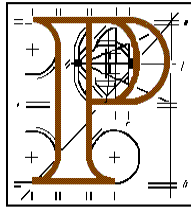


An Bord Pleanála



Inspector's Report

PL06F.245988

Development:

Planning permission is sought for the construction of a single storey dwelling; waste water treatment system, vehicular entrance together with all associated site development works and services, at Jordanstown, Lusk, County Dublin.

Planning Application

Planning Authority: Fingal County Council
Planning Authority Reg. Ref.: F15A/0428
Applicant: Noel Hughes and Fiona McGee
Planning Authority Decision: Refused

Planning Appeal

Appellant: Noel Hughes and Fiona McGee
Type of Appeal: 1st Party-V-Refusal
Observers: None
Date of Site Inspection: 26th day of February, 2016.
Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The irregular u-shaped appeal site has a stated 1.54-hectares area and it is located on the western side of a local road in the Townland of 'Jordanstown' which lies circa 4.5-kilometres to the north-west of Lusk, in north County Dublin.
- 1.2 The site itself is relatively flat with the main area of the site located immediately behind an existing single storey dwelling dating to circa the 1970s/1980s. The site also contains two separate strips of land that run alongside the southern and northern boundaries of the aforementioned dwelling in an easterly and westerly direction to where they terminate at the road side edge.
- 1.3 The northern most part of the site contains an entrance and driveway serving a commercial business. This entrance is located to the north of the aforementioned dwelling. The building, structures and hard stand area associated with this commercial business adjoin the rear boundary of the aforementioned dwelling. The boundary wall between these two properties consists of a modest in height solid wall. It would appear that Mr. Noel Hughes, one of the applicants, runs a haulage type business from the main site area. At the time of inspection the yard area accommodated a large shed building as well as a number of ancillary structures that appear to be used for a mixture of commercial through to residential purposes. In addition, the yard area accommodates an extensive area for large vehicles to park. To the immediate north of the site there is another entrance serving what appears to be two commercial premises sharing the same entrance and operating from a number of buildings. The site boundary treatments characterising this area of the site are mixed and of variable heights. They include solid boundary treatments through to hedging.
- 1.4 The south easternmost portion of the site is where the proposed dwelling house, driveway and entrance subject of this application is to be located. To the immediate north of the proposed entrance there is an existing entrance serving the aforementioned dwelling house and to south there is an agricultural entrance.
- 1.5 At the time of my site inspection I observed that the local road is heavily trafficked and that vehicles on this road are generally travelling at a high ambient speed with many vehicles I observed appearing to be well in excess of the posted speed limit. The surrounding area has a rural

character despite its proximity to Dublin and containing many detached dwelling houses and a number of commercial premises.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of a single storey three bedroom dwelling; waste water treatment system, vehicular entrance together with all associated site development works and services, at the subject appeal site. The proposed dwelling has a traditional design; appearance and detailing with a modest asymmetrically placed projection on the southern side to the principal and rear façades. The proposed dwelling has a stated 108.75-sq.m. floor area and a maximum ridge height of 5.3-meters. It is proposed to locate the wastewater treatment system to the rear of the proposed dwelling within a larger rectangular plot that is currently finished in aggregate and forms part of the commercial yard described in the previous section of this report.
- 2.3 On the 17th day of November, 2016, the Planning Authority received the applicant's further information response. It included consent of the neighbouring land owner to realign the boundary hedge to the south.

3.0 PLANNING HISTORY

- 3.1 **Site and in the vicinity:** No recent and/or relevant planning history.

4.0 PLANNING AUTHORITY DECISION

- 4.1 **Planning:** The initial Planning Officer's report concluded with a request for additional information. The two items sought a demonstration of being able to provide required sightlines and clarity was also sought on what land the letter of consent submitted with this application referred to.

The final Planning Officer's report having had regard to the applicants further information raised concerns that the proposed development does not meet sightline requirements and would therefore represent a traffic hazard. This report concludes with a recommendation for refusal.

4.2.0 Interdepartmental Reports:

4.2.1 The Planning & Strategic Infrastructure Department – Water Services Section report: No objection.

4.2.2 The initial **Planning & Strategic Infrastructure Department – Transportation Planning Section’s** report indicated that at such a location the NRA requirements are for 145-meters in both directions from the proposed entrance. It also indicates that the NRA standards are a starting point for the assessment of the required sightlines. This report concludes with a request for additional information. Their final report may be summarised as follows:-

- Sightlines of 90-meters are appropriate for a 60km/hr speed limit and the posted speed limit in the vicinity of the site is 80km/hr.
- Ambient speeds on the local road onto which the entrance is proposed is high.
- The applicant argues relaxation of the sightline requirements from 145-meters to 90-meters. Yet the additional information provided indicates sightlines of 80-meters to the north of the proposed entrance which is below the required sight distance even if the relaxation from standards is taken into consideration.
- The sightline drawing is incorrect.
- The required sight lines are not achievable and it is recommended that planning permission be refused on traffic hazard grounds.

4.3.0 Submissions

4.3.1 Irish Water: No objection subject to standard in nature and scope conditions.

4.4.0 Planning Authority Decision:

4.4.1 The Planning Authority refused planning permission for the following stated reason: *“the proposed vehicular entrance has restricted sightlines in a northerly direction and the proposed development would therefore endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”*

5.0 GROUNDS OF APPEAL

5.1 The grounds of appeal may be summarised as follows:

- The applicants have separated. As part of the separation agreement, Fiona McGee, one of the applicants is to receive the existing dwelling and the other applicant, is getting a site to erect a new dwelling.
- Mr. Hughes is native of the area and he operates a business from the site.
- It is not an option to use the existing entrance to serve both dwellings.
- The lands to the north of the proposed entrance are not available to make improvements and the landowner to the south has agreed to the applicants acquiring a small section of land in order to maximise sightlines.
- It is not possible to achieve the 90-meter sightlines required for this type of development but sightlines of just over 70-meters to the north and 90-meters to the south are achievable.
- The entrance location has reasonable stopping sight distance in that over 90-meters would be available in both approaches.
- The operational speed limit of the local road is 80km/hr and the sight distances achievable meet that required for roads of such speeds.
- Basing standards on the NRA DMRB is not appropriate for country roads and it is highlighted that 85-km design standard is above the national speed limit. The standards should be based on the operational speed of the road or the design speed for the road.
- A 70-meter sightline in a northerly direction should be deemed acceptable for such a difficult site on a country road.
- Traffic volumes on the local road are low.
- The proposed development would not endanger public safety by reason of a traffic hazard.
- The Planning Authority's decision should be overturned.

6.0 RESPONSES

6.1 The **Planning Authority's** response may be summarised as follows:

- The proposed development would endanger public safety by reason of a traffic hazard.
- The Board is requested to uphold their decision.
- In the event of the appeal being successful it is requested a financial contribution condition be included.

7.0 POLICY CONTEXT

7.1 Local Planning Context

- 7.1 The appeal site is governed by the policies and provisions contained in the Fingal Development Plan, 2011-2017. The site is zoned 'RU - Rural' and the zoning objective for such land is to: "*protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*". On 'RU' zoned land residential development is permitted in principal subject to compliance with the rural settlement strategy. Relevant sections of the Development Plan are attached.

8.0 ASSESSMENT

- 8.1 The appeal site forms part of a larger plot of land which in its current form contains two components that are functionally and spatially different in nature. The first component contains a single storey dwelling house which the documentation on file indicates is owned and was occupied by both applicants as their family home up to recent years. Following the applicants contended separation this existing dwelling is now occupied by one of the applicants and the plot of land on which it is situated for the most part falls outside of the red line area of the appeal site as indicated in the submitted drawings. The existing dwelling house is served by an entrance onto the local road network with this existing entrance running alongside part of the southern roadside boundary of the site. I observed that sightlines for a vehicle exiting this entrance are restricted in both directions, with the sightlines restricted in a northerly direction by the curving alignment of the road and the sightlines in a southerly direction restricted more severely than the northerly sightlines by the presence of a telegraph pole and adjoining hedgerow.
- 8.2 The second component on which the proposed dwelling, entrance, driveway and wastewater treatment system are to be located, wraps round the north and western boundaries of the aforementioned dwelling. It also includes most of the southern side garden area of this dwelling house; however, there is no boundary demarcating this subdivision. Altogether this parcel of land has a stated 1.54-hectare area and it includes a separate access onto the local road, with this access being particularly deficient in sightlines in a northerly direction

due to the curving alignment of the road and the existing northerly boundary treatment, and a long driveway which provides connection to a large shed building, a number of ancillary buildings and a large yard area which is covered almost in its entirety with aggregate and is used for mainly the parking of large vehicles. The main area of the site therefore accommodates this commercial yard with the primary use appearing to be associated with haulage and deliveries. Notwithstanding it would appear that two of the portacabin structures are in residential use by one of the applicants. In addition the main commercial yard area is located immediately behind the aforementioned existing dwelling with a modest wall containing one of the two existing and ungated pedestrian access points linking this existing dwelling to the commercial yard area. Immediately to the north of the entrance and driveway serving the commercial yard is another separate entrance serving a number of shed and portacabin structures that also appear to be in commercial use.

- 8.3 This appeal site is located on rurally zoned land whose rural character has in my opinion been diminished materially by the significant number of detached dwellings aligning with its network of local roads. In the immediate context of the site it is further diminished by all the shed buildings and the extensive hardstand that is used to accommodate the parking of a large number of vehicles. Outside of being setback behind the applicants existing home there is little in the way of robust screening to diminish the visual incongruity of the applicant's haulage business in its rural context. Arguably an additional dwelling, entrance and driveway would in this rural context further diminish the rural character and function of the sites landscape setting.
- 8.4 Notwithstanding, I am cognisant that the Planning Authority did not raise this as a concern in their determination of this application with their primary concern relating to road safety and traffic hazard matters.
- 8.5 In relation to the Planning Authority's concerns I observed that the immediate road network appears to accommodate a high volume of traffic, including many larger vehicles, and that the immediate stretch of local road contained a proliferation of accesses, including those already described alongside a number of residential and agricultural access points. I also observed that the adjoining local road is substandard in nature, particularly in terms of its alignment alongside it has a variable surface quality and it has limited roadside verges with deep drainage ditches on either side. Moreover, during my inspection of the site and,

in particular, whilst standing and walking along local road it was evident that traffic journeying along this road for the most part was doing so at high speed. This together with the poor sightlines from the entrance serving the existing dwelling house made access onto this local road difficult and hazardous. The proposed entrance would be alongside this existing entrance, albeit including some roadside improvements in order to obtain improved sightlines in a southerly direction.

- 8.6 While I accept that the applicants have demonstrated compliance with the rural settlement strategy set out in the Fingal Development Plan, 2011-2017; and, that they have demonstrated that the proposed additional dwelling can be served without being prejudicial to public health and that the design resolution including the materials of the proposed dwelling house are sympathetic to traditional and vernacular buildings in this area through to has had sympathetic regard to the height and building setbacks of the adjoining dwelling house to the north; I nonetheless, concur with the Planning Authority's reasons for refusal of the proposed development which are based on restricted sightlines in a northerly direction, which if permitted, would endanger public safety by reason of a traffic hazard.
- 8.7 This conclusion is based on the following considerations. The appeal submission includes no revisions over and above those made as part of the further information response received by the Planning Authority as part of their further information response. The further information response indicate that the sightlines that can be achieved in both directions, i.e. 90-meters in a southerly direction and 70-meters in a northerly direction, however, such sightlines fail to meet the NRA requirements of 145-meters for an entrance at such a location. Moreover, the justification provided for the lower sightline distances that can be achieved at this location are not sufficiently robust to sustain the argument that no potential conflict or endangerment to public safety would arise. Further as pointed out by the Councils Transport Planning Section the revised sightline drawing provided as part of the further information response is incorrect and shows sightline measures cutting through the boundary treatment to the north of the yard entrance. This would require significant works to 3rd Party lands including the removal of mature trees to achieve and as indicated in the documentation provided there is no consent for any such improvements.
- 8.8 In addition to the failure to demonstrate the provision of adequate sightline distances in both directions, the local road onto which the

proposed entrance is proposed is substandard in nature; particularly in terms of its horizontal alignment which curves in a northerly direction. Moreover, this local road contains a high proliferation of existing access points in the vicinity of the proposed new entrance; appears to have high ambient speeds and appears to accommodate high volumes of traffic.

- 8.9 In such a context I consider that the sightlines proposed for the new entrance are inadequate and are not sufficient to ensure that no traffic hazard or road safety issue would arise if the proposed development was granted permission despite the low volumes of traffic the proposed dwelling house would give rise to. However, it would not be unreasonable for the traffic generated to be considered alongside that of the existing house, the commercial yard business to the rear alongside the proposed traffic an additional dwelling house would give rise to. Moreover, the existing traffic levels generating on the applicants land at this location are high and uncharacteristic of their wider rural setting and I observed that the adjoining local road onto which a new entrance is proposed accommodates a constant flow of traffic despite my site visit being conducted outside of peak times.
- 8.10 On this last point I consider that there the parcel of land on which the proposed dwelling is to be sited and which is to be subdivided to accommodate the proposed dwelling already contains two separate entrances. In this context the proposed development would result in unacceptable proliferation of separate access points onto this local road. Moreover, it would result in a level of intensification of land use and types of land uses at this location that the applicants have failed to demonstrate can be absorbed without any adverse impact, in particular in terms of the road user.
- 8.11 I also consider that the proposed new entrance as part of the design approach is contrary to Section 4.1 of the Development Plan which states that: *“intensification of use of an existing access is normally preferable to the creation of a new access onto a public road. Where new entrances are necessary, the relevant road design standards will be applied. Such road standards are required to guarantee the safety of the general public in the County and protect the carrying capacity of the road network”*; and, I note to the Board that Objective TO50 of the Development Plan states that the Council will seek to: *“ensure premature obsolescence of all county/local roads does not occur by avoiding excessive levels of individual entrances.”*

8.12 In addition, I also note Objective TO51 of the Development Plan states that the Council will seek to: “ensure that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads, so that opportunities for conflicting traffic movements are avoided”; and, Objective TO52 states that the Council will seek to: “ensure new developments in rural areas are located so as to avoid endangering public safety by way of a traffic hazard”. To permit the proposed development would therefore conflict with these Development Plan objectives and would therefore be contrary to the proper planning and sustainable development of the area.

9.0 OTHER MATTERS ARISING

9.1 **Servicing:** Should the Board be minded to grant planning permission based on the precautionary principal I consider that further clarification should be sought on the servicing of the site and the commercial yard area. Having regard to the level of intensity of how the appeal site is currently being used I am not satisfied that the level of detail provided clearly sets out how the proposed dwelling house would be separated from this commercial enterprise and whether or not the waste water servicing system would be compromised if it were to be provided in an area of land that would may remain as hardstand for the commercial operations of the applicants haulage business. This is a new issue.

9.2 **Appropriate Assessment:** Having regard to the nature and scale of the development sought together with its separation from any designated European site I would not consider that an NIS or Appropriate Assessment is necessary in this case and I am satisfied that all substantive planning issues have been addressed in the above assessment.

10.0 CONCLUSION AND RECOMMENDATION:

10.1 While I question the capacity of the site and its immediate setting to absorb the proposed additional detached dwelling, I consider that the Planning Authority’s reason to refuse permission is in itself substantive and sufficient basis to refuse planning permission for the proposed development sought under this application. I therefore recommend a refusal of planning permission based on the reasons and

considerations set out below. The Board may; however, consider that the proliferation of road access points in the vicinity of the appeal site and the substandard nature of the local road onto which the proposed new entrance to serve the proposed dwelling house is proposed are both new issues.

REASONS AND CONSIDERATIONS

1. The Board is not satisfied based on the documentation provided on file that the applicant has demonstrated that they can provide the minimum required sightlines for this type of access point onto the public road network. It is also considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users as a result of the additional traffic movements that the proposed development would generate on this substandard local road at a point where there is a proliferation of accesses.

Patricia M. Young
Planning Inspector
3rd day of March, 2016.