



An
Bord
Pleanála

Inspector's Report ABP-314594-22

Development	Retention of existing works at a revised location, and Permission to complete dwelling house and for a garage/shed, with variations from that permitted under 19/1935, and all associated works and ancillary services.
Location	Portdarragh, Moycullen, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22/60635
Applicant(s)	Tim McDonagh
Type of Application	Retention & Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Tim McDonagh
Observer(s)	None
Date of Site Inspection	8 th December 2022

Inspector

Hugh D. Morrison

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
4.0 Planning History.....	6
5.0 Policy and Context.....	6
5.1. National Planning Framework and National Planning Guidelines	6
5.2. Development Plan.....	7
5.3. Natural Heritage Designations	9
5.4. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	11
6.3. Observations	11
6.4. Further Responses.....	11
7.0 Assessment.....	11
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	16

1.0 Site Location and Description

- 1.1. The site is located 4.85 km to the north north-east of Moycullen. It lies in a low-lying area of farmland and woodland to the west of Lough Corrib. Tullokyne Castle lies to the west of the site. Several dwelling houses and a small farmstead lie within the vicinity of the Castle and to the west of the site. All are served by the secondary local road network, which is accessed from the west off the L1313, a primary local road from Moycullen.
- 1.2. The site is regular in shape, apart from along its western boundary, which follows a meandering field boundary with an adjoining residential property. This site extends over 0.310 hectares at the western end of its host field. It is the subject of gentle gradients, which rise generally from its southern boundary to its northern one. The site is accessed via a field gate in its south-western corner, and existing boundaries are enclosed by means of drystone walls and hedgerows.

2.0 Proposed Development

- 2.1. Under the proposal, the applicant seeks to retain the foundations and ground floor base of his dwelling house in a central position within the site, where the finished ground floor level would be 13.94m OD. Under this layout the envisaged dwelling house would have front and rear elevations that would face south and north, respectively. It would differ from what was permitted under 19/1935, i.e., the dwelling house would have been sited in the southern portion of the site, at a lower level, and with its principal elevations facing south-west and north-east.
- 2.2. Under the proposal, the applicant seeks to complete the dwelling house. Its size and design would be essentially the same as those that were permitted under 19/1935. The main difference would be a sunroom, which would be added (19.78 sqm) as an ancillary element to the eastern end of the bungalow (total floorspace, including sunroom, 164.5 sqm).
- 2.3. Consequential changes resulting from the re-siting of the dwelling house would entail revised and more extensive on-site access arrangements, which would serve the dwelling house and a freestanding garage (48 sqm) to its rear. The proposed wastewater treatment system (Tricel Nova IRL6) would be sited in roughly the same

position as that permitted, but the accompanying soil polishing filter would be re-sited from the western to the south-western portions of the site.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

Having regard to

- (i) the siting of the development at a high point within the site and to its orientation relative to the existing pattern of development in this rural setting,*
- (ii) in conjunction with the location of the site with a class 3 designated rural landscape and*
- (iii) to the planning history pertaining to the site and to previous reasons for refusal,*

it is considered that, the development as proposed would constitute haphazard and disorderly development which would not assimilate satisfactorily or integrate effectively into the receiving sensitive rural landscape and would contravene materially Policy Objective RH 9, Policy Objectives LCM 1 and LCM 2 and DM Standards 8 and 46 contained in the Galway County Development Plan, 2022-2028. 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 and a development management standard contained in the current county development plan, would set an undesirable precedent for similar future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See reason for refusal.

3.2.2. Other Technical Reports

None.

4.0 Planning History

- 19/332: Dwelling house, garage/shed, and WWTS: Refused on the following grounds:
 - Due to the absence of road frontage, the backland siting relative to the pattern of sitings nearby, and the orientation of the dwelling, it would constitute haphazard and disorderly development, which would not fit appropriately or integrate effectively into the site's rural location, and
 - The applicant did not demonstrate to the availability of the requisite sightlines for the proposed access to the site.
- 19/802: Dwelling house, garage/shed, and WWTS: Refused on the following ground:

Due to the absence of road frontage, the backland siting relative to the pattern of sitings nearby, and the orientation of the dwelling, it would constitute haphazard and disorderly development, which would not fit appropriately or integrate effectively into the site's rural location.
- 19/1935: Dwelling house, garage/shed, and WWTS: Permitted.
- Enf. 21/018: Extant enquiry.
- 22/60023: Same description as current proposal: Withdrawn.

5.0 Policy and Context

5.1. National Planning Framework and National Planning Guidelines

- National Planning Framework

Objective 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

- Sustainable Rural Housing Guidelines

5.2. Development Plan

Under Map 4.2 of the Galway County Development Plan 2022 – 2028, the site lies within the following zones:

- Zone 2: The Galway County Transport and Planning Study (GCTPS), which is an area under strong urban influence for the purpose of assessing applications for rural dwelling houses,
- Zone 4: Landscape Sensitivity Category 3 “Special”, i.e., the Landscape Character Type Lake Environs and the Landscape Character Unit 4b Lower Corrib Environs, and
- Zone 5: An Gaeltacht Area.

Insofar as the principle of the applicant building a dwelling house for himself was accepted under the grant of permission to application 19/1935, the following policies are of relevance to the current proposal for the site:

Rural Housing Policy Objective 9: Design Guidelines

It is a policy objective of the Planning Authority to have regard to Galway County Council’s Design Guidelines for the Single Rural House with specific reference to the following:

a). It is the policy 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 the policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout;*
- c). *It is the policy objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.*

The Planning Authority's reason for refusal cites the first and second policy objectives for landscape conservation and management:

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.

LCM 2: 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.

The following development management standards are also of relevance:

No. 8 Site selection and design:

Apply the following guidance in assessing planning applications for rural housing:

- *The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.*
- *Simple design forms and materials reflective of traditional vernacular should be used.*
- *Have regard to the scale of surrounding buildings. A large house requires a large site to ensure effective integration into its surroundings (either immediately or in the future, through planned screening).*
- *A visual impact assessment may be required where the proposal is located in an area identified as "Protected Views/Scenic Routes" in the Landscape Character Assessment of the County or in Class 3 and 4 designated landscape sensitivity areas.*

- *The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.*
- *The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominates the landscape. (Cutting and filling of sites is not desirable).*
- *New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.*
- *Larger houses (e.g., in excess of 200sqm) should incorporate design solutions to minimise visual mass and scale e.g. sub-divided into smaller elements of traditional form to avoid bulky structures.*
- *Use a simple plan form to give a clean roof shape – a long plan in preference to a deep plan. This will avoid the creation of a bulky shape.*
- *Where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension in preference to new build.*
- *Clustering with existing rural buildings is generally preferable to stand-alone locations.*

No. 46 Compliance with landscape sensitivity designations

Under Class 3 “Special”: Types of development to be “Restricted to essential residential needs of local households and various developments (subject to site suitability and appropriate scale and design), including those with substantiated cases for such a specific location and which are in compliance with settlement policies.”

Appendix 5 sets out “Design Guidelines for the Single Rural Housing”.

5.3. Natural Heritage Designations

- Lough Corrib SAC & pNHA (000297)
- Lough Corrib SPA (004042)

5.4. EIA Screening

Under Item 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where more than 500 dwelling units would be constructed the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The site is located within a landscape that has the lowest sensitivity rating of lands west of Lough Corrib.
- The site is located within an area of primarily agricultural lands.
- The site is not the subject of any significant public viewing points.
- The siting and orientation of the proposed dwelling house would be more in keeping with the host cluster of buildings than the siting and orientation of the permitted dwelling house, which would align with the adjacent dwelling house to the west.
- The siting of the proposed dwelling house would be in the “recess” of the host field and so this dwelling house would not be dominant.
- The siting of the proposed dwelling house would not significantly interfere with neighbouring residential amenity.
- The proposal would incorporate the existing site access and site boundary treatments. It would entail minimal intervention works.
- The proposal would not materially contravene the policy objectives and development management standards cited in the Planning Authority’s reason for refusal.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the National Planning Framework, the Sustainable Housing in Rural Areas Guidelines, the planning history of the site, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Preliminary considerations,
- (ii) Landscape and visual impacts,
- (iii) Water, and
- (iv) Appropriate Assessment.

(i) Preliminary considerations

7.2. The site is the subject of an extant permission granted to the current applicant under 19/1935 for a dwelling house. The principle of a dwelling house on the site for the applicant's occupation has thereby been established. In these circumstances, I will not undertake a local rural housing need assessment of the applicant.

7.3. Essentially at issue under the current application/appeal is the size, siting, and orientation of the proposed dwelling house within the site, and consequential matters, such as the siting of the percolation area and on-site access arrangements.

7.4. The planning history of the site indicates that the applicant's first and second applications, 19/332 and 19/802, were for a smaller version of the current application site. Under 19/1935, the site was extended southwards and it is this enlarged site

that is the subject of the current application. The site access point shown in 19/1935 would remain unchanged under the current application and so I will not re-assess its suitability.

- 7.5. I conclude that the principle of a dwelling house on the site for the applicant is established and so under the current application/appeal it is the details of this dwelling house and consequential matters only that fall to be assessed.

(ii) Landscape and visual impacts

- 7.6. The site lies within Landscape Character Type Lake Environs and the Landscape Character Unit 4b Lower Corrib Environs. This landscape is deemed to have a sensitivity rating of “special”, the second highest of the available categories. Accordingly, it has a “high sensitivity to change”.
- 7.7. During my site visit, I observed that the site lies at the western end of its host field and that it is subject to gentle gradients that rise from south to north. This site is enclosed on three of its four sides by drystone walls, which are punctuated by mature deciduous trees. It is accessed from the adjoining local road by means of a field gate in its south-western corner. Short stretches of hedgerow accompany this gateway on either side.
- 7.8. I also observed that the site is situated within a loose cluster of dwelling houses, small farmsteads, and the ruins of a castle, i.e., Tullokyne Castle¹. The principal elevations of these buildings tend to either address the accompanying local road network or they are set at right angles to it and so have gabled elevations that address this network. The dwelling houses in the immediate vicinity of the site lie to its west. They comprise a modern bungalow with an older bungalow beyond it on the north side of the local road and an older bungalow with the castle beyond it on the south side. The castle is composed of a high western elevation, which is intact although covered with ivy, and the exposed internal side of this external elevation with the partial remains of floors and accompanying elevations on either side. It maintains a dramatic presence within its domestic and small farm context.

¹ While this castle is neither a protected structure nor an entry in the NIAH, it is identified for inclusion in the next revision of the Record of Monuments and Places (RMP) as a castle tower house (GA0068-006001-) with an accompanying ritual well to the west (GA0068-006002-).

- 7.9. The planning history of the site indicates that the applicant originally applied for a dwelling house, which would have been sited in a position similar to that which is now proposed for retention. The Planning Authority refused such siting twice, prior to its most recent refusal of the current proposal. Its original concern stemmed from the site's absence of a meaningful road frontage and the view that there may have been other sites within the applicant's ownership with such frontage. It was also concerned about the elevated position of the dwelling house and its relationship with the adjacent modern bungalow to the west, which would have been informal. Consequently, this dwelling house was judged to represent "haphazard and disorderly development, which would not assimilate satisfactorily or integrate effectively into the receiving sensitive rural landscape." Subsequently, the Planning Authority granted permission for a dwelling house, which would have been sited within the lower southern portion of the site, and which would have been orientated to align roughly with the adjacent bungalow and to establish a relationship with the access point to the site.
- 7.10. The applicant now proposes to retain and complete a dwelling house in a position in the northern portion of the site. The siting of this dwelling house would be slightly to the west of that which was previously refused, and its orientation would be more strongly on a north/south axis. It would also be slightly larger insofar as a sunroom would be added to its eastern end. This sunroom would have a floorspace of c. 20 sqm and it would be expressed as an ancillary element to the main body of the dwelling house. The sunroom would be non-contentious.
- 7.11. The applicant has responded to the Planning Authority's refusal by stating that the dwelling house now envisaged would lie in a recessed position in the host field and so it would not be dominant from the local road. Within the context of the surrounding cluster of buildings, its informal alignment with the adjacent bungalow would be more appropriate than the permitted linear alignment and it would be compatible with the residential amenities of this bungalow. Proposed additional landscaping of the site's boundaries would assist in screening the dwelling house.
- 7.12. Development Management Standard No. 8 of the CDP addresses site selection and design of rural dwelling houses. It emphasises the importance of visual integration with the receiving landscape and so the need arises for dwelling houses to exhibit site specific responses to the topography and natural features of their sites.

- 7.13. The receiving landscape of the site includes natural and man-made features. The site rises at a gentle gradient from the south to the north of the site its road frontage is limited to that of an agricultural gateway in its south-western corner. The applicant proposes to retain and complete a dwelling house with a finished ground floor level of 13.94m OD, which is almost 2m higher than the equivalent 11.99m OD level of the dwelling house permitted under 19/1935. As I noted above, existing buildings in the cluster surrounding the site tend to maintain formal relationships with the adjoining local road network. The opportunity for any dwelling house on the site to do this is constrained. The dwelling house proposed for retention and completion would have an informal relationship with the adjacent bungalow and it would not acknowledge the site access point from the local road. By contrast, the permitted dwelling house would reflect the orientation of this bungalow and its front building line would line through with this bungalow's rear building line. Its orientation would also be towards the site access point from which it would be visible. Accordingly, within the constraints of the site, the more formal relationship with the adjacent bungalow would "compensate" for the limited opportunity to address the local road.
- 7.14. During my site visit, I observed that trees and hedges appear to have been removed/cutback from the south-eastern corner of the grounds to the adjacent bungalow. Consequently, the visibility of the site from the local road has increased and so the retention and completion of the proposed dwelling house would be more conspicuous. The lower siting of the permitted dwelling house would cause it to be inherently more discrete.
- 7.15. I also observed that from the grounds of Tullokyne Castle that both the proposed and the permitted dwelling houses would be visible, i.e., the former by virtue of its elevated position and the latter by virtue of its greater proximity to the local road. Consequently, either dwelling house would maintain a presence within the setting of this Castle with the former being more anomalous and the latter more apparent.
- 7.16. One consequence of the proposed dwelling house, which would have a marginal bearing on landscape and visual impact, is that a longer driveway would be needed than for the permitted dwelling house.

- 7.17. The applicant has offered no explanation as to why he proposes to retain and complete the dwelling house in a position that overlaps with that which he was previously refused permission for on two occasions, neither of which he appealed.
- 7.18. I consider that the landscape and visual impacts of the proposed dwelling house would be greater than that of the permitted one. The applicant has indicated that he is unable to implement the extant permission only that he prefers the siting and orientation of the dwelling house now proposed for retention and completion. In these circumstances, I conclude that such added impact would not be justified.

(iii) Water

- 7.19. The proposed water supply and drainage arrangements for the site would be as under the extant permission granted to 19/1935. One difference would arise insofar as the percolation area would be sited towards the south-western corner of the site rather than in the western portion of the site. The Planning Authority draws attention to the absence of any commentary on the re-siting of this area by the applicant, i.e., its appropriateness under the previously undertaken site characterisation exercise has not been demonstrated/confirmed. If the Board is minded to grant, then such a commentary could be sought under further information.

(iv) Appropriate Assessment

- 7.20. The site is neither in nor beside a European site. The nearest European sites are based in Lough Corrib, c. 1km to the east, i.e., Lough Corrib SAC and SPA. The proposal is essentially for a slight enlargement and the re-siting and reorientating of a dwelling house on a site, which has an extant permission for a dwelling house. I am not aware of any source/pathway/receptor route between the site and these European sites. Accordingly, no Appropriate Assessment issues would arise.
- 7.21. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and proximity to the nearest European site, it is considered that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That retention permission and permission be refused.

9.0 Reasons and Considerations

Having regard to the landscape character and sensitivity of the site established by the Galway County Development Plan 2022 – 2028, Development Management Standard (DMS) No. 8 of this Development Plan, and the planning history of the site, it is considered that the siting and orientation of the dwelling house proposed for retention and completion would fail to visually integrate with the natural and man-made landscape of the site within its context and so this dwelling house would be unduly prominent and out of keeping with its landscape setting. Consequently, it would contravene DMS 8, and it would be seriously injurious to the visual amenities of properties in the vicinity. The dwelling house proposed for retention and completion would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

7th February 2023