



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310045-21

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<b>Development</b>	Change of house location, site boundaries and site entrance to previously granted under P16/748
<b>Location</b>	Mucklagh, Carrowholly, Westport, Co Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	2187
<b>Applicant(s)</b>	Paul Groden.
<b>Type of Application</b>	Permission to retain.
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Paul Groden
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	8 <sup>th</sup> February 2022.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Mucklagh approximately 4km northwest of Westport in Co Mayo. The surrounding area is characterised by rolling agricultural lands with a significant number of one off dwellings aligning rural roads. The site is approximately 1.7km east of the closest coastal inlet. The Landscape Appraisal for Co. Mayo categorises this area as being within Clew Bay Glacial Drumlins.
- 1.2. The site is located on the northern side of a local road beside a 'Y' junction. Levels rise up from the road to the north quite steeply with level difference from varying from 78m spot level towards the southern front boundary of the site to 95m spot level at the northern part of the site. The site has a stated area of 0.418 hectares and adjoins to the east of a crescent of 4 dwellings. An ESB line traverses the site. To the east of the site are agricultural sheds and a grotto located adjacent to the local road with more roadfront dwellings to the east of this.

## 2.0 Proposed Development

- 2.1. The application as described in public notices involves change of house location, site boundaries and site entrance to previously granted under 16/748 together with all ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 By order dated 30<sup>th</sup> March 2021 Mayo County Council decided to refuse permission for the following reasons:

The proposed development at an elevated location on the landscape, combined with the extensive changes in site levels would contravene Policy / Objective 7.1.5 of Volume 2 of the Mayo County Development Plan 2014-2020 (as amended), which requires that proposed buildings and other structures be located and designed to minimise changes to the existing levels and natural features of the site. The proposed development therefore would constitute a visual intrusion on the landscape and would militate against the preservation of the rural environment and interfere

with the character of the landscape of which it is necessary to preserve and be contrary to the proper planning and sustainable development of the area.

It has not been demonstrated to the satisfaction of Mayo County Council that the applicant has sufficient legal interest to access the site at this location. The development, if permitted would be contrary to the proper planning and development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planner's report notes extensive planning history on the landholding. Proposed location on the 85m contour with finished floor level of 83.2m will result in a cut of almost 2m which is considered excessive. Consent to use the existing access road has not been demonstrated. Refusal recommended.

#### **3.2.2. Other Technical Reports**

Area Engineer's report indicates no objection subject to conditions.

### **3.3. Prescribed Bodies**

No submissions

### **3.4. Third Party Observations**

No submissions

## 4.0 Planning History

There is an extensive planning history on these lands (variation of the current appeal site).

**18/1041** Application for change of house type previously granted under P16/748 and revised site layout together with ancillary site works. Refused on grounds of visual impact and traffic safety.

**ABP Ref 3010606 Mayo County Council Reg. Ref:17/919.** Application for Change of house type previously granted under P16/748 and change of house location on site due to engineering issues with foundation at approved location together with all ancillary site works. Refused by the Board for the following reason:

Having regard to the topography of the site, the elevated positioning of the proposed dwelling, together with its design, width and scale, and the resulting extensive excavation and ground alteration, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **Mayo County Council Reg. Ref: 16/77**

Application for dwelling at higher elevation withdrawn following recommendation to refuse permission.

### **Mayo County Council Reg. Ref: 16/748**

Permission granted in July 2017 for demolition of existing sheds and construction of a dwelling house, domestic garage, proprietary effluent treatment system, soil polishing filter, with connection to services, together with all ancillary site works. Condition 2 restricted first occupancy to the applicant.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Mayo County Development Plan 2014-2020 refers. It is an objective of the Council (RH02) "...to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in the Area."

It is an objective of the Council (LP-01), "through the Landscape Appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence."

Planning guidance for residential development is contained in Volume 2 of the Development Plan.

### **5.2. Natural Heritage Designations**

The Clew Bay Complex SAC is located approximately 1.3km to the west of the site.

### **5.3. EIA Screening**

The proposed development while of a class is substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a single new dwelling and associated site works, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Keith O Connell Chartered Engineers on behalf of the applicant. Grounds of appeal are summarised as follows:

- Previous proposal involved construction within the footprint of pre-existing sheds which have now being demolished. This would involve extensive ground works. Relocation of the dwelling will reduce the amount of expensive civil works.
- Proposal would be adequately absorbed and integrated into the landscape.
- Proposed dwelling would be moved on the site with revised site boundaries to avoid extensive groundworks associated with the dwelling granted under 16/748. This would make construction more feasible for the applicant. Although the house would have to be constructed at a higher finished floor level it would be similar in context to the adjacent dwelling to the west.
- The site and access are part of the original folio MY68329F owned by Sean Joyce who has given consent as outlined in letter attached.

### 6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

## 7.0 Assessment

7.1. Planning permission is sought for development described as a change of house type to that previously granted under Reg. Ref: P16/748 and change of house location on site due to engineering and cost issues arising in respect of the approved location. The original permission was granted in July 2017 and therefore remains live until July 2022. I note that the proposed site and development represents a significant variation from that permitted under P16/748, and notwithstanding the site overlap the current proposed site boundary excludes a large part of the permitted site including the location of the permitted dwelling 16/748 and location of the sheds to be demolished. Therefore an argument regarding the adequacy and accuracy of the

development description could be made. However, this is a new issue. In light of the nature and description of the application as a change of house location, site boundaries and site entrance in respect of permitted development P16/748 I do not propose to revisit the entire proposal de novo and rather it is appropriate to focus on the grounds of refusal.

7.2 Mayo County Council issued notification of decision to refuse permission for the following reasons:

*“The proposed development at an elevated location on the landscape, combined with the extensive changes in site levels would contravene Policy / Objective 7.1.5 of Volume 2 of the Mayo County Development Plan 2014-2020 (as amended), which requires that proposed buildings and other structures be located and designed to minimise changes to the existing levels and natural features of the site. The proposed development therefore would constitute a visual intrusion on the landscape and would militate against the preservation of the rural environment and interfere with the character of the landscape of which it is necessary to preserve and be contrary to the proper planning and sustainable development of the area.*

*It has not been demonstrated to the satisfaction of Mayo County Council that the applicant has sufficient legal interest to access the site at this location. The development, if permitted would be contrary to the proper planning and development of the area.”*

7.3 In relation to the second reason for refusal I note that the applicant has submitted a letter of consent from the relevant landowner in respect of the provision of the proposed entrance and therefore I consider that the applicant has demonstrated sufficient legal interest to make the application and I conclude that this issue is not a barrier to the proposal.

7.4 The key issue to be addressed relates to the first reason for refusal relating to the issue of visual impact and impact on landscape and rural amenity. I note that the planning authority has consistently expressed concerns regarding the visual impact arising in relation to development of a dwelling at this location and this has been upheld most recently in the decision of An Bord Pleanála in relation to ABP310606-

18 (Mayo Co Council Reg Ref 17/919) where that proposal related to a dwelling and garage combined set at a finished floor level of 80m above OD to the north of the permitted location (north of location of existing sheds).

- 7.5 I note from review of planning application Reg. Ref: 16/748, that the Planning Authority sought further information from the applicant on matters relating to existing and proposed site levels, floor and ridge levels, level of proposed access road and the extent of embankments/ retaining walls proposed. The planner's report made reference to the brownfield nature of the site as it is occupied by shed buildings.
- 7.6 The current proposal involves a relocation of the dwelling westwards and construction of a dwelling and detached garage set at a level of 83.2m.OD. a level which is in keeping with that of the adjacent dwelling to the west. The proposed dwelling is an L shaped dormer type structure with a gable breakfront incorporating stone cladding and extensive glazing. The proposed development would require substantial ground alteration of depths down to circa 4m to create a level platform on the site.
- 7.7 Having considered the detail and nature of the proposed development, I am wholly in agreement with Mayo County Council that the proposed dwelling will have an adverse visual impact on the rural landscape having regard to its design and elevated position above the roadway and the valley to the south. The proposal located further west of the approved location and set into the hillside will require a significant level of ground alteration, and also represents an elongation of an existing ribbon development pattern which extends to the west of the site. In my opinion, the proposal would represent an entirely discordant obtrusive feature in the landscape and would militate against the preservation of the rural area.

## **7.8 Appropriate Assessment**

Having regard to the nature and scale of the proposed development, impact pathways would be restricted to hydrological pathways. The physical distance from



the appeal site to the nearest European sites is such that any impact from the hazard source will be well diminished along the pathways in question by the time it reaches the receptor. Having regard to the nature of the proposed development and nature of the receiving environment and proximity to the nearest European sites, 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.

## **7.9 Recommendation**

It is considered that the proposed development should be refused for the reasons and considerations hereunder.

### **Reasons and Considerations**

Having regard to the topography of the site, the elevated positioning of the proposed dwelling, together with its scale and design, and the resulting extensive excavation and ground alteration, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would extend an existing pattern of ribbon development, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector  
21 February 2022