



An
Bord
Pleanála

Inspector's Report ABP-309872-21.

Development	Retention of development comprising increase in front boundary wall height.
Location	Quarry Road, Menlo, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	216
Applicant(s)	Seán Curran.
Type of Application	Retention permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v Refusal.
Appellant(s)	Seán Curran.
Observer(s)	Eleven Observers.
Date of Site Inspection	8 th May 2021.
Inspector	Patricia Calleary.

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1.0 Site Location and Description

- 1.1. The site as outlined in the application documentation comprises an existing wall positioned along a local road, known as Quarry road, on the outskirts of Galway city, c. 700m north of Menlo village and c.250m west of Lough Corrib.
- 1.2. The wall marks the front (western) boundary of a site comprising a large concrete yard and sheds. The original boundary wall is of natural stone construction, and it has since been extended in height by c.650mm with a resultant overall height of c.1.85m. The wall has a recess at the location of the entrance gates to the site to the east/rear. This site is currently vacant, and its former use is stated in the appeal to have included the manufacture, storage and sale of building materials, concrete blocks and precast concrete products.
- 1.3. Quarry road, which runs along the appeal site is a narrow-unmarked road with a gravel verge along the east side, between the road and wall. The area has a rural character, and the road is stated to be used as a recreational route for walking.
- 1.4. For clarification, the appeal site as outlined on the drawings and documents on file, comprises the area occupied by the wall only and does not include any of the site to the east of the wall.

2.0 Proposed Development

- 2.1. The development proposed to be retained comprises the added extension to the existing stone wall on site. The wall was originally c.1.15m high and has been raised to 1.85m by the addition of a layer of interlocking pre-cast concrete block elements laid on top of the existing wall and including a mortar layer. A section of the added pre-cast concrete block layer close to the entrance gates displays stone facing.
- 2.2. It is stated in the grounds of appeal that the appellant recently purchased the larger site/yard and proceeded to raise the wall to address issues with unauthorised access and for safety and security reasons. It is also stated that the appellant had considered that the works were exempted development within the meaning of the planning legislation but on receipt of a warning letter from Galway City Council, applied for planning permission to retain the development in an effort to regularise same.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a decision to **refuse retention permission** for one reason on grounds that the height of the extended wall is incongruous with the amenities and rural character of the area and interfering with the land use zoning objective (provide for development of agriculture) set out in the Galway City Development Plan 2017-2023. The reason also considered the wall would lie contrary to policy 4.6.2 (Open Space: Agricultural lands) and policy 2.10 (Village Envelopes/Areas) of the Development Plan.

3.2. Planning Authority Reports

- 3.2.1. The recommendation within the planning officer's report (February 2021) reflects the decision of the planning authority and stated that the proposal would be contrary to the Agricultural (A) land use zoning objective, Policy 4.6.2 (Open Space: Agricultural Lands) and Policy 2.10 (Village Envelopes/Areas) of the Development Plan for Galway city.
- 3.2.2. Other Technical Reports

- none

3.3. Prescribed Bodies

- none

3.4. Third-Party Observations

- 3.4.1. Fifteen submissions were received by the planning authority, objecting to the proposal for retention and the concerns are summarised in the planning officer's report. The concerns raised are similar to those raised by observers during the appeal stage and broadly include objections to the development on the basis that it is not justified in an agricultural area, the height and scale is excessive, and the design of the wall is out of character with the area.
- 3.4.2. Concerns are also raised regarding the intended activity on the site behind the wall structure and reference is made in observations about the history of unauthorised development on the site.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. There is no other recent planning history on the site. Reference is made in the planning officer's report to permission (Planning Ref: 98/727) refused by An Bord Pleanála following a decision by Galway County Council for the retention of a structure comprising columns for the support of a proposed gantry crane.
- 4.1.2. The grounds of appeal refer to planning permissions obtained in 1977 and 1981, which relate to a factory and a block-making activity. No planning reference numbers were provided.

4.2. Surrounding Sites

- 4.2.1. Planning applications for development proximity to the site relate to single houses, extensions and alterations and for agricultural sheds.

5.0 Policy and Context

5.1. Galway City Council Development Plan 2017-2023

- The site of the wall bounds an area zoned 'A' – 'To provide for the development of agriculture and to protect the rural character'. On the opposite side of the road, lands located between the site and Lough Corrib are zoned Agri-Amenity 'G' with a description 'To provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity'.
- Section 4.6.2 (Open Spaces: Agricultural Lands): There are two different land use zoning objectives for agricultural lands in the plan – 'A' zone and 'G' zone. The 'G' zoning objective are lands that in addition to agricultural uses have an important landscape and aesthetic value, which distinguishes them from less visually sensitive 'A' zoned agricultural lands.
- Policy 4.6.2 (Agricultural Lands) includes a requirement to encourage sustainable agricultural activities, protect the rural character of these lands and where appropriate provide for sustainable recreation/amenity opportunities.

- Policy 2.10 (Village Envelopes). It is stated that Menlough(Meno) village and environs have a distinct character.
- The site is located within an area identified as part of the open spaces within the Green network (Fig 4.1 and Table 4.1)

5.2. **Natura 2000 Sites**

- 5.2.1. The site is c.244 metres west of Lough Corrib Complex SAC (Site Code 000297) and Lough Corrib SPA (Site Code 004042) at its nearest point.

5.3. **Environmental Impact Assessment - Preliminary Examination**

- 5.3.1. 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The following is set out in the first party's grounds of appeal:
- site is currently vacant and previous uses related to manufacture, storage and the sale of building materials, blocks and precast concrete products;
 - proposal is to increase the wall height by 650mm, which is required to prevent illegal access to the site by members of the public and for health and safety concerns;
 - the added wall height used materials clad with stone to match the existing boundary wall and, as such, it would not be incongruous;
 - the existing mature landscape ensures the wall is integrated visually;
 - previous uses of site included the manufacturing of blocks;
 - the intended future use of the site will be addressed in a future planning application;

- while the application relates only to the increase in height of the wall, the applicant confirms that the site will not be used for the storage of waste;
- no part of the site is suitable for agricultural use and it is primarily a concrete yard and sheds;
- the wall was increased in height to address health and safety concerns from unauthorised trespassing, and it was considered that the works may have been exempted development.

6.2. Planning Authority Response

- none

6.3. Observations

6.3.1. The Board received 11 observations on the appeal. The main concerns raised specifically relating to the wall development and relevant to the appeal include the following:

- development is unnecessary and would set an undesirable precedent;
- would be contrary to policy for agricultural zoned land and high amenity lands on the shores of Lough Corrib;
- area is located within the Green Network area.
- concerns regarding impact on Lough Corrib Complex SAC and Lough Corrib SPA;
- Site is popular for walking and is located in an area identified as part of open spaces within the green network;
- application is piecemeal;
- wall is unsightly and out of character with the rural area;
- no evidence that the site has been used for unauthorised dumping by members of the public;
- Quarry Road is used as a recreational amenity for walkers, cyclists and Scout Groups and is not suitable for HGV traffic;

6.3.2. In addition, concerns are raised in relation to the intended use of the yard site behind the wall which has not been clarified through this application and it is stated that much of the works previously conducted on the site were unauthorised.

7.0 Assessment

7.1. Introduction

7.1.1. The site encompassing the wall (as extended) is located to the front/west of a vacant concrete yard, c.6.3 ha in area. The previous use of the yard is stated to have included manufacture, storage and sale of building materials, blocks and precast concrete products. Observers refer to its previous use for quarrying activity stating that the quarry itself was exhausted in 2009. The site includes a yard and sheds and there is evidence of some concrete products on the site, including products similar to the pre-cast concrete block elements used to raise the wall on the appeal site. The appellant has stated that there have been ongoing issues with unauthorised access and illegal dumping on the concrete yard site behind the wall and the intention behind raising the height of the wall along the roadside was to secure the site. It is also submitted that the raising of the height of the wall was carried out for health and safety reasons, assuming to address potential for accidents on the site following unauthorised entry.

7.1.2. At the outset, the applicant's stated rationale for the development as outlined above would not be uncommon in a situation such as this. In this regard, while the principle of securing the front of the site is acceptable, the specific development needs to be assessed against applicable Development Plan policy and whether or not the design is appropriate in its rural setting.

7.1.3. In this regard and taking into account matters raised during the application and appeal, I consider the substantive planning issues arising in the assessment of the application and appeal, relate to the following:

- Design and Local Objectives
- Appropriate Assessment Screening

7.2. Design and Local Objectives

- 7.3. The existing stone wall on site has been extended in height by c.650mm using a manufactured pre-cast interlocking concrete block product. The blocks are laid in a line on top of the existing wall with a layer of mortar pointing between the existing wall and the pre-cast concrete block extension. The type of interlocking pre-cast concrete product used is akin to that used for permanent and temporary structures for large scale industrial and civil engineering projects.
- 7.4. In terms of design, the added pre-cast blocks are at odds with the pre-existing stone wall in a rural setting. For a section of the raised wall, the pre-cast concrete products have been faced with stone. The pattern of the added stone facing is quite different to the existing stone wall pattern and is not in-keeping with the existing wall structure. The resultant height would also be at variance with the character of the area where front boundary walls in this part of county Galway along rural roads, comprise local stone and 1.2m-1.5m in height.
- 7.4.1. Within the Galway City Development Plan 2017-2023, the site of the wall bounds an area zoned 'A' – To provide for the development of agriculture and to protect the rural character. On the opposite side of the road, lands are zoned Agri-Amenity 'G' with a description 'To provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity'. Lands with the 'G' zoning are considered to have an important landscape and aesthetic value, which distinguishes them from the less visually sensitive 'A' zoned agricultural lands. Section 4.6.2 (Agricultural Lands) states that agricultural lands serve a number of purposes and that they form part of the unique setting, which provides a backdrop to the built environment. Policy 4.6.2 (Open Spaces- agricultural lands) states it is the policy of Council to encourage sustainable agricultural activities, protect the rural character of these lands and where appropriate for sustainable recreation/amenity opportunities and prevent developments which could cause environmental pollution or be injurious to the general amenities.
- 7.4.2. By reference to the provisions of the development plan outlined and noting the conclusion on design above, the development, albeit minor in scale, would not be supported by the zoning objective for Agricultural lands (Zone A) which seeks to protect the rural character of the area or related policy 4.6.2 (Open Spaces:

Agricultural Lands) which also includes a policy element to protect the rural character. Neither would the wall design be supported or compliment the adjoining Agri-Amenity 'G' lands on the western side of the road which requires the protection of areas of visual importance and/or areas of high amenity.

- 7.4.3. I conclude that the development as constructed does not accord with the relevant objectives or policies of the Development Plan for Galway City and would be out of character and detract from the visual amenities of the area and I recommend that permission is refused accordingly.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the minor nature of the proposed development for retention and the and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would 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. I recommend that retention planning permission for the development should be **refused** for the reasons and considerations, as set out below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the design and height of the extended elements to the wall, the proposed development for retention would be out of character with the design of the original subject wall and other walls characteristic of this rural area of county Galway. The proposed development to be retained would be injurious to the visual amenities of the immediately adjacent 'high amenity rural area' (area zoned Agri-Amenity 'G') and would not protect the character of the area within which it is situated (area zoned Agriculture-A), would be contrary to 4.6.2 (Open Spaces: Agricultural Lands) of the Galway County Development Plan 2017-2023, which aims to protect the rural character of such areas and would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia Calleary
Senior Planning Inspector

16th May 2021