



An
Bord
Pleanála

Inspector's Report

ABP-308320-20

Development	Construction of house, treatment system and percolation area.
Location	Gortrummadh, Clifden, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20962
Applicant(s)	Peter O'Toole
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Peter O'Toole
Date of Site Inspection	9 th December 2020
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.318 hectares, is located to the west of Clifden and on the northern side of the Sky Road. The appeal site is currently agricultural lands and the gradient on site increases moving away from the public road. Adjoining lands to the north, east and west is similar in nature.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a dwelling house, treatment system, percolation area and all associated site works. The proposal is for a single-storey dwelling with a floor area of 223.20sqm and a ridge height of 4.1m. The dwelling features a shallow pitched roof with external finishes natural stone to the front and side elevations, render to rear and a profiled zinc clad roof. It is proposed to install a proprietary wastewater treatment system and open a new vehicular access point.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. Having regard to the exposed elevated rural setting, within a Class 4 designated landscape, along the Sky Road, a busy tourist route, it is considered that the development (i.e. dwelling and access arrangements) as proposed would constitute hazardous and disorderly development, would result in a built form that would not fit appropriately or integrate effectively into this sensitive Class 4 designated rural location, and would contravene materially Objective RHO 9, Objective LCM1 and Objective LCM2 of the Galway County development Plan. 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 objectives contained in the Galway County development Plan and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the subject site along a busy tourist route in a Class 4 Sensitive Landscape area, it is considered that the access and required visibility splays cannot be achieved without an unacceptable level of intervention. The Planning Authority consider that if permitted as proposed, the development would interfere with the safety and free flow of traffic on the public road serving the subject site, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, would be contrary to DM Standard 20 of the Galway County development Plan 2015-2021, and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (08/09/20): The proposal was considered to be unacceptable in the context of its visual impact in a sensitive rural landscape and unacceptable in regards to traffic impact, provision of sightlines and compliance with development policy. Refusal was recommended based on the reasons outlined above.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1 19913: Permission refused for construction of a single-storey dwelling, detached outbuilding, wastewater treatment system and associated site works. Refused based on two reasons relating to visual impact and traffic impact/sightlines.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Galway County Development Plan 2015-2021. The site is in an area classified as Objective RHO 3 - Rural Housing Zone 3 (Landscape Category 3, 4 and 5) Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their Rural Links* to the area and are required to submit a Substantiated Rural Housing Need*. In addition an Applicant may be required to submit a visual impact assessment of their development, 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 areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

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.

5.1.2 Landscape Character

The site is in an area classified as outstanding in terms of Landscape Value (Map LCM1) and an area classified a Class 4-Special in terms of sensitivity (Map LCM2).

Policy LCM 1 – Preservation of Landscape Character Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

Objective LCM 1 – Landscape Sensitivity Classification The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/ Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan, and having regard to the zoning objectives of serviced development land within the Galway Metropolitan Areas.

Objective LCM 2 – Landscape Sensitivity Ratings Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

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).

5.2 **Natural Heritage Designations**

- 5.2.1 West Connacht Coast SAC (site code 002998), 1.7km from the site.
Slyne Head Peninsula SAC (site code 002074), 2.2km from the site.

5.3 **EIA Screening**

- 5.3.1 Having regard to nature and scale of the development, which is the construction of a dwelling, wastewater treatment system and associated site works 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 A first party appeal has been lodged by Peter O'Toole, Fakeeragh, Sky Road, Clifden, Co. Galway. The grounds of appeal are as follows...
- The assessment of the proposal is contradictory indicating that the design of the dwelling is acceptable but is contrary Development Plan Objectives. The appellant question whether the revised proposal was considered due to inaccuracies in the planning report.
 - A comprehensive deigns statement was submitted and it is considered such demonstrates that the proposal would not have an adverse impact or be visible from any vantage point.
 - The appellant notes that the site is the best option available and that the applicant complies with rural housing policy in relation to housing need.
 - The proposal is complaint with Objective RHO 9 (Design Guidelines) and there is precedent for a one off rural house along this section of the Sky Road.
 - The proposal complies with Objectives LCM 1 and LCM 2 with precedent for a one of dwelling along this section of road established.

- The appellant does not consider the revisions and differences between the current proposal and the dwelling refused on site under ref no. 19/913 were fully considered.
- The appellant refers to a number of permissions granted along for dwellings along the higher section of the Sky Road with 6 permission listed.
- The proposal was acceptable on the basis of water supply, wastewater, housing need. It is considered the issue road safety is not a concern at this location.
- There is evidence of previous human habitation on the lands in question with the appellant providing details of such in the appeal submission.
- In relation to visibility minimum of 70m is required with in excess of 100m provided in both directions. The proposal is in keeping with the DRMB guidelines. The appellant is willing to carry out a traffic survey of the Sky Road is required.
- Alterations along the road frontage to facilitate sightlines will landscaped appropriately to avoid a scar or adverse visual impact at this location.
- The appellant uses the lands for farming and currently has to park on the road and the provision of a vehicular access would improve traffic safety.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1 Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/development plan policy

Visual impact/landscape character

Traffic

Wastewater treatment

7.2 Principle of the proposed development/development plan policy

7.2.1 The site is in an area classified as Objective RHO 3 - Rural Housing Zone 3 (Landscape Category 3, 4 and 5) with those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their Rural Links* to the area and are required to submit a Substantiated Rural Housing Need*. In addition an Applicant may be required to submit a visual impact assessment of their development, 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 areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

7.2.2 In the case of Objective RHO 3 the applicant has submitted details that indicate he complies with the criteria under such objective for a rural house at this location. The applicant resides in the area in the family home and is involved in farming of the lands in addition to his full time employment in construction. In addition to this information a design statement has been submitted as the site is in a Class 4 Landscape with this aspect of the proposal to be addressed in the following section.

7.3 Visual impact/landscape character:

7.3.1 The first reason for refusal relation to overall visual impact and the location of the site in Class 4 land landscape designated as being of outstanding value and special in term of sensitivity. It was considered that having regard to the exposed elevated rural setting , within a Class 4 designated landscape, along the Sky Road, a busy tourist route, it is considered that the development (i.e. dwelling and access

arrangements) as proposed would constitute hazardous and disorderly development, would result in a built form that would not fit appropriately or integrate effectively into this sensitive Class 4 designated rural location, and would contravene materially Objective RHO 9, Objective LCM1 and Objective LCM2 of the Galway County development Plan.

7.3.2 The applicant was refused previously for a single-storey dwelling under 19913. The proposal was revised in a number of ways including a reduced scale with the ridge height of the proposed dwelling much lower. The applicant submitted a design statement to justify the proposal in terms of visual impact. I would acknowledge that the applicant has made an attempt to provide a design that would better integrate with the landscape at this location and the design is a low profile, uncomplicated contemporary design and uses material designed to integrate with the dark backdrop of the existing landscape. In addition it would appear it is proposed to retain existing vegetation over much of the site to retain the natural appearance. The design statement outlines the justification for the proposal on design ground and includes a photomontage illustrating the overall visual impact of the proposed development. Notwithstanding such, the appeal site is a highly sensitive location, is elevated and exposed in nature and is designated as being of high scenic amenity value under the County Development Plan. The existing topography of the site would necessitate significant excavation of the level on site and would result in scar on the landscape. I would acknowledge the contents of the design statement but would consider that the overall visual impact of the development having regard to the sloping nature and elevated levels of the site underestimates the overall visual impact of the proposed development at this location.

7.3.3 As noted above the appeal site is in Class 4 land landscape designated as being of outstanding value and special in term of sensitivity. Having regard to the exposed and elevated nature of the topography at this location within a Class 4 designated landscape, along the Sky Road, it is considered that the development would result in a significant scar in the landscape and would be detrimental to the visual amenities of the area, would result in a built form that would not fit appropriately or integrate

effectively into this sensitive Class 4 designated rural location, and would be contrary Objective LCM1 and Objective LCM2 of the Galway County Development Plan. I would note that precedent for dwellings along the road does not override assessment of the proposal on its merits and in the context of Development Plan policy.

7.4 Traffic:

7.4.1 Permission was also refused on the basis that it is considered that the access and required visibility splays cannot be achieved without an unacceptable level of intervention. The Planning Authority considered that if permitted as proposed, the development would interfere with the safety and free flow of traffic on the public road serving the subject site, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, would be contrary to DM Standard 20 of the Galway County Development Plan 2015-2021, and to the proper planning and sustainable development of the area.

7.4.2 The requirement in terms of sightlines is 70m in each direction at the vehicular entrance. This would appear to be feasible based on a degree of alteration of the existing roadside boundary, which is within the power of the applicant to carry out. I would consider that sufficient sightlines are available to facilitate the proposed development and that the development is unlikely to cause a traffic hazard.

7.5 Wastewater Treatment:

7.5.1 The proposal entails installation of a proprietary wastewater treatment system. Site characterisation was carried out including trial hole and percolation tests. The trial hole test notes that the water table level was encountered in the trial hole at a depth of 1.35m (trial hole depth of 1.45m depth bedrock). The percolation test result for P tests by the standard method for shallow soil/subsoils and/or water table, indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The

test results indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The drawings submitted meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries). Based on the information on file and subject to appropriate conditions requiring compliance with the EPA Code Practice, I would consider that the proposal would be acceptable in the context of public health.

8.0 Appropriate Assessment:

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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.

9.1 Recommendation

9.1.1 I recommend refusal based on the following reasons.

10.0 Reasons and Considerations

1. The appeal site is in Class 4 land landscape designated as being of outstanding value and special in term of sensitivity. Having regard to the exposed and elevated nature of the topography at this location within a Class 4 designated landscape, along the Sky Road, it is considered that the development would result in a significant scar in the landscape and would be detrimental to the visual amenities of the area, would result in a built form that would not fit appropriately or integrate effectively into this sensitive Class 4 designated rural location, and would be contrary Objective LCM1 and Objective LCM2 of the Galway County Development Plan.

Colin McBride
Planning Inspector

01st February 2021