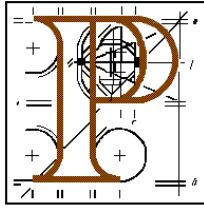

An Bord Pleanála



Inspector's Report

Development: House and ancillary works at Farihy, Broadford, Co. Limerick.

Planning Application

Planning Authority : Limerick City and County Council

Planning Authority Register Reference : 14/1142

Type of Planning Application : Permission

Applicant : Maurice Nunan

Planning Authority Decision : Refuse

Planning Appeal

Appellants : Maurice Nunan

Type of Appeal : 1st Party v. Refusal

Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 12/01/16

Appendices

1. Photographs
2. Extracts from the Limerick County Development Plan, 2010

1. SITE LOCATION AND DESCRIPTION

The site, which has a stated area of 1.02 hectares, is set back c.220 metres from the Main Street of Broadford village which is in south-west Limerick. The site is accessed via an existing gateway which provides access to both the village's arboretum and other lands including a rough surfaced pocket of ground which appears to be used for storage. The entrance is opposite the Church and community hall. A Monument around which public parking is provided bounds the entrance to the west with the arboretum to the east. The said arboretum was previously a quarry and is at a lower level than the access and road.

The site constitutes the southern most part of a larger, rectangular shaped field, the boundaries of which are delineated by trees and hedgerows. It is relatively level with a gentle slope from north to south. The lands to the west, east and south are undeveloped and in agricultural use.

2. PROPOSED DEVELOPMENT

The application was lodged with the planning authority (PA) on the **10/11/14** with further plans and details submitted **05/10/15** following a further information (FI) request dated 12/01/15 (the extension for submission of the FI was extended).

The application is for the construction of a 251 sq.m. part single, part two storey dwelling with a detached garage. The external finishes are to be a mix of nap plaster and stone. A driveway is to be provided to the existing entrance from the Main Street.

Connection to the public sewerage and water supply is proposed.

The applicant is living in the family home and works in the village.

The site layout plan indicates future proposals for 4 dwellings immediately to the north availing of the shared access road. The access road will also serve the public car park which is to be extended.

The level of the access road is to be raised in line with the height of the existing road at the entrance bringing the eye line of a motorist to 1.2 metres which is 300mm above the existing entrance wall which has a height of 980mm. The existing piers and leylandii hedge are to be removed to clear sightlines.

3. TECHNICAL REPORTS

The **Executive Archaeologist** in a report dated **25/11/14** states there are no archaeological issues.

Irish Water in a report dated **15/10/15** has no objection subject to conditions.

The **1st Planner's** report dated **09/01/15** considers that the dwelling should be located so as to be in line with that granted on the site to the north-east under ref. 12/401. Sightlines at the entrance should be demonstrated. A request for further information (FI) is recommended. The **2nd report** dated **27/10/15** following FI considers that the location of the dwelling constitutes backland development. It is considered that the cost of the development and servicing of the subject site is not justification for allowing a future development. The response with regard to the entrance is inadequate. A cross section or longitudinal drawings have not been submitted to show how the proposed access road is to be reconstructed. The drawings do not demonstrate that sightlines can be achieved. A refusal of permission for two reasons is recommended.

4. PLANNING AUTHORITY'S DECISION

The PA decided to refuse permission for the above described development for the following two reasons which can be summarised as follows:

1. Having regard to the information submitted it has not been demonstrated that the proposal would not constitute a traffic hazard due to restricted sightlines.
2. The proposal constitutes haphazard backland development.

5. GROUNDS OF APPEAL

The submission by Boyce Architectural and Engineering on behalf of the 3rd Party can be summarised as follows:

- The access arrangements as detailed in planning reference 12/401 including recessing the boundary would create significant problems.
- The proposal to demolish the existing piers and remove the leylandii tree would allow for better sightlines. The level of the access road is to be raised to be in line with the height of the existing road at the entrance. This will bring the eye line of a person seated in a car to 1.2 metres which is over 300mm above the existing entrance wall which has a height of 980mm. The new access will serve the expanded public car park and proposed houses.

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- An application for the said car park and amenity area has been lodged under ref. 15/992
 - By curving the existing footpath and joining it with a new pedestrian footpath to access the car park there will be a safe entrance/exit for pedestrians and vehicles.
 - The current parking facilities in the village are insufficient.
 - The suggestion of bringing the dwelling in line with that granted under 12/401 is not advantageous to the overall development of the area.
 - The future proposal of serviced sites would help develop the village in line with best practice as set out in the County Development Plan.
 - The proposal will help alleviate unsustainable rural housing.

6. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION

No further comment.

7. OBSERVATIONS

None

8. RELEVANT PLANNING HISTORY

05/1284 – outline permission granted for a dwelling, entrance, septic tank and percolation area on the appeal site.

12/401 – permission granted on adjoining site to the east for a dwelling, garage, site entrance and associated works.

9. DEVELOPMENT PLAN PROVISIONS

Broadford is identified as a Tier 5 settlement.

Objective SS01 – in terms of scale of development for Tier 5 settlements generally no one proposal for residential development shall be larger than 10-12 units. A limited increase beyond this may be permitted where demonstrated to be appropriate.

Objective SS02 – the design, layout and character of new development shall relate to the local character and heritage of existing towns and villages and shall enhance

the existing village character and create or strengthen the sense of identity and distinctiveness of the settlement.

Objective SS03 – development of towns and villages shall be considered on the basis of its connectivity to the existing town/village core, capacity (infrastructural, social, cultural and economic), good design, community gain and proper planning and sustainable development.

Objective SS04 – where no specific zoning is identified for a settlement, new development shall be within or contiguous to the core identified for each settlement, thus avoiding “leap frogging” of development and shall be designed so as to consolidate existing villages/towns and provide for the organic and sequential growth of the settlement. Infill and brownfield sites will be the preferred location for new development.

Objective SS014 – the scale of new residential schemes for development shall be in proportion to the pattern and grain of existing development and shall be located within or immediately contiguous to the core area. In this regard any development shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness for the settlement.

Section 10.5.5 sets out the development management guidelines for infill development in urban areas, towns and villages.

10. ISSUES AND ASSESSMENT

The appeal submission makes reference to the issue of public car parking and multiple serviced site provision as delineated in submitted drawings. At the outset I consider that it is appropriate to clarify the nature and extent of the development subject of the application and this appeal. As detailed in the public notices it pertains to one dwelling and ancillary services, only, and in that context it must be assessed on its merits. Should the Board be disposed to a favourable decision in this instance it cannot be construed as accepting the principle of any other potential development. Any further proposals would be required to be assessed from first principles and be subject of a separate planning application(s).

The reasoning behind the setback of the site from the Main Street appears to be based on the premise of further sites being developed along the access road, although these sites do not form part of this application with no indication as to when an application for their development would be forthcoming. With a setback of in the region of 220 metres the proposal in its own right would be considered to constitute backland development. In such a Tier 5 settlement such a proposal would

contravene development plan objective SS04 in that the development is not contiguous to the settlement core and is effectively “leap frogging” undeveloped lands. It cannot be seen to consolidate the existing village and does not provide for the organic and sequential growth of the settlement. Such a piecemeal approach to development could also prejudice the appropriate development of such backlands. In this regard I note that there is an extant permission for a dwelling on lands immediately to the north-east granted under ref. 12/401. Were the proposal to form part of a co-ordinated, small infill scheme that forms a natural extension from the village centre, then it may be considered in a more favourable light.

Access is to be via an existing gated entrance from Main Street which also provides access to the village’s arboretum. A high hedge forms the boundary to the west which somewhat restricts sightlines with a low wall to the east. The village 50pkh speed limit applies. In itself the traffic generated by one dwelling could be facilitated without giving rise to concerns regarding conflicting vehicular movements or traffic hazard. However it appears that this matter has been progressed in terms of greater vehicular movements arising from additional public car parking provision and further potential residential development. As noted above this is not before the Board for adjudication or comment. Reference is made to an application made for the public car park. The relevant reference number is 15/922 in which permission is being sought for new car park, amenity area and alterations to existing entrance, connection to public service and all associated site works. As yet no decision has been made on this application.

AA – Screening

The nearest European Site is the Stack’s to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code 004161) which, at its nearest point, is c. 2.7km to the west. The qualifying interest is the hen harrier. To date generic objectives apply namely to maintain or restore the favourable conservation status of habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Having regard to the nature and extent of the development on a fully serviced site in proximity to the village of Broadford no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11. RECOMMENDATION

Having regard to the documentation on the file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

It is considered that the dwelling, by reason of its location at a remove from the core of Broadford Village, would constitute an unacceptable pattern of backland development and could compromise the appropriate development of lands in the vicinity. The proposed would therefore contravene materially objective SS04 of the Limerick County Development Plan which seeks the sequential growth and consolidation of Tier 5 settlements and would be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Inspectorate

February, 2016