



An
Bord
Pleanála

Inspector's Report ABP-314680-22

Development	Development of a front, part single and part dormer, extension to an existing dwelling, replacement wastewater treatment system and all associated civil works.
Location	Corcullen, Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22/0851
Applicant(s)	Breege Lyons
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Breege Lyons
Observer(s)	None
Date of Site Inspection	8 th December 2022
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 0.53km to the south of that portion of the N59, which runs between Galway City and Moycullen. This site lies within lands that rise generally in a southerly direction. These lands are farmed and wooded, and they have been developed to provide many one-off dwelling houses along the local road network.
- 1.2. The main body of the site is rectangular in shape and a narrow subsidiary element extends to the east. In total, it has an area of 0.161 hectares. This site spans between two local roads to the east and to the west, which meet to the north beyond an adjoining residential property. At some remove to the south of the site lies another residential property. The boundaries to the site are enclosed by means of walls, fences, and hedgerows.
- 1.3. The site accommodates a two-bed cottage of rectangular form under a double pitched roof. This cottage has been extended to the rear by means of a lean-to extension and it has a porch on its front elevation. It has a total floorspace of 64 sqm. The cottage is sited in the eastern half of the main body of the site. It faces west/east and it is served by a continuous garden area. This cottage is accessed from the west via a gated entrance off the local road and a driveway. It is accompanied by a storage shed and a container and it is connected to the public water mains and an on-site WWTS.

2.0 Proposed Development

- 2.1. Under the proposal, the existing cottage would be extended to the front to provide an additional floorspace of 117 sqm. This extension would be of one-and-a-half storey form with a half dormer window in its southern elevation. It would be built off the majority of the cottage's front elevation. The extension would be of elongated form under a double pitched roof. Its front gabled elevation would have a cutaway south-western corner at ground floor level where the front door would be inserted. This elevation would also have feature windows. The eaves and ridge lines of the extension would be higher than those of the cottage and the hipped rear roof plane would rise to form a continuation of the rear roof plane to the cottage.

- 2.2. Internally, the northern portion of the extension would be laid out to provide daytime accommodation, which would be continuous with the majority of the existing floorspace of the cottage. In tandem with this extension, the existing floorspace would itself be reconfigured on an open plan basis. The southern portion of the extension would be laid out over two floors to provide night time accommodation, as would the remainder of the existing floorspace in the cottage. In total four-bedrooms would be provided.
- 2.3. The proposal would also entail the replacement of the existing WWTS with a new WWTS and a raised percolation area, both of which would be sited in the western half of the site.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused for the following reason:

The Planning Authority is not satisfied that the proposed design solution, due to height, scale, and massing considerations, is in accordance with the requirements of Policy Objectives RH04, RH09, DM4, DM8, and DM9 of the Galway County Development Plan 2022 – 2028. The scale of the proposed development on a restricted site would constitute overdevelopment of the site, would be out of character with the existing pattern of development in the vicinity, would seriously injure the amenities of the area, including residential amenities of property in the vicinity, and the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision

3.2.2. Other Technical Reports

None

4.0 Planning History

- 18/1789: Demolition of the existing dwelling and the construction of a new dwelling and an upgraded WWTS: Application LV07.304643 for Leave to Appeal granted: 18/1789 refused at appeal ABP-304912-19 on the grounds that, (i) having regard to a structural report, which states that the foundations and walls of the existing dwelling cannot be certified for soundness and there is no viable element in this dwelling, and the Planning Authority's view that it is uninhabitable, the applicants failed to demonstrate that they had a local rural housing need for a new dwelling, and (ii) the Board was not convinced that effluent could be satisfactorily treated and disposed of on site and that the new dwelling would not result in an excessive concentration of development served by individual WWTSs.
- 21/1304: Proposed front extension (169 sqm) to the existing dwelling, part single and part dormer, and replacement WWTS: Refused on the grounds that this extension would overwhelm the dwelling, and, as such, it would not have regard to the Single Rural House Guidelines, it would fail to assimilate into the landscape, and it would detract from visual amenity.

5.0 Policy and Context

5.1. 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.

Policy Objective RH 9 addresses design guidelines. It states the following:

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 following development management standards:

DMS 4: House extensions (urban and rural)

Proposed 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 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; and*
- carefully consider site coverage to avoid unacceptable loss of private open space.*

DMS 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.*

DMS 9: Site sizes for single houses using individual on-site WWTSS

- *A minimum site size of 2000m² is generally required for a single house so as to provide for adequate effluent treatment, parking, landscaping, open space and maintenance of rural amenity.*

- *For house sizes, with a Floor Footprint greater than 200m². The site size shall be increased by 10m² for each 1 m² of house footprint area above 200m².*
- *Special consideration will be given to existing houses and to proposed developments who can demonstrate Rural Housing Need and comply with EPA guidelines where the minimum size is not totally achievable. For house sizes, with a site size less than 2000m². The house footprint shall be decreased by 1 m² of house area for each 10m² below 2000m².*

5.2. Natural Heritage Designations

- Lough Corrib SAC & pNHA (000297)
- Lough Corrib SPA (004042)
- Ballycurke Lough pNHA (000228)
- Moycullen Bogs NHA (002364)

5.3. EIA Screening

The proposal is for a domestic extension, which is not a class or type of development for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant responds to the third-party submission from the residents of the property to the north of the site:

- The planning history of the site is raised and in particular the previously reported condition of the cottage. The applicant advises that, prior to her purchase of the cottage, she was advised that the primary structural elements were sound and suited for cosmetic refurbishment to maintain its habitable use into the future.
- Any concerns over an earlier site characterisation exercise are superseded by a new site characterisation exercise that accompanies this application.

- The cottage has been refurbished only. No external alterations have occurred and, internally, a former bedroom has been reassigned as a utility room, and access to it adapted accordingly.
- An earlier proposed front extension was refused. The currently proposed front extension seeks to address the Planning Authority's critique of its predecessor.
- Privacy is not an issue insofar as the northern boundary is enclosed by a mature coniferous hedgerow, which effectively screens the site.
- The reference to a proposed four-bed scenario correctly highlights an error in the submitted plans, i.e., the bedroom shown in the existing cottage would be used as an office/study and so the original three-bed status of the cottage would be perpetuated under the proposal.
- The floor level of the proposed extension would be slightly lower than the existing cottage floor level to reflect the slope of the site and to minimise the height of this extension.
- The applicant is the owner of the site, even if registration of this fact is outstanding. Accordingly, she is entitled to make the current planning application.
- Any suggestion that the current use of the cottage represents a material change of use is misplaced insofar as this cottage dates from pre-63 and the current proposal simply seeks its extension.
- Attention is drawn to two outbuildings, one of which is in use as an art studio and hobby room and one as a stick shed. The former use would migrate into the cottage once it is extended. The two outbuildings are in any event exempted development.
- Surface water run-off from the additional roof would be directed to a soakaway, which would be designed in accordance with BRE digest 365.
- The need for an EIA has previously been set aside and, likewise, the need for AA has been set aside on foot of a stage 1 screening exercise.

- Two site notices were posted to ensure that users of the local roads that adjoin either end of the site would be alerted to the proposal.

Planner's report:

- The Planning Authority mistakenly referred to RH 4, which relates only to new build dwellings.
- While RH 9 refers to new build dwellings, too, the proposed extension would comply with its provisions insofar as finishing materials would match those of the existing cottage, its design would secure energy efficiencies, and it would be screened by existing hedgerows.
- In relation to DMS 4, while the proposed extension would not be ancillary to the cottage, as this cottage has a floorspace of only 64 sqm, it is needed to provide modern family sized accommodation.

While the proposed extension would be of contemporary design, its finished and window details would complement those exhibited by the cottage.

The proposed extension would not lead to overlooking or overshadowing of neighbouring properties and it would not be visually obtrusive within the landscape.

The extended cottage would be served by ample private open space.

The above compliance with DMS 4 would ensure the appropriateness of the proposal within the context of the site, which comprises larger dwellings that exhibit a great variety of designs.

- In relation to DMS 8, insofar as the provisions of this Standard are applicable, the proposed extension would be compliant with them. Several of these provisions overlap with the above commentary on RH 9 and DMS 4. Additionally, the narrow plan of the proposed extension and its southerly roof plane are cited in relation to lighting and the opportunity for solar gain.
- In relation to DMS 9, insofar as the site area is 0.161 hectares the maximum pro rata floorspace allowable would be 161 sqm. The extended cottage would have a floorspace of 156 sqm, and so it would fall below this threshold.

- The planner's report erroneously refers to unauthorised development on the site and the existence of a second access to it.

Landscape assessment:

- The applicant erected a profile of the proposed extension on the site to illustrate that it would be of decidedly limited visibility, and it would not impinge on neighbouring residential properties.
- The applicant also undertook a photographic survey of existing new dwelling houses within a 1km radius of the site, which illustrates that they have greater landscape and visual impacts than those that would emerge under her proposal.

Design assessment:

- A review of the design of the proposed extension underlines its appropriateness.

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 Galway County Development Plan 2022 – 2028, 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 planning history of the site indicates that, under 18/1789 and ABP-304912-19, the condition of the cottage was reported as being structurally unsound and so it was regarded by the Planning Authority as being uninhabitable. Since then this cottage has changed hands and the current owner states that she was advised prior to purchase that the primary structural elements were sound and suited for cosmetic refurbishment to maintain its habitable use into the future. Consequently, the cottage has been refurbished and is presently in a habitable state.
- 7.3. At the application stage, the neighbours to the north of the site drew attention to the earlier description of the cottage as uninhabitable. The question, therefore, arises as to whether a material change of use has occurred in the resumption of its residential use. The Planning Authority has not commented upon this matter, and I am not in a position to make a definitive finding on it. Suffice to say that if the Board is minded to grant the current proposal, then the need to address, under further information, this question, as to whether the current residential use of the cottage is authorised, would arise. Clearly, if the residential use of the cottage lapsed and its resumption on the basis of the aforementioned refurbishment has occurred without formal authorisation, then any extension of the cottage now would be inappropriate.
- 7.4. The applicant cites several other matters emanating from the same neighbours' letter of objection at the application stage. Thus, the applicant's ownership of the site is questioned, and hence her right to make the current application, and the planning authorisation of a container and a stick shed within the grounds of the cottage is also questioned. The applicant explains that she is the owner of the site, and that formal registration of this fact only is awaited. She also explains why she considers that the said freestanding structures should be regarded as exempted development.
- 7.5. I note that the Planning Authority, in validating the current application, did not question the applicant's right to make it. I note, too, that the freestanding structures are not the subject of this application and so they are not before the Board for decision.

7.6. I conclude that, of the preliminary matters raised at the application stage, whether the residential use of the cottage is authorised remains an open question.

(ii) Landscape and visual impacts

7.7. The existing single storey cottage on the site is of simple form and traditional design. It has a floorspace of 64 sqm. Under the proposal, the majority of the front elevation of this cottage would be the subject of a one-and-a-half storey extension with a floorspace of 117 sqm. This extension would project westwards towards the access point to the site. It would be of elongated form under a double pitched roof. Its front gabled elevation would have a cutaway south-western corner at ground floor level where the front door would be inserted. This elevation would also have feature windows. The eaves and ridge lines of the extension would be higher than those of the cottage and the hipped rear roof plane would rise to form a continuation of the rear roof plane to the cottage.

7.8. DMS 4 of the CDP addresses house extensions in both urban rural areas. This Development Management Standard, states that extensions should be subordinate in size to their host dwellings, unless, exceptionally, they can complement them in their design and massing. It also states that extensions should ordinarily reflect their host dwellings detailing and finishes, unless they are of high quality contemporary and innovative design.

7.9. The proposed extension would be considerably larger and higher than the existing cottage and so it would not be subordinate in size to its host dwelling. The question, therefore, arises as to whether this extension would complement the cottage in its design and massing. The question also arises as to whether the proposed extension would reflect the detailing and finishes of the existing cottage.

7.10. As described above, the extension would project forward of the front elevation of the cottage and it would exceed it in height. Its front elevation would be complex with a cutaway corner and feature windows and its northern and southern side elevations would comprise, variously, large single light windows and a half dormer window. While the front elevation would have a straight gable, the rear elevation would have a fully hipped gable which would form a continuation of the rear roof plane to the cottage.

- 7.11. The applicant contends that the size of extension is needed to achieve a modern standard of living accommodation for a family and that, while it would be of contemporary design, this extension would in its finishes and window details, complement the existing cottage.
- 7.12. I consider that it is a truism that domestic extensions tend to be proposed to boost the accommodation available for households. DMS 4 does not discuss what may or may not constitute an appropriate size of family accommodation. Instead, it focuses on aesthetic and visual amenity considerations. Turning to these, I consider that the proposed extension, due to its siting, size, and height, would dominate and obscure the existing cottage and that its design in juxtaposition with that of the cottage would be ungainly and unsympathetic. Furthermore, while the opportunity would exist to specify matching finishing materials, the details of this extension in other respects would depart from those evident in the cottage, e.g., the majority of its windows would be quite different in size and design from the imitation sliding sash windows present in this cottage. In the light of these considerations, the proposed extension would fail to comply with DMS 4.
- 7.13. The applicant draws attention to the discrete location of the site, which is only seen fleetingly from the adjoining local road to the west. She also draws attention to the size and variety of designs exhibited by one-off dwelling houses within the surrounding area and the considerable landscape and visual impacts that they generate. By contrast, her proposed extension would have only modest impacts.
- 7.14. During my site visit, I observed the site within its context. While I do not disagree with the applicant's observations in the foregoing paragraph, I do not consider that they serve to justify her proposed extension.
- 7.15. I conclude that the proposed extension would fail to comply with DMS 4 of the CDP and so, notwithstanding its limited landscape and visual impacts, this extension would be an inherently unsympathetic addition to the existing cottage on the site.

(iii) Water

- 7.16. The existing/extended cottage is/would be served by the public water mains.
- 7.17. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.

- 7.18. Surface water from the roof of the proposed extension would discharge to a soak pit. While details of a typical soak pit have been submitted, its siting has not been shown on the submitted plans. Such siting would need to be clear of the proposed percolation area and so, if the Board is minded to grant, then it should be conditioned.
- 7.19. The existing cottage is served by a WWTS. However, as extended, this cottage would be too close to the existing WWTS and so a new one is proposed, along with a percolation area, for positions further west within the site.
- 7.20. Under DMS 9 of the CDP, on-site WWTSs should normally be installed on sites with a minimum area of 0.2 hectares. The current application site has an area of 0.161 hectares and so it falls below this threshold. The applicant has, however, engaged with this Development Management Standard and she has concluded that, as the extended cottage would have a footprint of 156 sqm, it would come within the pro rata maximum of 161 sqm for the site. I agree.
- 7.21. Given the Board inspector's critique of the site characterisation exercise that was previously carried out on the site (ABP-304912-19), a new site characterisation exercise has been undertaken, the results of which are summarised below.
- The aquifer is poor and of extreme vulnerability. The groundwater protection response is R2₁. The EPA's Code of Practice (CoP): Domestic Waste Water Treatment Systems (2021) states that this response is "Acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised."
 - Local groundwater is assumed to flow in a northerly direction.
 - The trial hole was dug to a depth of 1.8m. The sub-soil is composed of limestone gravel/sandy, light grey soil, and brown soil intersperse with small and large boulders evidence of granite. Water was not encountered.
- 7.22. The "T" (sub-surface) and "P" (surface) test results were 2.2 min/25mm and 13.03 min/25mm. While the surface soil has suitable percolation properties, as the sub-soil is below 3 min/25mm, it does not. Paragraph 6.5 of the EPA's CoP advises that "Site

improvement works comprising importation of soil and/or subsoil with a slower percolation rate and installation of a suitable DWWTS could be considered.”

7.23. In the light of the above factors, the site assessor recommends that a packaged wastewater treatment system and soil polishing filter be installed, which would discharge to groundwater at an invert level of 0.35m below ground level. This System would be a tertiary treatment system that would receive secondary treatment waste. Its tertiary stage would entail the gravity discharge of waste water into a sandbox, which would comprise layers of coarse sand, pea gravel, and fine sand, above a layer of stones for attenuation prior to discharge to the underlying sub-soil. Provided this sandbox is properly installed and maintained, it would ensure that waste water is capable of being handled satisfactorily on the site.

7.24. I conclude that the proposal would raise no water issues.

(iv) Appropriate Assessment

7.25. The site does not lie in nor beside a European site. Under the proposal, the extended cottage would be served by a new wastewater treatment system, which would discharge to groundwater. The nearest European site is Lough Corrib SAC (000297), which lies 0.79km to the north of the site. I am not aware of any source/pathway/receptor route between the site and this or any other European site. Accordingly, no Appropriate Assessment issues would arise.

7.26. Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development 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 permission be refused.

9.0 Reasons and Considerations

Having regard to Development Management Standard (DMS) 4 of the Galway County Development Plan 2022 – 2028, it is considered that the proposed extension would, due to its siting, size, height, design, and detailing, dominate, obscure, and compete with the existing cottage on the site, which is of simple form and traditional design. Consequently, this extension would not be subordinate to the cottage, but it would be an ungainly addition, which would be unsympathetic to the character of this cottage. Accordingly, the extension would contravene the provisions of DMS 4, and so it would be seriously injurious to the visual amenities of the area. This extension would, thus, be contrary to the proper planning and development of the area.

Hugh D. Morrison
Planning Inspector

14th February 2023