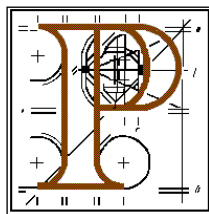


An Bord Pleanála Ref.: PL17.245799

An Bord Pleanála



Inspector's Report

Development

Single storey dwelling, domestic garage entrance and driveway, proprietary waste water treatment system, polishing filter and bored well at Cloncullen, Robinstown, Co.Meath.

Planning Application

Planning Authority: Meath County Council

Planning Authority Reg. Ref.: NA/150976

Applicant: Hugh Vincent O'Dowd

Type of Application: Permission

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): John McGannon

Type of Appeal: 3rd Party

Observers: None

Date of Site Inspection: 18th February 2016

Inspector: Fiona Fair

Appendices: Site Location Map & Photographs
Excerpts from Meath County Development Plan 2013 – 2019

1.0 SITE DESCRIPTION

The appeal site, with a stated area of 0.243 ha, is located c. 5 km to the north east of Trim in a rural area close to the village of Robinstown. This site is accessed off a narrow local road, the L-40231-0, which also affords access to a considerable number of one-off dwelling houses along its length.

The site is rectangular in shape and is bounded to the north by the local road, known as 'Black Road', the L-40231-0, along which thick native hedging is located. The site is fenced to the south, east and western boundaries with a timber post and rail fence. It is bounded to the east by an agricultural field in use as grazing and which is traversed by a gravel road that crosses the field to an area adjacent to its eastern boundary, where timber stables and a shed are located. It is bounded to the west by a bungalow which faces north east onto the local road and to the south by open agricultural lands.

At present, there is no means of access to the subject appeal site.

2.0 PROPOSAL:

The subject development comprises Permission for:

- Construction of a single storey dwelling house, GFA stated as 140.59 sq. m
- Detached garage, GFA stated as 36 sq. m
- Proprietary waste water treatment system and polishing filter
- Bored well
- New entrance onto the public road

The application was accompanied with:

- Local Needs Form, which states that the applicant:
 - Has lived for the past 39 years in Australia.
 - Current address is given as Sydney, Australia

- The applicant is retired
 - He currently owns a property in Australia and the subject appeal site at Cloncullen, Robinstown, Navan
 - It is indicated that the applicant sold a farm in Cloncullen, Robinstown, Navan
- Site Characterisation and Assessment dated 11/09/2015
 - Note the site has an elevated water table level
 - Average P value 32.61
 - Average T value 41.42
 - A packaged wastewater treatment system and polishing filter is recommended and discharge to ground water.
- A number of documents have been submitted in support of the application including:
 - Electricity and water bills
 - Copy of Irish Passport
 - A copy of certificate of Australian Citizenship
 - A birth certificate which links the applicant to Robinstown Trim
 - A baptism and confirmation certificate which links the applicant to Robinstown
 - A letter has been submitted from the Principal of Robinstown N.S which states that the applicant attended the school from 1947 to June 1955
 - The applicant was born in 1943 in Trim Hospital, attended Robinstown National School and then secondary School in Trim and he immigrated in 1961. He last lived in the Cloncullen area in 1971.
 - He sold the family farm in 2007 but kept a site hoping to eventually return and build a house on it.
 - It is stated that the applicant is now retired and wishes to return to Ireland with his wife and build a house on a site he owns.
 - His sister, nieces and nephew all live within 4 miles of the site.

3.0 PLANNING AUTHORITY'S DECISION

Meath County Council Granted Planning Permission subject to 14 no. conditions.

Condition no. 3 restricts occupancy to the applicant for 7 years.

4.0 TECHNICAL REPORTS

4.1 Planners report:

The report reflects the decision to grant planning permission.

4.2 Objections / Submissions

An objection was submitted to the planning authority. The concerns highlighted are similar to those raised in the 3rd party appeal submitted to the Board and summarised in detail below.

5.0 APPEAL GROUNDS

A third party appeal has been lodged by John Mc Gannon Cloncullen, Robinstown, Co. Meath. The grounds of appeal are summarised as follows:

- The proposed development would give rise to ribbon development which would contravene section 10.5.2 of the Meath County Development Plan 2013 – 2019
- Recent planning permission Reg. Ref. NA/130956, located on an adjacent site to the appeal site, granted by Meath County Council was refused on appeal to An Bord Pleanála under PL17.243400, by reason of undesirable ribbon development. This sets a precedent.
- Proposal is injurious to the residential and rural amenities of the area
- Create a traffic hazard – would give rise to 4 entrances being operational along a thirty meter stretch of the road.
- The site has been up for sale for the past number of years
- Contrary to Rural Ireland Initiative

- Proposed rear living area would give rise to overlooking of existing adjoining property.
- Domestic garage proposed would give rise to overshadowing of adjoining property.

6.0 RESPONSES

6.1 Planning Authority response summarised as follows:

- The planning authority is satisfied that all issues raised in the third party appeal were addressed in the planners report
- The proposed development would be the 4th house in a row within 250m and therefore would not constitute ribbon development at this location.
- The design of the dwelling is considered acceptable in terms of policy and would not be injurious to the visual or residential amenities of the area.
- There are no first floor bedroom windows proposed to serve habitable rooms therefore no overlooking issues arise.
- Sightlines in excess of 90m are achievable at the entrance which is considered acceptable for this category of road.
- The applicant is proposing to return to the area where he grew up and attended school, he wishes to build on a site which he owns and originally formed part of his family landholding.
- The applicant has demonstrated he complies with local need policy set out in the Meath CDP 2013 – 2019.

6.2 A response was received from Declan Clabby & Associates on behalf of the First Party. It is summarised as follows:

- The proposed development does not constitute ribbon development, by virtue of the fact that the proposed house and the dwellings to the west would total 4 no. houses.
- PL17.243400 was based on different circumstances.

- The planning authority consider the proposal acceptable having regard to ownership, local need, design, access and drainage.
- Sightlines are clearly demonstrated
- Enclosed aerial views of the site together with other development in the vicinity, it is submitted it will not injure the residential and rural amenity of the area.
- The dwelling is a small 2 bed house, accessing onto a straight section of road and will not impact upon traffic in the area.
- The site has been in the applicant's ownership for years and it has always been his intention to return and live at this location. While it was offered for sale for a short period and offers received these were not accepted.
- It is proposed to plant the boundary with a native hedgerow which will form a screen between the proposed dwelling and the dwelling to the west.
- As the structure is single storey there is no potential for overlooking.
- The fact the living room projects beyond the rear building line does not detract in any way from the privacy of the adjacent dwelling.
- The garage, given orientation, will not have a negative impact upon light / overshadow the rear garden / yard area of the adjacent dwelling to the west.
- The response is accompanied with:
 - Aerial Photograph

7.0 PLANNING HISTORY

Planners Report states: None

7.1 History of relevance on the immediate adjoining site to the east.

PL17.243400 / NA13/0956 Permission Refused (10th December 2014) for the construction of a new one and a half storey dwelling house and garage, wastewater treatment system and percolation area, new site entrance and all associated site works at Cloncullen, Robinstown, Co. Meath.

'Having regard to the significant pressure for housing along the road the subject of the application and to the substantial amount of housing already existing in this area which is not zoned for residential development, the Board considered that the proposed development would constitute an undesirable pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013-2019, would seriously injure the residential and rural amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area'.

8.0 NATIONAL POLICY / GUIDELINES:

8.1 Sustainable Rural Housing Guidelines 2005

The Sustainable Rural Housing Guidelines 2005 set out implementation guidelines for Planning Authorities in respect of rural housing having regard to the National Spatial Strategy's overall development framework.

The Guidelines advocate the identification of types of rural areas, such that clear Development Plan policies in respect of rural housing can be formulated. The subject site is located in the area identified as '*Rural Areas under Strong Urban Influence*' type as per Section 3.2 of the Guidelines. Appendix 3 of the Guidelines states that, in respect of rural areas designated as being under strong urban influence, policies should be formulated such that the housing requirements of the rural community are catered for, whilst urban generated development should be directed into zoned settlement areas of towns, cities and villages. Furthermore, the Guidelines advocate that clear criteria be included in the Development Plan in respect of how the Planning Authority will assess rural housing proposals.

9.0 LOCAL POLICY

9.1 Meath County Development Plan 2013 – 2019

The following sections are of relevance:

- Chapter 10
- Section 10.2 ‘Rural Settlement Strategy’
 - Section 10.3 Rural Area Types: The appeal site is located within Area 3: ‘Low Development Pressure Areas’
 - Section 10.5 All Areas – Development Assessment Criteria
 - Section 10.5.2 Ribbon Development
 - Section 10.7 Design and Siting Considerations
- Chapter 7 Water, Drainage and Environmental Services

10.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

10.1 Compliance with Meath County Council Rural Housing Policy

10.2 Ribbon Development

10.3 Impact upon amenity of adjoining residential property

10.4 Traffic

10.5 Appropriate Assessment (AA)

10.1 Compliance with Meath County Council Rural Housing Policy

The site is located in a rural area under Strong Urban Influence as per the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, and the key development plan policies in these areas is *‘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.'

I note that the planning authority planners report for the subject application indicates that the subject appeal lands are situated within a rural area type identified as 'Rural Area Under Strong Urban Influence' as per Map 10.1 of the CDP 2013 – 2019. However, I consider this is an error, from my investigations, see maps attached as appendix to this report, the site is clearly identified as being a 'Low Development Pressure Area' on Map 10.1 – 'Rural Area Types Development Pressure' of the current Meath County Development Plan 2013. Cognisance is had that the Inspectors Report on foot of Reg. Ref. NA130956 / PL17.243400, pertaining to the immediately adjoining site to the east, also identified that the site subject of that appeal was located within an area of low development pressure within Meath.

In Area 3 – Low Development Pressure Areas it is stated as a key challenge '*to arrest population and economic decline*' and I highlight that policy RD POL 6 of the Meath County Development Plan 2013 – 2019 states:

'To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas'.

Following on from the above, I highlight that the first party, in any case, submits that he complies with section 10.4 of the Meath County Development Plan 2013 – 2019 relating to local housing need. Section 10.4 states: '*Meath County Council recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include...*'

In particular it is submitted that the applicant complies with one of the four (the third) criterion set out in section 10.4 of the CDP 2013, which states:

‘Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire;

The local needs form submitted in support of the application indicates that the applicant who is a native of the Trim area, is proposing to return to the area where he grew up and attended school to build on a site which he owns and originally formed part of his family landholding. Based on the information submitted, see section 2.0 of this report above, I concur with the opinion of the planning authority that the applicant has demonstrated a local need in compliance with the policy and specifically section 10.4 of the County Development plan.

While I agree that the current County Development Plan and the Rural Housing Guidelines allow for a positive presumption for the applicants case type I am of the opinion that other considerations such as design and siting considerations, ribbon development and roads / access issues must be considered.

10.2 Ribbon Development

Under PL17.243400 / NA13/0956 planning permission was refused (10th December 2014) for the construction of a new one and a half storey dwelling house and garage, wastewater treatment system and percolation area, new site entrance and all associated site works on the immediately adjoining site located to the east and which extends to the south of the subject appeal site. The reason for refusal stated:

‘Having regard to the significant pressure for housing along the road the subject of the application and to the substantial amount of housing already existing in this area which is not zoned for residential development, the Board considered that the proposed development would constitute an undesirable

pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013-2019, would seriously injure the residential and rural amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area’.

The previous Inspectors report, PL17.243400, on the adjoining site to the east gives a detailed consideration of ribbon development at this location and impact upon the character of the area.

To the east and to the west on the same side of this road lie two dwelling houses within a 250m frontage. Thus contrary to the opinion of the planning authority; that the proposed development would be the 4th house in a row within 250m and therefore would not constitute ribbon development at this location, it is my opinion in conjunction with the Inspector and the Board in their recommendation and decision on foot of PL17.243400, that the proposed dwelling would give rise to an addition of a fifth dwelling house within a 250m frontage, when measured to the east of the subject appeal site and taking into account the dwelling to the west, thus giving rise to ribbon development. Regard is had to Appendix 4: Ribbon Development of the ‘Sustainable Rural Housing Planning Guidelines’ and to Section 10.5.2 Ribbon development set out in the Meath CDP 2013 – 2019 which states: *‘Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:*

- *The type of rural area and circumstances of the applicant;*
- *The degree to which the proposal might be considered infill development,*
- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development’.*

It was evident from my site visit that this country road has come under severe pressure from one off rural dwellings with 8 dwelling houses being located within a 430m road frontage. Two on the northern side of the road and 6 on

the southern side of the road. Cognisance is also had to the dwelling house just recently refused on foot PL17.243400.

The proposed development if permitted would exacerbate undesirable ribbon development in a rural area under pressure from one off housing, would militate against the realisation of the stated objectives for the area as set out in The Guidelines on Sustainable Rural Housing, under which the subject lands are, from my assessment, designated an area type 'Area Under Strong Urban Influence', cognisance is had that the MCDP 2013 – 2019 identifies the area as a 'Low Development Pressure Area' type.

Overall having regard to the significant pressure from housing along the road the subject of the application and to the substantial amount of housing already existing in this area which is not zoned for residential development, it is considered that the proposed development would constitute an undesirable pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013 – 2019, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

10.3 Impact upon amenity of adjoining residential property

Concern has been raised with respect to impact upon amenity of the area and impact upon existing residential amenity, in particular with respect to overlooking and overshadowing upon property to the west of the subject appeal site.

The appeal site is not located within a high amenity area. It is situated within Landscape Character 16 as per Map 08, Meath Landscape Character Assessment, of the MCDP 2013 – 2019. It is stated that this character area has 'medium capacity to accommodate one- off houses on a small scale'. The Landscape Character is designated as moderate with medium sensitivity and of local Importance.

The proposed dwelling is single storey in nature, 7m in height to ridge, with open plan storage proposed in the loft space. It is not considered that the design of the dwelling, regard being had to its form, scale and mass, would be out of character with its setting. While Velux roof lights are proposed in the main to the rear of the dwelling, it is not considered given the single storey nature of the dwelling, that the proposal would give rise to overlooking.

Cognisance is had that the rear ground floor 'living area', annex, extends to the rear of the adjoining dwelling to the west, however, given separation distances, boundary hedge, scale of and single storey nature of the proposed 'living area', I am of the opinion it would not overlook or impact upon the residential amenity currently enjoyed by the appellant's property. Also given its location to the rear of the dwelling, it would not be visually incongruous or effect the character of the area.

The proposed two bedroom dwelling of some 140 sq. m is relatively moderate in size, architecturally designed, regard being had to the Meath Rural House Design Guidelines and therefore in my view acceptable from a design and layout point of view.

I am also of the opinion that the proposed garage is of moderate size and scale. It would not given orientation and setting on the ground give rise to significant over shadowing of the adjoining property to the west.

Overall it is my opinion that the proposed development would not be out of character with the area and would not be unduly obtrusive in its setting. If permission is forthcoming from the Board I recommend that the mature trees on the road frontage should be conditioned to be retained, where possible, in the interest of visual amenity.

10.4 Traffic

The proposed entrance would be formed off the local county road to the northern site boundary. The local road, serving the appeal site, is less than 4m wide. This road is of straight alignment as it passes the appeal site. Thus, there is good forward visibility available to road users. The road is accompanied by grass verges on either side beyond which lie hedgerows.

It is not possible for two cars to pass side by side along the length of this road and entrances and passing points are used for vehicles to safely pass one another. During my site visit the road was very busy, for a local county road, all drivers were courteous and appeared well used to the arrangement of giving way to on coming drivers.

I am satisfied that sightlines in excess of 90m are achievable at the entrance which is considered acceptable for this category of road. The planning authority are of the opinion that the proposed access is acceptable.

The nature of the proposal is for a moderate two bedroom dwelling, therefore, I do not recommend that permission be refused on grounds of traffic hazard. However as evidenced during my site visit the road is substandard in terms of width and given the ribbon development along the road is clearly under pressure, therefore I recommend that the Board consider the following reason for refusal:

The site is located on a minor road which is seriously substandard in terms of width. The proposed development taken in conjunction with existing permitted development along the road would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

10.5 Appropriate Assessment (AA)

The proposed dwelling house would be served by a well and a proprietary waste water treatment system and polishing filter.

The appeal site is not within or adjoining any Natura 2000 site. It is located approx. 2.5 km to the west of the River Boyne/Blackwater SAC/SPA and there is no evidence of a direct pathway to same. As per the NPWS site synopsis the River Boyne and Blackwater is an SPA/SAC for alkaline fen and alluvial woodlands and the following species: Atlantic Salmon, Otter, River Lamprey and Kingfisher. Provided the proposed proprietary waste water treatment system and polishing filter is installed properly and thereafter maintained, it would not pose any significant threat to the quality of local ground water.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, proximity to the nearest European site and absence of a direct pathway from the site to the Natura 2000 site, 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.

11.0 CONCLUSION AND RECOMMENDATIONS

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. In the light of this and the assessment above, I recommend that planning permission be Refused for the Reason set out below.

12.0 REASONS AND CONSIDERATIONS

1. Having regard to the significant pressure for housing along the road the subject of the application and to the substantial amount of housing already existing in this area which is not zoned for residential development, the Board considered that the proposed development would constitute an undesirable pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013-2019, would seriously injure the residential and rural amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Fiona Fair
Planning Inspector
29.02.2016