



An
Bord
Pleanála

Inspector's Report

ABP-322121-25

Development	Retention of garage and alterations to elevations.
Location	Pollagh, Slievemore, Achill, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	24491.
Applicant(s)	James M Kelly.
Type of Application	Retention Permission.
Planning Authority Decision	Grant Retention.
Type of Appeal	Third Party.
Appellant(s)	Michael John McNamara.
Observer(s)	None.
Date of Site Inspection	8 th May 2025.
Inspector	Ciarán Daly.

1.0 Site Location and Description

- 1.1. The site is accessed via a local road (the L54467) and is c.150m from the main R319 road to the south. The site including house with two parallel pitched roof elements is joined together by a lower and short pitched roof central element of smaller scale. The site also includes a partially constructed garage with partially commenced pitched roof to the south-western side of the existing dwelling with a modest separation distance from the house.
- 1.2. The area to the south-east in front of the dwelling slopes downhill to the south and consists of a large hard surface sloping driveway from the vehicular entrance in the vicinity of the south-west corner of the site leading up to a raised level paved area in front of the house. To the rear/north-west of the dwelling is a flat paved area and there is a retaining wall and gravel area between this area and the northern site boundary which is enclosed by a post and wire fence. There was a container at the north-east corner of the site on the day of my visit. An overhead cable traverses the site above and to the rear of the house and garage and it is connected to a telegraph pole to the rear of the house leading to a telegraph pole in the north-west rear corner of the site. There are adjacent dwellings to the south and east and opposite to the north and west. The site is located within a cluster settlement of single detached dwellings on the hill to the north of the R319.

2.0 Proposed Development

- 2.1. The proposed development for retention in summary consists of the following:
- Existing domestic garage, pitched roof structure to the side of the house and adjacent to the public road, and alterations to the elevations of the house including new infill pitched roof between main wings, change of two south side ground floor windows to masonry, changes two west elevation windows to masonry and change to angle of lower height wing.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially requested further information seeking a site layout plan showing the location of services on the site. Subsequently a decision was made to grant permission subject to 3 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following F.I. showing the location of the services on the site to the south-west of the garage, the Planner's Report noted that the garage to be acceptable in principle at the location. The report did not refer to any applicable Development Plan policies.

3.2.2. Other Technical Reports

- Roads Design Office: No objection subject to conditions.

3.3. Prescribed Bodies

- An Taisce: No response received.
- Uisce Éireann: No response received.
- Development Applications Unit: No response received.

3.4. Third Party Observations

One third party observation was received from Michael J McNamara which can be summarised as follows:

- The house and garage built do not match the initial plans where no garage was originally included/permitted.
- The garage is built on top of water pipes and has a main electricity pole overhead.
- Disputes distances shown on the site layout plan.
- The size is excessive and the hip roof is not necessary.
- There is no access provided to the garage.

- The structures have restricted the view of the sea from their dwelling opposite to the rear/north-west.

4.0 Planning History

18/445: Permission granted by the P.A. to construct a dwelling with connection to services.

P95/1594 / P.16.098108: Permission granted for a dwelling house and connection to public services. Condition no. 1 required an 11m separation from roadside boundaries.

5.0 Policy Context

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

Volume 1

Section 2.8.1 Settlement Hierarchy

Keel-Dooagh is designated as a Tier 4 rural settlement in the settlement hierarchy.

2.8.1.3 Rural Settlements (Tier IV)

The Keel-Dooagh map in Volume 3 (page 43) identifies the site as being located within the rural settlement consolidation zone.

Based on this section of the CDP, the subject site is considered to be a residential part of the Keel-Dooagh rural settlement.

...A single category mixed-use zoning applies to the rural settlement plans i.e. Rural Settlement Consolidation Zoning. Facilitating population growth through the provision of housing of suitable scale and character in these villages, subject to availability of services, is considered paramount to ensuring their future vitality and viability.

Section 12.2 Settlement Hierarchy Overview

Tier IV Rural Settlements

Towns and villages with local service and limited employment functions, which play an important role in supporting the social, economic and cultural life within rural communities.

Section 3.4.8 Rural Single Housing

RHP 5

To ensure that rural housing applications employ site specific design solutions to provide for proposals that integrate into and reflect and enhance local landscape character, in terms of siting, design, materials, finishes and landscaping.

RHO 3

Housing applications along Mayo's Scenic routes, will be considered where applicants can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area*
- Meets high standards in siting and design*
- Satisfies all other criteria with regard to, inter alia, servicing, public safety, and environmental considerations*
- Demonstrates enhancement to local landscape character and ecological connectivity*

Note: An occupancy clause will be attached to any grant of planning permission.

Map 10.2 of the CDP identifies the R319 to the south of the site as a scenic route.

Section 10.4.7 Landscape

NEO 25

To consider applications for development, along Mayo's' Scenic routes, that can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area.*
- Meets high standards in siting and design.*
- Contributes to and enhances local landscape character.*
- Satisfies all other criteria, with regard to, inter alia, servicing, public safety and*

environmental considerations.

Rural housing applications along Scenic Routes must comply with the requirements set out in Objective RHO 3 (Chapter 3).

NEO 27 To ensure all development proposals are consistent with the Landscape Appraisal of County Mayo and the associated Landscape Sensitivity Matrix and future editions thereof.

Volume 2

Section 2.8 Rural Housing Garages / Sheds

Rural Housing Garages / Sheds shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger garage / shed compliments the existing dwelling in its design and massing.*
- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.*
- Carefully consider site coverage to avoid unacceptable loss of private open space.*

Section 7.11 Building Lines

A building line is a line beyond which no building may extend to ensure that the street/line of buildings will appear uniform. New development proposals shall have regard to existing building lines and shall aim to be consistent with them. In certain instances, adhering to an existing building line may not be appropriate for reasons such as regeneration, future road improvements or enhanced local amenity. A flexible approach will be taken in these cases and such proposals will be considered on individual merit and design. Any new building line (i.e. where the development is not proposed in an existing structure) shall be at least:

- 40m from a National Road*
- 20m from a Regional Road*
- 10m from a local road*

In all instances the distance shall be measured from: The fence/wall/hedge of a road or the proposed new road design fence line determined by Mayo County Council.

Per the Landscape Appraisal for County Mayo, the site is located within Policy Area 1: Montaine Coastal Zone.

Policy 3: Encourage development that will not have a disproportionate effect on the existing character of the coastal environment in terms of location, design, and visual prominence.

Policy 7: Consider development on steep slopes, ensuring that it will not have a disproportionate or dominating visual impact on the surrounding environment as seen from areas of the public realm.

5.2. Natural Heritage Designations

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

- c.0.85km north of Achill Head Special Area of Conservation (SAC) (site code 002268).
- c.1.4km north-west of Inishgalloon Proposed Natural Heritage Area (PNHA) (site code 001976).
- c.2km west of Keel Machair/Menaun Cliffs SAC and PNHA (site code 001513).
- c.2.65km east of Croaghaun/Slievemore SAC and PNHA (site code 001955).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal submitted by Michael John McNamara can be summarised as follows:

- The unauthorised structure is not complete.
- The structure is located to the south-west of the appellant's house and directly in front of his home. The impact on the view from the house speaks for itself.
- The Development Plan standards were not applied by the P.A. including Section 7.11 of Volume 2 whereby any new building shall be at least 10m

from a local road and the structure is c.2m from the boundary fence at the nearest point.

- Alleged that there are other unauthorised site works.
- The closure of the permitted vehicular access point makes the structure's use as a garage impossible.
- The new access point has sterilised the most suitable location for a garage i.e. to the rear of a house.
- No weight should be given to the existence of the structure.
- A number of photos have been submitted with annotations purporting to show unauthorised structures and access point and the view from the appellant's property.

6.2. Applicant Response

The response from the applicant, James M Kelly, can be summarised as follows:

- Various structures on the site are temporary and associated with construction of the house.
- When the garage is complete, the storage container will be removed.
- The garage is simple with narrow plan and apexed roof to match the house and is typical of domestic garages in the area and will only be used for such use.
- The garage will be finished like the house with plaster walls and slate roof.
- The appeal is vexatious to delay and set back the project.
- No new access to the rear has been formed.
- The garage can be used as demonstrated in the submitted photos and will be accessed off the entrance driveway.
- The landscaping plan will finish out with soft finishes.
- The garage is essential for life on Achill.
- The garage is lower in level than the appellant's house and is not blocking any light or casting any shadows in his direction.

- The layout of houses in the area is such that there are no defined building lines and there have been no issues with neighbours.

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 reports 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:

- Development Plan Policy.
- Other Matters.

7.2. **Development Plan Policy**

7.2.1. I note the appellant has suggested that the P.A. failed to assess the development in relation to relevant CDP policies particularly in relation to Volume 2 Section 7.11 (Building Lines) and the requirement for any new building line to be at least 10m from a local road and raised issues in relation to loss of the view from their house towards the sea. I note that the garage structure is within 6m of the roadside edge to the west and that the majority of the structure is within 10m of the local road. I consider that this structure forms a new building line within 10m of a local road contrary to Section 7.11 of Volume 2 of the CDP.

7.2.2. Volume 2 Section 2.8 (Rural Housing Garages / Sheds) requires that these structures are subordinate to the size of the existing dwelling unless in exceptional cases the larger garage compliments the existing dwelling in its design and massing. In this instance, noting the form and finishes, while the garage is smaller in size (with ridge height of 4.7m) relative to the dwelling (ridge heights of 4.95m and 6.5m) and at a modestly lower level on the site, I consider that it would complement the existing dwelling in its design and massing when complete in accordance with the plans and particulars. Should permission be granted, I recommend a condition to ensure external finishes match those of the house.

7.2.3. Section 2.8 requires no unacceptable loss of private open space and I note ample space to the rear of the dwelling in this regard. It also requires no adverse impact on

the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact. I note no overlooking or overshadowing impacts. While noting the residential character of the area within a rural context, I consider the visual impact of the structure, in combination with the existing dwelling, to be excessive for such a rural residential site where it would normally be expected that some rural character of the site is retained by means of appropriate setbacks from boundaries, such as the 10m setback provided for in the CDP, as well as in relation to the avoidance of excessive massing.

- 7.2.4. When viewed from the north-west or south-east, I consider that the scale and massing of the structure combined with the dwelling to be an excessive visual impact due primarily to its proximity to the public roadside boundary. I consider this to be contrary to Section 2.8 of Volume 2 of the CDP particularly in terms of its visual impact on the dwellings to the north-west and south-east and I recommend that permission be refused for the retention of the subject garage on this basis and given the failure to ensure the required setback from the road.
- 7.2.5. I note the location of the site within the landscape associated with the scenic route along the R319 to the south and within a rural residential settlement area. In this context, noting the residential pattern of development in the area, I do not consider that wider landscape impacts beyond the immediate vicinity of the site arise.
- 7.2.6. I note that the development for retention also includes changes to the house elevations. These changes include a new infill pitched roof and velux window between the two main wings, reduced door openings across the south elevation and relocated window and change of windows to masonry on the west elevation. I also consider that the changes to the elevations encompass the change in the angle of the western wing of the house. I consider that these changes integrate with the dwelling and I note no significant negative visual impacts on the dwelling or its setting and I recommend that this element of the development be permitted by means a split decision.

7.3. Other Matters

- 7.3.1. The applicant considers the appeal to be vexatious. However, as I note significant planning issues have been raised in relation to the proper planning and sustainable

development of the area, I do not consider this to be the case and I have assessed the development accordingly.

- 7.3.2. I note the issues raised in relation to unauthorised structures on the site and a change in access. I note that matters of enforcement fall under the jurisdiction of the planning authority and not the Board and the matters raised in this regard do not impact on my above assessment.

8.0 EIA Screening

- 8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

9.0 Appropriate Assessment (AA) Screening

- 9.1. I have considered the development for retention in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a residential rural area c.0.85km north of Achill Head Special Area of Conservation (SAC) (site code 002268).
- 9.2. The proposed development comprises retention of a garage structure and alterations to elevations of a house. No nature conservation concerns were raised in the planning appeal.
- 9.3. 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 effect on a European Site. The reason for this conclusion is as follows:
- The small-scale nature of works and the domestic nature of the development.
 - The distance from the nearest European site and lack of connections.
 - Taking into account the screening report/determination by the P.A..
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in

combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

Having considered the contents of the application, the provisions of the County Development Plan, grounds of appeal and my assessment of the planning issues, I recommend a split decision in this case,

- (1) REFUSE retention permission for the existing domestic garage.
- (2) GRANT retention permission for the alterations to elevations of the house.

11.0 Reasons and Considerations (1)

1. Having regard to the residential character of this rural area and to Volume 2 Section 2.8 (Rural Housing Garages / Sheds) of the Mayo County Development Plan 2022-2028 and to the requirement for any new building line to be at least 10 metres from a local road under Section 7.11 of Volume 2, the visual impact of the garage structure in combination with the dwelling, due to its proximity to the adjoining public road would be excessively visually dominant particularly when viewed from the public road and from the south-east and north-west. The development is therefore contrary to the proper planning and sustainable development of the area.

12.0 Reasons and Considerations (2)

Having regard to the planning history on the site, the nature, scale and form of the elevation alterations for retention and pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the elevation alterations to the dwelling would be acceptable, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would accord with the policies and objectives of the Mayo County Development Plan

2022-2028. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 29th day of January 2025, 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.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 18/445 unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

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.

Ciarán Daly

Planning Inspector

30th May 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322121-25
Proposed Development Summary	Retention of garage structure and elevation changes to house
Development Address	Pollagh, Slievemore, Achill, Co. Mayo.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	

<p>of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ **Date:** _____