



An
Coimisiún
Pleanála

Inspector's Report ACP-323166-25

Development	Construction of an extension to a house and garage together with all associated site works.
Location	Carnfowler, Belmullet, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	24386.
Applicant(s)	M and H Hefferon.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party vs Grant.
Appellant(s)	Peter Hefferon.
Observer(s)	None.
Date of Site Inspection	16 th October 2025.
Inspector	C. Daly

1.0 Site Location and Description

- 1.1. The subject site, of area 0.174ha., consists of a bungalow dwelling house with hipped roof form and rear double garage with pitched roof. The dwelling is set back from and somewhat uphill of the public road and includes a front and rear garden with no side boundary with the adjacent dwelling to the north side and there is a play structure frame in the rear garden. The site generally slopes uphill from front to rear. There is a front gravel driveway to the south side and a concrete paved area to the rear of the dwelling between it and the garage building. The dwelling is set within a line of detached rural dwellings c.900m north-west of the village of Belmullet.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Construction of a single storey front and front/side extension with hipped roofs and gable projection element.
 - Retention of the double bay domestic garage to the rear/side of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially decided to request further information in relation to issues around the ownership and boundaries of the site and verification of same, if there is living accommodation in the garage for retention, the adequacy of the existing septic tank system and in relation to the minimum site size required by Development Plan policy.

Following F.I. the P.A. decided to grant permission for the development subject to 5 no. conditions. Notable conditions include:

- Condition no. 2 requires the wastewater treatment system to be installed to the relevant EPA Code standards and in accordance with the submitted details.

- Condition no. 3 requires the house, extension and garage to be retained in single ownership, not be sold or let separately and shall not be used for agricultural, industrial or commercial purposes.
- At F.I. stage, an on-site wastewater treatment system and soil polishing filter was included in the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted the contemporary design, no overlooking issues, no significant loss of private open space and had no issues with the design. It noted no details in relation to the existing wastewater treatment system or plans to upgrade it and advised that F.I. was required on this. It noted that there appeared to be living accommodation in part of the garage building with clarification required on this. A request for further information as outlined in Section 3.1 above was advised.

The Planner's Report following F.I. noted the submission of folios and maps relating to the applicant's family farm holding and it noted per the Development Management Guidelines that the planning system is not to be used as a means of resolving disputes. It noted that the applicant advised that the garage is for storage purposes with a W.C. on the ground floor and that there is no living space on either floor. The site suitability report for the recommended secondary treatment system and soil polishing filter was noted and given the absence of a site layout plan for this it recommended a condition in relation to the location of the treatment system and infiltration area. It noted the site size to be marginally below the Development Plan standard and considered this acceptable. The F.I. responses were considered acceptable and a grant of permission subject to 5 no. conditions was recommended.

3.2.2. Other Technical Reports

None requested/received.

3.3. Prescribed Bodies

None requested/received.

3.4. Third Party Observations

One third party observation was received which can be summarised as follows:

- Issues in relation to the site boundaries.
- Concerns that the garage for retention may be encroaching on adjacent land holding.
- Concerns in relation to the distance to the boundary of the rear/side extension which is closer than indicated.

4.0 Planning History

Subject Site

96/614: Permission granted by the P.A. to extend the dwelling house.

Adjacent Site

99/980: Permission granted by the P.A. at adjacent site to south to construct dwelling house and for proprietary effluent treatment system.

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028

Volume 1

Section 3.4.8 Rural Single Housing

Objective RHO 10 *To require that any proposal to extend/refurbish an existing rural dwelling house, occupied or otherwise, takes account of the siting and size of the existing building and endeavours to ensure that the design, scale and materials used in the refurbishment and/or extension are in keeping and sympathetic with the existing structure and that mature landscape features are retained and enhanced, as appropriate.*

Volume 2

Section 2.7 Rural Housing Extensions

Rural Housing Extensions shall:

- *In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing.*

- *Reflect the window proportions, detailing and finishes, texture, materials and colour of the existing dwelling, unless a high quality contemporary and innovatively designed extension is proposed.*
- *Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.*
- *Carefully consider site coverage to avoid unacceptable loss of private open space.*

Where an extension increases the potential occupancy of the dwelling, the adequacy of the on-site sewage treatment (in unsewered areas) should be demonstrated by the applicant.

Section 2.10 Effluent Treatment Systems

In un-serviced rural areas where a proposed dwelling cannot connect to the public wastewater treatment plant, a site suitability assessment will be required. The assessment must be carried out in accordance with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses and take into account the cumulative effects of existing and proposed developments in the area. The assessment shall be carried out and certified by a suitably qualified person (i.e. the holder of an EPA FETAC certificate or equivalent) with professional indemnity insurance.

In coastal/lakeside areas, any effluent disposal system or percolation area for single dwellings shall be located at least 100m from the High-Water of the sea/lake and 100m from any lands liable to flooding along the sea / lake.

Section 8.4 Effluent Treatment Systems

The suitability of a site for the treatment of wastewater shall be determined, in accordance with the criteria set down in the EPA Wastewater Treatment Manuals i.e. the EPA Wastewater Treatment Manuals-Treatment Systems for Single Houses (2009) and the EPA Wastewater Treatment Manuals- Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (including any updated or superseding document or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals).

5.2. Natural Heritage Designations

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

- c.0.38km north-west of Mullet / Blacksod Bay Complex Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 000470).
- c.0.38km north-west of Blacksod Bay / Broad Haven Special Protection Area (SPA) (site code 004037).
- c.1km east of Mullet Peninsula SPA (site code 004227).
- c.1.8km north-east of Mullet/Blacksod Bay Complex SAC and PNHA (site code 000470)
- c.3.7km east of West Connacht Coast SAC (site code 002998).
- c.7.8km north-east of Inishglora and Inishkeeragh SPA (site code 004084) and Inishglora and Inishkeeragh PNHA (site code 000506).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal on behalf of Peter Hefferon can be summarised as follows:

- Concerns that the applicants have not shown they are the owners of the entire property as outlined in the application and must set out their interest in the lands which are included in the application.
- The letter of consent from the family member only deals with the lands to the north and west of the proposal and not the lands to the south owned by the appellant.
- The owner of the property to the south side on which it is asserted part of the garage for retention is located/encroaching has not given permission for this development on his land and permission cannot be applied for on this basis.
- Concerns that the applicants are required to set out their interests in the subject lands in their entirety.

- The appeal includes a screenshot of the land registry folio which it is asserted is not consistent with the site layout and the boundary direction changes to the north in the south-eastern area of the site.
- The proposed extension would be closer to the southern boundary than the 2.75m distance shown and when the asserted encroachment is taken into account the distance is closer again.
- Photo submitted of appellant's fence adjacent to garage gable.
- The application should have been refused on the above grounds.

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:

- Design.
- Wastewater Treatment.
- Legal and Procedural Issues.

7.2. **Design and Amenity**

7.2.1. The design of the front and side extension would provide for a gable projecting front with large glass windows. While the external wall finishes would be similar to the existing, I note the new front windows would be relatively large in scale. Noting this and the hipped roof form and the siting to the east (front) and south (side) within close proximity to the side southern boundary, I consider that the house extension would integrate with the dwelling.

7.2.2. Noting the long line of detached houses along the road on either side which effectively result in a semi-rural character, I consider that the design of the extension would not significantly alter the character of the area and would provide some modest visual interest along the line of existing bungalows. It would be appropriately sized and sited relative to the existing house and be a sympathetic addition to the

house. Noting the above, in my opinion the proposed extension design would accord with Objective RHO 10 of the CDP.

- 7.2.3. In relation to Volume 2 Section 2.7 (Rural Housing Extensions), I consider that the design of the extension would be subordinate in floor area and height, and the larger gable would complement the dwelling and noting the detailing and finishes I consider that it would be a contemporary extension that would integrate with the dwelling, site and context. There would be no excessive loss of private open space and there would be no significant overlooking of adjacent property given the single storey height and absence of side facing windows.
- 7.2.4. In relation to the two bay garage building, which I note is shown to be used for car and other storage purposes per the F.I. response, the ridge height is c.6m and the eaves height is c.3m. Noting the sloping pitched roof and the width of the structure only partially visible from the public road, I consider that it is appropriately scaled in terms of visual impact including noting its impact to the southern side where the width of the structure is significantly less. Should permission be granted I recommend a condition similar to the P.A. condition to ensure its use is for domestic purposes only. I also recommend a condition to ensure external finishes are maintained to match those of the existing dwelling.
- 7.2.5. The site layout plan suggests that vehicular access to the garage would be around the northern side of the house with significant paved areas around the house required for this purpose. While I consider these areas proportionate to the site size such that they would be acceptable from a landscape and visual impact perspective, should permission be granted I recommend a standard rural drainage condition to ensure surface water run-off is catered for on the site.

7.3. Wastewater Treatment

- 7.3.1. I note the submitted EPA Site Suitability Assessment report prepared by Sitecheck. The Site Characterisation Form notes the aquifer category to be poor with moderate vulnerability. It notes that the existing septic tank has no percolation area. The depth of the trial hole is noted to be 1.5m with no bedrock or water table encountered. It notes peaty sandy soil above sandy silt with gravel. A groundwater response of R1 was noted. Based on the three test holes, a subsurface percolation value of 15 is noted and a surface percolation value of 19 is noted.

- 7.3.2. The report recommends a secondary treatment system and soil polishing filter with invert level of 0.454. The report outlines that the EPA minimum separation distances would be achieved. While not included in the report, I note the Site Layout Plan submitted at F.I. stage indicatively shows the location of the treatment system. Should permission be granted, I recommend the applicant be required by condition to submit a finalised site layout plan confirming the location.
- 7.3.3. From the Site Layout Plan in my opinion these separation distances can be achieved per the EPA Code Table 6.2 as required. I note per EPA Code Table 6.3 that the minimum 0.9m depth would be achieved given the depth proposed of 0.9m. I also note the proposed secondary treatment system and soil polishing filter, given the percolation results, is appropriate per EPA Code Table 6.4. Should permission be granted, I recommend a standard condition to adhere to the EPA Code standards. On this basis in my opinion, the proposed wastewater treatment system would accord with Volume 2 Sections 2.10 and 8.4 of the CDP.

7.4. Legal and Procedural Issues

- 7.4.1. I note the appellant has raised issues in relation to the accuracy of the site boundaries, the ownership of all of the site and in relation to what he states is encroachment of the garage for retention on to his lands to the south. Having reviewed these documents together with the submitted drawings and the information submitted by the appellant I note that this matter is in dispute.
- 7.4.2. I note the application form states that the applicant is the site owner, that the site boundaries on the drawings reflect those on the ground, the F.I. response which includes a copy of a folio for the applicant's family home and letter from the applicant's father in relation to the boundary revisions and a copy of a property registration authority map for the subject site including an outline of lands gifted from his father; the landdirect.ie map is not conclusive, that the extension element of the proposal would not encroach on other lands and based on the boundaries under dispute it is not clear that the garage encroaches on adjoining lands.
- 7.4.3. Nevertheless, I note that the determination of title to land is not a matter for the Commission and the Commission is entitled to accept the evidence of title provided and is not required to further enquire into the matter. I note that in this circumstance that the Commission can grant permission given that per Section 34(13) of the 2000

Act as amended as any dispute in relation to title is a civil matter and Section 34(13) provides that if the applicant lacks title or the owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development. On this basis, I do not recommend that permission be refused in relation to land ownership/title issues.

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 report.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.0.38km north-west of Mullet / Blacksod Bay Complex SAC (site code 000470) and c.0.38km north-west of Blacksod Bay / Broad Haven SPA (site code 004037), the closest European sites. The proposed development comprises an extension to a dwelling and a garage and on-site wastewater treatment system. No nature conservation concerns were raised in the planning appeal.
- 9.2. 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 a significant effect on a European Site. The reason for this conclusion is as follows:
- The relatively small-scale nature of the development and the wastewater treatment system in line with the EPA Code of Practice for Domestic Wastewater Treatment Systems.
 - The distance from the nearest European site and lack of ecological connections thereto.
 - Taking into account the screening determination by the P.A..

- 9.3. 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.
- 9.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located c.255m west of the Imleach Beag Thuaidh_010 river waterbody (IE_WE_33I010620) (status “moderate”) and is above the Clifden Belmullet (IE_WE_G_0057) ground waterbody (status “good”). The proposed development comprises a new extension to an existing dwelling, garage and on-site wastewater treatment system. No water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.3. The reason for this conclusion is as follows:
- The small scale and domestic nature of the development and the wastewater treatment system designed to accord with the EPA Code of Practice for Domestic Waste Water Treatment Systems.
 - The distance from the nearest surface water bodies and the absence of direct surface water hydrological pathways to the surface waterbodies.
- 10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission and retention permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the policies and provisions of the Mayo County Development Plan 2022 – 2028, the location within a rural area, to the nature and scale of the development and its relationship with surrounding property, the houses adjacent to the site and lining the road, it is considered that subject to compliance with the conditions set out below, the development and proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual impact and public health. The development and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development and proposed development shall be retained, carried out 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 9th day of June 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 or within 3 months of the date of the grant of permission in the case of the development to be retained and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The roof colour of the extension and garage shall be the same colour as the existing roof. The colour of the ridge tile shall be the same as the colour of the house roof.

(b) The external walls of the extension and garage shall be finished to match the external walls of the existing house.

Reason: In the interest of visual amenity.

3. The dwelling house, house extension and garage shall be retained in single ownership and shall not be sold or let separately and shall not at any time be used for agricultural, industrial or commercial purposes.

Reason: In the interest of residential amenity.

4. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 9th day of June and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

(c) Within three months of the grant of permission, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

(d) Within three months of the grant of permission, a site layout plan to scale shall be submitted to the Planning Authority for agreement. This shall include the location of the wastewater treatment system and infiltration area in

accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency 2021.

Reason: In the interest of public health and to prevent water pollution

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

31st October 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323166-25
Proposed Development Summary	Construction of an extension and garage.
Development Address	Carnfowler, Belmullet, 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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<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	

<p>development under Article 8 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><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>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: _____