



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 17/649

APPEAL by John and Christina Howell of Old Coach Road, Athclare, Dunleer, County Louth against the decision made on the 1st day of February, 2018 by Louth County Council to grant subject to conditions a permission to Cliona McCann of Athclare, Dunleer, County Louth.

Proposed Development: Construction of a proposed one and half storey dwellinghouse, detached domestic garage, on-site well, proprietary waste water treatment system, new vehicular access and associated site works at Athclare, Dunleer County Louth.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the siting, design, scale, and two-storey nature of the proposed development, consisting of a large suburban house type, on an elevated site, above the skyline in a rural area outside lands zoned for residential development, it is considered that the proposed development would constitute an overly dominant feature in the landscape and would impact adversely on the visual amenity and character of the rural area. The proposed development would, therefore, seriously injure the visual amenities of the area, would be contrary to Section 2.20 of the Louth County Development Plan 2015-2021 in respect of rural housing design and siting, and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the free flowing drainage characteristics of the site which is located within an area where there is a possible risk to groundwater as a resource given that bedrock may be encountered close to ground level, in the absence of a Ground Water Assessment being carried out and when taken in conjunction with existing development in the vicinity, including a concentration of individual waste water treatment systems and private wells, the Board is not satisfied that the proposed development would not cumulatively have an impact on groundwater in the area. Therefore, the Board is not satisfied, based on the documentation submitted, that the proposed development would comply with Policy SS 65 and Section 8.7 of the Louth County Development Plan 2015-2021 in relation of wastewater treatment and disposals systems, and would not impact adversely on water resources in the area.
3. Having regard to the details submitted on the Site Layout Plan and as revised by the Further Information submitted to the planning authority,

the Board is not satisfied that the proposed development can be carried out on lands within the applicant's ownership or that the consent of the adjoining landowner to the north has been obtained for the section of realignment of roadside boundaries required as shown outside of the red line boundary of the application site. The Board is also not satisfied that it has been demonstrated that the new access can be located having regard to both road safety and the protection of existing roadside hedgerow, trees and boundaries.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.