



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312134-21

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<b>Development</b>	Alterations to approved extension to comprise basement level gym. Subterranean link to proposed guest accommodation building comprising bedroom and ancillary rooms. Alterations to approved two-storey extension.
<b>Location</b>	Kilsallagh Lower, Westport, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	21999
<b>Applicant(s)</b>	Charles Cannon.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Charles Cannon.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 June 2022.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. This appeal relates to a rural site located within the townland of Kilsallagh Lower approximately 6km northeast of Louisburgh and 12 km southwest of Westport in County Mayo. The site is accessed via a local road L5880 which runs southwest of the Regional Road R335.
- 1.2. The appeal site has a stated area of 0.5 hectares and is occupied by a dwelling circa 180sq.m. The site levels gradually fall from the adjoining road level (c. 31.5m at the south-western corner of the site frontage) to lowest point at the northern corner of the site (c. 23.0m). The roadside boundary is defined by a stone wall with post and wire fence and dense vegetation along the north-eastern side boundary with a post and rail fence along the rear boundary and a block wall along the southern side boundary. There are a number of detached dwellings fronting onto the local road to the southwest.
- 1.3. The surrounding area is characterised by an undulating topography of agricultural fields and a significant concentration of roadfront one-off housing. The wider landscape to the north of the site gradually falls towards the coastline of Clew Bay while lands rise to upland areas to the south and southeast of the site to Croagh Patrick.

## 2.0 Proposed Development

- 2.1. The application seeks permission for alterations to the approved two storey extension (Reg ref 20/555) to accommodate the following
  - The construction of a basement level thermal suite / home gym to be located below the ground floor of the approved two storey extension with
  - A subterranean passage link to the proposed two storey guest accommodation building located to the side (north-east) comprising of a bedroom and ancillary rooms at the lower level and a games and cinema room at the upper level and
  - Minor alterations to ground and first floor of the approved two storey extension elevations to provide corner windows to the north east elevation in lieu of standard windows.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 10<sup>th</sup> November 2021 Mayo County Council issued notification of the decision to refuse permission for the following reason:

*“Having regard to the size and scale of the proposed development and its location to the rear of an existing storey and half dwellinghouse in a rural area, it is considered that the proposed development would give rise to overdevelopment of the site and if permitted would be visually obtrusive in this rural area and would interfere with the character of the landscape which it is necessary to preserve. The proposed development would therefore be contrary to the proper planning and sustainable development of the site and would set an undesirable precedent for similar type developments in the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planner’ report considers the scale of the proposal to be inappropriate and would represent overdevelopment of the site would be visually obtrusive and out of character. Refusal was recommended as per subsequent decision.

#### 3.2.2. Other Technical Reports

Executive Architect’s report considers that the information is poorly presented and difficult to assess. Given the scale of the development – effectively 3 houses the applicant should be presenting high quality realistic 3 D views of the overall development. Proposals appear unsuitable to the location and setting.

### 3.3. Prescribed Bodies

No submissions

### 3.4. Third Party Observations

No submissions

## 4.0 Planning History

**21/595** Application for alteration to the approved two storey extension (Ref 20/555) to accommodate construction of basement level thermal suite /home gym to be located below the ground floor of the approved two storey extension with a subterranean passage link to the two storey guest accommodation building located to the side north east comprising of a bedroom and ancillary rooms at the lower level and a games room and cinema room at the upper level and a proposed single storey detached summer house located to the rear (west) and minor alterations to ground and first floor of the approved two storey extension elevations to provide corner windows to north east elevation in lieu of standard windows and the provision for a two storey conservatory to the gable (north east) of the existing dwelling together with all associated ancillary site works. Withdrawn.

**20/555** Permission granted to construct a two storey extension to existing dwelling, a domestic garage, and the upgrade to tertiary level effluent system together with associated site works. Permission was subject to 6 conditions. No development contributions were included. I note that during the course of the application the area planner expressed significant concerns regarding the scale and design of the proposed extension. Following a request for additional information requesting design changes and response which did not include any such modifications a refusal was recommended however the head of Westport /Belmullet Municipal District directed that a grant of permission issue *“my reason is having regard to the design submitted of the extension to an existing house and the response to the FI which included computer generated views of how the finished development will sit in the landscape I do not believe it will adversely impact on the character of the existing landscape”*

**01/1934** Approval for permission for dwellinghouse and proprietary effluent treatment system granted on 8/11/01. I note a number of conditions related to the matter of effluent treatment including condition 7 requiring that *“the effluent from the house shall be treated in a proprietary effluent treatment unit capable of producing effluent*

of a 20/30 standard which shall be discharged to an elevated percolation area constructed of material having a T value specified by the manufacturer of the treatment unit and in accordance with SR6 of 1991. There shall be at least 1m of material between the percolation pipes and the winter water table.”

## 5.0 Policy Context

### 5.1. Development Plan

The Mayo County Development Plan 2022-2028 refers. The site is located within a rural area under strong urban influence and is a highly scenic area.

The Regional Road to the north includes designated scenic route and scenic views. R335 from west of Kilsallagh to Westport (looking towards both Croagh Patrick and Clew Bay).

The Site is within Landscape Unit O - Croagh Patrick Association and Policy Area 3 Uplands Moors heath or bogs in terms of landscape character designations.

Landscape Policy NEP 14 is To protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character.

Development Management Standards are set out in Volume 2 and include the following provisions:

#### 2.7 Rural Housing Extensions

Rural Housing Extensions shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing.
- Reflect the window proportions, detailing and finishes, texture, materials and colour of the existing dwelling, unless a high quality contemporary and innovatively designed extension is proposed.

- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.
- Carefully consider site coverage to avoid unacceptable loss of private open space. Where an extension increases the potential occupancy of the dwelling, the adequacy of the on-site sewage treatment (in unsewered areas) should be demonstrated by the applicant.

#### 4.15.1 Self Contained Isolation Units

One bed Isolation units maybe considered separate to the exiting house on site, subject to not exceeding a floor area of 30m<sup>2</sup> . Any larger units shall be attached as an extension to the existing house on site. The design of such structures shall be in accordance with the provisions of Section 4.15.4 below.

#### 4.15.2 Granny Flats / Independent Living Units

Granny Flats/ Independent Living Units maybe considered separate to the existing house on site, subject to not exceeding a floor area of 60m<sup>2</sup> . Such units shall be single storey only. Any larger units shall be attached as an extension to the existing house on site. The design of such structures shall be in accordance with the provisions of Section 2.9.4 below.

2.9.4 The design of the ancillary buildings outlined in Sections 2.9.1, 2.9.2 and 2.9.3 above shall:

- In general, be subordinate to the existing dwelling in its size.
- Reflect the window proportions, detailing and finishes, texture, materials and colour of the existing house unless a high quality contemporary and innovatively designed is proposed.
- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.
- Carefully consider site coverage to avoid unacceptable loss of private open space. Such proposals together with all other buildings on site shall not exceed an overall site coverage of 60%

- Where the proposal increases the potential occupancy of the of the overall site, the adequacy of the on-site sewage treatment (in unsewered areas) should be demonstrated by the applicant.

## 5.2. Natural Heritage Designations

The site is not within a designated area. The nearest designated Natura 2000 sites are the Clew Bay Complex SAC (Site code 001482) located c3.2km to the northeast, Old Head Wood SAC Site Code 00532, and West Connacht Coast SAC (Site Code 002998) circa 4km west of the site and Mweelrea /Sheeffry/Erriff Complex SAC(Site Code 001932), located approximately 4km south of the site.

## 5.3 EIA Screening

- 5.3.1 The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and therefore is not subject to EIA requirements.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal statement is submitted by Hendrik W van der Kamp, Town Planner on behalf of the first party Mr Charles Cannon. Grounds of appeal are summarised as follows:

- The proposal does not constitute overdevelopment of the site. While a total floor area on completion (circa 829sq.m) seems large, of this 315sq.m is already permitted. The total site area is 0.52 hectares thereby resulting in plot ratio of 0.196 and site coverage of 7.5% which is very low even for a rural area.
- There are no floor area limitations set out in the Mayo County Development Plan and site coverage is not normally to exceed 60% in rural area. There are

no valid criterion used to substantiate the conclusion that the proposal represents overdevelopment of the site.

- The area is not subject to any High Amenity landscape designation. While the road is marked as a scenic route in the development plan the views to be protected are towards the sea. While the coastline is considered a vulnerable area under the landscape evaluation this applies to all coastlines.
- The height of the extension does not exceed the height of the existing house. The now proposed development (as distinct from the permitted) does not include any three storey element.
- Design is contemporary with simple lines, vertical emphasis and smooth plaster finish. Different elements of the extension are deliberately separated by a landscape area covering the subterranean link between the two parts.
- Extensive scrub vegetation in the land adjoining to the rear northwest would screen the development from the regional road. Regarding views from the local road the extension is set back a considerable distance behind the building line of the existing house and existing houses on the county road would screen the proposal from views to the southwest.
- In terms of height, design and location within the site the proposed development would not form an obtrusive feature in the landscape.
- Applicant is prepared to accept a condition to require landscaping to be provided along the northern and eastern boundary of the site to screen the development from views from the north and northeast.
- The assessment of the proposed development appears to be based on subjective criteria that are not based on valid planning grounds or objective standards of proper planning and sustainable development.
- Regarding precedent each proposal for an extension should be considered on its merit. A decision to grant permission would not set a precedent.



## 6.2. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

## 6.3. **Observations**

No submissions

## 7.0 **Assessment**

7.1 I consider the principal planning issues arising in respect of the proposed development relate to the size, scale and design of the proposal as addressed within the Council's reason for refusal. Having regard to the previous permission granted on the site the principle of provision of an extension to the property has been established. The question arising therefore is whether the further extension of the dwelling and modifications to the permitted extension are acceptable.

7.2 The proposed development involves the provision of a lower ground floor spa and basement level accommodation under the previously permitted two storey extension and an additional two storey block to the north which incorporates a concealed underground lower level. I note that in terms floor area the proposal involves a substantial increase providing an additional 334sq.m where the existing dwelling is c177sq.m and the previously permitted extension was c296sq.m.

7.3 The requirements of the Mayo County Development Plan 2022-2028 relating to extensions to existing dwellings are set out in volume 2 development plan standards and include the requirement that "In general extensions shall be subordinate to the existing dwelling in its size, unless an exceptional cases, a larger extension compliments the existing development in its design and massing." The proposed extension is clearly not subordinate to the existing dwelling in its size and does not present an exceptional case complimenting the existing development in its design

and massing. The proposal would in my view materially contravene the development plan standards in terms of scale and size.

7.4 In considering the detail of the proposed design I would tend to concur with the Council's Architect that in essence the combined extensions result in three separate units of accommodation on this rural unserviced site. Clearly this would be inappropriate and contrary to development plan standards in relation to self contained isolation units (floor area not exceeding 30m<sup>2</sup>) or granny Flats / Independent Living Units (floor area not exceeding 60m<sup>2</sup>). This proposed building footprint is in addition to the permitted 88sq.m garage building.

7.5 I have noted above the concerns which were expressed by the then Area Planner during the course of the previous application 20/555 where an advice note issued with a request for additional information noting:

*“Mayo County has serious concerns in relation to the bulk, scale and design of the proposed extension at this open exposed and sensitive coastal location. The granting of such a development would set an undesirable precedent, In addition to addressing the above the following elements should be noted :*

- (i) All Balcony features shall be omitted from the proposed design*
- (ii) Glass to masonry ratio is considered inappropriate*
- (iii) Scale and massing of the garage shall be reduced.”*

Notwithstanding these concerns the development (unmodified) was subsequently granted by Mayo County Council following a direction by the head of Westport / Belmullet Municipal District.

7.6 I consider that the character and form of the existing house has not been respected in the proposed design and the proposed development would clearly represent an overdevelopment of this rural dwelling site which would be visually obtrusive and detrimental to the scenic and rural amenities of the area. I have noted that the Regional Road to the north includes designated scenic route and scenic views. R335 from west of Kilsallagh to Westport (looking towards both Croagh Patrick and Clew Bay). The coastline is also designated as a vulnerable area. The proposed

development by reason of its scale and design when viewed from areas to the northwest would result in visually obtrusive development resulting in obstruction and degradation of views towards Croagh Patrick and would be contrary to landscape policies of the development plan including NEP-14 to protect, enhance and contribute to the physical visual and scenic character of County Mayo and to preserve its unique landscape character and would be contrary to the proper planning and sustainable development of the area.

7.7 I note in relation to wastewater treatment the current proposal relies on the permitted system 20/555. Within the site suitability assessment submitted with the previous application 20/555 the site assessor expressed concerns regarding ground and surface waters given the location of the site within a gleyed soil area with no permeability. It was outlined that in the trial hole excavated to 2m winter water table was identified at 0.3m. Top soils were described as clay - not suitable for treatment and subsoils daub mottled to peat later. Percolation test holes all retained water or increased water from pre-soak indicating test failure. The report concluded that the site is not suitable for percolation. The application indicated an approach to improve the existing situation by way of provision of a chambered aeration unit with discharge to media filter and final discharge to ground via a 90sq.m gravel bed over a 1m high soil filter constructed from imported soil sand silt.

7.8 I note that condition 7 of the original permission for the dwelling 01/1934 required that an effluent treatment unit discharging to an elevated percolation area constructed of material having a t value specified by the manufacturer of the treatment unit in accordance with SR61991 and requiring at least 1m of material between the percolation pipes and the winter water table. The detail of the existing system as provided on the site have not been provided however on the date of my site visit I noted an area surface water ponding in the vicinity of the existing unit. I note that the level of accommodation proposed to be provided on the site would result in a significant increase in potential occupancy on the site and the adequacy of the on-site sewage treatment (in unsewered areas) has not been demonstrated.

7.9 I have concluded based on the foregoing that the proposed development is beyond the carrying capacity of the appeal site both visually and in terms of site servicing and would adversely impact on the visual and other amenities of the area. I note also that the proposal would involve extensive excavation and site manipulation to accommodate the proposed extensions on the site which is considered inappropriate given the sensitive coastline setting. I consider that the proposal would be contrary to the objectives of the Mayo County Development Plan 2022 -2028 and would be contrary to the proper planning and sustainable development of the area.

7.10 On the issue of appropriate assessment I note the findings of the Appropriate Assessment screening report which was submitted with the previous application PL20/555 carried out by Ingham Ecology. This report concluded that as there is no hydrological connection between the site and Oldhead Woods SAC, Mweelrea Sheeffry Erriff Complex SAC or West Connacht Coast SAC no pathways were identified for likely significant direct or indirect effects on the qualifying interests of these Natura 2000 sites. The potential for significant effects on the qualifying interest of the Clew Bay Complex SAC were screened in, as the site is circa 85m southwest of an unnamed stream flowing north for approximately 350m into Clew Bay at a location approximately 2.95km southwest of the boundaries of the Clew Bay Complex SAC (Site Code 001482). On the basis of the small scale of the project no significant effects on the qualifying interests of the Clew Bay Complex SAC in view of the conservation objectives either alone or in combination with other plans or projects were identified.

7.11 Having regard to the nature and scale of the proposed development, impact pathways to Natura 2000 would be restricted to hydrological pathways. The physical distance from the appeal site to the nearest European site 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/or nature of the receiving environment and/or proximity to the nearest European sites, potential for significant effects, including direct indirect and in-combination effects on the integrity of the European sites in view of their conservation objectives can be ruled out.

## **8.0 Recommendation**

- 8.1. I have read the submissions on the file, visited the site and had due regard to the development plan and all other matters arising. I recommend that the decision of the planning authority is upheld and permission is refused for the following reasons.

It is an objective of the Mayo County Development Plan 2022-2028 NEP-14 to protect, enhance and contribute to the physical visual and scenic character of Co Mayo and to preserve its unique landscape character. It is considered that the proposed development, by reason of its location and sensitivity in a scenic coastal landscape in the foothills of Croagh Patrick and by reason of its scale, height and design would represent an inappropriate overdevelopment of the site and would be overbearing and visually intrusive. The proposed development would not be in accordance with the Development Management Standards and criteria for residential extensions as set out in Volume 2 of the Mayo County Development Plan 2022-2028. The proposed development would, seriously injure the visual amenities of the area, would conflict with the development plan objective NEP-14 to protect the enhance and contribute to the physical visual and scenic character of Co Mayo and to preserve its unique landscape character and would therefore be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector  
6th September 2022