



An  
Bord  
Pleanála

## Inspector's Report ABP-318073-23

|                                |   |                    |                                   |
|--------------------------------|---|--------------------|-----------------------------------|
| <b>Development</b>             | <i>To Construct a new dwellinghouse, detached garage, septic tank system &amp; percolation area, complete with all associated works. Gross floor space of proposed works: 334 sq. m (301 sq. m dwelling 33 sq. m garage).</i> |                    |                                   |
| <b>Location</b>                | <i>Saint Clerans, Craughwell, Co. Galway.</i>   |                    |                                   |
| <b>Planning Authority Ref.</b> | <i>22/1221.</i>   |                    |                                   |
| <b>Applicant(s)</b>            | <i>Alex Evans.</i>  |                    |                                   |
| <b>Type of Application</b>     | <i>Permission</i>   | <b>PA Decision</b> | <i>Grant Permission</i>           |
| <b>Type of Appeal</b>          | <i>Third Party</i>  | <b>Appellant</b>   | <i>Edel &amp; Winifred Slevin</i> |
| <b>Observer(s)</b>             | <i>Andrew Furey<br/>Emma Hayden</i>   |                    |                                   |
| <b>Date of Site Inspection</b> | <i>29-12-2023</i>   | <b>Inspector</b>   | <i>Adam Kearney</i>               |

## Context

**1. Site Location/ and Description.** The 0.4 Hectare rectangular site is located along a *cul de sac* laneway/avenue that serves Saint Clerans Estate and a small number of one-off houses. The lane is extremely narrow circa 3m wide but less in parts with mature trees and hedgerow evident on both sides. The site is part of a larger agricultural field with the remainder the subject of a concurrent appeal (317360). The site itself is level and consists of agricultural pasture with rushes obvious and is heavy underfoot. Along the southern boundary is a stone wall dividing the site from another interlinked field. The *cul de sac* is accessed from the Local Road L4192.

**2. Description of development.** The applicant is seeking to construct a large two storey dwelling (301 square metres) with an ancillary detached garage (33 square metres). The dwelling is to be served by a septic tank and percolation area and in terms of potable water, is to be served by a bored well. The site is owned by a third party and is being purchased subject to achieving permission.

**3. Planning History.**

06/2006 Permission Refused for a dwelling

**4. National/Regional/Local Planning Policy**

**National Planning Framework, Department of Housing Planning and Local Government 2018**

National Policy 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.

### National Policy Objective 60

Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

### **Sustainable Rural Housing Guidelines for Planning Authorities, (2005)**

The overarching aim of the Guidelines is to ensure that people who are part of a rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

### **Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent $\leq 10$ ), 2021.**

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

The Galway County Development Plan 2022 -2028 was adopted by the PA on 9th May 2022. It has regard to national and regional policies.

Policy Objective RH2 – (Rural Area Under Strong Urban Pressure)

RC 2 - Rural Housing in the Countryside

To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3.

### **DM Standard 7: Rural Housing**

In order to substantiate a rural housing need the following documentation will be required:

- Justification for location as proposed

- Land registry maps and associated documentation
- Proof of local connection to an area
- Any other details that may be deemed necessary at time of application by the Planning Authority.

### **DM Standard 8: Site Selection and Design**

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

#### Site Selection and Design

- 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.

#### **DM Standard 9: Site Sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems**

#### **10.6.14 Biodiversity outside the Protected Sites/Non-Designated Sites**

It is important to recognise that nature conservation is not just confined to designated sites and acknowledge the need to protect non-designated habitats and landscapes and to conserve the biological diversity that occurs in the ordinary landscapes of the County. Rare and protected sites cannot survive independently of their surroundings. Features of our landscape can be of high natural value in their own right and often provide the vital links and corridors to allow the movement of plants and animals between protected sites.

#### **12.5.7 Designed Landscapes**

Historic designed landscapes are gardens, parks or estates that were deliberately laid out to create a particular effect. By using features, such as follies to form vistas, altering river courses to form lakes, building walled gardens to create

sheltered areas, an architectural and horticultural composition is created. The designed landscapes of Galway consist primarily of demesnes associated with large country houses and are often the setting for a protected structure. The Council will promote awareness of the value of designed landscapes and associated features and promoting standards in relation to repair, and conservation is important. Development proposals in these designed landscapes shall be accompanied by appraisals and surveying of these sensitive sites including historic gardens, demesnes, estates, and their settings so as to evaluate any possible impact on the heritage value.

#### **Other relevant Policy Objective and Development Management Standards**

Policy Objective RH 9 – Design Guidelines

Policy Objective LCM 3 – Landscape Sensitivity Ratings

Policy Objective WW 6 – Private Wastewater Treatment Plants

Policy Objective WW 10 - Surface Water Drainage

Policy Objective FL 2 - Flood Risk Management and Assessment

DM Standard 11 – Landscaping

DM Standard 28 - Sight Distances Required for Access onto National, Regional, Local and Private Roads

DM Standard 37: Group Water Scheme and Private Wells

DM Standard 38: Effluent Treatment Plants

DM Standard 47: Field Patterns, Stone Walls, Trees and Hedgerows

Appendix 5: Design guidelines for the single rural house

#### **5. Natural Heritage Designations**

- *Rahasane Turlough SAC (c.5km)*
- *Lough Rea SAC (c.5.8km)*

## Development, Decision and Grounds of Appeal

### 6. PA Decision

Granted permission for the proposed development subject to 13 conditions. The applicant was considered to have met the requirements for constructing a rural dwelling. The Planning Authority were also satisfied with the proposed servicing arrangements, water (bored well) and wastewater proposals (septic tank), access from the proposed site onto the narrow lane appears to have prompted condition 5 of the grant which seeks a car parking space of 3m depth along the entire site frontage (circa 75m). It should also be noted that this condition is also applied to the adjacent permission (PA Ref 22/1222 & ABP Ref 317360). Effectively the condition will serve to double the existing lane width and create a 6m wide road for a distance of circa 160m.

### 7. Third Party Appeal.

The following represent the planning related issues raised in the appeal documentation

- Avenue is a walking amenity
- Historically significant area, St Cleran's Avenue leads to the Manor House
- Domain extends to the crossroads where the estate wall still exists and where there were large gates demarcating the estate grounds
- Mature trees 300 - 400 years old are integral to the Avenue historically and from a biodiversity perspective
- Biodiversity rich area would be impacted by new dwellings
- Likely trees would be removed
- Dangerous Junction where Avenue/lane meets L4192
- Sightlines are insufficient and accidents have occurred in the past
- Suggests applicant is not homeless.
- *In summary the appellant considers the sites to be within the St Clerans estate and is fearful of the impact of development on the Sylvan Avenue, the historical integrity of the Estate/area and the associated biodiversity. There are also fears expressed about the ability of the junction to accommodate additional dwellings given that it is considered a traffic accident black spot by the appellant.*

### **7.1 Observations were received from 2 parties.**

#### **1. Andrew Furey –**

- States that he is landowner's brother, is leasing the land in question and that he has no involvement in the sale of the sites.
- Claims the appellants brother disposed of several sites locally and this did not warrant opposition.
- Appellants claims about wildlife are exaggerated.

In summary the content of the submission is largely a response to non-planning related comments in the third-party appeal text.

#### **2. Emma Hayden-**

- Supportive of the appeal,
- references the historic amenity of the road.
- points to potential for environmental consequences of interference with hedgerows
- avenue has become an amenity for local people for walking
- refusal in 2006 for the same site

### **7.2 Applicants Response**

- Galway County Council as the competent Authority have decided to grant permission.
- Various departments have appraised the application.
- At no time while preparing the application were wildlife habitats observed on or adjacent to the site
- 3<sup>rd</sup> party appeal is exaggerated.
- As per Site Layout no requirement to remove trees.
- Complies with DM 28 (sight distance onto Local & Regional Roads)
- Applicant has a housing need.
- 3<sup>rd</sup> party provides no solid evidence to support their theories/concerns.



## **8. PA Response**

- None

## **Environmental Screening**

### **9. EIA Screening – Use standard wording with site specific focus**

Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **10. AA Screening - Use standard wording with site specific focus**

The subject site is located over 5km from the nearest sensitive site as listed in Section 5 of this report. Having regard to the scale and nature of the proposed development (a single rural house development) and to the location removed from any European Sites, no Appropriate Assessment issues arise. 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.

## **3.0 Assessment**

3.1. *Having visited the site, reviewed the planning file, the appeal and observations I believe the salient issues are as follows*

- *Rural Housing Policy*
- *Site Selection and Design*
- *Access and Traffic Safety*
- *Wastewater treatment and water supply*

### 3.2. ***Rural Housing Policy:***

The subject site is located in a rural area, outside any settlement, in a Class 1 Landscape, and within the GCTPS Area, where housing need is required to be established by the applicant. The applicant is required to demonstrate compliance with the relevant policy objectives in the Galway County Development Plan 2022-2028 with regard to rural housing, which include Policy Objective RH2 – (Rural Area Under Strong Urban Pressure). Therefore, a housing need is required to be fully substantiated for new residential developments which is a standard requirement and any supporting documentation in accordance with the requirement of the rural housing policy objective RH2 so that the applicant can demonstrate links to the area along with a proven rural housing need and connections to the area.

The applicant has supplied documentation satisfying the Local Authority and I am satisfied that the applicant meets the criteria as set out.

There is however a requirement for justification of the location as proposed. I do not believe the applicant has addressed this requirement. The site is being purchased from a third-party landowner as is the adjacent site as referenced heretofore.

There is no connection with this micro area other than the availability of the site for purchase. While I consider the applicant has satisfied the Planning Authority with regard to their eligibility, I believe that there may be other sites available in the wider area that would be more suitable for a dwelling.

### 3.3. **Site Selection & Design**

The County Development Plan stipulates that scale, form, design and siting of the development should be sensitive to the receiving landscape.

The receiving Landscape has received negligible consideration perhaps in part due to its inclusion in a Category 1 area where the CDP categorises the county into a sliding scale of 4 categories based primarily on physical attributes, views and prospects etc. There is no commentary offered from the applicant or Planning Authority in relation to the context of the site with specific reference to Saint Cleran's and the historic significance of the Estate (RPS 265, NIAH 30409716) given that the

historically significant estate gives its name to the small townland within which the site is located.

It was evident following my site visit and a review of historic mapping that the *cul de sac* avenue with its straight, narrow, and sylvan alignment remains attendant to the protected structure and the wider estate albeit under different ownership to the protected structure and its curtilage. The appellant has referenced a time when gates were erected at the point where the avenue meets the local road and references the stone walls of the domain that have been retained offering further support for this assertion.

The proposal, in not taking the context into consideration has failed to respect the receiving environment. This is also reflected in the design of the dwelling where the bulk and scale does little to demonstrate sympathy with the receiving environment.

The dwelling design, while not a mono-block configuration presents as bulky and overbearing due to the uniform 2 storey height of interlinking sections. This bulk would be further accentuated given the possible juxtaposition with a dwelling proposed for the adjacent site which is a modest single storey dwelling with a footprint less than 100 square metres.

The applicant has not demonstrated justification for the size of a such a property given that there is no reference to family or dependents at present. While I appreciate that the applicant may well have a need for a larger area in time, I feel that proposal for dwellings in sensitive rural settings demand that the quantum of area required should be justified based on current circumstances.

Landscape Sensitivity as outlined in the Galway County Development Plan 2022-2028 is designated as follows;

- 1. Low: Unlikely to be adversely affected by change*
- 2. High: Elevated sensitivity to change*
- 3. Special: High sensitivity to change*
- 4. Iconic: Unique landscape with high sensitivity to change*

*As per the Planning Report The site is located in an area designated as Landscape Sensitivity Class 1 (where Class 1 is the least sensitive and Class 4 is the most sensitive). The Landscape Character Area is 'Central Galway Complex Landscape'.*

### 3.4. ***Access and Traffic Safety.***

The Local Authority Planning report states that the area engineering section were notified of the application, but no report was received.

The road/avenue fronting the site is quite narrow at 3m with a low grade of road surface and grassed run off areas with mature trees. The appeal of the location for active travel (walking) is obvious given that it is a *cul de sac*, there are reduced traffic movements and deciduous mature trees offer shade from the elements and create a canopy effect.

The appellant points to the junction with the Local Road to the southwest as a traffic accident blackspot and that any intensification of traffic would exacerbate the issue. I note the road/lane fronting the site is a *cul de sac* and constitutes an access to the St. Cleran's Estate. There is nothing on the file to indicate definitively whether the road is private or public. I do, however note, the existence of road markings at the junction and road safety signage along the road. This would give the impression that the road is in fact taken in charge by the Local Authority and therefore the junction is not the first interaction a potential homeowner along this section of road would have with the public road infrastructure. This fact would deem the junction as less of a factor in an assessment in the context of wider road safety.

Any development along the lane/avenue *cul de sac* will increase the traffic movements at the junction, but remedial action to improve the sight lines and safety of this junction is the responsibility of the Local Authority for the benefit of all road users.

Irrespective of the junction however, I am of the opinion that the carriageway is not suited for further development and that development of a dwelling or dwellings in combination with Condition 5 would serve as a retrograde intervention at a sensitive location. The condition, if implemented would have a substantially deleterious effect on the heritage and character of the area and a negative impact on the established biodiversity.

### 3.5. ***Wastewater Treatment & Water Supply***

The site characterisation report indicates that the site is suitable for a septic tank and percolation area. The report illustrates a trial hole of 3m and a low water table.

Having walked the site, I noted a substantial amount of rushes and the underground conditions were quite heavy. The trial holes associated with the subject site and the adjoining site were exposed on the day of my visit. The subsoil characteristics were more akin to subsoil with a high clay content.

I note that the adjoining site (within the same small circa 0.8 Hectare field) presents an altogether different report and recommends a tertiary treatment system and raised infiltration/treatment area due to the water table.

There was water evident in the test holes during my visit. In summary, I am not satisfied with the conflicting site characterisation reports presented for adjacent sites which recommends disparate treatments systems and I feel where there are proposed water supply sources utilising bored wells within the site curtilage that there needs to an abundance of caution with regard to the capability of these lands to process wastewater.

#### **4.0 Recommendation**

I recommend that permission for the development be Refused.

#### **5.0 Reasons & Considerations**

1. Having regard to the Galway County Development Plan 2022 – 2028. The board considers that the proposed dwelling by nature of its bulk and scale fails to integrate into its receiving environment and is contrary to DM Standard 8 'Site Selection and Design'.
2. Having regard to the site location along a narrow *cul de sac* road originally constructed as an avenue/driveway for St Cleran's Estate, the board is not satisfied that the road infrastructure is capable of absorbing additional development and that amelioration works as set out under condition 5 of the Planning Authority Decision to Grant would be an excessive and insensitive intervention in a rural area which would militate against the preservation of the rural environment.

3. The site location is on lands attendant to the St Cleran's Estate which is a Designed Landscape housing a protected structure. Section 12.5.7 of the CDP 2022 – 2028 requires development proposals in these designed landscapes to be accompanied by appraisals and surveying of these sensitive sites including historic gardens, demesnes, estates and their settings so as to evaluate any possible impact on the heritage value. The proposal has failed to acknowledge the historic context of the area where it is a stated objective of the CDP (10.6.4) to protect non-designated habitats and landscapes and in so doing has failed to justify development within this historic setting to the satisfaction of the board.
4. Having regard to the provisions of the Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) issued by the Environmental Protection Agency March 2021, the Board is not satisfied that wastewater generated by the proposed development could be satisfactorily accommodated on site when combined with a bored well. Disparate test results recorded from adjoining sites within the same agricultural field raise uncertainty as to the ability of the site to adequately treat effluent. The proposed development would, therefore, conflict with the provisions of the Code of Practice of the Environmental Protection Agency, would be prejudicial to public health and 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.

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*Name: Adam Kearney*

*Planning Inspector*

*Date: 25-02-2024*