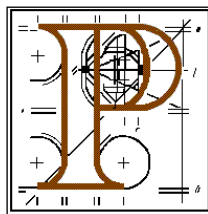


An Bord Pleanála Ref.: PL17.245971

An Bord Pleanála



Inspector's Report

Development

Construction of a storey and a half style dwelling with detached domestic garage, septic tank, and percolation area and new entrance from public road at Calliaghstown, Julianstown, Co. Meath

Planning Application

Planning Authority: Meath County Council

Planning Authority Reg. Ref.: LB\150689

Applicant: Niamh Winters

Type of Application: Permission

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Eamonn McHugh and Jean Murray

Type of Appeal: 3rd Party

Observers: None

Date of Site Inspection: 7th April 2016

Inspector: Fiona Fair

Appendices: Site Location Map & Photographs

1.0 SITE DESCRIPTION

The appeal site, which has a stated area of 0.404 ha, is located on the eastern side of the R108 Regional Road approx. 4.5 Km south of Drogheda to the east of the M1 motorway at Calliaghstown, Julianstown, Co. Meath.

The appeal site, which is relatively flat, is currently in agricultural use. A grass verge is present along the road frontage (west) with a drainage ditch, thick hedgerow and trees. The northern and eastern site boundaries are undefined and the southern boundary comprises of a mature high hedgerow beyond which is located a dormer dwelling. The site has road frontage with the regional road of some 50m.

Five number single storey dwellings and one number dormer dwelling are located in a line, all within a 160m road frontage, to the south of the appeal site. A new two storey dwelling has been constructed to the western side of the R108 a short distance to the north, a further bungalow is located a short distance to the north on the same side of the R108 and the regional road is dotted with further prolific one-off rural housing.

The proposed entrance onto the R108 is at a bend in the road and a single white line is present along the centre of the carriageway.

2.0 PROPOSAL:

The subject development comprises Permission for:

- Construction of a storey & a half style dwelling (244 sq. m)
- Detached domestic garage (48 sq. m)
- Install a septic tank & percolation area
- New entrance from public road

The application was accompanied with:

- Site Characterisation and Assessment - Dated November 2014

- Letter of consent from the owner – Eugene Winters – applicants father
- Letter from ESB Networks indicating agreement to alter or divert ESB lines in the vicinity of the development if required.
- Local Needs Form, which states that:
 - Applicant, Niamh Winters, is the daughter of the owner of the appeal site
 - Applicant's parents bought the lands in 2006 with the intention of building a family home there. Plans changed but it is their wish to accommodate their daughter so that she can build a home in the area that she is from and currently lives.
 - Niamh Winters was born in Rogerstown in 1986. She lived there until 2001 at which time her family moved to Drogheda.
 - The applicant attended school in Julianstown and is a member of St. Colmeille's GAA club and also the East Meath Credit Union
 - On return from University in 2009 she moved in with her sister and two children at Pillstown, Bettystown and she currently resides there.
 - The applicant is a national school teacher and is employed by the B.O.M of Collon National School, School Lane, Collon, Co. Louth
 - The applicants current residence is 10 miles from her place of work
 - The applicant does not own a property and has never sold a property
- Copies of various documentation, relating to the applicants local need indicating proof of address at Pillstown, Bettystown from 2009 - 2015. Including:
 - Utility bills
 - Phone bills
 - Bank statements
 - P60 from Employer

- Car Tax
- Credit Union Statements
- A map which indicates the location of the applicant's original family home, applicant's sister's house and the appeal site.

3.0 PLANNING AUTHORITY'S DECISION

Following a request for further information with respect to (i) applicant to indicate how she complies with section 10.5.1 and section 10.5.2 of the Meath CDP in respect of Ribbon development, (ii) boundary treatment and sightlines and (iii) if it is proposed to trim back roadside hedges to the north of the site, Meath County Council Granted Planning Permission subject to 15 no. conditions.

Condition no. 7 restricts occupancy of the dwelling to the applicant for a period of at least 7 years.

4.0 TECHNICAL REPORTS

4.1 Planners report:

The report reflects the decision to grant planning permission.

4.2 Objections / Submissions

- Letter of support on file from local councillor.
- An objection was received. The issues raised are similar to those raised in the third party appeal, summarised below.

5.0 APPEAL GROUNDS

5.1 A third party appeal has been lodged by Eamonn McHugh and Jean Murray. The grounds of appeal are summarised as follows:

- The appeal site is located on the opposite side of the R108 to the appellant's property.
- Site is located in an area of strong urban influence

- Proposal constitutes ribbon development – 6 dwelling houses with continuous frontages within 160 – 170m of road frontage
- There have been 5 number refusals on the appeal site dating back to 2001, reasons for refusal have consistently stated undesirable ribbon development as a reason for refusal.
- It is not considered that the site can be viewed as an infill site
- The planning history indicates that the lands were acquired in 2006 to build a house
- The access would give rise to a traffic hazard – visibility is restricted to the north.
- Planning history indicates that previous planning permissions on the appeal site were consistently refused planning permission by reason of traffic hazard.
- The site layout plan submitted by way of additional information indicate issues with regard to sightlines to the north
- Location of the proposed entrance on a bend on the crest of a hill with a single white line, along the centre of the carriageway.
- The regional road is busy and there are a multiplicity of entrances at this location.
- Location opposite an existing entrance would give rise to risk of conflicting movements and limited visibility.
- The applicant does not comply with the Meath County Council Development Plan policy for rural housing, 'local need'.
- In previous refused planning permission (Reg. Ref. SA/60672) in the name of Aoife Winters (applicant's sister) it was considered that local need was not established.
- In the earlier application made this year LB/150360, permission was refused on the basis of failure to establish a local housing need in Calliaghstown.
- Appeal accompanied with:
 - Notification of decision to grant planning permission Lb150689
 - Copy of acknowledgement of objection letter
 - Aerial photograph

6.0 RESPONSES

6.1 Planning Authority response summarised as follows:

- Submits that all matters outlined in the appeal were considered in the course of the planning authority assessment of the planning application.

6.2 A response was received from Sean Lucy & Associated on behalf of the applicant Niamh Winters. It is summarised as follows:

- The applicant satisfies the definition of a person who is an intrinsic part of the rural community in which the appeal site is located and thereby complies with section 10.4 of the Meath CDP 2013 – 2019
- The applicant was born in immediate proximity to the appeal site in the original family home at Rogerstown, Julianstown, Co. Meath in 1986 and lived there, with her family, until they moved to Drogheda in 2001.
- The family had resided in the family home in Rogerstown from 1976 until 2001. Applicant complies with section 10.5.1 of the Meath CDP
- Since leaving university in 2009 the applicant has been residing with her sister, Ciara, in Pilltown Bettystown, a distance of 2 Km from the appeal site as the crow flies and approx. 4.5 Km by Road.
- The applicants parents bought the lands in 2006
- The applicant was born and raised in the local area.
- The required sightlines are available in both directions from the proposed access to the site.
- Drawings submitted (Drg. DWG No. P-05 Rev A) clearly show that unobstructed sightlines of 160m can be achieved in both directions.
- The applicant proposes to relocate the telephone post to the north of the appeal site, it being in the best interests of safety to do so. Happy to accept a condition in this regard.
- The proposed entrance will have no impact upon the appellant's entrance.
- With respect to ribbon development it is submitted that due consideration must be given to the site as a viable location for the

development of a family home. There are no other sites available in the family ownership to accommodate a family member. The site is acceptable on technical grounds.

- The applicant has three siblings who all own a home therefore there will be no further demands for a house on the family lands.
- Appendix 4 of the sustainable rural housing guidelines for planning authority's states: *'planning authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, incl. the planning history of the area and local pressures.'*
- The impact of one further house on this ribbon of development, which has been established for 20 years without any further intervention, would be negligible and would not exacerbate the existing situation.

7.0 PLANNING HISTORY

7.1 Reg. Ref. LB/150360 Permission Refused to Niamh Winters for construction of a storey and a half dwelling with detached domestic garage and installation of a septic tank and percolation area incl. new entrance off the public road. The reasons for refusal are summarized as follows:

- The applicant did not establish a site specific rural generated housing need in accordance with rural housing policy set out in the Meath County Development Plan 2013 – 2019.
- Excessive and exacerbation of undesirable ribbon development.
- Proposal would endanger public safety by reason of a traffic hazard, due to inadequate sightline.

7.2 Reg. Ref. SA60672 Permission Refused to Aoife Winters for construction of dwelling with wastewater treatment system and percolation area incl. new entrance off the public road.

7.3 Reg. Ref. SA60408 Permission Refused to Aoife Winters for construction of dwelling with wastewater treatment system and percolation area incl. new entrance off the public road.

7.4 Reg. Ref. SA/30145 Permission Refused to John McAdam and Mary Kearns McAdam for two storey dwelling house, detached garage, associated waste water treatment and percolation area and 6 stables.

7.5 Reg. Ref. 014427 Permission Refused to John and Mary McAdam for two storey dwelling house, detached garage, associated waste water treatment and percolation area and 6 stables.

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 would be most akin to the '*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

Chapter 7 Water, Drainage and Environmental Services

Section 10.2 'Rural Settlement Strategy'

Policy RUR DEV SP 2, applications for individual house development in the rural areas must 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. An assessment of individual rural development proposals including one-off houses shall also have regard to other policies and objectives in the Development Plan.

- **Section 10.4** 'local housing need' - the appeal site is located within Area 1: 'Rural Areas under Strong Urban Influence'
- **Section 10.5** Development Assessment Criteria
- **Section 10.7** Design and Siting Considerations

RD POL 1 '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',

RD POL 2 'To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan'

RD POL 3 'To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.'

Chapter 11 Development Management Guidelines and Standards

Appendix 15 Rural Design Guide

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 Access

10.4 Appropriate Assessment (AA)

10.1 Compliance with 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 site is identified as being a 'Rural Area under strong urban influence' on Map 10.1 – 'Rural Area Types Development Pressure' of the current Meath County Development Plan 2013 - 2019.

The First Party submits that she complies with section 10.4 of the Meath County Development Plan 2013 – 2019 relating to local housing need, being a person who has spent a substantial period of her life living in the rural area adjacent to the appeal site. It is submitted that she was born and resided in Rogerstown, Julianstown for some 25 years and from 2009 – 2015 (in excess of 5 years) she has lived with her sister at Pillstown. She does not possess a dwelling and has a genuine 'local need' in accordance with County Development Plan policy.

The local needs form and supporting documentation indicates that the applicant was born (in 1976) in Rogerstown, a short distance from the appeal site, she lived there with her family until 2001. The family home was sold in 2001 and the family moved to Drogheda. The applicant's parents purchased the lands of which the appeal site forms part in 2006 hoping to build a house there, however, plans changed and this proposal never materialised. Since leaving university in 2009 the applicant has been residing with her sister, in Pilltown, Bettystown, a distance of 2 Km from the appeal site as the crow flies and approx. 4.5 Km by Road. The applicant is a national school teacher at Collon National School a commute one way of approx. 19 Km from the appeal site location.

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.

In addition to local housing need however, Section 10.5.1 'Development Assessment Criteria', which reproduces the advice of the Sustainable Rural Housing Guidelines, is relevant to the subject appeal. The County Development Plan states that Meath County Council will take into account the following matters in assessing individual proposals for one off rural housing.

- *'The housing need background of the applicant(s) in terms of employment, strong social links to rural areas and immediate family as defined in Section 10.4 Persons who are an Intrinsic Part of the Rural Community;*
- *Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped;*
- *The degree of existing development on the original landholding from which the site is taken...'*

- *The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan;*
- *The degree to which the proposal might be considered infill development’.*

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 ribbon development and roads / access issues must be considered.

10.2 Ribbon Development

As set out above, in Section 7.0 ‘Planning History’, of this report, planning permission has been refused five times on the subject appeal site. Most recently under Reg. Ref. LB/150360 permission was refused, to the current applicant, for construction of a storey and a half dwelling with detached domestic garage and installation of a septic tank and percolation area incl. new entrance off the public road. The reasons for refusal included that the proposal would give rise to excessive and exacerbation of undesirable ribbon development. Ribbon development has consistently been a reason for refusal in all of the preceding planning applications.

The appeal site lies on the eastern side of the regional (the R-108). To the south on the same side of this road lie 6 dwelling houses within a 160m frontage. Thus, the proposed dwelling house would represent the addition of a seventh dwelling house within a 250m frontage. Accordingly, the question of ribbon development arises. The CDP addresses this matter and in doing so reproduces the advice of the Sustainable Rural Housing Guidelines. Thus, whether existing ribbon development would be exacerbated needs to be considered under the following headings:

- The type of rural area and circumstances of the applicant,
 - The degree to which the proposal might be considered infill development,
- and

- 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.

With respect to the first of these factors the type of rural area is a rural area under strong urban influence. I observed during my site visit a considerable number of old and new dwelling houses along both sides of the R-108. The impression created is therefore of a rural area that has already undergone a considerable degree of development.

The reference in the to the applicant's circumstances is not explained. I infer that this is a reference to whether within their landholding other siting options exist or whether the applicant owns or has ever owned a dwelling. If this conclusion is correct, then I highlight that it is submitted that the lands at Calliaghstown are the only lands in the family's ownership, the applicant does not own a dwelling and has never sold a dwelling.

With respect to the second and third factors, the proposed dwelling house on the appeal site would not be considered infill development. That said, there is what appears to be only a single potential house plot between this site and an adjoining dwelling a short distance to the north, however, if permission were to be permitted in the subject instance, it being considered infill a further potential site would arise on the adjoining plot to the north, thereby exacerbating appreciably existing ribbon development, creating a row / ribbon of 10 houses within a 310 meter road frontage. Discounting this scenario, if the proposed dwelling were to be permitted as proposed, it would give rise to 7 dwellings within a 215m road frontage.

Clearly the proposal constitutes ribbon development at this location, which I note is not disputed by the applicant. The first party appeal response argues that in accordance with Appendix 4 of the sustainable rural housing guidelines for planning authority's, planning authority's need to arrive at a balanced and reasonable view in the interpretation of criteria taking account of local

circumstances, incl. the planning history of the area and local pressures. Also it is argued that the impact of one further house on this ribbon of development, which has been established for 20 years without any further intervention, would be negligible and would not exacerbate the existing situation.

It was evident from my site visit that this country road has come under severe pressure from one off rural dwellings along its length. Cognisance is had to the five refusals of planning permission on the site, two of which, I note, were prior to the applicant's parent's purchase of the lands in 2006.

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 and the MCDP 2013 – 2019 under which the subject lands are designated an area type 'Rural Area Under Strong Urban Influence'.

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 Access

The proposed entrance would be formed off the Regional road linking Drogheda with the Naul and southwards to Dublin. Section 10.16.2 Regional and County Roads (Refer Map 10.6) of the Meath CDP 2013 – 2019 states: *'It is vitally important that new housing in rural areas, that is located along non-national routes, is located in such a manner as to avoid endangering*

public safety by way of a traffic hazard'. I highlight that the R108 is not a restricted route as per Map 10.6 of the County Development Plan.

Concern is raised that the access would give rise to a traffic hazard as it is contended that visibility is restricted to the north of the proposed access. The third party submits that the entrance to the appeal site is located on a bend on the crest of a hill, with a single white line, along the centre of the carriageway.

The appellant has further raised concern with respect to the multiplicity of entrances at this location on a regional road and the proposed location of the access opposite an existing entrance which it is claimed would give rise to risk of conflicting movements and limited visibility. I note that the appellant's entrance, which also serves a farmyard, is located on the inside of the bend and a roadside convex mirror is used to aid sightlines. A number of the entrances to the north of the appeal site have roadside convex mirrors.

The planning history indicates that previous planning permissions on the appeal site were consistently refused planning permission by reason of traffic hazard.

The planning authority is of the opinion that the site layout plan, submitted by way of additional information, indicates that sightlines of 160m are achievable to the north and south of the access.

The access is located on the outer side of the road bend and a single white line, albeit faded, is in place. I would have concern that the 3 x 160 m required sightline is currently restricted to the north. However it appears that the road frontage to the north is under the control of the applicant's father and it is proposed to trim back hedgerow to achieve the sightline. Further I note the letter on file from ESB networks indicating willingness to relocate the EBS line / pole which is restricting the northern sightline. Given the foregoing and following my site visit, I am satisfied that the northern sightline would be available in practice.

With respect to multiplicity of entrances and risk of conflicting movements I agree that the proposed development taken in conjunction with existing permitted development along the road is undesirable.

I am of the opinion the issue of ribbon development along this stretch of the R108, given its proliferation, is related to public safety, by reason of, traffic hazard and obstruction of road users. The R108 is a Regional route, the access is located at a point where maximum speed limit applies.

10.4 Appropriate Assessment (AA)

The proposed dwelling house would be served by mains water supply and a septic tank and percolation area.

The appeal site is not within or adjoining any Natura 2000 site. There are a number of Natura 2000 sites situated within an approx. 15 Km distance of the appeal site.

- Boyne Coast and Estuary SAC designated for estuaries Tidal Mudflats and Sandflats, Salicornia Mud, Atlantic Salt Meadows, Mediterranean Salt Meadows, Embryonic shifting Dunes, Marram Dunes (White Dunes) and Fixed Dunes (Grey Dunes)
- Boyne Estuary SPA designated for two wintering species, Golden Plover and Bar-Tailed Godwit,
- River Nanny Estuary and Shore SPA designated for wetland and waterbirds, particularly, for Oystercatcher, Ringed Plover, Knot, Sanderling, Black – headed Gull and Herring Gull.

- River Boyne and River Blackwater SPA and SAC designated for alkaline fen and alluvial woodlands and the following species' Atlantic Salmon, Otter, River Lamprey and Kingfisher.

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 Reasons 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.

2. The proposed development would lead to 7 number dwelling houses with continuous frontages and entrances within 215m of road frontage. It is considered that the proposed development would endanger public safety by reason of serious traffic hazard because the traffic movements to which it would give rise, in conjunction with existing traffic movements, would interfere with the safety and free-flow of traffic on the adjoining regional road at a point where the maximum speed limit applies.

Fiona Fair
Planning Inspector
11.04.2016