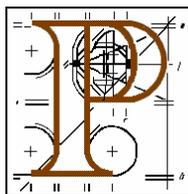


An Bord Pleanála



Inspector's Report

Development: Agricultural entrance, access roadway, hardstanding and site works at Castletown, Portroe, Nenagh, County Tipperary.

Planning Application

Planning Authority: North Tipperary County Council
Planning Authority Reg. Ref.: 11/510210
Applicant: Mary Blanker
Type of Application: Permission
Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): Mary Blanker
Type of Appeal: First party
Observers:
Date of Site Inspection: 25.11.11

Inspector: **Robert Ryan.**

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on the eastern side of the R494 c.9 kilometres north of Killaloe/Ballina and c. 4 kilometres west of Portroe. Lough Derg is located c. 250 metres to the west of the regional road with the land falling quite steeply from the road. The road itself is quite narrow with a carriageway of less than 5.0 metres in width and a continuous white line along its centre. The western side of the road consists of an embankment covered by briers together with trees and there are some fine views of the lake. The eastern side (appeal site) consists of steeply rising ground which is also overgrown with brambles, furze bushes, holly trees and ferns. Approximately 220 metres south of the proposed access there is a curving roadway which serves c.5 houses, three of which form a line leading northwards towards appeal site.

The proposed development essentially involves the creation of a new vehicular (agricultural) entrance at the northern end of the appeal property. This would be over 5 metres in width involving a double gate set back from the roadside boundary by 5 metres and at 90 degrees to the road. A frontage of c.27 metres would be cleared and levelled with compacted hardcore, an access roadway would then run southwards (parallel to regional route) for c. 30 metres into a level rectangular plot within an embanked area. The appeal site has a total area of 1 hectare in a rectangular configuration with a road frontage of 160 metres.

2.0 PLANNING AUTHORITY'S DECISION

The Planning Authority refused permission as follows viz

- (1) Policy TRANS 7 of the County Development Plan 2010 states that it is a policy of the Planning Authority to resist development along strategic route corridors which would reduce traffic safety or carrying capacity. The proposed development would result in the creation of an entrance onto the R494 Regional Road, where the maximum speed limit applies and furthermore where sightlines are substandard, which would reduce the carrying capacity of the road and have an adverse impact upon traffic safety by creation of a traffic hazard. The proposed development would therefore materially contravene Policy TRANS 7 of the County Development Plan 2010 and would be contrary to the proper planning and sustainable development of the area.
- (2) The site is located within an area that is elevated and visible from Lough Derg where it is the policy of the Planning Authority, as set out in Policy ENV3 of the County Development Plan 2010 to resist development that would:
 - (a) Materially interfere with the view of the water/mountains from any point within a visually vulnerable area; or

- (b) Materially interfere with the view to or from the lake or lakeshore;
- (c) Break the skyline or
- (d) Materially impact upon the character, integrity or uniformity of a vulnerable landscape or scenic area when viewed from scenic routes and the environs of archaeological or historic sites.

The Planning Authority considers that the proposed development would have a detrimental impact upon the visual amenities and character of the locality due the level of excavation necessary and consequent loss of vegetation at a site which elevated above Lough Derg. Accordingly the development proposal would materially contravene Policy ENV3 of the County Development Plan 2010 and is contrary to the proper planning and sustainable development of the area.

3.0 DEVELOPMENT PLAN

The site is located within an area zoned Amenity (map ref. G.2)

4.0 PLANNING HISTORY

PLC/20057 – outline permission for a house at this location was refused by the Planning Authority in 1998 on visual amenity grounds.

PLC/22358 – Permission refused by Planning Authority in 2000 for a two-storey house at this location on traffic and amenity grounds.

5.0 PLANNING AUTHORITY

The Roads Department report recommends refusal due to the totally inadequate sight distance prevailing.

The planning report states that the site is covered in scrub with an area of managed forestry to the rear. The proposed access point involves an area that is roughly level with the road and which was apparently used as a quarry c.100 years ago. The access and turning area would require site cutting.

The site fronts onto a Class 1 Regional Road where access is restricted in order to avoid negative traffic impacts (Policy TRANS 7). It would also be contrary to Policy ENV3 regarding Vulnerable Landscapes.

No details of proposed agricultural activities have been lodged. The proposed works would almost certainly result in visual detriment to the character of the

area due to the necessary excavation, removal of vegetation and consequent scarring of the landscape.

6.0 GROUNDS OF APPEAL

The appellant states that she has owned this property for over 30 years, but has no access to it as such and therefore it has become completely overgrown. In order to be suitable for agricultural purposes it needs to be fully reclaimed. The proposed entrance will enable agricultural machinery/diggers to access the land for this purpose. It is for agricultural use only and there are many similar entrances already in existence along this road. It would involve very limited traffic impact – perhaps ten trips per years. The proposed entrance would be recessed from the road frontage and would be at ground level unlike many nearby houses which have significant visual impact. Any works would involve vegetation recurring so that visual impact would be for a short term period only. The entrance would be in a bank largely hidden from public view. Removal of scrub is quite acceptable and excavation is necessary in order to create a safeway into the field. Tree planting would be undertaken.

7.0 ASSESSMENT

The appeal site is located alongside a regional road which provides attractive scenic views of Lough Derg and is thus a popular tourism route. As set out in the Western Area Local Area Plan 2006 an entrance onto a regional route requires 160 metre sightlines and indeed this is a relatively standard figure throughout the country. Section 7.5.2 of the County Development Plan is entitled ‘Preserving Regional Road Capacity’ and Policy TRANS 7 states that it is policy to resist development along strategic route corridors which would reduce traffic, safety or carrying capacity except in exceptional circumstances where the development is strategic in nature and a regionally significant employment generator – this includes the R494.

Having inspected the site I would concur with the Planning Authority that sightlines are very restricted particularly looking northwards. In order to provide adequate sightlines major excavations would need to be undertaken which would be most undesirable visually and in addition land to the north would be outside the applicant’s control. In my view the entrance, although it is more or less at grade, would be completely substandard and as stated above this is a narrow road with a continuous white line along its centre.

The broad thrust of the Development Plan is to support agricultural enterprise, but it also states that the Council will also ensure that proposed agricultural related developments are considered in relation to their likely impact on the character and amenity of the surrounding area.

Given its location close to the lake this is a sensitive landscape and the proposed development would involve significant alteration to this upland area which in my view would be detrimental to its visual amenity.

8.0 CONCLUSION AND RECOMMENDATION

I would sustain the view of the Planning Authority that this proposal is unacceptable in terms of traffic safety and visual amenity and would therefore recommend that permission be refused.

1. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because the sightlines at the proposed entrance are seriously inadequate. In addition it would materially contravene Policy TRANS 7 of the North Tipperary County Council Development Plan 2010-2016 which seeks to resist development along this Regional Route (R494) which would reduce traffic, safety or carrying capacity of the road in question.
2. The proposed development and ancillary works would be located in a sensitive landscape setting close to Lough Derg where it is plan policy as per ENV3 of the North Tipperary County Council Development Plan 2010-2016 to resist development that would materially impact upon the character, integrity or uniformity of a vulnerable landscape or scenic area when viewed from scenic routes. Accordingly, it would contravene materially a development objective of the current Development Plan for the area and be contrary to the proper planning and sustainable development of the area.

**Robert Ryan,
Senior Planning Inspector.**

November, 2011.

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