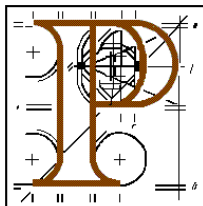


An Bord Pleanála



Inspector's Report

DEVELOPMENT: Permission for house, garage, entrance, treatment system, percolation area and all associated site works.

LOCATION: Ballymacarbry, Co Waterford.

PLANNING APPLICATION

Planning Authority: Waterford City and County Council.

Planning Authority Reg. No: 15/469

Applicant: Tom Morrissey.

Application Type: Permission.

Planning Authority Decision: Grant Permission with conditions.

APPEAL

Appellant: Denis and Martina McCarthy

Type of Appeal: Third Party v Permission

Observers: Councillor Michael J O Ryan

DATE OF SITE INSPECTION: 3rd February 2016

INSPECTOR: Bríd Maxwell

1.0 SITE LOCATION AND DESCRIPTION

1.1 The appeal site which has a stated area of .44 hectares is located on a local road circa 1.7km to the north east of Ballymacarbry Village, Co Waterford. The site is located within an attractive upland landscape predominantly in agricultural and forestry use and also displaying a significant level of one off housing development. The site is on the western side of a narrow local secondary road and comprises part of two field patterns. The northern and eastern (roadside) boundaries are defined by a mature hedgerow and an established hedgerow also traverses the rear part of the site of the site separating the two field patterns. Site level falls from road level to the rear of the site and fine views afforded from the site to the River Suir valley to the northwest. There are two established dwellings directly opposite to the east of the site as well as a dwelling adjacent to the north and south.

1.2 The site is located circa 760m north of the Lower River Suir SAC.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development as set out in the public notice is permission to construct a dwellinghouse, garage, entrance, treatment system percolation area and all associated site works. The proposed dwelling has a stated floor area of 296 sq. m and a garage of 54sq.m. The proposed dwelling provides accommodation at ground and first floor level with a ridge height of 6.7m. External finishes include a mix of sand and cement render and cedar cladding. The proposed dwelling is set back 60m from the roadside boundary at a finished floor level of 46.6m relative to spot level on the public rod of 49.36m. The proposed garage is to be located to the side and front of the dwelling to the north. It is proposed to locate the septic tank and percolation area to the rear of the dwelling within the inner field.

3.0 PLANNING HISTORY

3.1 There have been no previous applications on the current site however there is an extensive history of single house applications in the local area including the following:

Adjoining site to the north.

08/966 Permission for two storey dwelling, garage, entrance, wastewater treatment system and associated works.

12/485 Permission granted for modifications to house type granted under 08/966.

Site further to north

07/1480 Permission for two storey dwelling, garage, entrance wastewater treatment system and associated works.

Sites to south

07/825 Permission for dormer dwelling, entrance, out office, septic tank and percolation area and ancillary works.

09/288 Permission to construct bungalow and sunroom, garage entrance and effluent treatment system.

Opposite to the east

07/1236 Permission granted to construct a single storey dwelling (with accommodation at ground and first floor levels), garage, vehicular entrance, driveway, proprietary treatment stem boundary treatment and landscaping.

4.0 PLANNING AUTHORITY'S DELIBERATIONS AND DECISION.

4.1 Submissions

4.1.1 Submission by Denis and Martina McCarthy objects on ground of impact on view, excessive concentration of dwellings, potential for water contamination, and impact on traffic safety. Proposed dwelling will overlook the established adjacent dwelling

4.1.2 Cllr Michael J O Ryan made representations on behalf of Thomas Morrissey

4.2 Planning Authority Reports.

- Initial planner's report recommended seeking additional information to clarify location of family home relative to the site. Habitats Directive Project screening assessment indicates that significant impacts can be ruled out.
- Final planner's report recommends permission subject to conditions.

4.2 Planning Authority's Decision

4.2.1 By order dated 3/11/2015 The Planning Authority decided to grant permission subject to 10 conditions which included the following of particular note:

- *Condition 2. Development Contribution €9,000 in accordance with the adopted Development Contribution Scheme*
- *Condition 20. Occupancy condition for at least seven years.*

5.0 APPEAL SUBMISSIONS

5.1 Third Party Appeal

5.1.1 The third party appeal is submitted by Denis and Martina McCarthy owners and residents of an established adjacent dwelling. Grounds of appeal are summarised as follows:

- House will directly impede appellant's view and overlook appellants' dwelling.
- Increased number of houses may lead to water contamination.
- Proposed gable window faces bedroom and kitchen and is significant invasion of privacy.
- Traffic hazard.
- Landowner indicated that he would not be selling further land for development.
- Question representation by Councillor Michael J O Ryan.

5.2 Response of Planning Authority to Grounds of Appeal

5.2.1 The Planning Authority response asserts that the issues raised in the appeal have been adequately addressed in the planning report.

5.3 Observer

5.3.1 Submission of Councillor Michael J O Ryan asserts that as an elected representative of the Comeragh Electoral area he made significant effort at development plan stage to ensure that people are allowed to build in the countryside especially when they meet the criteria and have a connection to the locality. Request that the Board uphold the decision of the local authority.

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.

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.*

Policy SS6 *To direct urban generated housing development in Stronger Rural Areas into the adjoining zoned settlements.*

Policy SS7 *Where appropriate, to facilitate and redirect development into areas identified as being at risk of population decline in ways that do not adversely affect the landscape, water quality or wildlife habitats.*

6.1.3 Genuine Local Housing Need is defined at 4.10 as compliance with one of the following criteria:

- *A landowner who owned the property prior to 4th March 2004 wishing to build a permanent home for his/her own use;*
- *A farm owner or an immediate family member (son, daughter, mother, father, sister, brother, heir) wishing to build a permanent home for their own use on family lands;*
- *A favoured niece, nephew or heir (maximum of 2 persons per farm owner) of a farm owner with no children wishing to build a permanent home for their own use on family lands;*
- *Persons working fulltime or part-time on a permanent basis, in a specific rural area who by the nature of the work need to be close to the workplace;*
- *A son or daughter of an established householder (who has lived in the area for three years or more) wishing to build a permanent home for their own use to live immediately adjacent to their elderly parents to provide care;*
- *Persons who were born and lived for substantial parts of their lives (three years or more) in a specific rural area, who then moved away and who now wish to return to their home places to reside near other family members, to work locally, to care for elderly family members or to retire; and*
- *Persons who because of exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation may require to live in a particular rural area or close to family support (or vice versa).*

6.1.4 *The local area is defined as an area within which it can reasonable to assume that the applicant's connection extends from the source of the specified need (whether that it the family home, rural workplace, etc). For the purposes of the implementation of the Genuine Local Housing Needs Criteria, the local area is defined as being within 10km of that source, provided that a higher order zoned settlement (Primary Service Centre, Secondary Service Centre and District Service Centre), that has the infrastructural capacity to accommodate a*

dwelling is not located between the source of the specified need and the proposed site.

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
- Ribbon development & Impact on the amenities of the area
- 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 latter is the Council's Policy SS5 is "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 indicates that he was born, reared and currently resides with his parents at Ardpaddingen a rural area circa 4.5km to the west of the site and seeks to provide a dwelling to meet his own housing need. He currently works as a teacher in the High School in Clonmel. On the basis of the submitted details I consider on balance that whilst a particular requirement to live in a rural area has not been demonstrated for instance related to employment or social reasons, the application demonstrates compliance with national and local policy to accommodate rural generated housing need where it arises.

7.3 Ribbon development and impact on the amenities of the area.

7.3.1 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 which would equate to a seventh dwelling within a 500m stretch of road frontage would clearly exacerbate a pattern of ribbon development contrary to the provisions of the sustainable rural housing guidelines.

7.3.2 In assessing the impact of the development on the established residential amenities of the existing dwellings in the vicinity including that of the appellant. Having regard to the distance from the established dwellings, the issue of overlooking does not arise. I further consider that any impact on the view from an established dwelling is not an appropriate basis for refusal.

7.4.1 As regards wastewater treatment the site characterisation form submitted with the application details site suitability investigation carried out on 12th and 14th August 2015, where a trial hole and T test holes were excavated to the rear of the site. Neither water nor bedrock were encountered in the trial hole excavated to 2.0m. Soil structure was described as sandy silt to 0.3m leading to sand to 0.8m and sand and slug to 2m. A T value of 14 was determined. The proposal is to provide a septic tank and percolation area. Whilst based on the submitted details it is apparent that 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), however I consider that the issue of multiple treatment systems is of concern. On this basis I consider that

7.4.2 As regards traffic impact the site abuts a straight section of a narrow local road. I do not consider that the proposed development would give rise to traffic hazard. I note that the proposal involves a set back of the roadside boundary to achieve sightlines which would result in a loss of mature hedgerow to the detriment of rural amenity.

7.4.3 As regards the visual impact of the proposed dwelling I consider that whilst the proposed dwelling itself will not be unduly prominent in the landscape however the issue of cumulative visual impact of multiple individual dwellings in this rural upland area is of concern in terms of its negative impact on rural and environmental amenity.

7.6 Appropriate Assessment

7.6.1 The closest European site is the Lower River Suir SAC which is circa 750m from the site. The planning authority carried out a screening and concluded that that a stage 2 Appropriate Assessment would not be required. I would concur that on the basis of distance to the SAC that there would be no significant impact on the conservation objectives of the SAC. Having regard to the nature and scale of the proposed development and proximity to the nearest European Site, no Appropriate assessment issues arise and it is not considered that the proposed development would be likely to have significant effect individually or in combination with other plans or projects on a European Site.

7.7 Conclusion

7.7.1 The proposed development would extend an established pattern of ribbon development, would result in an excessive concentration of effluent treatment systems in a limited area and would be contrary 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.

Bríd Maxwell
Planning Inspector
1st March 2016