



An
Bord
Pleanála

Inspector's Report

ABP-307673-20

Development	Demolition of house, construction of house, garage, treatment unit and all associated site works.
Location	Roo, Craughwell, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20376
Applicant(s)	Darren Callanan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Darren Callanan
Observer(s)	None
Date of Site Inspection	09/09/2020
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of the R446, regional road running south-east from the village of Craughwell.
- 1.1.2. Currently on site is a single storey detached bungalow with rear garage. Access to the dwelling is via an paved driveway entrance off the R446. Further north-west, within the site an agricultural entrance provides access to the remainder of the overall site.

2.0 Proposed Development

- 2.1.1. On the 19th March 2020, planning permission was sought for the demolition of an existing dwelling house (106sq.m.) and the construction of a new dwelling house of 299.4sq.m. and a garage of 55.11sq.m. on a site of 0.96ha. The application was accompanied by a Site Characterisation report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th June 2020, the Planning Authority issued a notification of their intention to REFUSE permission for the following two reasons:
 - 1 The proposed development is located along the heavily trafficked Restricted Regional Road, the R446, where residential development is restricted to members of farm families on the family holding with a fully substantiated claim of proven housing need on family farm lands, where no other lands are available that open onto a local or a non-restricted regional road. In this instance, it is considered the applicant has failed to satisfy the housing need requirements set out in DMStandard 18 of the Galway County Development Plan 2015-2021. Accordingly, to grant approval for the proposed development would contravene Objective TI6 and DMStandard 18 of the current County Development Plan, would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise on a strategic restricted route and would thus be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the height and design of the proposed two-storey house type located on a prominent rural site along the R446, it is considered that the proposed development would result in a built form that would not fit appropriately or integrate effectively into this rural location. Furthermore, the proposed house type would be contrary to the design principles set out in Galway County Council's 'Design Guidelines for the Single Rural House' and would contravene materially Objective RHO9 contained in the Galway County Development Plan 2015-2021. Accordingly to grant the proposed development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would contravene materially a development objective and a development management standard contained in the current county development plan, would set an undesirable precedent for similar future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Internal Email to Area Planner:** Consideration under RHO6 cannot be countenanced on the grounds that no evidence has been submitted to demolish existing dwelling, site is not within the curtilage of the existing dwelling and different entrance proposed. Design solution not reflective of prevailing vernacular.
- 3.2.2. **Planning Report:** Proposed house design is not reflective of the prevailing architecture characterised by the existing dwelling on site and therefore fails to satisfy the criteria set down in the Rural Design Guidelines. Justification for demolition of the existing dwelling not submitted, as required by Objective RHO6. Proposal to use existing agricultural entrance not the existing entrance does not comply with DMStandard 18 of the development plan which restricts access to members of the farm family on the family holding, no information on housing need submitted. Recommendation to refuse permission for two reasons.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Relevant Planning History**

4.1.1. Planning Authority reg. ref. **10/1236**: Planning permission granted for the retention of a 60sq.m. domestic garage

4.1.2. Planning Authority reg. ref. **01/5341**: Planning permission granted for the relocation of a vehicular access to house.

4.1.3. Planning Authority reg. ref. **1085** – planning permission granted for dwelling.

5.0 **Policy Context**

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

5.2. The government published the **National Planning Framework** in February 2018. **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 an **Area under Strong Urban Influence**.

5.3.3. The guidelines stress that development driven by cities and larger towns should generally take place within their built-up areas or in areas identified for new development through the planning process. Appendix 3 of the Guidelines state that the key development plan objectives in these areas should be on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan. In addition, policies will also normally include references to:

- The types of situations considered as constituting rural generated housing,
- Measures that will be put in place to facilitate the availability of an appropriate level of housing options in smaller settlements for other housing requirements,
- The criteria that will be applied by the planning authority generally in assessing rural generated housing proposals e.g. in relation to evidence of an applicant's links to the area in question, and

- The measures to be adopted to ensure that development permitted to meet the requirements of those with links to the rural community continues to meet the requirements for which it was permitted.

5.3.4. 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 Rural Area under Strong Urban Influence. Section 2.6.7 of the plan states that such areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of Galway City, rising population, evidence of considerable planning pressure for development of housing due to proximity to such urban areas or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.
- 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. With regard to rural housing, the development plan states that it is important to distinguish between rural generated housing and urban generated housing demand.

Rural generated housing is defined by the NSS, as housing needed in rural areas within the established rural community by people living and working in rural areas or nearby urban areas. Urban generated housing demand is defined as housing in rural locations sought by people living and working in urban areas, including second homes. With regard to urban generated housing demand in the open countryside, the NSS indicates that development driven by urban areas should take place, as a general principle, within the built-up areas and on lands zoned through the Local Area Plan process, for integrated, serviced and sustainable development. The NSS also acknowledges that some persons from urban areas seek a rural lifestyle with the option of working in or travelling to and from, nearby larger cities and towns. Smaller towns and villages are seen as having a key role in catering for these types of housing demand in a more sustainable manner. These distinctions are necessary to ensure that first and foremost the housing requirements of persons with roots or links in rural areas are facilitated and that objectives respond to local circumstances whether these relate to areas experiencing economic and population decline or to areas under substantial urban generated pressure for housing. The Galway County Development Plan requires applicants in the GTPS area to submit housing and local need criteria.

- 5.4.5. Section 3.8.1 of the development plan states that the key objectives of the Council are: • To facilitate the genuine housing requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations; • To direct urban generated development to areas for new housing development in the adjoining urban centres, town and villages as identified in the County Settlement/Core Strategies; • To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines).
- 5.4.6. **Objective RHO 6 – Replacement Dwelling.** It is an objective of the Council that the refurbishment of existing habitable dwelling houses would be encouraged, as a more sustainable option than the demolition and construction of a new dwelling house, unless a conclusive case for demolition based on technical evidence is made for the Planning Authority's consideration on a case by case basis. It will be a requirement that any new dwelling house be designed in accordance with Galway County Council's Design Guidelines for Rural Housing in the countryside. Applicants, who

require the demolition of an existing dwelling house shall be accommodated without the requirement to establish a Housing Need or proof of residence and will not be subject to an enurement clause.

- 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 18:** The following requirements shall apply to the provision of residential access to National and other Restricted Roads: Housing Need Eligibility
a) Residential development along National Roads will be restricted outside the 50-60kmp speed zones in accordance with the DoECLG Spatial Planning and National Road Guidelines (2012). Consideration shall be given to the need of farm families to live on the family holding on a limited basis and a functional need to live at this location must be demonstrated. Where there is an existing access, the combined use of same must be considered and shown to be technically unsuitable before any new access can be considered. Access via local roads shall always be the preferred access. b) Proposed access onto any restricted Regional Road outside the 50-60kmp speed zones shall be restricted to members of the farm family on the family holding and must be accompanied by a justification for the proposed access including an assessment of the scope for sharing an access and/or achieving access onto an alternative minor road. In the case of multiple housing needs within the family, a housing layout which avoids ribbon development along a road and which provides for a single access only shall be considered and will only be permitted based on a safety assessment of traffic volumes and the nature of the receiving roads environment. This may require the upgrading and/or relocation of the existing entrance to serve the combined development. The Planning Authority shall be informed of the anticipated housing need of the farm family in the first instance to help determine the optimum location for the family cluster and the location of the

access point. c) An Enurement condition will be attached to grants of planning permission for the above.

- 5.4.9. **DM Standard 6:** Assimilation of Development into Landscape. All permissible buildings should avoid locally obtrusive elevated locations and should be located on mid slopes or lower slopes of rising ground where possible. Development should seek to preserve traditional field patterns and established hedgerow and woodland. A visual impact assessment may be required where the proposal is located in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 4 and 5 designated landscape sensitivity areas.

5.5. **Natural Heritage Designations**

- 5.5.1. The subject site is 1.7km from the Rahasane Turlough SAC (000322) and the Rahasane Turlough SPA (004089).

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. An agent for the applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- Planning Authority reg. ref 01/5341 relates to the relocation of the vehicular access to the existing house which was granted in 2002. This is not an agricultural entrance. The application relates to the demolition of the existing house so housing need does not arise. This is in accordance with RHO 6 of the development plan. The entrance is safe and complies with sight line requirements for a regional road. DMStandard 18 has been complied with as 160m sightlines are available in both directions.

- Structural Report justifying the need for demolition of the existing dwelling submitted in accordance with RHO 6.
- The proposed dwelling, in the townland of Roo has a ridge height of 7.5m. The mature trees on the western boundary are to be retained.
- The subject site is located in landscape character area 3 – East central Galway, with a low landscape sensitivity.
- The proposed house design is not uncommon in the area. It is appropriate for a Class 1 area. The area has many substantial sized two storey dwellings.
- The Board is requested to grant permission.

6.2. Planning Authority Response

6.2.1. 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
- Traffic
- Design

7.2. Principle of Development

7.2.1. Objective RHO6 of the development plan refers to replacement dwellings. It states that whilst the refurbishment of habitable dwelling houses is preferred, where demolition is proposed, it must be justified with technical evidence. In their assessment of the proposed development, the Planning Authority noted that no such evidence had been submitted to them.

7.2.2. As part of the appeal, the first party has submitted a Survey Report. The report states that the existing dwelling was built in 1965 and presents no defect “that in itself would recommend demolition”. It states that an accumulation of deficiencies in

addition to the significant difficulties to modify the house to meet current requirements are such, that demolition is wisest. The report states that whilst the house is serviceable, it has undersized roof timbering which sag. Regarding fire safety, the report states that fire separation is suspect, that there is no cavity seal at the top of the two gables and that the insulation is probably flammable. The report states that cavity barriers are difficult to retrofit and the wall ties are almost certainly plastic. It states that fire stopping around windows is absent and that there are doubts about the fire proofing between ground and roof level. Access to the house is via steps at both front and rear and radon protection is inadequate. The report notes that plaster bulging on the ceilings indicates past roof leaks, that the house has an open fireplace which is 'practically banned by current energy regulations'. Regarding remedial works, the report states that the sum of the required works would be more than a new build and would still only partially address the defects of the house. The report states that demolition of the dwelling would be undertaken to minimise environmental impacts and a recycling programme would be implemented. The report states that altering the existing house to the desired configuration and layout would require significant temporary works which would have the same cost and environmental impact as a new build.

7.2.3. Much of the defects stated in the report are listed as "probable" or likely. The report notes that it follows a visual assessment of the property and that no intrusive investigations were undertaken. It is considered that this does not constitute a "conclusive case for demolition based on technical evidence" as required by Objective RHO6. That the layout of the subject dwelling, or indeed the accommodation provided by the existing dwelling does not fit the requirements of the householder is not sufficient justification for the demolition of a dwelling. Particularly where no structural defects have been conclusively demonstrated. The author of the survey report acknowledges that the existing dwelling could be modified but that it would be costly.

7.2.4. The inherent sustainability of retention and refurbishment, compared with the whole life energy costs and waste impacts that would result from demolition and re-build must be considered. The re-use of existing structures preserves the embodied energy expended in the original build, minimises waste and reduces the use of new materials. Given the environmental impact arising from demolition, the grounds for

demolition of a building capable of re-use must be robust. I am not satisfied that such a case has not been made in this instance.

7.3. Traffic

- 7.3.1. The Appellant submits that the Planning Authority has erred in presuming that the proposed development seeks to use an existing agricultural entrance. He states that permission was granted under 01/5341 to relocate the vehicular access to the currently proposed location. On the date of my site visit, I confirmed that access to the existing dwelling is via the original entrance and that the relocation permitted in 2002 was not undertaken. That permission has since withered.
- 7.3.2. The proposed development therefore is correctly assessed as being the use of an existing agricultural entrance, in close proximity to an existing entrance. Therefore DM Standard 18 applies to the proposed development. Section (b) of DM Standard 18 states that any proposed access onto to a restricted regional road outside the 5-60kph zone, such as the proposed development shall be restricted to “members of the farm family on the family holding and must be accompanied by a justification for the proposed access including an assessment of the scope for sharing an access and/or achieving access onto an alternative minor road”

7.4. Design

- 7.4.1. The Planning Authority’s second reason for refusal refers to the design of the proposed dwelling, stating that the height and design of the proposed dwelling would result in a built form that would not fit appropriately or integrate effectively into the rural location.
- 7.4.2. The proposed mono-pitched and flat roofed dwelling is of a contemporary design. The design approach is acceptable. However, the proposed dwelling is to be situated at the highest point of the site – at a point almost 2m high than the existing bungalow. It is considered that the visual impact of the proposed dwelling, on a heavily trafficked route out of the village, would be significantly adverse. No attempt the screen the dwelling or integrate it into the landscape has been made. The expanse of paved driveway sweeping up to the proposed dwelling will exacerbate the suburban nature of the proposed dwelling in this rural area. I consider the development contrary to DM Standard 6: Assimilation of Development into

Landscape of the Development Plan which sets out that buildings should avoid locally obtrusive elevated locations and should seek to preserve traditional field patterns and established hedgerow and woodland.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and 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.

- 1 The proposed development, which seeks to demolish an existing dwelling where a conclusive case for the demolition rather than the re-use and refurbishment of the existing dwelling has not been demonstrated, is contrary to Objective RHO6 of the Galway County Development Plan 2015-2021, which requires that the demolition of habitable dwellings houses is justified with technical evidence. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.
- 2 The proposed development, on the heavily trafficked Restricted Regional Road, the R446, is subject to the housing need policy as see out in DMStandard 18 of the Galway County Development Plan 2015-2021 where residential development is restricted to members of farm families on the family holding with a fully substantiated claim of proven housing need on family farm lands, where no other lands are available that open onto a local or a non-restricted regional road. It is considered that the applicant has failed to satisfy the housing need requirements of the development plan and therefore the proposed development is contrary to the proper planning and sustainable development of the area.
- 3 Having regard to the location of the proposed development on an elevated site visible from the wider approach to the site and to DM Standard 6: Assimilation of Development into Landscape as set out in the Galway County Development

Plan 2015-2021, it is considered that the proposed dwellinghouse, by reason of its bulk and height, would not be appropriate for this location. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area

Gillian Kane
Senior Planning Inspector

05 October 2020