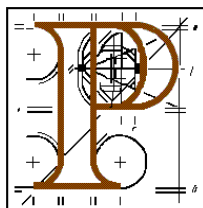


PL 93.245640

An Bord Pleanála



Inspector's Report

DEVELOPMENT: Permission for house, septic tank, percolation area, bore well, use of existing neighbouring site entrance and all associated site works.

LOCATION: Brownswood, Tinahalla, Co Waterford.

PLANNING APPLICATION

Planning Authority: Waterford City and County Council.

Planning Authority Reg. No: 15/439

Applicant: John Galvin.

Application Type: Permission.

Planning Authority Decision: Refuse Permission.

APPEAL

Appellant: John Galvin

Type of Appeal: First Party v Refusal

Observers: None

DATE OF SITE INSPECTION: 27th January 2016

INSPECTOR: Bríd Maxwell

1.0 SITE LOCATION AND DESCRIPTION

1.1 The appeal site which has a stated area of .3504 hectares is located on the Regional Road R680 within the townland of Brownswood approximately 2.7km to the northwest of the settlement of Portlaw, Co Waterford. The site is to the western side of the River Suir to the northwest and overlooking Fiddown Bridge. The site is on a steep slope between two established dwellings and is overgrown. The site is outside but adjacent to the designated Lower River SAC (Site Code 002137).

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development as set out in the public notice is permission to construct a dormer dwelling, septic tank and percolation area, use of existing neighbouring site entrance, a bore well and associated site works. The proposed dwelling, which is to be set back circa 53.9m from the roadside boundary is a two storey gable fronted structure with slate roof and render finish. The proposal involves significant excavation of up to 4m to create a level platform for the dwelling achieving a finished floor level of 17.055m relative to a TBM of 8.3m on the public road in front of the site. A 2.5m high reinforced concrete retaining wall is proposed to the rear of the dwelling house. The proposed septic tank and percolation area are to be sited to the front of the dwelling. Proposed access is by way of the existing entrance and driveway serving the established dwelling to the south east which is the family home of the applicant.

3.0 PLANNING HISTORY

- 12/272 Previous proposal by the current applicant refused on grounds of visual impact, impact on rural amenity and contrary to roads policy.

4.0 PLANNING AUTHORITY'S DELIBERATIONS AND DECISION.

4.1 Planning Authority Reports.

- Planner's report notes items for clarification in relation to landownership, housing need, adjacent site boundary overlap and sightline setback and recommends refusal on grounds of contravention of the regional road policy and negative impact on visual amenity.

4.2 Planning Authority's Decision

By order dated 19/9/2015 The Planning Authority decided to refuse permission for the following reasons.

"As expressed in Section 10.2.2 of the Waterford County Development Plan 2011-2017 it is the policy of the planning authority to maintain the safety and carrying capacity of regional roads. The proposed development would be located on the R680 regional road and would result in the intensification of a private access on to a regional road. It is considered that the additional traffic movements that would be generated would interfere with the free flow of traffic on and compromise the level of services and carrying capacity of the regional road at this location and would fail to protect public investment in the regional road network. The proposed development would contravene materially the said provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

Having regard to the sloping nature of the site and the level of excavation required to accommodate the proposed dwelling at this location it is considered that the proposed development as submitted would injure the visual amenities of the area and militate against the preservation of the rural environment. The proposed development would therefore, conflict with the policies of the Development Plan and

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

5.0 APPEAL SUBMISSIONS

5.1 First Party Appeal

5.1.1 The first party appeal is submitted by the JPO Architectural Associates. Grounds of appeal are summarised as follows:

- Site is directly adjacent to the applicant’s family home.
- Dispute the assertion that the proposal will result in an intensification of access onto the regional road as the applicant currently resides with his parents adjacent.
- Section 10.2.2.Regional Road policy is not relevant to the proposed development as the access is established.
- Refute the assertion that the proposal will injure the visual amenities of the area. Established dwellings all required similar levels of excavation.

5.2 Response of Planning Authority to Grounds of Appeal

5.2.1 The Planning Authority response is summarised as follows:

- Additional traffic movements that would be generated would interfere with the free flow of traffic on and compromise the level of service and carrying capacity on the regional road at this location and would fail to protect public investment in the regional road network. The proposed development would contravene materially the said provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area. (Section 10.2.2)
- Decision of An Bord Pleanála in respect of PL93.244600 is relevant.
- A permanent dwelling will result in increased traffic movements on a permanent basis.
- Based on the information lodged with the application and the design of the proposed dwelling, it is the opinion of the planning authority that the level of excavation required is excessive.

- Appeal does not include any additional grounds for overturning the Council's decision to refuse permission.

6.0 PLANNING POLICY

6.1 DEVELOPMENT PLAN

6.1.1 The Waterford County Development Plan 2011 – 2017 refers.

6.1.2 The site is within an area identified as a stronger rural area as designated under the current development plan.

6.1.3 Section 10.2.2 Policy in relation to access onto regional roads. New proposals for housing along regional roads will be considered with a view to avoiding the premature obsolescence of regional roads through creating excessive levels of individual entrances, and securing recent investment in upgraded / realigned regional roads by minimising the provision of new entrances onto realigned stretches of these roads. No development that would require direct access onto a Regional Road shall be permitted except where:

1. 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 sites within the landholding which have an access onto a local road.

or

2. *A person that the Planning Authority is satisfied is engaged in full time farming and has a landholding not greater than 15 acres but 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 shall have to satisfy the Planning Authority, with relevant documentary evidence, that the land has been continuously leased since the adoption of the 2005 Waterford County Development Plan."*

7.0 ASSESSMENT

7.1 From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the main issues for consideration in the Board's de novo assessment of the appeal may be considered under the following broad headings:

- Settlement Strategy
- Traffic safety, Ribbon development & Impact on the amenities of the area
- Wastewater Treatment
- Appropriate Assessment

7.2 Settlement Strategy

7.2.1 As outlined above, the site falls within an area indicated as a stronger rural area in both the rural housing guidelines and the Waterford County Development Plan. Within the Development Plan it is the Council's Policy SS5 "To cater for the housing requirements of members of the local rural community who have a genuine local housing need in stronger rural areas."

7.2.2 The applicant currently resides with his parents in the adjacent dwelling to the south east (family home since circa 1999) and seeks to provide a dwelling to meet his own housing need. On the basis of the submitted details I consider that the application demonstrates compliance with national and local policy to accommodate rural generated housing need where it arises.

7.3 Traffic safety, ribbon development and impact on the amenities of the area.

7.3.1 The proposed access to the site is off the Regional Road R680. The development plan highlights the importance of regional routes

recognising that in addition to linking settlements they also act as feeder routes to the national road network. Given 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. The proposed development seeks to mitigate the impact on the regional road by way of use of the established entrance to the applicant's family home to the south east. Notwithstanding the appellant's contention that the increased traffic arising would be minimal, I would concur with the view of the planning authority that an increase by way of provision of an additional dwelling would in fact be significant. Clearly the proposal would give rise to an intensification of use which would interfere with the free flow of traffic on and compromise the level of service and carrying capacity of the regional road and would fail to protect the public investment in the regional road network. In this regard the development would contravene the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.

7.3.2 The Sustainable Rural Housing Guidelines for Planning Authorities recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure, as well as visual impacts. The guidelines state that ribbon development will exhibit characteristics such as high density of almost continuous road frontage type development for example where 5 or more houses exist on any one side of a given 250m of road frontage. The proposed development would clearly exacerbate the existing pattern of ribbon development contrary to the provisions of the sustainable rural housing guidelines. I note that this is a new issue which was not raised in the Council's considerations.

7.3.3 As regards the visual impact of the proposed development, the site is significantly elevated and enjoys fine views over the River Suir. The proposal involves extensive cut (up to 4m) and fill to achieve a level platform for the proposed dwelling construction and with a view to

mitigating negative visual impact. In my view the proposal to construct a two storey dwelling on this elevated and exposed site, would be visually obtrusive and detrimental to the visual and scenic amenities of the area.

7.4 Wastewater Treatment

7.4.1 The site characterisation form submitted with the application details site suitability investigation carried out on 27th June 2012, where a trial hole and T test holes were excavated on the site. Neither water nor bedrock were encountered in the trial hole excavated to 2.3m. Soil structure was described as deep loam topsoil to 0.6m leading to gravelly slightly sandy silt with occasional sandstone cobbles. A T value of 14.5 was determined. The proposal is to provide a septic tank and percolation area.

7.4.2 Whilst the provision for on-site treatment might be technically feasible in terms of the requirements of the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10), I consider that the issue of multiple treatment systems is of concern. On this basis I consider that the proposal would be prejudicial to public health. I note that this is a new issue.

7.5 Appropriate Assessment

7.5.1 As regards the issue of Appropriate Assessment the site outside but immediately adjacent to the Lower River Suir Special Area of Conservation (Site Code 002137). In view of the concerns in respect of the issue of multiple wastewater treatment systems, it cannot be established based on the information provided on the appeal file that the proposed development would not have an adverse effect on the integrity of the Special Area of Conservation, in light of its conservation objectives.

7.6 Conclusion

7.7.1 The proposed development would extend an established pattern of ribbon development, would give rise to significant visual intrusion in a rural area, would give rise to negative impact on a regional road contrary to development plan policy, would result in an excessive concentration of effluent treatment systems in a limited area and would be contrary to the to the proper planning and sustainable development of the area.

8.0 RECOMMENDATION

8.1 I have read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising. I recommend that planning permission be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. It is considered that taken in conjunction with existing and permitted development in the vicinity, the proposed development would constitute an excessive density of suburban type ribbon development in a rural area, would injure the amenities of this rural area and give rise to an excessive concentration of effluent disposal systems. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located along a busy regional route R680 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.

3. It is considered that the development by reason of its prominent and elevated siting and design, extensive cut and fill would be at variance with the design objectives and guidelines as set out in the Waterford County Development Plan. The proposed development, which would be visually prominent, would seriously detract from the visual and scenic amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell

28th January 2016