



An Bord Pleanála

Inspector's Report

Development: **New site entrance, two-storey house, domestic garage and septic tank at Kilbegly TD, Ballinasloe, Co. Roscommon**

Planning Application

Planning Authority: Roscommon County Council

Planning Authority Reg. Ref.: 14/172

Applicant: Fergal Greene

Type of Application: Permission

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Fergal Greene

Type of Appeal: 1st Party

Observers: None

Date of Site Inspection: 25th January 2015

Inspector: **L. Dockery**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of 0.35 hectares, is located within the townland of Kilbegly, Ballinasloe, Co. Roscommon. The site is located a short distance to the east of the M6, in close proximity to Ballinasloe. Motorway signage is visible from the general area of the site. There is a high density of one-off dwellings evident on the landscape in the immediate vicinity of the site and the area would appear to be under development pressure from both Athlone and Ballinasloe. The area is rural in nature and the road network accessing the site is inadequate in width and alignment. Growth is evident along much of the roadway accessing the site from the east. It is stated that the dwelling located immediately to the west of the site belongs to the applicant's mother and it is on the family lands that he is proposing to build. Access to the farm buildings is located to the west of the site.
- 1.2 The site itself is currently under grass, is rectangular in shape and slopes downwards away from the roadway. It is considered to be somewhat elevated in the context of the surrounding lands. The site forms part of a larger landholding, outlined in blue on the submitted drawings. The roadside boundary comprises a grass bank with stone wall. There are a few young trees along the length of the roadside boundary.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the public notices, comprises permission for (a) new site entrance (b) construction of a new two-storey dwelling house (c) construction of a domestic garage/store (d), septic tank system with percolation area (e) all associated site works on this site at Kilbegly, Ballinasloe, Co. Roscommon.
- 2.2 The proposed dwelling has a stated floor area of 263 square metres and a maximum stated height in excess of 8.8 metres. It is a two-

storey property with a double gable front elevation and varying roof elements. The gable elements accommodate bay windows at ground floor level with balconies up above. The floorplan comprises living accommodation at ground floor level, together with one bedroom and en-suite while at first floor there are three bedrooms, one no. en-suite, one bathroom, dressing room and hotpress. The elevations are to be finished in a lime based render while the roof will have a slate/tile finish. There is a detached garage with pitched roof proposed to the south of the proposed dwelling, which has a stated floor area of 53.4 square metres and maximum stated height of 6.3 metres approximately. It comprises a garage and store at ground floor level.

2.3 On foot of a Further Information request by the Planning Authority, the roof pitch of the proposed dwelling was reduced to 30 degrees and the overall height was reduced to 7.895 metres. In addition, the balconies have been omitted from the proposal.

2.4 Proposed water supply is from a new connection to the public mains while a conventional septic tank is proposed for wastewater treatment. Surface water disposal is by means of a soakpit.

3.0 PLANNING AUTHORITY'S DECISION

3.1 Permission was REFUSED by the planning authority for one reason, which was as follows:

1. The proposed development is located in a rural area under urban influence as set out in Section 5.11 of the current County Development Plan. The Planning Authority is not satisfied, based on submissions received with this application that the applicant meets the criteria for a rural generated house in accordance with the Sustainable Rural Housing Guidelines, and Table 5.3 of the County Development Plan, which would render the proposed development contrary to Policy 5.29 of the County

Development Plan. The Planning Authority is therefore not satisfied based on submissions received with this application that the development would be in accordance with the proper planning and sustainable development of the area.

- 3.2 Further Information was requested by the Planning Authority in relation to housing need, details on site entrance and design of dwelling.

4.0 TECHNICAL REPORTS

Planner's Report

The report of the planning officer generally reflects the decision of the Planning Authority

Environmental Section

Condition attached

Area Engineer

Recommends a grant of permission, subject to conditions

5.0 APPEAL GROUNDS

- 5.1 The grounds of appeal may be summarised as follows:

- No planning history associated with the site and the land has been used extensively for agricultural purposes for many years
- Outlines site location and context- location of subject site is ideal in terms of providing the applicant with a base close by so that he can operate his business in an economic and efficient manner
- No existing structures on site; outlines adjoining and neighbouring structures
- Outlines description of proposed development

- Acknowledges that he has previously been granted permission for a dwelling on another site, under Reg. Ref. 05/1190, and has constructed same
- Proposing to construct this dwelling on a site that forms part of the family landholding- beside the family home where his elderly mother resides alone- outlines personal circumstances in relation to why he needs to reside beside his mother- issues of security and support
- Ground floor bedroom proposed to accommodate his mother, if necessary- letters of support from applicant's mother and her GP attached
- Inherited farm from his father- owns approximately 70 cattle and sheep- proximity to farm important especially during lambing and calving season
- Member of An Garda Siochana, stationed in Athlone, which is approximately 20 miles from the subject site- valued and integral member of the community at Kilbegly- no objections from the surrounding community to the proposal- heightened sense of security having him living in the area
- Carried out amendments to his plans at the request of the planning authority
- Condition attached to original permission for his current house that it could not be sold within 7 years- that time has now expired- no financial gain to sell this property considering current economic climate- honest and genuine case
- Quotes Sections (a) and (b) from Table 27 of operative County Development Plan
- Considers that reasons for refusal by planning authority is against the terms of the CDP

- Attached appendix includes letter of support from applicant's mother's GP, applicant's mother and a letter from applicant outlining his need for dwelling at this location.

6.0 OBSERVERS

None

7.0 RESPONSES

None

8.0 PLANNING HISTORY

None on this site

However, the following application is considered relevant to the case-site stated to be located less than 2 kilometres from subject site

05/1190

Permission GRANTED for a serviced two-storey dwelling at Curraghagower, Ballinasloe, Co. Roscommon- applicant Fergal Greene

9.0 DEVELOPMENT PLAN

The operative Development Plan is the Roscommon County Development Plan 2014-2020

Chapter 5 Housing

Policies 5.29-5.36(incl.) Rural Housing Policies

Table 5.3 Definition of Urban and Rural Generated Housing Need

Table 5.4 Policies and Suitability Criteria for Rural Area Types

Map 7 Site located in area designated as 'Category B'- Areas under Urban Influence

"...strong pressure for urban generated housing development as well as locally generated housing development. In this context it is considered that these areas be reserved for individual housing development which meets the rural generated housing need criteria set out in the 'Definition of Urban and rural Housing Need' (See Table 5.3)"

Chapter 9 Development Management Guidelines and Standards

Section 9.2 Wastewater Treatment

Section 9.5 Rural Siting and Design

The site is not located within a designated site. The nearest designated sites are:

River Suck Callows SPA- greater than 3km distant

River Shannon Callows SAC- greater than 6km distant

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- The subject site is located within an area designated as being as 'Structurally Weak' within these Guidelines
- Section 3.2.3 deals with 'Rural Generated Housing'
- Section 3.3.3 deals with 'Siting and Design'

10.0 ASSESSMENT

10.01 This application is assessed in terms of Development Plan policy and all other relevant Government Guidelines. I consider that the following are the main issues pertaining to this appeal:

1. Compliance with rural housing policy in relation to provision of dwellings in rural areas
2. Impact on amenity of the area
3. Other issues

10.1 COMPLIANCE WITH RURAL HOUSING POLICY FOR PROVISION OF DWELLINGS IN RURAL AREAS

10.1.1 Table 5.3 of the operative County Development Plan sets out the rural generated housing need requirements to be considered when assessing an application for a dwelling in the rural area. It has been established that the subject site is located within a rural area, designated as being within 'Category B' within the operative County Development Plan, an 'Area under Urban Influence'. This designation is considered reasonable considering that the site is easily accessible, being located a short distance from the M6 motorway, in close proximity to both Ballinasloe and Athlone. Therefore demand for such developments is expected to be high at such a location.

10.1.2 Policy 5.29 of the operative County Development Plan states that prospective applicants seeking new housing development in the countryside shall be required to meet the suitability criteria set out in Table 5.4 of this Plan, for the rural housing policy category area within which the development site is situate. As is stated above, the subject site is situated within a 'Category B' area, the criteria for which is to accommodate substantiated rural generated housing need subject to good practice. From the information contained within the file, I shall summarise as follows. The applicant is a native of Kilbegly, where it is

proposed to construct the said development. His father is deceased, his mother is elderly and lives in the family home on her own. The applicant part-time farms the landholding. He is a member of An Garda Siochana, based in Athlone. He was previously granted permission for a one-off dwelling under Reg. Ref. 05/1190 in the townland of Curraghagower, less than two kilometres from the subject site. He constructed that dwelling and currently resides there. The need for the proposed dwelling, the subject of this appeal, relates firstly to his desire to live in close proximity to his elderly mother and secondly to be close to the farm holding.

10.1.3 In my opinion, the pertinent questions in this case are (i) does the applicant have a housing need and (ii) is the proposal in accordance with good planning practice. Firstly, in terms of housing need, I am not convinced. The applicant outlines his argument for a new dwelling at this location, namely relating to proximity to both his aging mother and his farm holding. He outlines the medical needs of his mother and while I acknowledge the issues raised, I consider that such health issues are not a planning matter per se. As her primary carer, no details have been explored in terms of the applicant moving into the existing family dwelling on the landholding or similarly the construction of a family flat attached to the existing dwelling in which to accommodate his elderly mother or the option of his mother moving into his existing home which is less than one mile from the subject site. Secondly and possibly more pertinently, I note that the applicant has already been granted permission and constructed a dwelling within this rural area, less than 2 kilometres from the subject site. The Planner's report states that this dwelling is located less than 1.6km away. Considering the proximity of this existing dwelling to the subject site, the applicant's mother and the farm holding, I question the need for a further additional dwelling at this location. If permission were granted for this subject dwelling, the applicant would have two dwellings of his own and the original family dwelling (namely three dwellings) within less than a two mile radius.

10.1.4 Having regard to all of the above, and based on the information before me, it has not been adequately demonstrated to me the need and justification for a dwelling at this location, and I question the need for a further dwelling at this rural, sensitive location. I therefore consider that the proposal as submitted is not in compliance with the rural housing policy for development of housing in such areas.

10.2 IMPACT ON AMENITY OF THE AREA

10.2.1 The second question raised above is whether or not the proposal is in accordance with good planning practice. The issue of impact on the amenity of the area is of concern considering the rural area in which it is proposed to construct the proposed development. The site is easily accessible and is located close to the M6 motorway, and as I have stated above demand for such developments is expected to be high. The site is located within the 'Category B' area, as set out in Map 7 of the Plan. There is a significant quantum of frontage development evident along this stretch of local roadway, all of which is leading to the suburbanisation of this rural area. The proposed entrance works would result in the substantial removal of the existing roadside boundary, which would be a significant loss to the rural environment at this location. This is exacerbated by the fact that the site, as existing, is quite elevated in the context of the existing landscape.

10.2.2 While I acknowledge the personal circumstances of the applicant, I do question the proposal before me in terms of its impact on the rural environment into which it is proposed to be placed. The extent of ribbon development existing in the vicinity is noted. Coupled, with this I have substantial concerns regarding the height and design of the proposal before me. I consider that this is a suburban type dwelling and little attempt has been made to integrate it into the rural environment. At in excess of 7.8 metres in height (reduced from 8.8 metres in the further information request) with extensive gabling, extent of roof, obtrusive chimneys and bay window elements, I consider that

the proposed dwelling, if permitted would be visually dominant on the landscape at this location. I also consider the proposal to be out of character with this rural, sensitive area and more appropriate to a suburban/urban location. I also note the substantial driveway which provides access to the dwelling, together with the extent of hardstanding proposed to surround the property. The access driveway at 5 metres in width is considered to be unnecessary and excessive at this location to cater for a single family dwelling. In addition, the height of the proposed garage at in excess of 6 metres, together with its large gable element, is again considered excessive at this location and I question the need for a garage of such a scale as that proposed, to be attached to a domestic property.

10.2.3 All of these elements, both individually and in combination would be inappropriate at this location; would form an obtrusive and strident feature on the landscape and detract significantly from the rural character of the area. The proposal, if permitted would result in scarring of the landscape at this location. This is a sensitive, scenic rural location and it is my opinion that any development at this location should be as unobtrusive as possible and should acknowledge the sensitive nature of the site. The proposal as submitted does not achieve this, in my opinion. I also consider that to add further to the existing suburbanisation of this rural area would further exacerbate the issue and this would not be in the interests of the proper planning and sustainable development of the area. I consider that the proposal as submitted would further blur the distinction between urban and rural at this location and if permitted would set an undesirable precedent for further similar developments in the vicinity.

10.2.4 I note the policies of the operative County development Plan, in particular those contained within Chapter 9 relating to rural siting and design. I consider that the proposal before me is not in compliance with the guidance contained therein.

10.2.5 Having regard to the above, I consider that the proposal would add to the already extensive frontage development that exists along the roadway and that it would add to the further suburbanisation of this rural area. It is my opinion that it would form a discordant and obtrusive feature on the landscape at this location; would be seriously injurious to the visual amenities of the area and would set an undesirable precedent for other development in the vicinity.

10.3 OTHER ISSUES

10.3.1 In relation to traffic and access issues, it would appear that adequate sightlines can be provided, subject to the removal of an existing embankment. I do however bring to the attention of the Bord the fact that the road network in the immediate vicinity of the site is poor and is substandard in terms of width and alignment. For much of its length, the local access road is single carriageway in width and has growth evident along its centre.

10.3.2 As I have stated above, I have concerns regarding the existing density of development in the vicinity of the site. There are already a considerable number of dwellings constructed within the vicinity. While a connection to mains water supply is proposed in this current application, waste water treatment is by means of a septic tank. I can only assume that the existing dwellings along the roadway are currently operating with individual waste-water treatment units. I therefore would have concerns with regards to the proliferation of such units in the area and the impacts that they may have on the environmental quality, together with the possible increase in the likelihood of contaminants reaching water sources in the vicinity. Having regard to all of the above, I am inclined to take a precautionary principle in this instance. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by waste water treatment units in the area. The proposed development, would, therefore, be prejudicial

to public health and accordingly I recommend a refusal of permission for this reason.

10.3.3 Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on this European site.

11.0 CONCLUSION

11.1 Having addressed the matters arising, I am not satisfied that the proposal is an acceptable form of development at this location. The subject site is located within a rural area, designated as being under urban influence within the operative County Development Plan. It is located within a scenic, sensitive area, and I consider that any development at this location has the potential to detract significantly from this rural area and impact negatively on the rural amenities that currently exist. This is especially true given the quantum of frontage development that currently exists within the general vicinity of the site. Having examined the information contained within the file, it is my opinion that the applicant, who has already constructed a rural dwelling less than 2km from the subject site, does not have a rural-generated need for a dwelling at this location. It is therefore considered that the proposal is not in compliance with the rural housing policy for development of housing in such areas.

11.2 It is considered that the proposed development if permitted would form a discordant and obtrusive feature on the landscape at this location; would be seriously injurious to the visual amenities of the area; would lead to the further suburbanisation of this rural area and would set an undesirable precedent for other development in the vicinity.

11.3 I also raise concerns regarding the proliferation of waste-water treatment plants within the vicinity am inclined to take a precautionary principle in this instance.

11.4 Having regard to all of the above, I consider the proposal unacceptable and inconsistent with the proper planning and sustainable development of the area.

12.0 RECOMMENDATION

In light of the above assessment, I recommend that the decision of the planning authority be UPHOLD and that permission be REFUSED for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. The subject site is located in a 'Category B' rural area, designated as being under urban influence, as set out in Table 5.3 of the operative County Development Plan. Based on the information contained within the appeal, the Board is not satisfied that that the applicant has established a rural generated housing need for a dwelling at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height, scale and design of the development proposed at this sensitive rural location, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location; would be seriously injurious to the visual amenities of the area; would lead to the further suburbanisation of this rural area and would set an undesirable precedent for other development in the vicinity. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by waste water treatment plants in the area. The proposed development, would, therefore, be prejudicial to public health.

L. Dockery

Planning Inspector

27th January 2015

