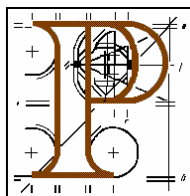


An Bord Pleanála



Inspector's Report

PL 24.242600

DEVELOPMENT: Permission for bungalow (house) with basement garage, wastewater treatment system, percolation area, entrance and all ancillary site works

- At Loughdeheen, Dunhill, County Waterford.

PLANNING APPLICATION

Planning Authority: Waterford County Council

Planning Authority Reg. No.: 13/309

Applicant: Charlotte Raher

Application Type: Permission

Planning Authority Decision: **GRANT PERMISSION**
subject to 11 Conditions.

APPEAL

Appellant: An Taisce

Type of Appeal: **THIRD PARTY**

Observer: None

DATE OF SITE INSPECTION: 24th January 2014

INSPECTOR: Dermot Kelly

REPORT FORMAT

This report follows my examination of this appeal including reading the documents on file, and follows a Site Inspection on 24th January 2014 which included the Photographs in Appendix B of this report. These Photographs were taken with an Olympus OM2 SLR film camera fitted with a 50mm fixed-focus standard lens which approximates normal viewing in short distance views.

1. SITE LOCATION
2. SITE DESCRIPTION
3. PROPOSED DEVELOPMENT
4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY
Submissions and Relevant Reports
5. APPEAL GROUNDS
6. APPEAL RESPONSES
7. PLANNING HISTORY
8. DEVELOPMENT PLAN / GUIDELINES
9. PLANNING ASSESSMENT – Issues and Evaluation
10. CONCLUSIONS AND RECOMMENDATION

APPENDICES

- APPENDIX A - LOCATION MAP
- APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
- APPENDIX C - DEVELOPMENT PLAN / GUIDELINES

1. **SITE LOCATION**

The appeal site is located at Loughdeheen in an unserviced rural agricultural area approximately 1 kilometre to the north of Dunhill in County Waterford, as indicated on **APPENDIX A - LOCATION MAP**.

2. **SITE DESCRIPTION**

2.1 The appeal site lands at Loughdeheen, Dunhill, County Waterford are approximately 0.37 hectares in area and were described as follows in the Planning Report for the Planning Authority:

“It is located to the east of the L4014 (local primary) outside of any settlement limits as designated in the Waterford County Development Plan 2011-2017. It is a roadside site that forms part of a larger agricultural field. The front and the northern boundaries consist of established hedgerow and the remaining boundaries are undefined. The stated area of the site is 0.37 hectares and permission is sought for a single-storey (house) with basement with a stated floor area of 272 square metres.”

2.2 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the appeal site and its rural context.

3. **PROPOSED DEVELOPMENT**

3.1 **Planning Application**

The site area is stated as 0.37 hectares. The proposed development comprises as specified in the public notices: “Permission for bungalow (house) with basement garage, wastewater treatment system, percolation area, entrance and all ancillary site works at Loughdeheen, Dunhill, County Waterford”. The completed Planning Application Form and Supplementary Rural Housing Form are noted including where stated in the letter that the applicant was the daughter of the landowner. The proposed bungalow dwelling (area 273 square metres) would be serviced by a private well and a wastewater treatment system on site.

3.2 The submitted Site Suitability Report is noted including the submitted ‘Observations on the Soil Polishing Filter’ received by the Planning Authority on 4th September 2013 as follows:

“The T-value is 15.94, and the P-value is 15.86, which is suitable for discharge to groundwater. It is noted stone and bedrock were found in the trial hole. This requires a raised soil polishing filter.”, and
“We can confirm that the above installation would be suitable for the site as described above and that it would be subject to our Maintenance Agreement.”

3.3 Submitted Drawings and Documentation

The drawings and documentation received 1st September 2013 and 4th September 2013 have been examined and are noted, in particular the submitted Site Layout Plan (see Key Plan drawing in Appendix B of this report) which indicates the location of the proposed dwelling on the site, and to the rear the ‘proposed wastewater treatment system and raised percolation area’ as specified, and the ‘proposed screen planting’ along site boundaries, and the location of the proposed set-back site entrance with specified sight distances. The submitted detailed drawings of the proposed development are noted.

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Third Party Submission of An Taisce on Planning Application

The Submission received is noted and stated as follows:

“The application must be determined with regard to

1. The Rural Housing and Amenity Provisions of the Waterford County Development Plan 2011 – 2017.
2. The rural housing provisions of Section 5.3.2 of The National Spatial Strategy Ireland 2002, and the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 requires applicants to establish rural generated housing need and ‘ensure that key assets in rural areas such as water quality, the natural and cultural heritage and the quality of the landscape are protected to support quality of life and economic vitality’. Section 4.5 of the Guidelines relates to the protection of water quality, referring to the protection of Irish water resources as a key national asset and requiring ‘new dwellings and un-sewered rural areas (is) to ensure that new development is to be guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities, for example, sites prone to extremely high water

tables and flooding or where groundwater is particularly vulnerable to contamination’.

3. The impact of the proposed effluent treatment system must have regard to both the individual and cumulative impact in conjunction with other existing, proposed and approved developments on both surface and groundwater to comply with the EU Groundwater Directive (80/86/EEC).”

4.2 Planning Report

This report, dated 24th September 2013, noted the Planning History on Adjacent Sites and the Pre-Planning Consultation was documented.

Under ‘Housing Need’ was stated as follows:

“The site is situated in an ‘Area Under Urban Pressure’ as designated in the development plan. Within these areas it is the policy of the Planning Authority to provide for persons with a genuine housing need as defined in the plan and subject to the site meeting all technical requirements.

A completed ‘supplementary form for all applications for rural housing’ has been submitted. The applicant is a daughter of the landowner, currently living in her family home wishing to build a dwelling. She has not previously been granted planning permission for a dwelling in a rural area. Two sites have been developed from the family landholding, one by a family member and one by a non-family member. The location of the applicant’s family home has not been indicated on a site location map. However, under PD07/1795 a family member (Mary Rahe) was granted planning permission to the southwest of the site and under that permission the family home was indicated as Glen House. The applicant’s current address is Glen House, Dunhill.

Based on the submitted information it is considered that a housing need as defined in the County Development Plan has been established.”

Under ‘Groundwater Protection’ was stated in detail as follows:

“The site lies over a Regionally Important Fissure flow aquifer where the groundwater is considered to be extremely vulnerable to contamination as defined in the ‘County Waterford Groundwater Protection Scheme 1998’. This has an R2₂ response in the response matrix for on-site treatment systems in the EPA Code of Practice. Acceptable subject to normal good practice and the following additional condition:-

1. There is a minimum thickness of 2 metres unsaturated soil/subsoil beneath the invert of the percolation trench of conventional septic tank system, or

2. A secondary treatment system other than a conventional septic tank system as described in Section 8 and 9 of the EPA Code of Practice is installed, with a minimum thickness of 0.3 metres unsaturated soil/subsoil with P/T values from 3 to 75 (in addition to the polishing filter which should be a minimum depth of 0.9 metres), beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter).

Wastewater

A completed site characterisation in accordance with EPA Code of Practice has been submitted.

Trial hole depth (minimum 2.1 metres – 3 metres Regional Important Aquifer)

A trial hole was dug to a depth of 2.9 metres. Bedrock was encountered at 1.8 metres. The watertable was not encountered and there were no signs of mottling. It is noted that the soil structure from 1.1 metre to the bedrock layer contains stones, and shale was evident at 1.8 metres.

T-tests were carried out at a depth of 700 millimetres, 750 millimetres and 760 millimetres and resulted in a T-value of 15.92.

P-tests were carried out at a depth of 400 millimetres and resulted in a p-value of 15.86.

It is proposed to install a packaged wastewater treatment system and raised percolation bed.

Table 10.3: County Development Plan 2011-2017 – ‘Minimum Standards for Individual Houses in Rural Areas’:

As per Table 10.3 of the County Development Plan the following standards apply:

50<T-value<10 indicates that the site is unsuitable for development of any on-site domestic effluent treatment system discharging to ground.

As the t-value for the site was 15.92 (pass) the site is deemed suitable.”

Under ‘Landscape Assessment’ was stated as follows:

“The site is not located in a designated area in the Scenic Landscape Evaluation as per the County Development Plan. There is gradual fall in levels to the front section of the site which becomes more pronounced to the rear of the site at the location of the proposed treatment system and percolation area. The proposed basement level takes account of the contours of the site. To the west of the site are a number of larger outcrops/higher ground, which provides a backdrop to the site when viewed from the east.

Having visited the site and assessed the submitted information, it is considered that the proposed dwelling can be accommodated at this

location without detracting from the character or visual amenity of the area". The Planning Report further noted as follows:

"Sightlines in accordance with the development standards contained in the development plan are achievable at the proposed entrance".

Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

4.3 Notification of Decision of Planning Authority

The Planning Authority, Waterford County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 11 Conditions including as follows:

Condition No. 2 relating to the proposed road entrance.

Condition No. 3 relating to the proposed wastewater treatment system.

Condition No. 4 relating to the finished floor level of the proposed dwelling as specified.

Condition No. 5 relating to external finishes of the proposed dwelling.

Condition No. 6 relating to site boundaries and landscaping.

Condition No. 8 relating to occupancy of the proposed dwelling.

Conditions Nos. 10 and 11 relating to use of the attic space and garage as specified.

5. APPEAL GROUNDS

5.1 Third Party Appeal of An Taisce

The appeal submissions included stating as follows:

"The Sustainable Rural Housing Guidelines for Planning Authorities, April 2005, state in Section 2.1:

'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.'

This paragraph holds two tests, the first test providing for the accommodation of individuals intrinsic to the community in their local area and the second test providing a requirement for appropriate locations to be considered on the same weight as the first part", and

"The applicant was qualified by Waterford County Council under the first clause and it is respectfully asked of An Bord Pleanála to consider this issue de novo as part of the overall application. However, it is contended that fulfilment of the first test is not sufficient when the

second clause or test cannot be met. Simply put, insisting you are intrinsic to the local community is not a qualification for development when the site is not suitable under the proper planning and sustainable development of the area.

The proposed development would be both visually obtrusive and incongruous in this sensitive exposed setting. Accordingly, the proposed development would militate against the preservation of the rural environment, would seriously injure the visual amenities of the area. Appendix 2 of the Rural Housing Guidelines for Planning Authorities, April 2005 consider that, with regard to 'Important Landscapes' that:

'Careful siting and location are central to sensitive development in the landscape. The capacity of a particular landscape to absorb change without significantly changing its character can be directly related to the quality of location and siting of a development within that landscape. The location and siting of rural housing should be informed by landscape character, quality and distinctiveness.'

Having regard to the open character of the landscape, it is considered that the proposed house design, by reason of its height and the failure to relate the house to its topography or to any features within the landscape, would be intrusive in the landscape and would seriously injure the visual amenities of the area.

It is considered that the development of a single rural dwelling on these lands would be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities, April 2005 issued by the Department of the Environment, Heritage and Local Government which recommends clustering of development at the least sensitive locations on a landholding being given preference."

It was submitted that there was no evidence that there were not existing adequate houses for sale or rent in the locality which would satisfy the applicant's housing need. Also submitted was:

"1.2 Compliance with the EPA Wastewater Treatment Systems Code of Practice (<10PE)

The applicant seeks to develop a wastewater treatment system and percolation area. It is asked that this ground is considered de novo. The site lies over a Regional Important Fissure Flow aquifer, where the groundwater is considered to be extremely vulnerable to contamination. It is considered that the proposed does not comply with the EPA Wastewater Treatment Systems Code of Practice (<10PE).

1.3 Impact on the Landscape

In the absence of any focused and detailed guidance on rural design from Waterford County Council, influence should be taken from other

worked examples throughout the country, an exemplar being Cork Rural Design Guidelines.

The dwelling as proposed is incompatible with any guidelines in a number of respects. It is considered the proposal does not respond to local characteristics and settlement patterns so as to integrate with the local context and landscape fabric. The application involves the cutting of a rectangular house plot into an area sloping down from the road front.

This proposal is incapable of integrating with the landscape fabric. The proposed development is located on a particularly exposed site, with very little natural vegetation. As such, there is no naturally occurring method of integrating the dwelling with the local landscape”, and “In terms of siting the proposal should seek natural shelter features, such as a backdrop of trees as a strategy and tuck the building in close proximity to these natural shelters. There has been no attempt to identify such features in this application. Even if there had been such an attempt, the site is inherently exposed, with very little natural shelter features. As such, any development on the site will be highly visible, with a very obvious visual impact on the surrounding landscape. Tree and shrub planting does not resolve the siting impact of a building plot in this location.” The attached Photographs are noted.

6. APPEAL RESPONSES

6.1 Applicant’s Appeal Response

This Appeal Response received 18th November 2013 included:

“The Applicant is the daughter of the landowner and wants to build a home for herself on family owned land. She is now 25 years of age and wants to own her own home and live independently while living close to her parents and be able to care for them as they get older. As the daughter of the landowner, building on family owned land and having lived in this area for 25 years, she more than satisfies Waterford County Council’s requirements for a genuine housing need.

The completed site characterisation report and inspection of the proposed site show that the ground conditions on the site are suitable to accommodate a wastewater treatment system to serve a single dwelling in accordance with the EPA code of practice.

The site was chosen by the applicant as it was located below the public road, thus limiting the visual effect of the house when viewed from the public road. The existing roadside boundary is quite high and well established. The roadside grass margin is very wide which means only the minimum amount of the boundary will have to be removed in order

to construct the entrance to the site. The entrance has been located in order to retain the stronger areas of the existing hedgerow. The northern boundary is also quite high and well established while there is an existing group of trees at the south-western corner of the site. This provides adequate natural screening for the site when viewed from these areas. While the site is visible from the south and southwest, the presence of the existing boundaries along with the elevated area on the opposite side of the public road will form a natural backdrop for the proposed development.

The proposed house itself has been designed to suit the chosen site. The contours of the site have been used in order to accommodate the garage in the basement area to the rear of the house rendering the garage only visible from within the site, thus removing the requirement for another building on the site.” The attached Photographs are noted.

6.2 Appeal Observation

No Appeal Observation was received.

6.3 Planning Authority Appeal Response

This Appeal Response received 14th November 2013 included:

“1. The site is situated in an Area Under Urban Pressure as designated in the development plan. Within these areas it is the policy of the Planning Authority to provide for persons with a genuine housing need as defined in the plan and subject to the site meeting all technical requirements.

A completed supplementary form for all applications for rural housing was submitted with the application. The applicant is a daughter of the landowner, currently living in her family home wishing to build a dwelling. She has not previously been granted planning permission for a dwelling in a rural area.

The location of the applicant’s family home has not been indicated on a site location map. However, under PD07/1795 a family member (Mary Raheer) was granted planning permission to the southwest of the site and under that permission the family home was indicated as Glen House. The applicant’s current address is Glen House, Dunhill.

Based on the information submitted with the planning application, it is the opinion of the Planning Authority that a housing need as defined in the Waterford County Development Plan 2011 – 2017 has been established”, and also

- “2. The site lies over a Regionally Important Fissure flow aquifer where the groundwater is considered to be extremely vulnerable to contamination as defined in the ‘County Waterford Groundwater Protection Scheme 1998’. A completed site characterisation in accordance with EPA Code of Practice was submitted with the application for permission. It is the opinion of the Planning Authority that the site can accommodate an individual wastewater treatment in accordance with EPA Code of Practice.
3. The site is not located in a designated area in the Scenic Landscape Evaluation as per the county development plan. It is the opinion of the Planning Authority that the proposed dwelling can be accommodated at this location without detracting from the character or visual amenity of the area.”

7. PLANNING HISTORY

The Planning Report for the Planning Authority documented the Planning History of the appeal site/area as follows:

“Same Site – No recent planning history on site.

Adjacent Site – 00/154 – Catherine O’Reilly and Peter Turner – Erection of dwellinghouse with septic tank, percolation area and entrance – permission.

99/694 – Anthony Raheer – erection of new dwelling, septic tank, percolation area and entrance – outline permission.

Pre-Planning – PP54/13 (attached).”

The Planning Authority has forwarded history documents in regard to above including also relating to a decision of the Planning Authority to grant permission to the applicant Mary Raheer (Ref. No. 07/1795) in 2008 for a proposed development described as follows:

Development comprising erection of a single storey dwelling and associated site works, at Loughdeheen, Kilmeaden, County Waterford.

8. DEVELOPMENT PLAN

- 8.1 The provisions of the 2009 – 2015 Waterford County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**
The ‘Agricultural’ land use zoning objective for the appeal site.
Location of the site within a designated ‘Area of Urban Pressure’.

8.2 The ‘Sustainable Rural Housing Guidelines for Planning Authorities’ published by the Department of the Environment, Heritage and Local Government in 2005, have also been noted including as follows: Section 2.1 including “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.”, and also

Appendix 2 including under ‘Important Landscapes’: “Careful siting and location are central to sensitive development in the landscape. The capacity of a particular landscape to absorb change without significantly changing its character can be directly related to the quality of location and siting of a development within that landscape. The location and siting of rural housing should be informed by landscape character, quality and distinctiveness.”, and also in Appendix 2:

“Proposals for housing in rural areas should be assessed having regard to the extent to which they:

Complement the landscape and avoid unacceptable visual intrusion,

Introduce incongruous landscape elements, and

Help to maintain important landscape elements and features that contribute to local landscape character, quality and distinctiveness (e.g. topographical features, geological features, cultural features, or ecological resources which are characteristic of that landscape type).”

Section 4.5 – ‘Protecting Water Quality’.

9. PLANNING ASSESSMENT – Issues and Evaluation

Further to my examination of the documents on file and the site inspection, it is considered that it is appropriate to undertake a planning assessment of the issues raised by the Applicant, the Planning Authority and the Appellant, in the course of this appeal, in regard to the proposed development.

I note the appeal site lands at Loughdeheen, Dunhill, County Waterford are approximately 0.37 hectares in area and were described as follows in the Planning Report for the Planning Authority:

“It is located to the east of the L4014 (local primary) outside of any settlement limits as designated in the Waterford County Development Plan 2011-2017. It is a roadside site that forms part of a larger agricultural field. The front and the northern boundaries consist of established hedgerow and the remaining boundaries are undefined. The stated area of the site is 0.37 hectares and permission is sought

for a single-storey (house) with basement with a stated floor area of 272 square metres.”

I refer to the Photographs in Appendix B of this report.

I note the proposed development comprises as specified in the public notices: “Permission for bungalow (house) with basement garage, wastewater treatment system, percolation area, entrance and all ancillary site works at Loughdeheen, Dunhill, County Waterford”. The completed Planning Application Form and Supplementary Rural Housing Form are noted including where stated in the letter that the applicant was the daughter of the landowner. The proposed bungalow dwelling (area 273 square metres) would be serviced by a private well and a wastewater treatment system on site.

I note the Pre-Planning Report on file which included stating as follows “given that the applicant is the daughter of the landowner the Planning Authority may consider a dwelling in the subject field, however the dwelling must be located at the most appropriate contour level (lowest contour) so as to ensure that the proposed dwelling integrates as much as possible with the surrounding landscape.”, and also “The dwelling shall be served by a wastewater treatment system/septic tank and such will have to be in compliance with the standards as set out in the Waterford County Development Plan 2011-2017 and the EPA Code of Practice.”

I note the submitted Site Suitability Report including the submitted ‘Observations on the Soil Polishing Filter’ received by the Planning Authority on 4th September 2013 as follows:

“The T-value is 15.94, and the P-value is 15.86, which is suitable for discharge to groundwater. It is noted stone and bedrock were found in the trial hole. This requires a raised soil polishing filter.”, and that the proposed proprietary wastewater treatment system would be suitable for the site and maintained as stated.

I note the drawings and documentation received 1st September 2013 and 4th September 2013 which have been examined, in particular the submitted Site Layout Plan (see Key Plan drawing in Appendix B of this report) which indicates the location of the proposed dwelling on the site and to the rear the ‘proposed wastewater treatment system and raised percolation area’ as specified, and the ‘proposed screen planting’ along site boundaries, and the location of the proposed set-back site entrance with specified sight distances. The submitted detailed drawings of the proposed development are noted.

I note the Planning Report where stated under 'Housing Need':
"The site is situated in an 'Area Under Urban Pressure' as designated in the development plan. Within these areas it is the policy of the Planning Authority to provide for persons with a genuine housing need as defined in the plan and subject to the site meeting all technical requirements", &
"The applicant is a daughter of the landowner currently living in her family home wishing to build a dwelling", and also "under PD07/1795 a family member (Mary Raheer) was granted planning permission to the southwest of the site and under that permission the family home was indicated as Glen House. The applicant's current address is Glen House, Dunhill. Based on the submitted information it is considered that a housing need as defined in the County Development Plan has been established."
I concur and I note that this is not an issue in the submitted Third Party Appeal Grounds.

I note the Planning Report under 'Wastewater' stated:
"A completed site characterisation in accordance with EPA Code of Practice has been submitted", and also "It is proposed to install a packaged wastewater treatment system and raised percolation bed", and 'As the t-value for the site was 15.92 (pass) the site is deemed suitable.'
Noting the details submitted under 'Groundwater Protection' and 'Wastewater' as set out in the Planning Report for the Planning Authority and the gradient of the site and the absence of any existing or permitted residential development in this area, I also consider that the proposed development would be acceptable in this regard.

I note the Planning Report where stated under 'Landscape Assessment'.
"The site is not located in a designated area in the Scenic Landscape Evaluation as per the County Development Plan. There is gradual fall in levels to the front section of the site which becomes more pronounced to the rear of the site at the location of the proposed treatment system and percolation area. The proposed basement level takes account of the contours of the site. To the west of the site are a number of larger outcrops/higher ground, which provides a backdrop to the site when viewed from the east.

Having visited the site and assessed the submitted information it is considered that the proposed dwelling can be accommodated at this location without detracting from the character or visual amenity of the area." (*Italics added*)

However on site inspection – see Photographs in Appendix B of this report, it was noted that the rural landscape wherein the appeal site is located was of an attractive scenic character in my opinion and undeveloped and relatively remote.

I note the Planning Authority, Waterford County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 11 conditions including as follows:

Condition No. 2 relating to the proposed road entrance.

Condition No. 3 relating to the proposed wastewater treatment system.

Condition No. 4 relating to the finished floor level of the proposed dwelling as specified.

Condition No. 5 relating to external finishes of the proposed dwelling.

Condition No. 6 relating to site boundaries and landscaping.

Condition No. 8 relating to occupancy of the proposed dwelling.

Condition No. 10 and 11 relating to use of the attic space and garage.

I note the Third Party Appeal of An Taisce including where stated that:

“Insisting you are intrinsic to the local community is not a qualification for development when the site is not suitable under the proper planning and sustainable development of the area.

The proposed development would be both visually obtrusive and incongruous in this sensitive exposed setting. Accordingly, the proposed development would militate against the preservation of the rural environment, would seriously injure the visual amenities of the area. Appendix 2 of the Rural Housing Guidelines for Planning Authorities, April 2005 consider that, with regard to ‘Important Landscapes’ that:

‘Careful siting and location are central to sensitive development in the landscape. The capacity of a particular landscape to absorb change without significantly changing its character can be directly related to the quality of location and siting of a development within that landscape. The location and siting of rural housing should be informed by landscape character, quality and distinctiveness’.”, and also

“Having regard to the open character of the landscape, it is considered that the proposed house design, by reason of its height and the failure to relate the house to its topography or to any features within the landscape, would be intrusive in the landscape and would seriously injure the visual amenities of the area.

It is considered that the development of a single rural dwelling on these lands would be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities, April 2005 issued by the Department of the Environment, Heritage and Local Government which recommends clustering of development at the least sensitive locations on a landholding being given preference.”, and also

“The application involves the cutting of a rectangular house plot into an area sloping down from the road front.

This proposal is incapable of integrating with the landscape fabric. The proposed development is located on a particularly exposed site, with very little natural vegetation. As such, there is no naturally occurring method of integrating the dwelling with the local landscape.” (*Italics added*)

I note the Applicant’s Appeal Response where stated in this regard: “The site was chosen by the applicant as it was located below the public road, thus limiting the visual effect of the house when viewed from the public road. The existing roadside boundary is quite high and well established. The roadside grass margin is very wide which means only the minimum amount of the boundary will have to be removed in order to construct the entrance to the site. The entrance has been located in order to retain the stronger areas of the existing hedgerow. The northern boundary is also quite high and well established while there is an existing group of trees at the south-western corner of the site. This provides adequate natural screening for the site when viewed from these areas. While the site is visible from the south and southwest, the presence of the existing boundaries along with the elevated area on the opposite side of the public road will form a natural backdrop for the proposed development.

The proposed house itself has been designed to suit the chosen site. The contours of the site have been used in order to accommodate the garage in the basement area to the rear of the house rendering the garage only visible from within the site, thus removing the requirement for another building on the site.” The attached Photographs are noted.

I note the Planning Authority Appeal Response including in this regard: “The site is not located in a designated area in the Scenic Landscape Evaluation as per the county development plan. It is the opinion of the Planning Authority that the proposed dwelling can be accommodated at this location without detracting from the character or visual amenity of the area.”

I note the Planning History of the area including the previous permissions granted for dwellings on the extensive landholding of the applicant’s father as evident in the submitted Land Registry Maps in the history documents forwarded by the Planning Authority. In particular I note the Pre-Planning Consultation details as documented in the Planning Report for the Planning Authority as follows:

“There were very limited options for a further dwelling given the nature of the landholding.

Given that the applicant is the daughter of the landowner the Planning Authority may consider a dwelling in the subject field, however the dwelling must be located at the most appropriate contour level (lowest

contour) so as to ensure that the proposed dwelling integrates as much as possible with the surrounding landscaping. This will be assessed in detail at application stage.

Given the exposed and open nature of the site it is considered that a dwelling with a maximum ridge height of 6 metres may be acceptable. Again the location of the dwelling on site at the most appropriate contour level will be of significant importance.

A detailed landscaping plan shall be required at planning application stage and this should address the open nature of the site.

The dwelling shall be served by a wastewater treatment system/septic tank and such will have to be in compliance with the standards set out in the Waterford County Development Plan 2011 – 2017 and the EPA Code of Practice.”

Having considered all of the above submissions on file in regard to the proposed development including as submitted by the Planning Authority that “the site is not located in a designated area in the Scenic Landscape Evaluation as per the county development plan”, further to site inspection when the narrow local road network in the area was particularly noted, and I refer to the Photographs in Appendix B of this report, in my opinion notwithstanding the established rural housing need of the applicant under the provisions of the Development Plan and that the proposed proprietary wastewater treatment system on the site is considered acceptable, noting the extensive landholding of the applicant’s father and the undeveloped, exposed and attractive scenic character of the landscape in the area of the proposed residential development, I consider that the proposed development in this location would result in unacceptable visual intrusion on the attractive scenic rural landscape which would contravene the provisions under Section 2.1 in regard to ‘appropriate locations’ and Appendix 2 in regard to ‘unacceptable visual intrusion’ of the Sustainable Rural Housing – Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in 2005, which Guidelines are considered reasonable and would accordingly be contrary to the proper planning and sustainable development of the area.

In this regard I have noted in particular the Third Party Appeal submissions in regard to the exposed nature of the attractive scenic rural landscape in this area and that the proposed development would be visually obtrusive within same and that less sensitive and more appropriate locations for a dwelling for the applicant could be located within the extensive landholding, and that the Rural Housing Guidelines stated as follows:

“Proposals for housing in rural areas should be assessed having regard to the extent to which they:

Complement the landscape and avoid unacceptable visual intrusion,

Introduce incongruous landscape elements, and

Help to maintain important landscape elements and features that contribute to local landscape character, quality and distinctiveness (e.g. topographical features, geological features, cultural features, or ecological resources which are characteristic of that landscape type).”

Appropriate Assessment

I note the Planning Report for the Planning Authority which under the Appropriate Assessment Screening Report ‘Screening Conclusion Statement’ concluded as stated “Significant impacts can be ruled out” in regard to the proposed development in relation to European Natura 2000 Sites. Having regard to the location of the subject site and to the nature of the proposed development, and the intervening distance with Natura 2000 Sites, I consider that no appropriate assessment issues arise in this case. In my opinion the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area, having regard to the relevant provisions of the Development Plan, which are considered reasonable. Accordingly, I recommend that permission be refused for the proposed development for the Reasons and Considerations stated in the Schedule below.

DECISION

REFUSE permission for the above proposed development for the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS

In the context of the extensive landholding of the applicant's father and the undeveloped exposed and attractive character of the scenic rural landscape in the area of the proposed residential development, the proposed construction of a dwelling and associated development in this location would result in unacceptable visual intrusion on the attractive scenic rural landscape which would contravene the provisions in regard to 'appropriate locations' (Section 2.1) and in regard to 'unacceptable visual intrusion' (Appendix 2) of the Sustainable Rural Housing – Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in 2005, which Guidelines are considered reasonable, and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

10th February, 2014.

sg

APPENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
APPENDIX C - DEVELOPMENT PLAN / GUIDELINES