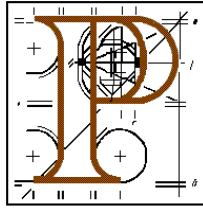


An Bord Pleanála



Inspector's Report

PL25.244825

DEVELOPMENT: Permission for the construction of a new four bedroom, two-storey dwellinghouse, boundary wall, site access road, site entrance and the installation of a new wastewater treatment system,

- at Baskin Low, Crush Bridge, Drumraney, County Westmeath.

PLANNING APPLICATION

Planning Authority: Westmeath County Council

Planning Authority Reg. No.: 14/7144

Applicant: Joe Browne

Application Type: Permission

Planning Authority Decision: **REFUSE PERMISSION**
for Reasons and Considerations (1)

APPEAL

Appellant: Joe Browne

Type of Appeal: **FIRST PARTY**

Observer: None

DATE OF SITE INSPECTION: 19th June, 2015.

INSPECTOR: Dermot Kelly

1. SITE LOCATION

The subject site is located at Baskin Low, Crush Bridge, Drumraney, County Westmeath, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

2.1 The subject site lands at Baskin Low, Crush Bridge, Drumraney, County Westmeath are approximately 0.29 hectares in area. The Planning Report for the Planning Authority described the subject site:

‘The application site is located along the R390. The proposed site is located within a large agricultural field between a single-storey dwellinghouse to the west and agricultural buildings to the east. The site gently rises in an east-west direction rising from road level. The site is accessed via the R390 at a point where a continuous white line governs the road and in proximity to a junction and ‘Crush Bridge’. The site is open and exposed and devoid of any natural boundary’.

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

3. PROPOSED DEVELOPMENT

3.1 Planning Application

- The proposed development comprises ‘Permission for the construction of a new four bedroom, two-storey dwellinghouse, boundary wall, site access road, site entrance and the installation of a new wastewater treatment system, at Baskin Low, Crush Bridge, Drumraney, County Westmeath’.
- The proposed dwelling (area 225 square metres) would be served by a private well water supply and a wastewater treatment system as specified in the submitted Site Suitability Assessment. The submitted Planning Report stated that the Applicant was previously granted permission (Ref. No. 08/4152) on the subject site and that this permission had lapsed. The Applicant presently lives in the family home on the farmholding specified on the Landholding Map.

- It was submitted that the proposed development would not be visually obtrusive and that screening planting as specified was proposed along the site boundaries.
'It is considered that the proposed considerable 'set back' of the house from the road will avoid the appearance of a ribbon type development with the existing family home and the farm buildings which are located directly on the road. This 'set back' is also considered a suitable feature of a rural farm building'.

3.2 Further Information Request

The Planning Authority by letter dated 18th February, 2015 sought Further Information as follows:

1. The Planning Authority has concerns regarding the creation of a new entrance onto the Regional Road the R390 roadway. In the interest of maintaining the safety of the road you are requested to submit a revised site layout plan illustrating proposals for the combining of the entrance to the proposed dwelling with the entrance of the applicant's parents' dwelling.
2. Having regard to the siting of the dwelling on an open, exposed and elevated site, it is considered that the proposed development would be out of character in its rural context and would injure the amenities of the area. The proposed development due to its siting and height would form an excessively prominent and obtrusive feature on the landscape, you are therefore requested to revise the design of the dwelling having regard to the previously permitted design form under file Ref. 08/4152. You are also requested to bring forward the dwelling to a less obtrusive and open area of the landholding.

3.3 Further Information Submission

- Further Information was received on 26th March, 2015 including:
'Revised drawing 015 shows an alteration to the new access road layout which will allow for the combining of the proposed new entrance with the existing dwelling on the site. This new arrangement will result in the three existing entrances (the existing gate into the farmyard at the junction, the existing gate to the land next to the farm buildings and the existing entrance to the parents' house) along the road to be combined into one entrance greatly improving the road safety along the entire road frontage of the site'.

- Revised drawings were submitted indicating ‘the dwelling being brought forward towards the road, as suggested’ which would result in a location on the site at a lower ground level. ‘In addition, by moving the house forward it will be more proximate to the existing farm buildings and will create the appearance of a traditional farm cluster advocated so strongly in Westmeath County Council’s Rural Design Guidelines. This will place the new dwelling in an authentic traditional rural farming context’.

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

4.1 Notification of Decision of Planning Authority

The Planning Authority, Westmeath County Council, issued a notification of decision to **REFUSE PERMISSION** for the proposed development for Reasons and Considerations as follows:

‘Having regard to the two-storey nature of the proposed development and siting of the dwelling on an open, exposed and elevated site, it is considered that the proposed development would be out of character in its rural context and would injure the amenities of the area. The proposed development due to its location would form an excessively prominent and obtrusive feature on the landscape and would lead to a significant reduction in the visual and environmental quality and character of the local landscape as a result of the proposed siting. It is considered that the proposal is contrary to the Westmeath County Development Plan 2014-2020 and the Westmeath Rural Design Guidelines which requires that buildings in rural areas conform to a high standard of design and integrate with the existing rural landscape and as such is considered contrary to the proper planning and sustainable development of the area’.

4.2 Third Party Submission on Planning Application

No Submission was received.

4.3 Environment Section Report

This report, dated 2nd February, 2015 included recommending that Further Information as specified should be requested.

4.4 Roads Department Report

This report dated 17th February, 2015 stated as follows:

‘The Planning Authority has concerns regarding the creation of a new entrance onto the Regional Road the R390. In the interest of road safety the applicant is required to submit a revised site layout plan showing proposals for the combining of the entrance of the proposed dwelling with the entrance of the applicant’s parents’ dwelling’.

4.5 Planning Report for Planning Authority

- The Planning Report, dated 18th February, 2015 included a Site Description and noted the Site History and the stated Local Housing Need Policy in the Development Plan.
- ‘It is stated that the land is owned by the applicant’s father since 1998. Applicant was born and raised in the area. Landholding map submitted illustrating the application site and applicant homeplace. The applicant is a full-time farmer and currently resides with his parents in the family home on the adjacent site. In addition to the details re local need, the applicant has outlined the reason he has chosen the application site – it is stated that as a suckler farmer he needs to be beside the farmyard at all times. The applicant has also stated that it is desirable to reside close to his parents who are elderly so as he can provide security and company for them. Based on information submitted it is considered that the applicant meets with local housing need criteria’.
- Under ‘Design and Siting’ was stated as follows:
‘The siting of the dwelling is considered unacceptable as the applicant was advised at the pre-planning consultation. The dwelling is sited well over 77 metres from the roadside boundary. The dwelling is also sited centrally on the field removed from established boundaries, building line. The combination of the setback, elevation of the site and lack of defined boundaries together with a proposal for a two-storey dwelling would result in an unduly prominent development that would be further exacerbated by an expanse of landscaped front lawn’.
- The Planning Report also considered that ‘there are more suitable sites having regard to the large landholding’. Refusal of permission was recommended for the Reasons and Considerations as stated.

4.6 District Manager's Report

This report dated 18th February, 2015 stated that Further Information should be requested.

4.7 Final Planning Report for Planning Authority

- This report dated 9th April, 2015 included noting the Further Information Submission and stating as follows: 'The area engineer considers the response to be satisfactory subject to conditions' and 'Minor amendments have been made i.e. dwelling brought forward, pitch reduced by 2 degrees, however concern still remains with regard to the proposed design and visual impact of same within an open and exposed landscape. These concerns were raised in the further information request and highlighted during pre-planning discussion in which the roof to masonry proportions were not considered appropriate together with the irregular rear return. Applicant was previously advised to amend to traditional form and proportion'.
- Refusal of permission was recommended for the Reasons and Considerations as stated in the notification of decision of the Planning Authority.

5. APPEAL GROUNDS

First Party Appeal

The main grounds of the First Party Appeal are as follows:

- 'It is argued that the application substantially complies with Westmeath County Council policies for Rural Housing outlined in the Westmeath County Development Plan 2014-2020 (WCDDP) and the Westmeath Rural Housing Guidelines 2005 (WRDG)', and 'The objectives of the new proposal were to follow the Westmeath Rural Housing Guidelines (Attached Annex B) and to design a structure that was informed by the existing farm buildings and create a dwelling that visually resembled a two-storey Victorian farmhouse'. The Guidelines in regard to rural dwellings in undulating landscapes were also noted.

- ‘It was considered that the visual impact of the new structure would be minimised by locating it near the existing farm buildings in a cluster. The proposed new dwelling was designed to have a ridge height of 7.5 metres blending in with the existing barn with a ridge height of 6.45 metres and the storey and a half building along the road frontage with a ridge height of 4 metres’.
- The Further Information Submission had included relocating the proposed development significantly closer to the public road and that the existing clustered farmyard buildings ‘would minimise the visual impact of the proposed dwelling. The fact that the new dwelling would be located close to these structures makes it difficult to understand the Council’s conclusion that ‘the proposed development due to its siting and height would form an excessively prominent and obtrusive feature on the landscape’.
- It was noted that ‘the Council also expressed unspecified reservations about the ‘irregular return’. It is considered that this part of the proposal is key to the design objectives of providing a modern open plan living space and maximising solar gain. Its visual impact from the front was designed to be minimised by its location in the south-east rear corner and would also have been screened by the courtyard wall and by future planting’, and would not be visible from the road. The attached Photographs and documentation are noted.

6. APPEAL RESPONSES

6.1 Appeal Observation

No Appeal Observation was received.

6.2 Planning Authority Appeal Response

No Appeal Response was received.

7. PLANNING HISTORY

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

File Ref. 08/4152: Joseph Brown, Permission to construct 1 no. dormer bungalow type dwelling, domestic garage, septic tank,

percolation area, site boundaries and all associated site works – Conditional. This permission (Ref. 08/4152) expired on 14th May, 2014.
File Ref. 06/4322: Joseph Browne (Jnr) Permission for a new entrance onto the public road and to construct a 2,352 square metres display and retail area for garden furniture, ornaments and natural stone with 7 no. on-site car parking spaces and 1 no. portable toilet – Refused.

8. DEVELOPMENT PLAN / GUIDELINES

- 8.1** The provisions of the 2014-2020 Westmeath County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan.**

Local Housing Policy in regard to Local Housing Need within Strong Rural Areas under Significant Urban Influence including as follows:

P-LHN1 – ‘To permit residential development in areas outside of the development boundaries of the settlement hierarchy subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry.
2. Members of farm families seeking to build on the family farm.
3. Landowners and members of landowners’ families (landowner for this purpose being defined as persons who owned the land in question at the date of adoption of the draft County Development Plan 2000).
4. Person employed locally whose employment would provide a service to the Local Community.
5. Persons who have personal, family or economic ties within the area, including returning emigrants....’

P-LHN2 – ‘To manage the development of one-off rural housing in conjunction with the Rural Typology Map and Local Need criteria. Applicants must submit documentary evidence of compliance with the rural housing policy and comply with local need criteria’.

- 8.2** Westmeath Rural Design Guidelines 2005 – Part 2 – ‘Rural Building Forms in the Landscape’ including as follows:
Section 2.2 in regard to ‘Traditional Farm Clusters’.
- 8.3** The Sustainable Rural Housing – Guidelines for Planning Authorities (2005) published by the Department of the Environment, Heritage and Local Government are noted.

9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

Proposed Development and First Party Appeal Grounds

- The subject site at Baskin Low, Crush Bridge, Drumraney, County Westmeath is approximately 0.29 hectares in area. The Planning Report for the Planning Authority described the subject site:
‘The application site is located along the R390. The proposed site is located within a large agricultural field between a single-storey dwellinghouse to the west and agricultural buildings to the east. The site gently rises in an east-west direction rising from road level. The site is accessed via the R390 at a point where a continuous white line governs the road and in proximity to a junction and ‘Crush Bridge’. The site is open and exposed and devoid of any natural boundary’.
- The proposed development comprises ‘Permission for the construction of a new four bedroom, two-storey dwellinghouse, boundary wall, site access road, site entrance and the installation of a new wastewater treatment system, at Baskin Low, Crush Bridge, Drumraney, County Westmeath’.
- The proposed dwelling (area 225 square metres) would be served by a private well water supply and a wastewater treatment system as specified in the submitted Site Suitability Assessment. The submitted Planning Report stated that the Applicant was previously granted permission (Ref. No. 08/4152) on the subject site and that this permission had lapsed. The Applicant presently lives in the family home on the farmholding specified on the Landholding Map.
- I note the Further Information Request of the Planning Authority, and the subsequent Further Information Submission in regard to the proposed access onto the public road (R390) – which was acceptable to the Planning Authority:-
‘Revised drawing 015 shows an alteration to the new access road layout which will allow for the combining of the proposed new entrance with the existing dwelling on the site. This new arrangement will result in the three existing entrances (the existing gate into the farmyard at the junction, the existing gate to the land next to the farm buildings and the existing entrance to the parents’

house) along the road to be combined into one entrance greatly improving the road safety along the entire road frontage of the site’.

- On site inspection I noted that the frontage road (R390) at the subject site was not heavily-trafficked and the proposed revised access arrangement as set out above is considered acceptable and on this matter I concur with the Planning Authority.
- I note in particular the Further Information Submission in regard to ‘the dwelling being brought forward towards the road, as suggested’ and in particular where submitted that ‘by moving the house forward it will be more proximate to the existing farm buildings and will create the appearance of a traditional farm cluster advocated so strongly in Westmeath County Council’s Rural Design Guidelines. This will place the new dwelling in an authentic traditional rural farming context’.
- The Planning Authority, Westmeath County Council, issued a notification of decision to **REFUSE PERMISSION** for the proposed development for Reasons and Considerations as follows:
‘Having regard to the two-storey nature of the proposed development and siting of the dwelling on an open, exposed and elevated site, it is considered that the proposed development would be out of character in its rural context and would injure the amenities of the area. The proposed development due to its location would form an excessively prominent and obtrusive feature on the landscape and would lead to a significant reduction in the visual and environmental quality and character of the local landscape as a result of the proposed siting. It is considered that the proposal is contrary to the Westmeath County Development Plan 2014-2020 and the Westmeath Rural Design Guidelines which requires that buildings in rural areas conform to a high standard of design and integrate with the existing rural landscape and as such is considered contrary to the proper planning and sustainable development of the area’.
- Further to reviewing the relevant submissions on file I concur with the Planning Report for the Planning Authority that the applicant complies with the stated Local Housing Need Policy in the 2014-2020 Westmeath County Development Plan including where stated that ‘the land is owned by the applicant’s father since 1998. Applicant was born and raised in the area. Landholding map submitted illustrating the application site and applicant homeplace.

The applicant is a full-time farmer and currently resides with his parents in the family home on the adjacent site’.

- As such as the proposed development is considered acceptable on the basis of the stated Local Housing Need Policy in the Development Plan, and as the submitted Site Suitability Assessment is considered acceptable subject to revisions as set out in the Environment Section Report for the Planning Authority, and as the proposed development as revised is considered acceptable in regard to road access as set out above, the substantive issue in this appeal relates to the Design and Siting of the proposed dwelling.
- In this regard I note the Final Planning Report for the Planning Authority in regard to the proposed dwelling – subsequent to the Further Information Submission – which stated that ‘concern still remains with regard to the proposed design and visual impact of same within an open and exposed landscape’ and ‘the roof to masonry proportions were not considered appropriate together with the irregular rear return. Applicant was previously advised to amend to traditional form and proportion’.
- In this regard I note the First Party Appeal submission that ‘the objectives of the new proposal were to follow the Westmeath Rural Housing Guidelines and to design a structure that was informed by the existing farm buildings and create a dwelling that visually resembled a two-storey Victorian farmhouse’. The Guidelines in regard to ‘rural dwellings in undulating landscapes’ were also noted.
- I note also the First Party Appeal submissions that the proposed dwelling would be located within a farmyard cluster with the existing farm buildings in the vicinity – which would reduce the visual impact of the new dwelling, and that the proposed dwelling had been brought forward significantly closer to the public road and that the ‘irregular return’ of concern to the Planning Authority was appropriate and visually unobtrusive.
- Further to an examination of the submitted drawings and while noting the Planning Authority’s concerns by reason of the location of the proposed two-storey dwelling on slightly elevated land above the public road – see Photographs in Appendix B of this report – in my opinion the proposed development as revised is considered generally acceptable in design and siting terms.

- In this regard I particularly note the Westmeath Rural Design Guidelines – Part 2 – ‘Rural Building Forms in the Landscape’ and Section 2.2 thereof in regard to ‘Traditional Farm Clusters’.
- The proposed new dwelling with a walled courtyard to the side is located adjacent to an existing cluster of farmyard buildings – which cluster in my opinion would significantly reduce the visual impact of the proposed two-storey dwelling which is traditional in style, and the ‘Victorian farmhouse’ as illustrated on page 21 in the above Guidelines is noted in this regard. I consider that the single-storey rear return to the dwelling would not be visually obtrusive by reason of its location to the rear of the Courtyard walling, see submitted North/Front Elevation drawing.
- In regard to the design of the proposed two-storey ‘farmhouse’ dwelling, I note the design of the proposed ‘dormer’ bungalow type dwelling as previously permitted (Ref. No. 08/4152) on the subject site as submitted in the First Party Appeal Grounds.
- I consider that the proposed screening planting along the site boundaries and the set back of the dwelling from the public road would reduce the visual impact of the proposed new dwelling in the rural landscape to an acceptable level.
- In my opinion the proposed new dwelling would not ‘form an excessively prominent and obtrusive feature on the landscape’ as stated in the Reasons and Considerations in the notification of decision of the Planning Authority to refuse permission.
- Having regard to the location of the proposed dwelling adjacent to the cluster of existing farm buildings and the design and finishes of the proposed two-storey dwelling, and the specified screening planting along site boundaries and the revised road entrance layout combining existing entrances as received by the Planning Authority, I consider that the proposed development subject to Conditions as set out hereunder would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience.

Appropriate Assessment

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the

proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above 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 in accordance with the proper planning and sustainable development of the area having regard to the relevant provisions of the 2014-2020 Westmeath County Development Plan which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

DECISION

GRANT permission for the proposed development in accordance with the said plans and particulars based on the Reasons and Considerations hereunder and subject to the Conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the provisions in the 2014-2020 Westmeath County Development Plan and the pattern of development in the area, and having regard to the Westmeath Rural Design Guidelines 2005, and in particular the location of the proposed dwelling adjacent to the cluster of existing farm buildings and the design and finishes of the proposed two-storey dwelling, and the specified screening planting along site boundaries and the revised road entrance layout combining existing entrances as received by the planning authority, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be undertaken and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26th day of March, 2015 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 and the development shall be undertaken and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Details of the proposed new combined road entrance and closure of the existing road entrance to the adjacent dwelling to the west as submitted on the Revised Entrance Layout – Amended Site Boundary drawing received 26th March, 2015 by the planning authority, shall be

submitted to the planning authority for agreement in writing prior to commencement of development. The existing road entrance to the adjacent dwelling to the west shall be closed off to the satisfaction of the planning authority prior to occupation of the proposed dwelling.

Reason: In the interest of traffic safety and orderly development.

4. (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 pollution.

5. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled “Wastewater Treatment Manual – Treatment Systems for Single Houses” – Environmental Protection Agency 2009 including minimum distances between the proposed percolation area and the dwelling and site boundaries.

Reason: In the interest of public health.

6. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health

7. The roof finishes to the proposed dwelling shall be natural slate as submitted. The external walls shall be finished in a neutral colour such as grey or off-white.

Reason: In the interest of visual amenity.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. Details of the proposed tree planting along site boundaries as indicated on the Amended Site Boundary Map received 26th March, 2015 shall be submitted to the planning authority for agreement in writing prior to commencement of development.

Reason: In the interest of visual amenity.

10. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

5th August, 2015.

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