



---

<b>Development</b>	Restore and extend existing semi-ruinous farm cottage for habitable use further to a previous grant of permission. (Galway Co. Co. Ref No. 21334, ABP Ref No. 310364-21)., involving a single storey split level extension to the northern side of the cottage. A Natura Impact Statement (NIS) was submitted with the application.		
<b>Location</b>	Keerhaun South, Co. Galway.		
<b>Planning Authority Ref.</b>	2260322.		
<b>Applicant(s)</b>	Marcus McDonnell.		
<b>Type of Application</b>	Permission.	<b>PA Decision</b>	To grant permission with conditions.
<b>Type of Appeal</b>	First Party	<b>Appellant</b>	Marcus McDonnell.
<b>Observer(s)</b>	None.		
<b>Date of Site Inspection</b>	11 August 2023	<b>Inspector</b>	Stephen Rhys Thomas

---

## 1.0 Introduction

**1. Site Location/ and Description.** The subject site is located in a rural area, approximately 3.7km to the west of the village of Ballyconneely, in west

Connemara, Co. Galway in the townland of Keeraun South. The area is served by a large number of small local roads. Ballybwee Lough lies approximately 80m to the south of the site boundary. There are two existing houses located to the south of the subject site and an unoccupied house to the west.

Access to the site is from the local road and over a small laneway which comprises a gravelled surface for a distance of approximately 24m, to the entrance of the second of the existing houses located to the south of the subject site. Beyond this entrance, the grassy lane extends for approximately 50m before reaching the existing gate to the site. To the west of the subject site, there is another unoccupied house.

The site has a stated area of 0.477ha and comprises a number of small fields which are enclosed by dry stone walls. The ground is undulating, reflective of the wider landscape of this area of Connemara. There are some rocky outcrops evident on the site as well as rushes in areas of the site.

## **2. Proposed development.**

To restore and extend an existing semi-ruinous farm cottage for habitable use. Permission has already been granted for part of the development (Galway Co. Co. Ref No. 21334, ABP Ref No. 310364-21). The works will involve forming a single storey split level extension to the northern side of the cottage.

A Natura Impact Statement (NIS) was submitted with this application.

Further information was submitted that included a reduced extension design with a floor area reduction of 167.4 sqm to 94 sqm, together with some design changes. A group water scheme letter was also submitted.

**3. PA's Decision:** The PA issued a notification to grant permission subject to 12 conditions, relevant conditions include:

Condition 1, refers to the completion of development in accordance with plans and particulars submitted on 7 April 2022, 4 May 2022 and 4 November 2022.

Condition 3, refers to proposed finishes and materials to accord with plans and particulars submitted on 4 November 2022.

In full condition 1 states:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 07th April 2022 and unsolicited additional information submitted 04th May 2022, as amended by the plans and particulars received by the Planning Authority on 4th November 2022 in response to request for further information, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

Condition 3 in full states:

3. (a) The proposed materials and finishes shall be as indicated on the plans and particulars received by the Planning Authority on 4th November 2022 in response to request for further information only, unless otherwise agreed in writing with the Planning Authority.

(b) The proposed windows shall be of powder coated aluminium or timber framed or non-white uPVC, unless otherwise agreed in writing with the Planning Authority.

(c) The external door shall be of timber construction unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development on site.

(d) The colour of the soffit/fascia & rainwater goods shall be dark in colour.

Reason: In the interest of visual amenity.

The first Planning report sought further information with regard to the scale of the proposed modern extensions (167.4 sqm) as this is considered to represent a new dwelling. Objective RH07 (renovate and extend existing dwellings) does not apply and the applicant should demonstrate local need in accordance with Objective RH03. The proposed design of the extension is appropriate and takes account of design guidance RHO9 of the development plan.

The second report declares that a much reduced and redesigned extension (from 167 sqm down to 73 sqm) is acceptable and local need is not necessary in this instance, objective RH7 is complied with.

**4. Planning History.** PA ref 21334 and ABP ref PL07.310364 - Restore and extend semi- ruinous farm cottage for habitable use.

## **5.1. Planning Policy**

### **Galway County Development Plan 2022 -2028**

The Galway County Development Plan 2022 -2028 was adopted by the PA on 9<sup>th</sup> May 2022. It has regard to national and regional policies in respect of rural housing, chapter 1 and sections 4.3 and 4.6 of the plan refer.

Relevant to the subject appeal, the following policies, and objectives apply:

RC 2 Rural Housing in the Countryside.

RH 7 Renovation of Existing Derelict Dwelling

RH 9 Design Guidelines

RH 11 Waste Water Treatment provision.

DM Standard 4: House Extensions (Urban and Rural)

Appendix 5 Design Guidelines for the Single Rural House

## **5.2 Natural Heritage Designations**

- The site is not located within any designated site. The closest Natura 2000 site is the Slyne Head Peninsula SAC (Site Code 002074), it is located approximately 5m from the site at its closest point. This SAC encircles the subject site and includes part of the public road which is used to access the site.

## **6. The Appeal**

### **6.1 First Party Appeal:**

This is an appeal against conditions 1 and 3(a), the grounds of appeal can be summarised as follows:

- Condition 1 – refers to plans submitted on the 7<sup>th</sup> April 2022, and unsolicited additional information submitted on the 4<sup>th</sup> May 2022 and should read as amended by the particulars (not drawings) submitted on the 4<sup>th</sup> November 2022. Objective RH07 of the Development Plan allows for the renovation and extension of older buildings, the previous permission demonstrates that the existing building can be retained and hence extended. The submission of a much reduced design was to avoid a refusal of permission and now the

applicant wants to revert to the drawings as originally submitted with the planning application because they are certain it meets objective RH07. The FI submission sets out other precedent cases where large extensions were permitted. The FI submission makes it clear that the alternative and reduced proposal is optional, and the initial drawings are preferred.

- Condition 3(a) – should read with reference to information received on the 7<sup>th</sup> April 2022 and 4<sup>th</sup> May 2022, not 4<sup>th</sup> November 2022, for the same reasons as above
- In summary, the proposed development meets the objectives of RH07 and conditions 1 and 3(a) should not refer to the drawings that show a reduced extension.

#### **6.2 P.A. Response**

- None.

**7. EIA Screening** – Having regard to the limited nature and scale of development as well as the criteria set out in Schedule 7 of the PDR's, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

**8. AA Screening** - The application is accompanied by an NIS. I address this issue further in my assessment below.

## **2.0 Assessment**

- 2.1. Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against Condition number 1 and 3(a) of the planning authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). No observations or third party submissions form part of the planning application or this appeal. This assessment will therefore be confined to the specific appeal of Condition number 1 and 3(a) of the planning authority decision.

I consider the key issues in determining this appeal are as follows:

- Scale of Extension
- Other Matters
- Appropriate Assessment

## 2.2. Scale of Extension

- 2.2.1. The background to the current application for an extension to an existing derelict house is set out in PA ref 21334 and ABP ref 310364-21. In summary, planning permission was sought to renovate and marginally extend an existing ruinous dwelling and install a domestic wastewater treatment system for a PE of 6. The planning authority refused permission, however on appeal the Board granted permission. Subsequently, the applicant prepared an amended and larger plan to retain, renovate and extend the existing dwelling. The planning authority were concerned that the extension was too large to meet the objectives of RH07 (renovation of an existing derelict dwelling) and in their view the proposal was for a new dwelling and housing need should be demonstrated. In their response, the applicant chose not to provide a local need rationale for a new dwelling under the terms of the development plan rural housing policy and instead suggested a smaller extension and this was agreeable to the planning authority and permission was granted. The applicant has appealed conditions 1 and 3(a) that restrict the size of the proposed development.
- 2.2.2. The development initially proposed in the current application runs to a total extension of 167.40 sqm, drawings dated 7<sup>th</sup> April 2022 refer. The footprint of the existing dwelling at present is 50.10 sqm and a 4 sqm extension has been permitted. Unsolicited information with regards to the design strategy, materials and finishes was submitted on the 4<sup>th</sup> May 2022. The initially proposed development involves an extension of 167.40 sqm, a revised proposal reduced the overall floor area of the extension to 94 sqm. The revised drawings formed part of a complete package of analysis to support a smaller footprint albeit of a similar design, and received by the planning authority 4<sup>th</sup> November 2022, it is stated by the applicant that the cottage changes from a 4 bedroomed to a 3 bedroomed dwelling and the floor area is

reduced by 94 sq.m. For clarity, the revised extension proposal amounts to 94 sqm and this results in an extended dwelling of 144 sqm.

- 2.2.3. The applicant prefaced his revised proposals in the further information submission as a method to avoid a refusal for the lack of a housing need despite the application falling under refurbishment of a dwelling rather than a completely new dwelling. The applicant now wishes the constraining elements of condition 1 and 3(a) to be omitted so that the original proposal can be built.
- 2.2.4. The development plan policies and objectives with regard to the renovation of an existing dwelling state a need to deal with each case on their merits, with reference to location, building condition and scale of works. The existing structure must be retained with original features in place. In this instance I observe that an analysis has been completed by the applicant of the original structure and it is to be retained and form the palette for materials in the extension, objective RH7 and RH9 both refer. The planning authority are not critical of the design of the proposed development, but it is the scale that causes concerns in this coastal landscape classified as special in the development plan. I note that the applicant included a survey of other planning applications where properties were extended and scale of the extension is comparable with that initially proposed in this application.
- 2.2.5. The drawings and design strategy prepared by the applicant show how the development will merge with the landscape at this sensitive location and I agree with the planning authority that the design proposed is acceptable. In terms of scale, from a simply mathematical calculation the initially proposed extension development amounts to 167 sqm and the permitted scheme based on the revisions offered by the applicant result in an extension of 94 sqm. The difference between that proposed and that permitted is 73 sqm, a not inconsiderable amount. On a related matter, the development plan does not state what the average floor area of an extension or rural house should be, but I note that the Design Guidelines for the Single Rural House in appendix 5 of the development plan models house designs around the basis of a 185 sqm floor area. In the example of the subject appeal, a 217 sqm house or 144 sqm would be the result and I see no benefit of using floor area as the only moderator in the scale of the development proposed. I note that Development Standard 04 of the current plan states that in exceptional cases, a larger extension that compliments the existing dwelling in its design and massing can be considered

and that window proportions, detailing and finishes, texture, materials and colour can be incorporated in the design proposal. I find this to be the case in this instance.

2.2.6. Objective RH7 of the development plan goes on to consider the importance of specific location, condition of the structure and retention of character elements. In this instance, the special coastal landscape character is noted and the design has been advanced to respect the contours of the site and blend into and hug the landscape. The condition of the existing structure is such that it is to be retained and used as an integral part of both proposals. Finally, the character of the existing structure lends form, materials and building finishes to be used in the proposed extensions, both large and small. In that context, undoubtedly the smaller proposal offered by the applicant will be more readily absorbed by the landscape but so too will the initial and larger scheme. This is because the initial design proposal is low level, single storey, stepped into the landscape and borrows design cues from the existing dwelling, this can be clearly seen from the original plans and elevations submitted. In this instance, I consider it acceptable to provide a more generous footprint to bring a derelict dwelling into use and upgrade the structure to modern standards, as sought by objective RH7 of the development plan. In this regard, it is not necessary to consider other rural housing policies to do with local need or any requirement for an Enurement Clause. I am satisfied that the matters raised by the grounds of appeal can be addressed with reference to objective RH7 Renovation of Existing Derelict Dwelling as set down in the current development plan. In that respect I am satisfied that the initial design proposal submitted by the applicant is entirely satisfactory, is not out of scale with its surroundings and condition 1 and condition 3(a) should amended to reflect this.

### 2.3. **Other Matters**

2.3.1. The applicant suggests a wording in relation to conditions 1 and 3(a). With reference to condition 1, to avoid any confusion between plans and particulars, the applicant submitted correspondence from Dunloughan Group Water Scheme (GWS) in response to further information on the 4<sup>th</sup> November 2022. I note that condition number 8 of the planning authority's notification to grant permission references water supply and the GWS. It is therefore unnecessary to refer to the correspondence submitted by the applicant on the 4<sup>th</sup> November 2022 in any of the conditions referred to by the appellant.



## 2.4. Appropriate Assessment

- 2.4.1. As part of the current planning application, the applicant prepared and submitted a Stage 1 Screening for Appropriate Assessment and Stage 2 Natura Impact Statement, compiled in a single report prepared by Delichon Ecology and dated March 2022. The NIS concludes that construction best practice, site layout and detailed design elements have been identified to ensure that there will be no risk of adverse effects on the receiving and surrounding environment. The proposed development either alone or in-combination with other plans and/ or projects will not give rise to significant negative effects on the integrity of European Sites within the project Zone of Influence; i.e Slyne Head Peninsula SAC. In addition, a Construction and Environmental Management Plan (CEMP) also prepared by Delichon Ecology details environmental best practice and mitigation during construction.
- 2.4.2. In the previous planning application to renovate and extend the existing dwelling and install a domestic wastewater treatment system, a Stage 1 Screening for Appropriate Assessment and Stage 2 Natura Impact Statement, were submitted. In this respect I note the Board Order signed on the 11<sup>th</sup> November 2021 with reference to PA ref 21334 and ABP ref 310364-21, there are no specific conditions with regard to the NIS. However, I note that condition 2 of the planning authority's notification to grant permission for the current development requires it to be carried out and completed in accordance with the measures contained in the Natura Impact Statement.
- 2.4.3. In terms of wastewater treatment for a PE of 6, the same site characterisation results are returned and the same outcome with respect to the provision of a Tricel Novo Package Plant and Pumped Soil Polishing Filter is recommended. The only material difference between the previously permitted development that was subject to an Appropriate Assessment conducted by the Board are the structures that comprise the extension. I am satisfied that all relevant considerations with regard to the Slyne Head Peninsula SAC (Site Code 002074) have already been considered under the previous application, appeal PA ref 21334 and ABP ref 310364-21 refer, and that the nature and scale of this appeal does not significantly alter the development in any meaningful way to require re-assessment.

### **3.0 Recommendation**

- 3.1. I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the planning authority to omit and replace condition 1 and to amend condition 3 by the amendment of part a).

### **4.0 Reasons and Considerations**

Having regard to the design and scale of the proposed extension to a derelict dwelling, and Objective RH 7 Renovation of Existing Derelict Dwelling of the Galway County Development Plan 2022-2028, it is considered that the proposed extension fully meets all the requirements with respect to the renovation, restoration and modification of an existing derelict dwelling in this area designated as a special coastal landscape, would provide an acceptable level of residential amenity and would be in accordance with the proper planning and sustainable development of the area.

### **5.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4<sup>th</sup> day of May 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

3. (a) The proposed materials and finishes shall be as indicated on the plans and particulars received by the Planning Authority on 7<sup>th</sup> April 2022 and the 4<sup>th</sup> May 2022, unless otherwise agreed in writing with the Planning Authority.

(b) The proposed windows shall be of powder coated aluminium or timber framed or non-white uPVC, unless otherwise agreed in writing with the Planning Authority.

(c) The external door shall be of timber construction unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development on site.

(d) The colour of the soffit/fascia & rainwater goods shall be dark in colour.

Reason: In the interest of visual amenity.

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.

---

Stephen Rhys Thomas  
Senior Planning Inspector

23 August 2023