



An  
Bord  
Pleanála

## Inspector's Report ABP-321874-25

<b>Development</b>	Construction of a boat boat house.
<b>Location</b>	Ceathrú an Loistreáin, Gort Uí Lochlainn, Carrowlustraun, Moycullen, Co. Galway.
<b>Planning Authority</b>	Galway County Council.
<b>Planning Authority Reg. Ref.</b>	2461569.
<b>Applicant(s)</b>	Marek Rudzinski.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party v Refusal.
<b>Appellant(s)</b>	Marek Rudzinski.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	31 <sup>st</sup> March 2025.
<b>Inspector</b>	Ciarán Daly

## 1.0 Site Location and Description

- 1.1. The subject site consists of a single storey pitched roof detached rural dwelling and ancillary pitched roof structure (hobby house) accessed off a slip road of the N59. The site is highly elevated above the slip road and there is a winding single lane driveway access leading up the steep hillside to the buildings. The area where the two buildings are located is flat and the area to the rear slopes uphill with a garden area to the side and rear of the house. There is a somewhat lower flat area to the side of the hobby house building and the grounds in the vicinity of the house are landscaped.
- 1.2. There are some hedging and trees planted that mainly screen the site from the sides. The rural site is located c.500m to the north-west of the urban edge of the settlement of Moycullen. To note, the buildings on the site are visible from the public road at the N59 roundabout to the east of the site and from along the N59 for c.500m to the east of the roundabout along the N59.
- 1.3. There are forested areas to the north-west and south-west of the site.

## 2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
  - A boat house of 55sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Galway County Council decided to refuse permission for two no. reasons which related to (1) excessive scale and height which would be materially contrary to DM Standard 6 and in combination with the other development on site would detract from the visual amenity of the area, would militate against the preservation of the rural environment; and (2) The failure to effectively assimilate at the rural location noting the configuration constitutes suburban type overdevelopment of the site. Material contravention of Policy Objectives LCM 2 and LCM 3 cited along with DM Standard 46 related to landscape protection.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report referred to the planning history on the site which included a grant of permission for the retention of a hobby house and storage boat house and a refusal of permission for the retention of a dwelling house, conservatory and garage, hobby house and store on revised site boundaries. The site is noted to be within a Special Landscape Sensitivity Class 3 in the Lake Environs Landscape designation of the Lough Corrib Scenic Route.

It notes the location of the proposed boat house at the same location and scale as the development previously refused permission. It noted the excessive height and the substantially sized hobby house and storage boat house already in use on the site. This is considered overdevelopment and it would not integrate effectively with the sensitive landscape.

#### **3.3. Other Technical Reports**

- An Cheathrú Rua Area Office: no report received.
- Heritage Officer: no report received.

#### **3.4. Prescribed Bodies**

- Department of Tourism, Culture, Arts and Gaeltacht: no report received.
- Fáilte Ireland: no report received.
- Department of Housing, Local Government and Heritage: no report received.
- The Heritage Council: no report received.
- TII: no objection.
- Údarás na Gaeltachta: no report received.

#### **3.5. Third Party Observations**

No reports received.

## 4.0 Planning History

**24/60062:** Permission granted by the P.A. for (1) elevational changes to Hobby House (previously granted) to include enclosed terrace, (2) low level storage boat house with patio above, (3) effluent treatment and disposal system, (4) all on revised site boundaries. GFA 31.5 sqm (storage/boat house).

Condition no. 3 restricted further exempted development on the site.

**23/174:** Permission refused by the P.A. for revision of site boundaries; retain dwelling house, hobby house and store room; retain minor elevation changes of the hobby house. New garage at rear of site and conservatory to the hobby house. 3 reasons for refusal related to excessive scale of the hobby boat house detracting from visual amenity and militating against the preservation of the rural environment; failure to demonstrate that the wastewater system can adequately treat and dispose of domestic effluent; and having regard to the built form on the site, the structures would not assimilate or integrate effectively with the rural landscape and its curtilage.

**18/785:** Permission granted by the P.A. to construct a hobby boat house (73sqm) to the side of the dwelling.

**95/2282:** Permission for the relocation of the entrance to a dwelling house.

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2022-2028 (the CDP)

Chapter 8 – Tourism and Landscape

- Section 8.13.2 – Landscape Sensitivity

*The Landscape Character Assessment for the county has outlined four separate Landscape Character Units as follows:*

*...Class 3 - Special: High sensitivity to change...*

- Policy Objective 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.*

- Policy Objective LCM 3 – Landscape Sensitivity Ratings

*Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.*

## Chapter 15 – Development Management Standards

- Section 15.2.4 Other Residential Development (Rural and Urban)
- DM Standard 6: Domestic Garages (Urban and Rural)
  - *The design, form and materials should be ancillary to, and consistent with the main dwelling on site;*
  - *Structures may be detached or connected to the dwelling but should be visually subservient in terms of size, scale and bulk;*
  - *Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.*
- Section 15.7.2 Landscape Sensitivity

### DM Standard 46 - Compliance with Landscape Sensitivity Designations

*Subject to the provisions of the plan but in particular the settlement policies of Chapters 2, 3 & 4 and the consequent restriction on development in rural areas, the control of permissible development shall be in accordance with the policies as they relate to the four sensitivity classes of landscape in Section 8.13.2 of this plan. It will deem the following types of development generally to be acceptable in the various areas of sensitivity as follows:*

*Class 3 – Special Restricted to essential residential needs of local households, family farm business and locally resourced enterprises (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. (Table 15.6 Landscape Sensitivity Designations)*

*Class 3 – Special*

*Restricted to essential residential needs of local households, family farm business and locally resourced enterprises (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.*

## **5.2. Natural Heritage Designations**

5.2.1. In relation to designated sites, the subject site is located:

- Across the road to the south of Drimcong Proposed Natural Heritage Area (PNHA) (site code 001260).
- c.1.7km north-west of Moycullen Bogs NHA (site code 002364).
- c.2km north-west of Lough Corrib Special Area of Conservation (SAC) and PNHA (site code 000297).
- c.2km north-west of Ballycuike Lough PNHA (000228).
- c.2km south of Ross Lake and Woods SAC and PNHA (site code 001312).
- c.2.95km west of Lough Corrib Special Protection Area (SPA) (site code 004042).
- c.3.6km north-west of Connemara Bog Complex SAC and PNHA (site code 002034).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of the first party appeal can be summarised as follows:

#### Refusal Reason no. 1

- The boat house complies with DM Standard 6 and is smaller in scale than the dwelling on site and will be used for storage of boats for the applicant who lives close to Lough Corrib.
- The levels of the site and the screening by mature trees are such that it would not detract from visual amenity.

- The boat house will not be visible from the N59 or from Clifden Road.
- The site is large and can easily accommodate the scale of development although the applicant is willing to reduce the area of the boat house.

#### Refusal Reason no. 2

- The boat boat house is essential to the residential needs of the establiboat house household.
- The site is suitable to assimilate the development.
- The proposal will integrate with the landscape and not be visible from the public road.
- Photos submitted from public roads/areas.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Refusal Reason No. 1.
- Refusal Reason No. 2.

### **7.2. Refusal Reason No. 1**

7.2.1. The P.A.'s first refusal reason related to the excessive scale and height of the boat house in the context of the existing hobby boat house and store on the site and by reference to DM Standard 6 (Domestic Garages (Urban and Rural)).

7.2.2. I note that the stated floor area of the boat house would be c.55sqm with a ridge height of 6.3m and eaves height of 3.6m. If the floor area of the covered boat port is included, the total floor area would be c.130sqm. The boat house would be located on a lower site level than the hobby house and main dwelling such that its eaves would be marginally below the ground the level of the hobby house.

- 7.2.3. By reference to DM Standard 6, I note that such structures should be visually subservient in terms of size, scale and bulk, by comparison with the dwelling house. In the context of the dwelling house and the hobby boat house of significant size and scale, and in combination with the hobby house, I do not consider that the proposed boat boat house can be considered to be of size and scale whereby it would be visually subservient to the house on the site. I agree with the P.A. that this would detract from the visual amenity of the area given that it would be of significant scale on the site, that it would undermine the preservation of the rural environment and would set an undesirable precedent for similar development.
- 7.2.4. This, in my opinion, would be materially contrary to DM Standard 6 given the combined significant scale and impact together with the hobby house. I note as a consequence of the excessive combined scale on the site that there would be a significant negative impact on the visual amenity of the area. I note that should the Board disagree and decide to grant permission, per Section 37(2)(b) of the 2000 Act as amended, given that the P.A. has cited a material contravention, it will be required to satisfy itself that at least one of the criteria under this Section of the Act are met. To note, I note no significant issues in relation to external materials and restriction of use to purposes incidental with those of the dwelling that cannot be dealt with by condition.
- 7.2.5. Accordingly, I recommend that permission be refused in relation to failure to conform with DM Standard 6 and the impact on the visual amenity of the area.

### **7.3. Refusal Reason No. 2**

- 7.3.1. I note the second refusal reason as it relates to the sensitivities of the Class 3 landscape category of the CDP. Under this classification, development is restricted to the essential needs of local households, farmers and related resource users. Noting this, I do not consider that a second sizeable ancillary structure on the site is essential for the household. I note that per LCM 2 (Landscape Sensitivity Classification) regard should be had to the landscape sensitivity of sites and that this is an important consideration in areas of high sensitivity per LCM 3.
- 7.3.2. In terms of the design and choice of location and impact on the local landscape, I note that the screening, site contours and position of the structure on the site, would not be such as to limit its visibility from the public road, particularly from the area in



the vicinity of the N59 roundabout opposite the site. On my site visit, I observed the two existing buildings were clearly visible from the public road to a significant extent and appeared excessively prominent and visually obtrusive in the landscape. From a distance, I observed that the existing structures on the site had the appearance of two dwellings located within close proximity.

- 7.3.3. I also note that the proposed additional structure on the site, when viewed from within the site, would constitute an excessive interference with the rural and natural setting, noting the design and chosen location, and given the significant scale of the structures on the site when viewed in combination. Noting the site plan and the setting, I consider the pattern of development would be out of character with this landscape and to constitute suburban type development rather than rural when the three structures, in relatively close proximity on a confined site, are viewed from the north-east within the site. In the site context, I agree with the P.A. that the layout of the development is not appropriate and constitutes overdevelopment of an elevated residential site within a rural area.
- 7.3.4. For the above reasons related to the design and location of the development, that it is a second additional structure not related to essential needs within a Class 3 landscape category and that the design constitutes excessive suburban development on a rural site resulting in overdevelopment, I consider the proposed development to be contrary to Policy Objectives LCM 2 and LCM 3 and DM Standard 46. I do not consider that a material contravention of these policies arises given the absence of a specific quantitative threshold and that assessment in relation to these policies is a qualitative consideration. If the Board disagree with my conclusion regarding material contravention, I refer them to Section 37(2)(b) of the 2000 Act.
- 7.3.5. I recommend that refusal reason no. 2 be upheld insofar as it relates to the impact of the proposed development within the site as it would largely not be visible from outside the site. I note that this refusal reason can be combined with refusal reason no. 1 given the related issues and related policies and impacts.

## **8.0 EIA Screening**

- 8.1. See Forms 1 and 2 appended to this report. The proposed development is located within a rural area and sensitive landscape setting on a site where there is a residence and hobby structure. Having regard to the nature and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any connectivity to any sensitive location, 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.

## **9.0 AA Screening**

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located c.2km north-west of Lough Corrib Special Area of Conservation (SAC) (site code 000297), c.2km south of Ross Lake and Woods SAC (site code 001312), c.2.95km west of Lough Corrib Special Protection Area (SPA) (site code 004042) and c.3.6km north-west of Connemara Bog Complex SAC (site code 002034).
- 9.2. The proposed development comprises a boat boat house on a rural site where there is an existing dwelling and out building. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The relatively small scale and domestic nature of the development.
  - The location of the development in a rural area and the distance from any sensitive sites.
  - Taking into account the screening determination carried out by the Planning Authority.
- 9.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 10.0 Recommendation

10.1. I recommend that permission be refused.

## 11.0 Reasons and Considerations

1. The design and position of the boat house site would not be subservient to the dwelling and the layout is indicative of suburban type development, and due to its excessive scale, in combination with the existing structures, the boat house would have a significant negative impact on the visual amenities of the area. Having regard to the elevated position of the site in a rural landscape of high sensitivity (class 3) where development is restricted to essential residential needs, the cumulative scale of development would be visually obtrusive in the landscape when viewed from the public road opposite the site to the south-east. The proposed development would, therefore, be contrary to Policy Objectives LCM 2 and LCM3 and DM Standard 46 and would materially contravene DM Standard 6 of the Development Plan. The proposed development is therefore contrary to the principles of sustainable development and to the proper planning and 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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Ciarán Daly

Planning Inspector

30<sup>th</sup> April 2025

## Appendix 1 – Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP-321874-25		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Boat house.		
<b>Development Address</b>	Ceathrú an Loistreáin, Gort Uí Lochlainn, Carrowlustraun, Moycullen, Co. Galway.		
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Part 2, Class 10(b)(i) and (iv).  Threshold: Construction of more than 500 dwelling units and urban development which would involve an area greater than 20 hectares in the case of other areas.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>	X	The boat house structure of 55 sqm on a site area of 1.55ha.	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X		

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 – Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321874-25</b>
<b>Proposed Development Summary</b>	Boat house.
<b>Development Address</b>	Ceathrú an Loistreáin, Gort Uí Lochlainn, Carrowlustraun, Moycullen, Co. Galway..
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>55sqm boat house within a residential site in a rural area and ancillary to a dwelling house and hobby house.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The elevated site in a rural location is located at a significant remove from sensitive environmental receptors such as the Lough Corrib SAC and Ross Lake and Woods SAC, Lough Corrib SPA and Connemara Bog Complex SAC and from sensitive cultural and heritage areas.</p> <p>Adverse but localised landscape impacts identified.</p>

<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Impacts may not be contained within the partly walled site with potential for water based run-off outside the site.  The site is not suitable for wintering birds.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)