



An
Bord
Pleanála

Inspector's Report

ABP-313505-22

Development	Demolition of house, construction of replacement dwelling, wastewater treatment system and associated site works
Location	Killadangan , Westport, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	211303
Applicant(s)	Bríd Doyle.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Bríd Doyle.
Observer(s)	None.
Date of Site Inspection	7 th February 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site, known as Beechcroft, is in the rural townland of Killadangan, approximately 4.5km southwest of Westport town centre in County Mayo. The site is accessed off the R335 Westport to Louisburgh Road and is situated at the base of the foothills leading to Croagh Patrick, and overlooking Clew Bay to the north. The immediate area is characterised by a patchwork of small fields, bordered by stonewalls and mature trees, interspersed with rural housing.
- 1.2. The appeal site measures a stated 0.129ha and is occupied by a vacant single-storey pitched-roofed cottage, which is set back from the front roadside boundary by approximately 3m and with single-storey east side and rear flat-roofed extensions. Adjoining the cottage to the east is a single-storey stone-built agricultural building, which is not within the site (redline boundary). The roadside boundary is formed by a low stonewall supplemented by planting, with extensive vegetation overgrown throughout the site. The remainder of the site boundaries are formed by stonewalls supplemented by hedgerows and trees. Levels fall dramatically on site with a 6m drop in levels from the rear to the front of the appeal site.

2.0 Proposed Development

- 2.1. The application involves permission for demolition of the existing house 103sq.m and construction of a replacement dwelling 228sq.m. provision of a wastewater treatment system and associated site works.

3.0 Planning Authority Decision

3.1. Decision

By order dated 11th April 2022 Mayo County Council issued notification for the decision to refuse permission for the following reasons:

“The proposed development is located on an unimproved section of a Regional Road R335 and where the maximum speed limit applies would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.”

The proposed development is located near a sharp bend on a public road, with poor horizontal alignment. By taking access from the public road at a point where a speed limit of 80kmph applies, where a continuous white line exists, where the sight visibility distances at the proposed entrance would be substandard, the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial planner's report sought additional information to address the issue of minimum site size, and separation distances in accordance with the EPA Code of practice Domestic Wastewater Treatment Systems PE≤10 and details of surface water proposals.

Second report asserts that regarding entrance the previous refusal reason is partly overcome in that the vehicular entrance is no longer new however the sightline visibility is substandard and refusal was recommended.

3.2.2. Other Technical Reports

Flood Risk Assessment Report - No further risk assessment required.

Area Engineer's report. No surface water from the development site including setback area and access to enter the public road. Applicant responsible for diversion/ adjustment of services /infrastructure etc.

Senior Executive Engineer Road Design Office report recommends refusal on grounds of traffic hazard.

3.3. Prescribed Bodies

National Road Design Office - No issues raised for National Road System.

3.4. Third Party Observations

Submission from Tom Skahill, Prospect, Westport. Indicates no concerns regarding replacement house design. As a postal worker the opportunity to improve access is welcome.

4.0 Planning History

ABP 305747 (Mayo County Council Reference 19/610) On 20th February 2020

The Board Refused permission for demolition of house and construction of replacement dwelling for the following reasons:

1. *Having regard to the layout of the proposed development, which incorporates a new vehicular access point onto a Regional Road (R335), which is listed as a Strategically Important Regional Road in the Mayo County Development Plan 2014-2020, where a speed limit of 80 km/h applies, and where sight visibility distances would be substandard, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. Furthermore, it is considered that the proposed development, incorporating a new vehicular access point at a location where sight visibility distances would be substandard, by itself and by the precedent which a grant of permission for it would set for other relevant development, would adversely affect the use of this major road by traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the prominent location of the site in an area of high scenic amenity along a scenic route with views and prospects designated for protection in the Mayo County Development Plan 2014- 2020 and the scale and significantly increased floor area of the proposed house entailing two-storeys, replacing a single-storey house, it is considered that the proposed development would form a discordant and obtrusive feature at this location, which would interfere with the character of the landscape and of the scenic views along this designated scenic route, and would be inconsistent with objectives LP-02, LP-03 and VP01 of the Mayo County Development Plan 2014-2020, which seek to preserve and protect the scenic amenity of the county and the*

character of scenic areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

I note that whilst the decision of the local Authority was taken in the context of the Mayo County Development Plan 2014-2020, the Mayo County Development Plan 2022-2028 (adopted on 29 June 2022) now refers.

- In terms of rural housing policy the site is within a rural area under strong urban influence.
- As regards landscape policy the site is within Policy Area 3 Uplands Moors Heath or Bog and overlooks Policy Area 2 Lowland Coastal Zone.
- The R335 is a scenic route with designated views.
- Landscape Objective NEO 25 To consider applications for development, along Mayo's' Scenic routes, that can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:
 - Does not impinge in any significant way on the character, integrity and distinctiveness of the area.
 - Meets high standards in siting and design.
 - Contributes to and enhances local landscape character.
 - Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations. Rural housing applications along Scenic Routes must comply with the requirements set out in Objective RHO 3 (Chapter 3).
- NEO 26 To consider applications for development, within Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, that can demonstrate a long-standing social link to the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area.
- Cannot be considered at an alternative location.
- Meets high standards in siting and design.
- Contributes to and enhances local landscape character.
- Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations.

Rural housing applications along Coastal Areas and Lakeshores must comply with the requirements set out in Objective RHO 4 (Chapter 3)

- Rural Housing Policy RHP 7 To consider replacement dwellings or development of other structures to habitable homes in all rural areas, subject to normal planning considerations.
- RHO 9 To discourage the demolition and replacement of traditional or vernacular rural houses in order to protect the varied types of housing stock in rural areas of the County and to preserve the rural built heritage. Demolition and replacement will only be considered, on a case by case basis, where it is clearly demonstrated by way of a suitably qualified structural engineer's report that the dwelling/structure is not reasonably capable of being made structurally sound or otherwise improved.
- The R335 Section from Belclare Junction Westport – Louisburgh is designated as a Strategically Important Regional Road.
- Non National Roads Policy MTP 26 is "To enhance regional accessibility between key settlements in County Mayo and their regions and to safeguard existing and future capital investment through the protection of the capacity, efficiency and safety of Strategically Important Regional Roads."

5.2. Natural Heritage Designations

The nearest designated sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are

Site Code 001482 Clew Bay Complex SAC 35m north

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, it is considered that the issues arising from the proximity and connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment), as there is no likelihood of other significant effects on the environment. 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

The appeal submitted by Emmet O Donnell Architect on behalf of the first party. Grounds of appeal are summarised as follows:

- ABP Inspector's report P19/610 generally supported the applicant's position that the development of the site would permit an improvement in road safety. The Inspector's refusal reason ultimately focussed on inappropriate / discordant house design which is addressed in the current application.
- Proposal seeks to demolish the existing house and replace it with a single storey house situated further back into the site. The proposed house is a discreet single storey dwelling that compares favourably with the proportions of the existing house. Proposal will use the existing entrance rather than create a new entrance.
- As the proposal is a replacement like for like increased traffic movements do not arise.
- If the existing house is to remain it will contribute to function without any site turning facility resulting in cars having to enter and leave without the ability to turn safely within the site. The proposal will result in a significant safety improvement for occupants and other road users.
- If required the house could be reduced from 4 to three bedrooms resulting in a more conservative like for like proposal.

- A construction traffic safety plan could be implemented for the duration of works.
- Traffic survey carried out observed an average speed of 67kph along this stretch of road which is significantly lower than 80kph posted speed limit.
- Precedent of nearby permission granted for a replacement dwelling 17/677.

6.2. Planning Authority Response

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

7.0 Assessment

- 7.1. The Planning Authority's refusal reasons relate to the impact of the proposed development on traffic safety. In light of the planning history on the site in particular the Board's previous decision on the site ABP 305747, I consider that the main issues to be addressed in the current appeal relate to the question of whether the previous reasons for refusal (related to traffic and road safety impact and scale / design and visual impact) have been overcome. The issues of wastewater treatment and the matter of Appropriate Assessment must also be revisited.
- 7.2. On the question of the principle of development, I note that the Mayo County Development Plan 2022-2028 was adopted on the 29th June 2023 after the decision of the local authority and it includes Rural Housing Objective RH09 which discourages the demolition and replacement of traditional or vernacular rural houses in order to protect the varied type of housing stock in rural areas of the County and to preserve the rural built heritage. Demolition and replacement will only be considered on a case by case basis, where it is clearly demonstrated by way of a suitably qualified structural engineer's report that the dwelling / structure is not reasonably capable of being made structurally sound or otherwise improved. I note that this is a new issue in terms of the appeal and the principle of demolition was not raised as a concern in the Board's previous decision on the site. I note that the application does not include any structural survey or other information to justify demolition. From my visual inspection the dwelling appears to be reasonably capable of being made habitable.

7.3. The detail of the proposed development can be considered under the following broad headings.

Traffic and Road Safety

Design and Visual Impact

Servicing- Wastewater Treatment

Appropriate Assessment

7.4 Traffic and Road Safety.

7.4.1 The Board previously refused permission on the following grounds:

“Having regard to the layout of the proposed development, which incorporates a new vehicular access point onto a Regional Road (R335), which is listed as a Strategically Important Regional Road in the Mayo County Development Plan 2014-2020, where a speed limit of 80 km/h applies, and where sight visibility distances would be substandard, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. Furthermore, it is considered that the proposed development, incorporating a new vehicular access point at a location where sight visibility distances would be substandard, by itself and by the precedent which a grant of permission for it would set for other relevant development, would adversely affect the use of this major road by traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

7.4.2 The first party contends that this reason has been overcome on the basis that the current proposal uses the existing access point. The first party also asserts that as the proposal is a like for like replacement for the existing house, it will not give rise to increased traffic. It is asserted that as the proposal will provide for turning facilities within the site it will thereby improve traffic safety as cars will no longer have to reverse onto the road.

7.4.3 The existing site entrance is located at the eastern boundary of the site and is severely substandard given the curvature of the road and restricted visibility due to landscaping and boundary obstructions both within and outside of the site. The application as set out does not provide any specific measures to improve sightline visibility nor detail the available sight distance, however it is evident that it is well short of the standard access visibility requirements of 120m for Regional Roads with a speed limit of 80kph of 120m as set out at Table 4 Development Management Standards Volume 2 of the Mayo County Development Plan 2022-2028.

7.4.4 I have noted Mayo County Development Plan MTP 26 To enhance regional accessibility between key settlements in County Mayo and their regions and to safeguard existing and future capital investment through the protection of the capacity, efficiency and safety of Strategically Important Regional Roads (Table 6.6). MTP 28 It is a policy of Mayo County Council, in relation to lands adjoining Strategically Important Regional Roads to which to which speed limits greater than 60 km/h apply, to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to Strategically Important Regional Roads, unless it can be demonstrated that the development is required for economic or social reasons and cannot be accessed from a non-Strategically Important Regional Road.

7.4.5 In the absence of measures to improve sightlines, I am not satisfied that the issue of road safety has been adequately addressed. The proposal which will give rise to increased traffic movements, would in itself and by the precedent it would set for further relevant development would adversely affect the use of the strategically important regional road and would endanger public safety by reason of traffic hazard. On this basis I consider that refusal is warranted on traffic safety grounds.

7.5 Design and Visual Impact

7.5.1 On the issue of design and visual impact I note that the Board previously decided that the proposal (305747) for a two storey dwelling replacing the existing single

storey house would be visually obtrusive and would form a discordant and obtrusive feature which would interfere with the character of the landscape and of the scenic views along the designated scenic route.

7.5.2 The current proposal creates two linked single storey stepped structures on two levels stepping back on the site. I note the modest single storey scale of the existing structure 103sq.m proposed to be replaced by a 228sq.m structure. I note the restricted site size (.129ha) and the topographical constraints on the site. Having considered the detail of development as set out in the proposal I consider that the proposal for development on two levels stepping up onto the hillside on a severely restricted site area without the capacity to adequately screen and absorb the level of development as proposed, would result in an unduly prominent insertion along this designated scenic route which would interfere with the character of views of special amenity the protection and preservation of which are provided for within the Development Plan. I consider that refusal on design grounds is warranted. I consider that a renovation and moderate extension of the existing dwelling would be considered more favourably.

7.6 Servicing – Wastewater Treatment.

7.6.1 As regards the matter of wastewater treatment, I note the restricted site size (.129ha –(.319acre)) and the topography of the site which limits the available options in terms of siting and design of the proposed wastewater treatment system. In response to the Council's request for additional information the applicant clarified that there is no opportunity to increase site size. It is asserted that the proposed layout achieves the minimum separation distances as set out in the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10).

7.6.2 As regards site suitability assessment the trial hole excavated on 4/12/2018 to 2.5m water table was encountered at 2.1m. Soil / subsoil structure is described as silt /clay soft topsoil leading to gravelly/silt firm/soft at 0.3 with gravel 0.7m. A T value of 7 was recorded with a P Value of 8. I note some anomalies within the site

assessment report (comments box in relation to T test and P test contradictory stating that “The site was dry on the day that testing took place” and “The site was wet on the day that testing took place”) and also note that the details of the existing system serving the existing dwelling are not provided. However, I note that the issue of wastewater treatment was not raised as a concern by the previous reporting inspector and I would concur that a modern (best available technology) upgrade of existing wastewater treatment would represent an environmental improvement in terms of site servicing.

7.7 Appropriate Assessment Screening

7.7.1 Compliance with Article 6(3) of the Habitats Directive.

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are fully considered in this section.

7.7.2 Description of Development

The site location is described in section 1 of this report above. A description of the proposed development is provided in section 2 of this report above. Neither a screening report for appropriate assessment nor a Natura Impact Statement was submitted with the application.

7.7.3 Screening for Appropriate Assessment Test of Likely Significant Effects.

The project is not necessary to the management of a European site. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works, which could have a negative effect on the qualifying interests of European sites, include the following:

- impacts on water quality, for example via the release of suspended solids, accidental spills or release of contaminants from made ground, including wastewater.

7.7.4 European Sites

There are two European sites within 2km of the appeal site and these are listed in section 5.2 above. European sites located more than 2km from the proposed development are excluded from this assessment, based on the separation distance from the appeal site to the European sites, the location of the European sites upstream of the appeal site and the dilution effect of intervening marine waters to European sites that are downstream.

7.7.5 Identification of likely effects

The following conservation objective is set for the Brackloon Woods SAC: (Site Code: 000471) - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected - 91A0 Old sessile oak woods with ilex and blechnum in the British Isles.

There is no connectivity between Brackloon Woods SAC (Site Code: 000471) and the proposed works site, as it is upstream of the works and due to the distance over ground between this designated site and the proposed works site.

The following conservation objectives are set for the Clew Bay Complex SAC: (Site Code: 001482)

- The status of Geyer's whorl snail as a qualifying Annex II species for Clew Bay Complex SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species;
- To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide;
- To maintain the favourable conservation condition of lagoons;
- To maintain the favourable conservation condition of large shallow inlets and bays;
To maintain the favourable conservation condition of annual vegetation of driftlines;
To maintain the favourable conservation condition of perennial vegetation of stony banks;
- To restore the favourable conservation condition of Atlantic salt meadows;
- To restore the favourable conservation condition of otter;
- To maintain the favourable conservation condition of harbour seal;

- To restore the favourable conservation condition of embryonic shifting dunes;
- To restore the favourable conservation condition of shifting dunes along the shoreline with *Ammophila arenaria* (European marram grass).

The Clew Bay Complex SAC is selected for a range of habitats, including tidal mudflats and sandflats, coastal lagoons, large shallow inlets and bays, annual vegetation of drift lines, perennial vegetation of stony banks, Atlantic sea meadows, embryonic shifting dunes, machairs and Old Oak Woodlands. This site is of high conservation importance owing to the presence of otter, Geyer's whorl snail and common (harbour) seal, which are listed for protection in Annex II of the EU Habitats Directive. The development site is separated from the Clew Bay Complex SAC by the R335 regional road and undeveloped lands leading down to the coastline.

The maps accompanying the site conservation objectives on the National Parks & Wildlife Service website identify that the closest habitat to the appeal site is an area of intertidal sandy mud, which has potential to be used by otter. Using the source-pathway-receptor model, I do not consider, on the basis of the information submitted, that the proposed development, involving a replacement house with upgraded wastewater treatment to be installed and operated as per EPA requirements, would be likely to impact on the conservation objectives of the Clew Bay Complex SAC and other European sites.

7.7.6 Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.7.7 In-Combination Effects

As I have concluded above that the proposed development would not be likely to impact on the conservation objectives of European sites, I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects.

7.7.8 Appropriate Assessment Screening Conclusion

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, the proposed development, either individually or in combination with other plans or projects, would not be likely to give rise to significant effect on the Brackloon Woods SAC (Site Code: 000471), Clew Bay Complex SAC (Site Code: 001482) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission should be refused for the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the layout of the proposed development, which incorporates a vehicular access point onto a Regional Road (R335), which is listed as a Strategically Important Regional Road in the Mayo County Development Plan 2022-2028, where a speed limit of 80 km/h applies, and where sight visibility distances are seriously substandard, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. Furthermore, it is considered that the proposed development, by itself and by the precedent which a grant of permission for it would set for other relevant development, would adversely affect the use of this major road by traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site in an area of high scenic amenity along a scenic route with views and prospects designated for protection in the Mayo County Development Plan 2022- 2028 and the scale and significantly increased floor area of the proposed house entailing two-split level structures replacing a low profile single-storey house, it is considered that the proposed development would form a discordant and obtrusive feature at this location, which would interfere with the character of the landscape and of the scenic views along this designated scenic route, and would be inconsistent with objectives NEO 25 and NEO 26 of the Mayo County

Development Plan 2022-2028, which seek to preserve and protect the scenic amenity character integrity and distinctiveness of scenic areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bríd Maxwell
Planning Inspector

27th March 2023