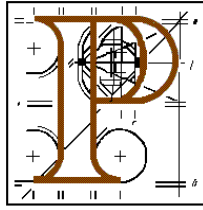


An Bord Pleanála



Inspector's Report

PL93.244600

DEVELOPMENT:-

House, garage, treatment plant and ancillary services at Toberagoole, Kinsalebeg, Clashmore, County Waterford.

PLANNING APPLICATION

Planning Authority: Waterford City and County Council
Planning Authority Reg. No. 14/600386
Applicants: David and Eileen O'Brien
Application Type: Permission
Planning Authority Decision: Refusal

APPEAL

Appellants: David and Eileen O'Brien
Type of Appeal: 1st Party
Observers: None
Date of Site Inspection: 15.5.2015

INSPECTOR: Robert Ryan

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on the eastern side of the R671 c.0.8 kilometres north of the junction with the N25 c.10 kilometres east of Youghal. In the vicinity of the site the R671 is quite straight and there is considerable residential development along both sides in what is a rural area.

The appeal site has a triangular configuration and is stated to be 0.4 hectares – it is gently undulating with post and rail fencing along its northern boundary, a sod and stone ditch along the roadside boundary and a line of trees/hedgerows along the rear boundary. The proposed development involves the erection of a house stated to be 319 square metres with a hipped slate roof, rendered walling and a stone front porch. The first floor level would consist of two en-suite bedrooms lit by six velux rooflights. The house would be c.20 metres back from the road in line with houses to the north. In addition to the house there would be a detached garage of 41.8 square metres set back from the house and parallel to the northern boundary. The house would be served by a wastewater treatment system and percolation area.

2.0 PLANNING AUTHORITY'S DECISION

The planning authority gave three reasons for refusal as follows:

1. It is the policy of the planning authority, as expressed in Section 10.2.2 of the Waterford County Development Plan 2011 – 2017, to restrict new access onto regional roads except where:-

(a) The applicant has a minimum landholding of 15 acres which was purchased prior to the adoption of the 2005 County Development Plan and there are no alternative suitable sites within the landholding which have an access onto a local road

Or

(b) A person that the planning authority is satisfied is engaged in full time farming and has a landholding not greater than 15 acres and has land leased prior to the adoption of the 2005 County Development Plan, in excess of 100 acres, that is adjoining or in close proximity to his/her landholding. The applicant has to satisfy the planning authority, with relevant documentary

evidence that the land has been continuously leased since the adoption of the 2005 County Development Plan.

Having regard to the extent of the landholding at this location and based on the submitted information it is considered that the proposed development would thus contravene materially the provisions of the Waterford County Development Plan and would be prejudicial to the proper planning and development of the area.

2. The proposed development would conflict with the policy of the planning authority, as expressed at Section 10.3 of the Waterford County Development Plan 2011 – 2017, “dwellings which give rise to ribbon development shall not be permitted. Ribbon development is defined as in excess of 3 dwellings in a row of 5 dwellings on either side of the road located on any 250 metre stretch of road”. It is therefore considered that the proposed development would contravene materially the provisions of the Development Plan and be contrary to the proper planning and development of the area.
3. The proposed development would be located within an area which is at risk of flooding.

3.0 PLANNING AUTHORITY REPORTS

A Site Characterisation Report gave a T-value of 24. The applicants state that they live in Youghal and have the property for over 15 years and wish to build a retirement home there as it would be beside their son’s house.

A Habitats Directive Screening Assessment concluded that no appropriate assessment issues arise in this case and there would be no significant effect on a Natura 2000 site.

The Planning Report states that the proposed house has a ridge height of 6.5 metres and is situated in an Area Under Urban Pressure as designated in the development plan. As the site has been owned for over 15 years it is considered to comply with housing need.

The proposed treatment system would be located within an OPW Flood Zone. Therefore further investigation is required to assess the suitability of the site having regard to the flood zones.

The report states that the proposed dwelling would be the 9th dwelling on either side of the road within approximately 330 metres. Section 10.3 of the county development plan rejects ribbon development which is defined as in excess of 3 dwellings in a row or 5 dwellings on either side of the road located on any 250 metre stretch of road. The proposed dwelling will be the 8th either side of the road within 250 metres and as such it constitutes ribbon development.

The site is located on a Scenic Route in the county development plan. Having regard to the level of one-off roadside dwellings along this stretch of road, an additional dwelling has the potential to detract from the rural character of the area.

A section of the site to the rear is located within OPW Flood Zones. Further investigation is deemed necessary.

Sightlines of 160 metres are acceptable, but Section 10.2.2 of the development plan prohibits new development onto regional routes except where applicant own at least 15 acres purchased prior to 2005 with no alternative access/sites available or is engaged in full time farming etc.

As the applicant has 0.9 hectares it does not comply with the above policy.

Refusal is recommended.

4.0 PLANNING AUTHORITY TO BOARD

They repeat that proposed development does not comply with Section 10.2.2 of the plan and a joint entrance would also be unacceptable as it would result in an intensification of turning movements, which would impact on the carrying capacity and traffic safety of the regional road.

In addition it would constitute ribbon development and is within an OPW Flood Zone.

Therefore, refusal is still recommended.

5.0 FIRST PARTY APPEAL

The appellants state that a common entrance would be used with house to the north which is owned by their son and who has no objection to its creation. There is an existing entrance to the land in the southern corner which could also be used if considered suitable by the Board.

They have this property for over 15 years and at the time there were virtually no houses nearby. 4 houses have been built at varying distances since then. Depending on measurement the proposed house may fall within the 250 metre guideline, but this is unclear.

They always intended to build a retirement home here and their son lives on adjoining site. They provide important assistance in looking after his children. The site itself is no longer part of a farm and would be of little use without permission.

As regards drainage the proposal passed the relevant tests and in their time as owners no flooding has ever occurred here or on neighbouring lands.

6.0 PLANNING HISTORY

Reg. Ref. 98/178 – Outline permission granted for two houses to Mr. Kevin O'Brien with two entrances.

Reg. Ref. 03/1016 – Permission granted by planning authority to Mr. Kevin O'Brien for a house on adjoining site to the north.

7.0 DEVELOPMENT PLAN

The site is zoned A i.e. Agriculture.

The site is located in an Area Under Urban Pressure.

The R671 is a Scenic Route.

8.0 ASSESSMENT

As set out above the site is located within an Area Under Urban Pressure. The plan states that it will facilitate housing requirements of the local rural community, but will direct urban generated development to areas zoned for housing in the adjoining service centres and settlement nodes.

Section 4.10 sets out various criteria to demonstrate genuine housing need including a landowner who owned the property prior to 4th March, 2004 wishing to build a permanent house for his/her own use. As the applicant states that he has owned the property for over 15 years he would appear to qualify.

Section 10.3 of the county development plan sets out minimum standards for housing in the countryside. Table 10.3 defines ribbon development as in excess of 3 dwellings in a row or 5 dwellings on either side of the road located on any 250 metre stretch of road. Ribbon development is expressly prohibited.

Appendix 4 of Sustainable Rural Housing – Guidelines for Planning Authorities, DOEHLG April 2005, also advocates avoidance of ribbon development, which could consist of 5 or more houses on any one side of a given 250 metre of road frontage.

In this case there are two houses immediately north of appeal site followed by a gap and then two more houses opposite which there are four houses. In my view the proposal will exacerbate the ribbon development already evident in an unserviced area without any footpath or public lighting and alongside a busy regional route.

The development plan also highlights the importance of Regional Routes stating that in addition to linking settlements they also act as feeder routes to the National Road network. In recognition of their strategic importance the carrying capacity and safety of Regional Roads will be protected as far as possible through the imposition of restrictions on new access points (p.78).

The appellant proposes to use his son's entrance, but this involves an intensification of use which inevitably would detract from the capacity and safety of the regional road. There is a farm entrance gate at the southern end of the site, but this is a farm access with limited turning movements unlike the present proposal. I would therefore sustain the view of the planning authority that the regional route would be

negatively affected by the construction of a new house. It must also be borne in mind that this is a scenic route of tourism value linking Youghal with Lismore.

As regards flooding the appellant states that this is not a factor and there are no specific reports from the OPW. From the information to hand I am not convinced that this is a key issue.

Appropriate Assessment

Given the nature of the proposal and its separation distance from SAC/SPA areas it is not considered that adverse impacts on the integrity of any Natura 2000 sites would occur.

9.0 CONCLUSION AND RECOMMENDATION

Although the appellant does qualify as a genuine local person by reason of land ownership he lives in Youghal. Nevertheless, the key issues involve ribbon development and negative impact on a regional route. Having inspected the site I would sustain the view of the planning authority that the proposed development would be contrary to both the development plan to the proper planning and sustainable development of the area. As such it is recommended that permission be refused.

REASONS AND CONSIDERATIONS

1. Having regard to the existing pattern of development it is considered that the proposed development would constitute ribbon type development and would represent piecemeal uncoordinated planning in an unserviced rural area, which is under increasing pressure for such development. It is considered, therefore, that when taken in conjunction with existing and permitted development, the proposed development would seriously injure the amenities of the area along a Scenic Route as set out in the current development plan for the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located along a busy regional route (R671) where it is development plan policy to protect their carrying capacity and safety by restricting access thereto. It is therefore considered that the proposed development would contravene materially the provisions of the Waterford County Development Plan relating to the regional road network and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Robert Ryan,
Senior Planning Inspector.**

29th May, 2015.

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