



An
Bord
Pleanála

Inspector's Report ABP-307681-20

Development	House and garage.
Location	Mirehill, Headford, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2032
Applicant(s)	Stephen Holden & Tanya Duffy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Alexander Peter Howe
Observer(s)	None
Date of Site Inspection	07/09/2020
Inspector	Gillian Kane

1.0 Site Location and Description

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

2.0 Proposed Development

- 2.1.1. On the 16th January 2020, planning permission was sought for the construction of a dwelling house of 253.5sq.m. and a detached garage of 60sq.m. on a site of 0.3025ha. The application was accompanied by a site characterisation form, a letter consenting to a connection to a group water scheme and a letter of consent from the landowner.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 30th June 2020, the Planning Authority issued a notification of their intention to GRANT permission subject to 13 no. conditions. Condition no. 2 refers to occupancy of the proposed dwelling and restricts use of the proposed house to certain parties. Condition no. 3 requires the installation of a parking space of no. less than 15m long and 3m wide immediately adjoining the edge of the margin of the roadway, to be provided for use as off-road parking.

3.2. Planning Authority Reports

- 3.2.1. **First Planning Report:** Planning Authority has concern regarding the design of the proposed dwelling. Applicant should be invited to submit a significant re-design comprising a single storey dwelling with a maximum height of 5.5m. Housing need is not an issue as the subject site is located outside the GTPS.

3.2.2. The applicant responded to the FI request on the 10th June 2020, submitted a revised house design. The revised proposal comprises a single storey bungalow, with an overall height of 5.7m.

3.2.3. **Second Planning Report:** Revised design is in accordance with RHO9 of the development plan and the Design Guidelines for Single Rural House.
Recommendation to grant subject to conditions.

3.3. **Third Party Observations**

3.3.1. Letter of objection submitted by the subject appellant. Matters raised similar to those in the appeal and discussed in section 6 of this report. The objection was responded to by an agent for the applicant.

4.0 **Planning History**

4.1.1. **ABP-304754-19:** Planning permission refused for the construction of a house and garage for the following reason:

1. It is considered that, by reason of its size, height, form and bulk, the proposed two-storey house would be visually obtrusive in this open rural area which is characterised by single-storey houses and would seriously injure the amenities of property in the area. The proposed house would, therefore, be contrary to the proper planning and sustainable development of the area.

A note attached to the Boards direction stated:

“Having regard to the location of the site within an area under strong urban influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 but within a structurally weak area as identified in the Galway County Development Plan 2015 -2021, albeit in close proximity to an area under strong urban influence, and to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, which states that it is policy to “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...having regard to the viability of smaller towns and rural

settlements”, and in rural areas elsewhere which states that it is policy to “facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing ... having regard to the viability of smaller towns and rural settlements”, and having regard to the documentation submitted with the planning application and appeal, the Board was not satisfied that the applicants’ aspirations for a new house, could not be satisfactorily met in an established smaller town or village/settlement centre. The Board therefore considered that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would, therefore, contravene the Ministerial Guidelines, be contrary to national policy and would be contrary to the proper planning and sustainable development of the area. Notwithstanding this, the Board considered that this would constitute a new issue, in the context of the current appeal and having regard to the substantive reason for refusal as set out above, it was decided not to pursue this matter further under the current appeal.”

5.0 Policy Context

5.1. National Planning Framework, (2018)

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

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

5.2.1. **National Policy Objective 19:** Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within

the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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

5.3. Sustainable Rural Housing Guidelines for Planning Authorities

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

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

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

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

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

- the protection of water quality in the arrangement made for onsite wastewater disposal facilities
- the provision of a safe means of access in relation to road and public safety and
- the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.

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

5.4.1. The subject site is located in an unzoned rural area which is designated in the development plan as being a Structurally Weaker Rural Area.

5.4.2. Section 2.6.7 of the development plan states that development in the un-serviced countryside requires careful management, in order to balance the need to revitalise and support communities, while ensuring the overall sustainable development of these areas.

5.4.3. **Objective SS8** refers to the Development of Rural Communities and states that Galway County Council shall recognise the important role of rural communities to the sustainable development of County Galway and shall ensure the careful management of development in these areas, having due regard to the relevant policies and objectives set out elsewhere in the plan.

- 5.4.4. Section 3.8.2 states the key objectives of the Council in structurally weak areas are
- To accommodate residential development proposals as they arise subject to satisfactory site suitability and technical considerations;
 - To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines);
 - To maintain and strengthen existing towns and villages and to direct urban generated housing demand into these areas;
 - To protect areas located in Landscape Category 3, 4 and 5.
- 5.4.5. **Objective RHO 2 - Rural Housing Zone 2** (Structurally Weak Area) states that it is an objective of the Council to facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards and Guidelines outlined in Chapter 13 and other applicable standards with the exception of those lands contained in Landscape Categories 3, 4 and 5 where objective RHO3 applies.
- 5.4.6. **Objective RHO 9 - Design Guidelines:** It is an objective of the Council to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following: a) It is an objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape; b) It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout; c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.
- 5.4.7. **DM Standard 20:** Sight Distances Required for Access onto National, Regional & Local Roads: Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. Where a new entrance onto a public road is proposed, the Planning Authority must consider traffic conditions and available sight lines. Road junction visibility requirements shall comply with Geometric Design of Major/Minor Priority Junctions and Vehicular Access to National Roads, Volume 6, Section 2, Part 6, NRA TD 41-42/11, November 2011 (including any updated/ superseding document).

5.5. Natural Heritage Designations

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

5.6. EIA Screening

5.6.1. Having regard to nature and scale of the development and the location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The decision of the Planning Authority to grant permission has been appealed by the owner of the property to the immediate south-west of the subject site. The grounds of the appeal can be summarised as follows:

- This is a rural area with flat / undulating countryside. The lane is quiet with mostly agricultural traffic., limited passing places and blind corners at the junction.
- The proposed dwelling is considerably larger than the other houses. The 24.4m width is the widest house on the road and 38% wider than the house refused by the Board. The ridge height of 7.18m is only 10% lower than the dwelling refused by the Board. The proposed garage is 50% larger than the garage refused by the Board.
- The site is located in structurally weak area. No evidence of housing need has been submitted.
- Objective RHO9 requires that new dwellings respect the character, pattern and tradition of the existing area. Visibility is wide ranging. The proposed dwelling will seriously injure the visual amenity of the area, contribute to the encroachment of random rural development and may set a precedent. It is noted that two plots on either side of the subject site are for sale.
- The need for new builds in the area is questioned. Four houses have been constructed on the road in the last five years. An existing dwelling on the road is for sale.

- The note of the Board (ABP-304754-19) regarding single housing in a rural area under strong urban influence and that the then applicants housing need could be satisfactorily met in an established village / settlement also applies to the subject proposal.

6.2. Applicant Response

6.2.1. None on file

6.3. Planning Authority Response

6.3.1. None on file

7.0 Assessment

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

- Principle of development
- Design

7.2. Principle of Development

7.2.1. The issue of housing need arose in the previous planning application on the subject site (ABP-304754-19). In that appeal, the Board noted that national guidance for structurally weak areas in close proximity to an area under strong urban influence is to “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...having regard to the viability of smaller towns and rural settlements”. The Board noted that aspirations for a new house where no demonstrable housing need in that location was presented, that they were not satisfied that “that the applicants’ aspirations for a new house, could not be satisfactorily met in an established smaller town or village/settlement centre”. In that appeal, the Board considered that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural

environment and the efficient provision of public services and infrastructure and would, therefore, contravene the Ministerial Guidelines, be contrary to national policy and would be contrary to the proper planning and sustainable development of the area.

- 7.2.2. The circumstances of this subject appeal are the same. The subject site is located in an area designated as being structurally weak. As was noted in the previous Inspector Report, the question of “need” for a dwelling is not removed from structurally weak areas – only the assessment of where the need generates from is removed. Applications do not require a statement of whether need is urban or rurally generated, but a need must still be demonstrated. The applicants have not indicated their need for a dwelling in this area. As no evidence of housing need and a need to live in this area has been presented, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines for a house at this location.

7.3. Design

- 7.3.1. Permission was previously refused for a two-storey dwelling on the subject site as the Board considered that the size, height, form and bulk of the dwelling would be visually obtrusive and would seriously injure the amenities of the area.
- 7.3.2. In the subject application, following a request for further information, the subject proposed dwelling was revised from a two storey dwelling with an overall height of 7.1m to a single storey dwelling with an overall height of 5.7m. I note Objective RHO9 of the development plan which requires that new dwellings respect the character, pattern and tradition of the existing area. The design of the proposed dwelling is largely in keeping with the pattern of development in the immediate area.
- 7.3.3. The southern side of the laneway has developed in a ribbon pattern, with a series of one-off dwellings. The northern side of the laneway is less developed, with sporadic plots of one-off housing. The flat wide landscape of the laneway is such that visibility is wide ranging. It is considered that the introduction of an additional dwelling at this location would injure the visual amenity of the area, notwithstanding the single storey nature of the proposed dwelling. A large expanse of lawn with a sweeping driveway is proposed, at odds with the stone wall and rural field pattern of this section of the laneway. It is considered that the visual impact of a further dwelling at this location

would be significantly adverse. It is considered that the proposed development would exacerbate the unsustainable pattern of ribbon development that has established on this rural laneway.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and small scale of the proposed development, it is considered that no appropriate assessment issues arise, and that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1.1. I recommend permission be REFUSED for the following reasons:

- 1 Having regard to the location of the site within an area under strong urban influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 but within a structurally weak area as identified in the Galway County Development Plan 2015 -2021, albeit in close proximity to an area under strong urban influence, and having regard to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, which states that it is policy to “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...having regard to the viability of smaller towns and rural settlements”, and having regard to the documentation submitted with the planning application and appeal, it is considered that a housing need at this location has not been demonstrated. It is considered therefore that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would, therefore, contravene the Ministerial Guidelines, be contrary to national policy and would be contrary to the proper planning and sustainable development of the area.

- 2 The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Senior Planning Inspector

05 October 2020