development Volume 2 (planning guidance and standards) section 2 refers to locational policy for housing and takes cognisance of rural and urban and structural profile. **Most notably section 2.3.4 states that in areas along the sea, estuaries and lake shorelines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible.**

5.3.2. **Views and Prospects:** The road fronting the site is a **designated scenic route** from which there are **designated highly scenic (coastal) views** as highlighted in Map 4.

- VP-01 It is an objective of the Council to ensure that development does not adversely interfere with views and prospects worthy of preservation and protection as outlined on Map 4, or on the views to and from places and features of natural beauty or interest (e.g. coastline, lakeshores, protected structures, important historic sites) when viewed from the public realm.
- RH-02: Rural Design Guidelines for Rural Housing (Mayo County Council).
- LP-01: Landscape protection policy to consider disproportionate effect on the character of a landscape in terms of location, design and visual prominence.
- LP-02: Landscape protection policy to consider Appraisal of County Mayo.
- LP-03: landscape protection policy regarding unique landscape

5.3.3. **Landscape Appraisal Supporting Document:** The following policies apply.

- 3.6(b) Policy with regard to scenic routes: The onus should be on the applicant ... to demonstrate that there will be no obstruction or degradation of the views

towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas.

- 3.7 (b) Policy with regard to protected views: New development should only be considered where it can be demonstrated that it does not obstruct or designated highly scenic vistas nor alters or degrades the character of the surrounding landscape.

5.3.4. **Landscape Appraisal of County Mayo:** In this the site is in landscape area described as Area A: Achill, Clare, Inishturk and related Coastal Complex. The overriding characteristic of this area is the almost constantly visible coastline with Slievemore on Achill Island, at 671m in height, as a dominating feature. Dramatic vistas of steep mountain sides and sea cliffs falling to the sea are common. This area is distinct from the remainder of Mayo's coast to the north due to the steep topography and relatively uniform upland moor appearance. In terms of Land Uses Achill island is significantly dominated by peat lands, which are mainly unused. However, the presence of some agricultural and pasture lands reveals that **agriculture is still an important land use in the locality. Achill island presents natural landscapes with scenic values, currently under strong development pressure due to tourism.**

- The main concern for natural linear features such as coastlines and ridge lines is **to avoid penetration by development that will interrupt and reduce the integrity of such elements.**

5.3.5. **Mayo Rural Housing Design Guidelines 2008:** These guidelines place emphasis on the use of traditional forms, scale and materials that have a proven history of blending into the landscape.

5.3.6. **Other coastal issues:** Section 32.1.4 Development proposals in close proximity to the coastal edge will require a 'development free area' along the coast; the distance will be determined by a Flood Risk Assessment (see Environmental Assessments below) and Coastal Erosion Assessment carried out by the developer

5.4. **Natural Heritage Designations**

5.4.1. Achill Head SAC (002268) is approx. 200m to the south. Croaghaun/Slievemore SAC (001955), is located approx. 1.7km north of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The following issues form the basis of the appeal:

- Further information should have been sought to address issues.
- The proposed house is traditional in style and at the lowest level of the site so as to ensure no impact on the designated scenic route and character of the landscape area.
- Neighbours have no issues.
- Regarding Objective 2.3.4 –
 - The proposed site is 750m from the heart of Dooagh where his mother's family home is located and 100m from the primary school and at the extremity of what constitutes Dooagh settlement area.
 - The objective is not applicable as Dooagh is not a rural area – it is a tier 3 area in the settlement hierarchy. There is precedent for granting permission on Achill Sound and not applying section 2.3. 4 to the tier 3 areas. The first reason does not therefore apply.
 - Precedence of permission for other houses permitted that are removed from town.
- A screening report in Appendix 13 clearly outlines that the proposal would not in any way impact on the integrity of Achill Head SAC.
- Many cases near this SAC were not asked for screening report
- A housing need was established and accepted by the planning authority however as the Board may be considering the case de novo this information is provided.
- The applicant explains, that while it is not strictly a rural area (and housing need should not to be established) he is native of the village and his mother still lives in the family home and family members have and continue to live at various stages to mind his mother and a map (appendix 14) plots the family residences in the area. He falls within the category provided for in section 2.3.1.1 – returning emigrants who spent substantial period of their lives living in the rural area.
- The field has in the past been used by the family for growing vegetables – supplying the local shop at some stage. The applicant has a herd number and

has considered getting sheep but has not done so to date and is not a practicing farmer. He is a businessman that has returned to his early family hometown for increasingly extended periods of time and has been renting over the last 5 years and now seeks to live in Dooagh permanently. His business is Dublin based but his office presence is considerably reduced and also operates from Achill and currently employs four people from Achill

- While four Dooagh businesses have closed, he has and continues to invest in the locality (documentary evidence of this) and will continue to do so if living in his own house.
- He has owned the field since 1999 when it was purchased from a family member as it has been in the family for generations.
- The insufficiency of information raised by the planning authority in consideration of the application is addressed.
 - Berms/Landscaping: The planning authority in a pre-app meeting sought a meandering access despite the more common occurrence of linear accesses through the island. This was complied with although it is submitted the latter is more appropriate. Berm heights are 41.3 (500m lower than the eastern site boundary of 41.9mOD and higher than the proposed invert level of the road to the west.
 - Berms 2 and 3 have heights of 40.6m and 40m OD – the ridge height of house is 40mOD which is 2m lower than the road and 1m lower than that of the previous house proposed. Appendix 9 illustrates Berms.
 - Water connections: a 6-inch mains supply traverse the site. Irish Water have no concerns.
 - Sewer services: It is explained that the head height to pump is 4.1m not 7m (appendix 20 indicates levels) A local firm has provided similar systems in the area and it is submitted it is not a difficult issue to overcome.
 - Surface water disposal: This will be minimal due to use of a grass grid system and grey water system. A natural soak pit will easily cater for the remaining surface water.

- The planning authority decision reflects that the proposal does not contravene V01. The design nestled into the landscape results in minimal interference with the landscape.
- The proposed dwelling will have little or no visibility as compared to a number of dwellings permitted in recent years. A house permitted under PA ref P15-834 is extremely visible from the scenic route with 70% of house surface area higher than the coastal horizon level and in excess of 2.5m above the scenic vista line.

6.2. Planning Authority Response

No further comment on appeal issues.

7.0 EIAR screening

- 7.1. Having regard to the nature and scale of the proposed 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.

8.0 Assessment

8.1. Issues

- 8.1.1. This appeal follows a previous case before the Board in relation to the development of a single house at this coastal location about 800m from the village centre of Dooagh. The same applicant has submitted a revised proposal and believes the reasons for refusal have been addressed. It is 8 years since the application and the core issue relates to scenic quality of the landscape and restrictions to building in such locations.
- 8.1.2. Having inspected the site and environs and reviewed the submissions I consider the key issues for assessment are interrelated and centre on **Settlement strategy** and **Visual amenity**. **Appropriate Assessment** is also an issue.

8.2. Settlement strategy

- 8.2.1. Achill is a structurally weak area, where population has declined from 4906 in 1951 to 2440 in the 2016 census and permanent residential development is intended to be accommodated subject to good planning practice. There are two elements to managing residential development. Firstly, the strategy is to direct development into towns and serviced areas with provision for rural housing in structurally weak areas. Secondly it is policy to protect the landscape and amenity of the area by restricting housing development to those with essentially a land-based need (such as farming) to live in scenic areas such as the coastal area. In accordance with Section 2.3.4 permission will only be considered where the applicant is a farmer with no other land and where scenic views will be protected as much as possible.
- 8.2.2. Since the previous appeal, there is limited new development in place, but the policies remain in place regarding managing development in scenic areas. There have been some new houses in the wider area and one of the questions I consider worthy of revisiting in light of the National Planning Framework is the case for more houses in the Dooagh-Keel area in its capacity as a tier 3 designated settlement area. While the site is outside the core area, it is provided with both mains water and a foul sewer connection.
- 8.2.3. In the previous case before the Board, the inspector held the view that the site, despite being on the village side and 100m from the national school, was essentially in a rural area and removed from the core. Judging from the pattern of development I see no substantive change in this and accordingly consider the house location to be rural in nature. However permission would not in this case lead unduly to the uneconomic provision of services, only insofar as it would be construed to be a second home /holiday home. In this regard I note the applicant has extended family that remain in the area including his childhood home in Dooagh and he now intends to live in the proposed dwelling on a permanent basis as compared to renting and commuting from his Dublin office as he presently does.
- 8.2.4. While development plan policy and objectives are very clear in that only farmers can build in scenic areas which this is, in this case the field is part of an older family holding that has been used for growing vegetable. During my site inspection sheep were loose about the road and it is clear that sheep grazing is a local use and the

site would appear to be used for grazing. The applicant states he has a herd number and may consider getting sheep but this proposal could not be defined as continuing an established farm holding by the applicant. Furthermore, the layout has been designed (in an effort to assimilate with the landscape) in a manner that significantly encroaches into the site and limiting its potential as farming land. I would not describe the circumstances as a case of the applicant having an active farm on the land within the meaning intended in section 2.3.4 of the Development Plan.

8.2.5. In this case the issues fall on the site location in a highly scenic location.

8.3. **Visual amenity**

8.3.1. The site is located between the road and coastal shoreline at an elevated point from where there are panoramic views across Dooagh Bay and beyond and also of the surrounding low-lying settlement. The site is in a highly prominent coastal setting with a sloped terrain both deep into the site and across its width. The site terrain features low lying vegetation typical of the local landscape character and is located where there is limited development in contrast to the concentrated pattern around the bay and river valley below. While there are houses on the landward side in the immediate vicinity, those on the coastal side of the road in the immediate vicinity are more dispersed – with the school to the east being quite prominent. Accordingly, the coastal views from the R319 scenic route are intermittently interrupted by coastal development within the vicinity of the site and while at one level a house could be classed as infill, the site, with characteristically low vegetation sloping to the coast provides panoramic sea views is at a point where there are good views and these are designated as highly scenic. The application of the landscape policies to protect such views is I consider reasonable in this area.

8.3.2. In addressing the issue of visual impact, the design as compared to the previous case has been modified by replacing the contemporary architectural design with a more traditional multi block format connected by a low-profile flat roof link. The layout has also been revised by relocating the house to the rear of the site at a considerably lower ground level and incorporating a series of berms to screen both the dwelling and its roof and the winding driveway of almost 200m. (It is stated that it is 173 m in length, but the site layout shows the dimension of a 197m setback.)

- 8.3.3. With respect to the architectural design and layout, I have referred to the development plan supporting document, Mayo Rural Housing Design Guidelines 2008 regarding siting and design. While I note the house is a considered traditionally informed design incorporating modestly scaled blocks and a lower level position deep into the site in an effort to minimise the scale and massing and consequent impact, a considerable setback and altering of the natural terrain characteristics, is required.
- 8.3.4. The revised layout as compared to that previously before the Board would have a considerable suburbanising effect. The slope and depth of the site does I accept allow for discreet construction as viewed from the public road/ scenic route. However the highly engineered landscaping involving a series of berms which is required to fully screen the house together with a deep and winding access, would contribute to highly incongruous elements in a visually sensitive landscape with limited capacity to naturally absorb the development. Furthermore the layout would compromise any agricultural use. In my judgement the site has a limited capacity to absorb such development and would also amount to an unacceptable suburbanisation of the road frontage. I am not satisfied that the landscape mitigation measures proposed would satisfactorily address these issues and the modifications to the natural environment required to accommodate the dwelling would impact negatively on the character of the existing landscape.
- 8.3.5. In these circumstances the proposed development would I consider conflict with the objective VP-01 which seeks to control development that would adversely impact on such scenic views. I am of the opinion that the proposed development at this scenic, coastal area, has the potential to detract significantly from the amenity and character of the area and the landscape, would form a discordant and obtrusive feature on the landscape at this location; would be seriously injurious to the visual amenities of the area, and if permitted would set an undesirable precedent for further similar development in the vicinity.
- 8.3.6. I am the view that a straight driveway and omission of two of the mounds would be less injurious to the character and that in the event of permission these elements should be revised. This would also facilitate farming of the land.

8.4. Appropriate Assessment

- 8.4.1. The nearest site of the development site is Achill Head SAC which is about 200m from the site. In view of the site and development characteristics and connectivity this site is the only site likely to be vulnerable to nearby development. Achill Head SAC (002268) is of high conservation value as it has excellent examples of reef communities and good examples of shallow water bay communities and mudflats and sandflats not covered by seawater at low tide. The site has been selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [1140] Tidal Mudflats and Sandflats, [1160] Large Shallow Inlets and Bays, and [1170] Reefs.
- 8.4.2. The applicant has submitted a screening report in the appendix to the grounds of appeal and concludes that an NIS is not required.
- 8.4.3. The only potential pathway to this coastal designated site from the appeal site is a through run-off particularly at construction stage. While there is a dry ditch on the west site near the road frontage this does not appear to extend fully into the site where the house is proposed. More information on the connectivity of this ditch is necessary to understand the potential for pathways particularly as it is beside and lower than the vehicular entrance. It is not entirely accurate to say (page 14) that the site is well drained with no plants indicating wet grassland. While extensive grassland is evident, there were also extensive patches of reed grass, wet marshy ground and ponding of water which clearly flowed in the direction of the coast. The project description explains that surface water run-off from the proposed works will be directed to the soakways and that all boundary vegetation is to be retained. It is also clarified by the appellant that a rain harvesting system is proposed and that the grey water will be used on a continuous basis. In view of the existing soil conditions and surface water run-off and lack of details on drainage channel connection, I am not satisfied that a standard soakaway or standard construction management practices would be sufficient to avoid an indirect effect on water quality during construction to the Natura 2000 sites. I accept that the proposal for connection to the public foul network would mitigate any potential for impacts from wastewater to the groundwater.

8.4.4. It is reasonable to conclude that on the basis of the information on the file, on the basis of information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002268(Achill Head SAC) or any other European Site, in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.

9.0 Recommendation

9.1. In view of the foregoing, I recommend that the decision of the planning authority be upheld, and permission be refused for the proposed development based on the following reasons and considerations.

10.0 Reasons and Considerations

1. It is considered that the proposed dwelling due to site layout and siting on a prominent and exposed coastal site, by itself and by the precedent it would set in the context of surrounding development, would be visually obtrusive and discordant feature in this scenic coastal rural landscape and would accordingly seriously injure the visual amenities of the area and contribute to the excessive suburbanisation of a designated scenic route with highly scenic coastal view and removed from the centre Dooagh village. The proposed development would therefore detract from the coastal character of the area and would accordingly conflict with the Mayo County Development Plan (2014-2020) Policy V01 which seeks to protect such scenic areas and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Section 2.3.4 of the Mayo County Development Plan 2014-2020 states that in areas along the sea, estuaries and lake shore lines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible. This policy is considered reasonable. Having regard to the coastal location of the site, it is considered that the applicant has

not demonstrated an appropriate housing need at this location, that the proposed development would be contrary to section 2.3.4 of the Development Plan and that it would militate against the preservation of the rural environment. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3. On the basis of information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002268(Achill Head SAC) or any other European Site, in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.

Suzanne Kehely
Senior Planning Inspector

14th May 2020