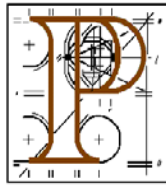


An Bord Pleanála



Inspector's Report

PL17.245636

Development: Planning permission is sought for the construction of a new detached dwelling house with a proprietary wastewater treatment system and percolation area to the rear and associated ancillary boundary revisions at Timoole, Rathfeigh, County Meath.

Planning Application

Planning Authority: Meath County Council
Planning Authority Reg. Ref.: AA/150405
Applicants: Sean Brady
Planning Authority Decision: Refusal

Planning Appeal

Appellant: Sean Brady
Type of Appeal: 1st Party - v- Refusal
Observers: None
Date of Site Inspection: 17th day of December, 2015
Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The irregular diamond shaped appeal site has a stated site area of 0.2454-hectares and it forms part of a larger residential plot of land which has a stated site area of 0.5072-hectares. The site is located on the eastern side of a restricted in width and poorly aligned local road (Note: L1002) in the Townlands of 'Timoole', an unserviced rural area, located circa 7.5-kilometers to the south of Duleek village in County Meath and circa 1.3-kilometers as the bird would fly to the east of the N2 with access onto this national road available to the north west of the site at Balrath Cross Roads. The site benefits from two entrances onto the aforementioned local road and these entrances alongside the ground levels of the larger site are raised above the ground levels of this local road.
- 1.2 The larger plot on which the appeal site sits is contended to contain the applicant's parent's detached dwelling house which is a part two storey part single storey painted plaster finished building that contains two separate front doors addressing the aforementioned local road. This existing dwelling house is located on the northern portion of the plot and in the side garden area to the north of it I observed a container structure as well as a large poly tunnel. I also observed a single storey shed building located in close proximity to the southernmost entrance serving this dwelling.
- 1.3 Both existing entrances onto the local road suffer from poor sightlines particularly in a southerly direction and it would appear that the area in between these entrances that immediately adjoins the public carriageway may accommodate car parking for occupants and visitors of the existing dwelling. The adjoining roadside carriage is restricted in its width and poorly surfaced and at the time of inspection the roadside ditches contained large volumes of water.
- 1.4 The red line area of the appeal site comprises the southern portion of the larger residential plot and in its current form it is largely comprised of lawn as well as the aforementioned shed structure. The northern site boundary is not demarcated and the remaining boundaries consist of mainly mature hedging.
- 1.5 The surrounding area despite its rural character exhibits signs of overdevelopment in the form of one-off detached houses that align in a linear fashion with the local road network. This is particularly evident

at the junction to the north of the site. In addition, journeying along this local road is hazardous as there is limited opportunity for two vehicles to pass one another safely.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of a detached dormer style three bedroom dwelling house with a proprietary wastewater treatment system and percolation area to the rear as well as associated ancillary boundary revisions on the side garden of an existing detached dwelling house.
- 2.2 The original submission which is accompanied by a planning application form does not clarify the exact floor area of the proposed dwelling house. A letter of consent for the making of this application from the applicant's father forms part of the accompanying documentation. In addition, a letter from Ashbourne Community School; a letter from Scoil Náisiúnta Mhuire Naofa; and, a Site Characterisation Form which indicates a T-test value of 69.20, a P-test value of 45.42 and concludes that the site is suitable for a packaging waste water treatment system and associated polishing filter with discharge to ground water also forms part of the accompanying documentation.
- 2.3 The applicant submitted a further information response to the Planning Authority on the 31st day of August, 2015. This further information response clarified that the gross floor area of the dwelling is the sum of 93.8-sq.m. at ground floor level and 91-sq.m. at first floor level. In addition, a revised site plan indicating sight lines of 90-meters from the point of access to the site is provided, a site location map indicating the location of the applicants home, the discrepancies in the site characterisation report alongside proposed water supply are addressed and a flood risk assessment report is provided.

3.0 RECENT & RELEVANT PLANNING HISTORY

- 3.1 **Appeal site and in the vicinity:** None.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning Section:

The **initial Planning Officer's report** concluded with a recommendation for further information. A copy of this report and the further information request which contains seven separate items is attached to file.

The **final Planning Officer's report** raised concerns that whilst the applicant had submitted a statutory declaration in respect of the lands on which the proposed site is located they had not submitted the required documentation necessary to demonstrate residency at this location for a minimum of 5 years. The Officer noted that this was required for such a development at this location and they raised further concerns that the applicant had also not demonstrated that adequate sightlines could be achieved from the entrance serving the proposed dwelling. This report concludes with a recommendation of refusal.

4.2.0 Interdepartmental Reports:

4.2.1 Environment Section: By way of a report dated the 21st day of September, 2015, no objection was raised to the proposed development having had regard to the site specific flood risk assessment that was submitted by the applicant as part of their further information response.

4.3 Submissions: None received.

4.4 Planning Authority Decision

The Planning Authority decided to **refuse** permission for the proposed development for the following stated reasons:-

"1. The Planning Authority is not satisfied on the basis of the site layout plan submitted, that sightlines can be achieved from the entrance in accordance with the NRA Guidance Manual. The proposed development would therefore endanger public safety by reason of a traffic hazard and is therefore contrary to the proper planning and development of the area.

2. *The application site is located in a rural area outside any designated settlement and in a Rural Area under Strong Urban Influence as defined in the Meath County Development Plan 2013-2019 where development which is not rurally generated should be more properly located in settlement centres. It is the policy of the County Development Plan to restrict housing in this area to those who are intrinsically part of the rural community or who have an occupation predominantly based in the rural community. It is considered, based on the information submitted, that the applicant has not established a site specific rural generated housing need for a dwelling in this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”*

5.0 GROUNDS OF APPEAL

- 5.1 The grounds of this 3rd Party Appeal may be summarised as follows:-
- The existing property has had two vehicular access points as long as the applicant has lived here and it is intended on using one of them for the proposed new dwelling. These entrances have never given rise to any problems as the road they access onto has a very low usage.
 - The existing road is quite narrow and has a 90 degree right angle corner just yards from either end of the site which makes it a necessity for any cars using this road to slow down for the bend.
 - The decision of the Planning Authority is not consistent with their decisions locally.
 - The appellant has been living in this area for 15-years and they have no other area or community that they are intrinsically part of.
 - There is only capacity for one more house on these lands and it is the appellants parents wish that one of their children stay close to home.
 - Due to the appellants age he does not have many bills for residing at this location. It is also contended that the appellant works from the home address with his father and that he intends on taking over the family business in time. It is further indicated that the father is a local builder who works in the locality and that the appellants is attending college for a business degree which he intends on using in the family business.
 - The Board is requested to overturn the Planning Authority’s decision.

6.0 RESPONSES

6.1 The **Planning Authority's** response may be summarised as follows:-

- Appropriate sightlines were not demonstrated in association with the proposal and the applicant was afforded the opportunity to demonstrate the same by way of further information. This was not demonstrated and as such the Planning Authority was not satisfied, based on the details submitted, that the proposed development would not result in a traffic hazard.
- An opportunity was also afforded to the applicant to demonstrate that they have lived in the area for a substantial portion of their life in accordance with the Rural Housing Policy set out in the Development Plan. The applicant; notwithstanding, the submission of a Statutory Declaration in respect of the lands to which this application relates and the submission of a utility bill dated July, 2015, has not adequately demonstrated compliance with the said policy. The Planning Authority were not satisfied that the applicant has sufficiently demonstrated a site specific rural generated housing need for a dwelling in this location in accordance with Section 10.2 of the Development Plan.

7.0 POLICY CONTEXT

7.1 Local Planning Context

7.1 The appeal site is governed by the policies and provisions contained in the Meath County Development Plan, 2013-2019, under which the site lies within a '*Rural Area Under Strong Urban Influence*'. As such the following policies are applicable to the development sought:-

RD POL 1: which seeks: "*to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria*".

RD POL 43: "*to ensure that the required standards for sight distances and stopping sight distance are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Sections TD 41-42/09 when assessing individual planning applications for individual houses in the countryside.*"

7.2 Section 10.2 of the plan sets out the Rural Settlement Strategy.

7.2 National Planning Context

- **Sustainable Rural Housing, Guidelines for Planning Authorities, 2005:** The Department of the Environment, Heritage and Local Government published Guidelines for Planning Authorities on the matter of sustainable rural housing. The Guidelines are based on the presumption that people who have roots in/or links to rural areas, and are part of/and contribute to the rural community will get planning permission for houses, provided they meet the normal requirements in relation to matters such as road safety and proper disposal of waste water, while directing urban generated development to areas zoned for new housing development in cities, towns and villages. These guidelines also recognise that there is a need for a balance to be reached in terms of development in the countryside so that the landscape is conserved and that new dwelling houses take account of as well as integrate with their physical surroundings in a positive manner.

8.0 ASSESSMENT

8.1 I consider that the key issues in this appeal case to be:-

- 1) *Whether or not the principle of the proposed development is acceptable at this location;*
- 2) *Site Access and Road Safety related issues.*

Having examined the file, inspected the site, considered local and national planning policy provisions and the submissions as well as responses, I consider that the other concerns which the proposed development may give rise to are not substantive or that they would warrant refusal of permission of the development sought.

8.2 *Principle of the Proposed Development*

The appeal site is located in an un-serviced rural area, which is recognised by the Development and in the Sustainable Rural Housing,

Guidelines for Planning Authorities, 2005, as being under strong urban influence and hence subject to increasing pressure for development of one-off rural housing. Accordingly, the Development Plan has a presumption against development at such a location save for instances where the applicant can demonstrate that the proposed development is consistent with accords with the rural settlement strategy. This approach I consider to be consistent with the said national guidelines.

While it would appear that the applicant in this case is likely to be genuinely from this rural locality for a considerable period of time and has resided potentially at this location for the required 5-years under the Development Plans rural settlement strategy on balance I concur with the Planning Authority that this has not been sufficiently demonstrated by evidence submitted with this application or with the appeal submission.

Moreover, having inspected the site there is no evidence that the larger site in which the appeal site forms part of functions as anything other than primarily a residential dwelling though potentially it may contain some separate residential annex having regard to the presence of two front doors. Further, I observed little that would substantiate that this site is the base of any rural enterprise that would necessitate the need for an additional dwelling to be provided at this location.

In this case I concur with the Planning Authority that the proposed development based on the documentation provided with this application and with this appeal does not establish any site specific rural generated housing need for a dwelling house in a location recognised as being under severe pressure from similar types of development due to its easy commuting distance to other larger settlements including Ashbourne, Drogheda and Dublin. In addition, the rural character of this area has been diminished by one-off dwellings and the local road for which access is proposed has limited potential for any additional none essentially additional traffic. On this point I note that the capacity of this road to absorb, the albeit limited volume of traffic the proposed development would generate, is discussed separately in more detail in the following section of this assessment. On balance I therefore consider that the proposed development, if permitted, would be contrary to the rural settlement strategy set out in the Development Plan and in particular policy RD POL 1.

8.3 *Site Access and Road Safety related issues*

The applicant proposes to subdivide the larger site area which contains their parents' home. This existing dwelling house benefits from two access points onto a local road at a point where the width of the road is severely restricted and where sightlines are also restricted due to the alignment of the road and roadside obstructions. The subdivision proposed includes the southernmost access onto the L1002 and the applicant fails to demonstrate compliance with RD POL 43 and the sight distances of 90-meters from a setback point of 2.4-meters back from the carriageway edge at the centre access point to a point to the near edge of the carriageway in each direction which is required in compliance with the NRA's Design Manual for Roads and Bridges, Sections TD 41-42/09, for this type of development, at this location. Moreover, the width of this local road along its length in a north and south direction is similarly restricted in its width, is poorly surfaced, has deep embankments and/or ditches on either side together with accommodates a significantly number of one-off detached dwellings for what is essentially a rural location with rich agricultural land.

I am not therefore satisfied based on the information provided alongside journeying along this local road that safe access has been demonstrated for the proposed development nor that this local road has the spare surplus capacity to absorb the additional demands of a development that has failed to demonstrate any essential need to be located along this rural local road alongside has failed to demonstrate that the proposed development accords with the rural settlement strategy set out in the Development Plan. It would be appropriate that future development along this road be linked to the essential functions and use of this rural agriculturally based landscape.

Accordingly the proposed development, if permitted, would be contrary to policy RD POL 43 and would endanger public safety by reason of a traffic hazard.

8.4.0 Other Matters Arising

8.4.1 *Unauthorised Development:* I note that the initial Planning Officer's report questioned whether both entrances serving the larger site were authorised. The Board does not have an enforcement role and this is a matter for the Planning Authority to deal with as they see fit.

8.4.2 Visual Amenities: I raise no serious concerns in relation to the overall design resolution of the proposed dwelling and should the Board be minded to grant permission I recommend standard conditions to deal with materials, treatments and finishes.

8.4.3 Flooding: On balance I concur with the Planning Authority in that the proposed development subject to appropriate conditions should not give rise to any additional flooding on site and in its vicinity. I also observed during my site inspection that the ground levels are elevated in relation to the surrounding land and despite the uncharacteristically high rainfall that occurred in the days and weeks before the site itself was not flooded and the ground condition was not overly spongy to walk on. Furthermore, there was no significant evidence of water loving plants; however, the ditches in the area were high with water and as such any grant of planning permission should take a precautionary approach and include appropriate mitigation conditions including those for dealing with waste water treatment in the interests of ensuring that the proposed development does not give rise to water pollution nor would it be prejudicial to public health.

8.4.4 Residential Amenity Impact: Subject to suitable boundary treatments which safeguard the residential amenity of the existing dwelling house I consider that the proposed development would not seriously injure residential amenity of the existing dwelling that occupies the larger plot of land the site forms part of.

8.4.5 Site Servicing: I raise no significant concerns in relation to this matter subject to the standard conditions for site servicing being imposed should the Board be minded to grant planning permission for the development sought.

8.4.6 Appropriate Assessment: Given the nature of the proposed development, its separation from distances from Natura 2000 sites within a 15-kilometer radius and the absence of any significant pathways between the appeal site and Natura 2000 sites within this radius and beyond it is considered that the proposed development is not likely to have significant effects on any European site in light of their conservation objectives.

9.0 RECOMMENDATION

- 9.1 In light of the above assessment I recommend that the decision of the Planning Authority is substantially upheld. I therefore recommend that planning permission for the proposed development be **refused** for the following reasons and considerations:-

REASONS AND CONSIDERATIONS

1. The proposed development would be served by inadequate sightlines. Accordingly, the proposed development would endanger public safety by reason of traffic hazard for road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area identified as being under strong urban influence in the "*Sustainable Rural Housing Guidelines for Planning Authorities*" issued by the Department of Environment, Heritage and Local Government in 2005, and, in an unserviced rural area similarly designated as a '*Rural Area Under Strong Urban Influence*' are type under the Meath County Development Plan, 2013-2019. Having regard to the applicants failure to demonstrate compliance with rural settlement strategy and RD POL 1 which seeks that applicants for individual houses in rural areas satisfy the requirements set out in the plan for persons who are intrinsic part of the rural community in which they are proposed and subject to compliance with other normal planning criteria which includes policy RD POL 43 which seeks to ensure such developments are served by the required sight distances onto the public road network it is therefore considered that the proposed development would be contrary to the said Plan's rural settlement strategy, and, it would further be contrary to the proper planning and sustainable development of the area.

P.M. Young
Planning Inspector
23rd December, 2015.