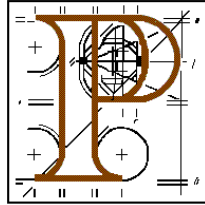


# An Bord Pleanála



## Inspector's Report

**PL15.245923**

**DEVELOPMENT:**

Permission for the erection of 2 no. CCTV lighting poles to the rear boundary of the dwelling at Ballaverty, Riverstown, County Louth.

**PLANNING APPLICATION**

**Planning Authority:**

Louth County Council

**Planning Authority Reg. No.:**

15/687

**Applicant:**

Paul Savage

**Application Type:**

Permission

**Planning Authority Decision:**

**REFUSE PERMISSION** for Reasons and Considerations (1)

**APPEAL**

**Appellant:**

Paul Savage

**Type of Appeal:**

**FIRST PARTY**

**Observer(s):**

None

**DATE OF SITE INSPECTION:**

11<sup>th</sup> March 2016

**INSPECTOR:**

Dermot Kelly

## 1. SITE LOCATION

The subject site is located at Ballaverty, Riverstown, County Louth, as indicated on **APPENDIX A - LOCATION MAP**.

## 2. SITE DESCRIPTION

2.1 The subject site lands at Ballaverty, Riverstown, County Louth are approximately 0.285 hectares in area and were described in the Planning Report for the Planning Authority as follows:

‘The site is located along the Dundalk to Greenore regional route but is accessed by a minor road which runs to the rear of the site. There is an existing bungalow style dwelling immediately to the east of the site and a large two storey dwelling a distance from the subject site. There is a strip of land immediately to the west within the site which has been enclosed by a post and rail fence. There is a low boundary wall along the roadside boundary. On site there is an existing large corrugated shed located along the eastern boundary of the site. To the rear of shed is a dog kennel compound enclosed by wire mesh. There is limited screening of these sheds when viewed from the public road. To the rear of the house (not visible to public road) are grassed areas with swings and there is good boundary treatment to the west. At the rear access (only vehicular access to site) are wing walls and gates.’

2.2 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

## 3. PROPOSED DEVELOPMENT

### 3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: ‘Permission for the erection of 2 no. CCTV lighting poles to the rear boundary of the dwelling at Ballaverty, Riverstown, County Louth.’
- The Applicant’s Agent’s letter included submitting as follows: ‘The proposed development is necessary to operate a CCTV camera for the applicant’s security. These lighting poles and the light fittings, which are LTD lights and not flood lighting, is quite an

insignificant and miniscule development, which will have zero impact on the Environment and landscape of the area.....’

- The submitted detailed drawings of the proposed 2 no. CCTV lighting poles consisting of 4 metre high galvanised steel posts along the site boundary to the access road to the north including adjoining the vehicular entrance into the subject site are noted.

#### **4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports**

##### **4.1 Third Party Submissions on Planning Application**

No Submissions were received.

##### **4.2 Environment Section Report**

This report, dated 2<sup>nd</sup> November 2015 raised no objection to the proposed development subject to a standard-type condition.

##### **4.3 Infrastructure Section Report**

This report, dated 19<sup>th</sup> November 2013 raised no objection to the proposed development.

##### **4.4 Planning Report for Planning Authority**

- The Planning Report, dated 30<sup>th</sup> November 2015 included a Site Description and documented the Planning History of the subject site and the Development Plan and Policy Context.
- Under ‘Assessment’ the Planning Report stated as follows:  
‘It is submitted in this application that the decision to refuse this development previously was harsh and that the proposed development is necessary to operate a CCTV camera for the applicant’s security. It is submitted that the poles and lighting fittings, which are LED lights and not flood lighting is quite an insignificant and miniscule development, which will have no impact on the environment and landscape of the area.’, and also

‘The erection of two CCTV lighting poles within the curtilage of any site ultimately needs to be assessed with regard to its impact on the residential amenities of any adjoining dwellings. The posts

proposed are 4 metres in height and a specification for the light fittings has been submitted which indicates they are LED MEGIN M light fittings. There is no indication on the plans submitted that CCTV cameras will be erected to the posts, but having regard to the description of development proposed, it is assumed that this is the case and that the CCTV's will be erected on the posts, if granted.', and

'The proposed development is located within area designated as Zone 5 within the Louth County Development Plan 2015-2021 which is the statutory development plan for County Louth. The strategic objective as set out in relation to Zone 5 is 'To protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance'. The proposed development does not come within the scope of permissible development within zone 5. It is considered that the proposed development is not sympathetic to the rural area in which it is located and if permitted would set an undesirable precedent for this type of external lighting/cctv fittings within the general rural area which would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the rural area.'

Refusal of permission was recommended for the Reasons and Considerations (1) as stated in the notification of decision of the Planning Authority to refuse permission.

#### **4.5 Notification of Decision of Planning Authority**

The Planning Authority, Louth County Council, issued a notification of decision to **REFUSE PERMISSION** for the proposed development for Reasons and Considerations (1) as follows:

The proposed development is located within an area designated as Zone 5 within the Louth County Development Plan 2015-2021 which is the statutory development plan for County Louth. The strategic objective as set out in relation to Zone 5 is 'To protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance'. The proposed development does not come within the scope of permissible development within zone 5. It is considered that the proposed development is not sympathetic to the rural area in which it is located and if permitted would set an undesirable precedent for this type of

external lighting/cctv fittings within the general rural area which would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the rural area.

## **5. APPEAL GROUNDS**

### **5.1 First Party Appeal**

The First Party Appeal Grounds included stating as follows:

‘As stated in the cover letter with the planning application, the lighting poles would be less intrusive than an ESB pole with road lighting. There are certainly developments that would be injurious to the scenic quality of the area but relative to other developments in the area as shown in the photographs, this is not one of them. The decision to refuse the development seems extreme when there are commercial developments adjacent to the site which are far more damaging to the scenic quality of the area. Photos of some developments in the area are attached along with a map with the location of these developments.’, and also

‘Picture One is of a Louth County Council erected light fitting attached to an ESB Pole, this is located at the front of the property.

Picture Two is of an ESB pole with a transformer attached to same pole, this is located at the entrance to the property.

Picture Three is of a lighting pole at the entrance of the laneway to the property.

Picture Four is of a Louth County Council erected floodlight at the Louth County Council compound located on the road leading to Glenmore from Carlingford.

Picture Five also consists of floodlighting poles erected by Louth County Council at the Louth County Council compound and a satellite dish for receiving CCTV images located on the road leading to Glenmore from Carlingford.

Picture Six is of a floodlighting pole at Cooley Concrete Ltd.’

## **6. APPEAL RESPONSES**

### **6.1 Appeal Observation**

No Appeal Observation was received.

## 6.2 Planning Authority Appeal Response

This Appeal Response received 25<sup>th</sup> January 2015 included stating:  
'The appeal statement submitted refers to ESB poles and road lighting which has been erected in locations close to the site. The similarity of the type of structure proposed to these structures is accepted however their necessity as utility structures to provide necessary services to the rural community are justified notwithstanding their impact on the visual amenities of the area.

CCTV and external lighting for a rural dwelling are normally mounted on gables of dwellings or associated wing walls/piers in a discrete fashion. It is considered that this type of external lighting and CCTV on isolated poles would be adverse to the residential amenities of adjoining occupiers, the visual amenities of the area and would set an undesirable precedent for development of this nature in the rural area.'

## 7. PLANNING HISTORY

The Planning Report for the Planning Authority documented the Planning History of the subject site/area including as follows:

'Reg. Ref. 15/538 - Split decision to grant attic conversion with velux rooflight to the rear/to refuse 2 no. CCTV lighting poles to the rear. Permission for development that will consist of the erection of 2 no. CCTV lighting poles to the rear boundary of the dwelling and the retention of the attic conversion to the dwelling for storage with velux rooflights to rear.', and also

'Permission was previously sought and refused under previous application, PL Ref. 15/338, for the following reason:

The erection of the proposed CCTV poles and associated light fittings would (be) injurious to the visual amenities for the rural area and (is) contrary to Section 4.7 of the Louth County Development Plan 2009-2015 which requires that new developments should appear visually integrated and sympathetic with its surrounding landscape. It is considered that the proposed development is not sympathetic to the rural area in which it is located and if permitted would set an undesirable precedent for this type of external lighting/cctv fittings within the general rural area and would be contrary to the proper planning and sustainable development of the area.'

- The subject site was also the subject of two Referral decisions (Refs. RL3213 and RL3324).

## 8. DEVELOPMENT PLAN

The provisions of the 2015-2021 Louth County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**

- The 'Zone 5' land use zoning objective for the appeal site:  
"To protect and provide for the development of agriculture and sustainable rural amenities and to facilitate certain resource based and location specific developments of significant regional or national importance."

## 9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

### **Proposed Development and First Party Appeal Grounds**

- The subject site lands at Ballaverty, Riverstown, County Louth are approximately 0.285 hectares in area and were described in the Planning Report for the Planning Authority as follows:  
'The site is located along the Dundalk to Greenore regional route but is accessed by a minor road which runs to the rear of the site. There is an existing bungalow style dwelling immediately to the east of the site and a large two storey dwelling a distance from the subject site. There is a strip of land immediately to the west within the site which has been enclosed by a post and rail fence. There is a low boundary wall along the roadside boundary. On site there is an existing large corrugated shed located along the eastern boundary of the site. To the rear of shed is a dog kennel compound enclosed by wire mesh. There is limited screening of these sheds when viewed from the public road.  
To the rear of the house (not visible to public road) are grassed areas with swings and there is good boundary treatment to the west. At the rear access (only vehicular access to site) are wing walls and gates.'
- The proposed development comprises as specified in the Public Notices: 'Permission for the erection of 2 no. CCTV lighting poles to the rear boundary of the dwelling at Ballaverty, Riverstown, County Louth.'

- The Applicant's Agent's letter included submitting as follows:  
'The proposed development is necessary to operate a CCTV camera for the applicant's security. These lighting poles and the light fittings, which are LTD lights and not flood lighting, is quite an insignificant and miniscule development, which will have zero impact on the Environment and landscape of the area.....'
- The submitted detailed drawings of the proposed 2 no. CCTV lighting poles consisting of 4 metre high galvanised steel posts along the site boundary to the access road to the north including adjoining the vehicular entrance into the subject site are noted.
- I note no Third Party Submissions were received in regard to the planning application and that the Environment Section Report and Infrastructure Section Report for the Planning Authority raised no objection to the proposed development.
- I note the Planning Report for the Planning Authority included:  
'The erection of two CCTV lighting poles within the curtilage of any site ultimately needs to be assessed with regard to its impact on the residential amenities of any adjoining dwellings. The posts proposed are 4 metres in height and a specification for the light fittings has been submitted which indicates they are LED MEGIN M light fittings. There is no indication on the plans submitted that CCTV cameras will be erected to the posts, but having regard to the description of development proposed, it is assumed that this is the case and that the CCTV's will be erected on the posts, if granted.'
- The Planning Report noted the Zone 5 'Agricultural' Zoning for the area and refusal of permission was recommended for the Reasons and Considerations (1) as stated in the notification of decision of the Planning Authority to refuse permission:-  
The proposed development is located within an area designated as Zone 5 within the Louth County Development Plan 2015-2021 which is the statutory development plan for County Louth. The strategic objective as set out in relation to Zone 5 is 'To protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance'. The proposed development does not come within the scope of permissible development within zone 5. It is considered that the proposed development is not sympathetic to the rural area in which it is located and if permitted would set an undesirable



precedent for this type of external lighting/cctv fittings within the general rural area which would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the rural area.

- The First Party Appeal Grounds included stating as follows:  
‘As stated in the cover letter with the planning application, the lighting poles would be less intrusive than an ESB pole with road lighting. There are certainly developments that would be injurious to the scenic quality of the area but relative to other developments in the area as shown in the photographs, this is not one of them.
- The Planning Authority Appeal Response included stating as follows:  
‘CCTV and external lighting for a rural dwelling are normally mounted on gables of dwellings or associated wing walls/piers in a discrete fashion. It is considered that this type of external lighting and CCTV on isolated poles would be adverse to the residential amenities of adjoining occupiers, the visual amenities of the area and would set an undesirable precedent for development of this nature in the rural area.’
- Further to site inspection – and I refer to the Photographs in Appendix B of this report – and having noted all the submissions on file including the submissions as documented above, and while I note the Planning Authority stated Reasons and Considerations (1) in the notification of decision to refuse permission for the proposed development, in this case I concur with the First Party that the proposed development ‘is quite an insignificant and miniscule development which would have zero impact on the Environment and landscape of the area....’
- Further to site inspection and an examination of the submitted drawings of the proposed 4 metre high CCTV lighting poles (2), I note that one pole is proposed to be located along the northern site boundary to the access roadway to the rear – which follows the line of a former railway – and the other pole is proposed at the vehicular entrance into the subject site from the access roadway.
- I do not consider that the visual amenities of the area or the residential amenities of the adjacent dwellings – which are located a considerable distance from the above subject site roadside boundary and vehicular entrance – would be unduly adversely affected by the proposed development in a relatively secluded location in a rural area.

### *Appropriate Assessment*

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

## **10. CONCLUSIONS AND RECOMMENDATION**

In conclusion, further to the above assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area having regard to the relevant provisions of the 2015 – 2021 Louth County Development Plan which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

### **DECISION**

GRANT permission for the proposed development in accordance with the said plans and particulars based on the Reasons and Considerations hereunder and subject to the Conditions set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to the 'Zone 5' land use zoning objective for the area in the current 2015-2021 Louth County Development Plan and the pattern of development in the area, and having regard in particular to the location of the subject site along a short cul-de-sac access roadway which is in a relatively secluded location and the intervening distance between the proposed four metre high poles (2) and existing houses in this rural area, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed development would not seriously injure the visual amenities of the area or the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity and orderly development.

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**DERMOT KELLY**  
**SENIOR PLANNING INSPECTOR**

**March, 2016.**

**ymc/sg**

APPENDIX A - LOCATION MAP  
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)  
APPENDIX C - DEVELOPMENT PLAN