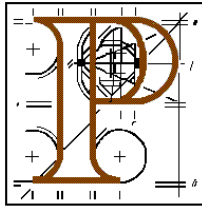


An Bord Pleanála



Inspector's Report

PL27.246037

DEVELOPMENT:- Dwelling, garage, well and effluent disposal at Oldtown, Roundwood, Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council

Planning Authority Reg. No: 15/704

Applicant: Lorcan Doyle

Application Type: Permission

Planning Authority Decision: Refuse

APPEAL

Appellant: Lorcan Doyle

Type of Appeal: 1st-v-Refusal

DATE OF SITE INSPECTION: 01st April 2016

Inspector: **Colin McBride**

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.33 hectares, is located just south of the village of Roundwood, Co. Wicklow. The site is located on the western side of the L5077, which is approximately 4-5m in width. The site is not far beyond the speed limit zone of Roundwood. The site is part of an existing field. To the north and west of the site are portions of the existing field not included in the appeal site with no defined boundaries along these boundaries of the site. To the south is an existing laneway that serves a large shed. Further to the north are a number of existing dwellings fronting onto the public road. Boundary treatment on site consists of an existing hedgerow along the roadside boundary and along the southern site boundary.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for a single-storey dwelling with a floor area of 160sqm and a ridge height of 5.348m. The dwelling features a pitched roof with external finishes of natural slate on the roof and white plaster on the walls. It is also proposed to construct a detached garage (40sqm, ridge height 5.128m and similar external finishes to the dwelling). It is proposed to install a new vehicular entrance off the public road to serve the site and install a proprietary wastewater treatment system. Water supply is to be from a well on site.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Senior Executive Engineer (10/08/15): Applicant to submit a revised drawing providing for a shared entrance layout with the adjacent development (15/703).
- (b) EHO (12/08/15): Conditions in the event of a grant of permission.
- (c) Planning report (20/08/15): It was noted that based on the information submitted the applicant qualifies for a rural dwelling. Concerns were raised regarding the lack of footpaths along the public road at this location and possible traffic hazard. The proposal would taken in conjunction with existing dwellings constitutes ribbon development and be visible from the L1059 and L01060. The proposal would be detrimental to the rural character of the area as well as it being noted that the applicant is not proposing to build near his original family home at Annamoe. Refusal was recommended.
- (d) Senior Executive Engineer (12/11/15): A revised drawing providing for a shared entrance layout with the adjacent development (15/703) has not been included with the further information response.

(e) Planning report (26/11/15): The unsolicited further information was noted and there were still concerns regarding traffic hazard, ribbon development and impact on rural character. Refusal was recommended based on the reasons outlined below.

4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission refused based on two reasons which are as follows....

1. *Having regard to*

- i. The location of the development on the periphery of Roundwood, adjoining an existing ribbon of houses, on lands which are outside of the Roundwood Town Plan Area,*
- ii. The location on lands which are delineated as a landscape area of Special Amenity, which are highly visible from the L1059 and L1060*
- iii. The evident pressure that this area is under for development*

it is considered that to allow this development would result in the excessive suburbanisation of the area, resulting in the blurring of the distinction between the rural and urban area, would erode the visual amenities of the area, would set a precedent for further development at this point, contrary to the settlement strategy and to the provisions of the Roundwood Town Plan which seeks to retain the distinction between the rural and urban areas, and order development in this settlement and would therefore be contrary to the County Development Plan and to proper planning and sustainable development.

2. *Having regard to the*

- i The location of the development on the periphery of Roundwood,*
- ii The existing local road serving the site which lacks width, footpaths and other services*
- iii The existing number of dwellings served by this local road, the current sites seeking planning permission and the pressure this area is under for development.*

It is considered that the existing road network is not suitable to serve what is a housing development, nor cater for the increased pedestrian / traffic movements generated by this development in the absence of an adequate footpath linkage to Roundwood, and to allow this development and the precedent it would set for similar development would result in a traffic hazard, and a substandard housing development.

5. PLANNING HISTORY

- 5.1 No planning history on the appeal site.
- 5.2 15/703: Permission sought for a dwelling on the adjoining site to the north east, this dwelling was to have a shared entrance with that on the appeal site. Application was withdrawn.
- 5.3 13/8903: Permission refused for a dwelling on a site to the south of the appeal site.

6. PLANNING POLICY

- 6.1 The relevant plan is the Wicklow County Development Plan 2010-2016.

Rural Housing Policy is set down under Chapter 6

Chapter 17 Natural Environment

In regards to landscape character the site is located within an area designated as Area of Special Amenity (ASA) with its vulnerability classified as high. The following is noted in regards to such areas...

This landscape area encompasses those areas, which, whilst not as vulnerable nor as sensitive as those areas in the AONB area, are still subject to pressure for development, which could result in a serious deterioration in the landscape quality. The sensitivity of these areas is made more pronounced by the fact that they act as an effective “gateway” to the more remote and wild upland areas and because the more ameliorative nature of the landform ensures that there is greater development pressure. It contains the North Mountain Lowlands, the South Mountain Lowlands, the Baltinglass Hills and the Southern Hills. The rolling undulating terrain of the hills around Baltinglass distinguishes the Baltinglass Hills category. Possibly the greatest vulnerability within this area is to the existence of important archaeological remains and monuments. This archaeological wealth must be protected for its heritage value as well as tourism potential. The southern hill area differs significantly from the other mountainous sub-zones. It generally follows the 300m (1,000 ft) contour line and is in three distinct areas, namely

- the mountainous leg from Moylisha running north-west of Shillelagh, Tinahely and Aughrim,
- the Croghan Mountain area south of Aughrim and Woodenbridge
- the Kilgavan Gap and Hillbrook area

The site location is within a rural area in which the landscape character is that of an Area of Special Amenity and which is outside settlements. It is an area in which the criteria of Policy Objective RH 14 relating to applications for residential development in rural areas would apply.

Design standards for residential development in the open countryside are set out in section 6.4.3.

There is a specific objective for protection of views and prospects from identified vantage points in which prevention of obtrusive or incongruous features is required.

6.2 Under the publication 'Sustainable Rural Housing: Guidelines for Planning Authorities', the site is located in an 'Area under strong Urban Influence'.

7. GROUNDS OF APPEAL

7.1 A first party appeal has been lodged by Timothy Rowe on behalf of the applicant Lorcan Doyle. The grounds of appeal are as follows...

- The appeal submission outlines the applicant's background in terms of where he is from and his links to the area. The appeal submission also has a detailed description of the site location and the immediate vicinity including the road network.
- The appellant notes that they comply with the provisions of the Sustainable Rural Guidelines for rural housing and the Development Plan policy acknowledges such policy as well as noting that the Planning Authority have noted that the applicant complies with rural housing policy. It is noted that the Council's view that the area is under pressure is not relevant as the applicant is entitled to consideration for rural housing and that the population statistics for the area indicates that there has been a reduction in population in recent times.
- It is noted that the site does not impact adversely on any protected views or have an adverse visual impact in general. It is noted that the site is located in one of the lesser categories of rural areas from the point of landscape character and that the overall landscape character assessment provides for 95% of the county being classified as a vulnerability of medium, high and very high.
- The appellant questions the impact of the proposal in regards to rural character noting that the proposal would not have such a significant adverse impact on the rural character of the area as indicated by the Council.

- The appellant notes that the proposal would be acceptable in regards to traffic impact and traffic safety. It is noted that a shared entrance is indicated on the drawings (with ref no. 15/703). It is noted that the Councils' Roads section did not consider the proposal to constitute a traffic hazard.

8. RESPONSES

8.1 No responses.

9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/development plan policy
 Design/scale/visual impact/landscape character/ribbon development
 Traffic/access
 Wastewater Treatment
 Other issues

9.2 Principle of the proposed development/development plan policy:

9.2.1 The appeal site is located in a rural area of Co. Wicklow. The Sustainable Rural Housing Guidelines for Planning Authorities distinguishes between four rural area types. The application site is within an area designated as being 'under strong urban pressure'. These areas are typically close to larger urban centres, are under pressure for housing in the countryside and have road networks which are heavily trafficked. The guidelines suggest that certain classes of applicants e.g. those occupied full time or part-time in agriculture, forestry, those who are an intrinsic part of the rural community, sons/daughters of farmers and returning emigrants, may be considered for housing in the countryside. The development plan has had regard to the advice set out in the Sustainable Rural Housing Guidelines in that it has provided for consideration of housing applications from classes of applicants with links to specific rural locations and occupations.

9.2.2 Chapter 6 of the Plan sets out Rural Housing Policy. Under Objective RH14 it is noted that "residential development will be considered in the countryside only when it is for the provision of a necessary dwelling' in a number of circumstances (attached). It was deemed that the applicant did comply with the criteria set down under Objective RH14. According to the information on file the applicant/appellant is originally from Annamoe, Co. Wicklow, but has been working and residing abroad. The applicant wishes to return to Co. Wicklow with his family to live and work in the area. As noted above the planning report associated with the application acknowledges that "it is

considered that the applicant qualifies for a rural dwelling". Based on the terms of Objective RH14 it appears that the applicant comes under criteria no. 11 which is...

11. An emigrant, returning to their local area, seeking to build a house for his/her own use not as speculation.

In my assessment of the proposal the applicant does meet the criteria set down under Objective RH14, in particular no. 11. RH14 and such has been acknowledged to be the case by the Planning Authority.

9.3 Design/scale/visual impact/landscape character/ribbon development:

9.3.1 The proposal was refused on the basis of visual impact with it noted that site is in an area designated as an Area of Special Amenity (ASA). The refusal related to visibility of the dwelling from the L1059 and L1060 as well impact on the rural character of the area. As noted the site is located within an area designated as an Area of Special Amenity (ASA). The vulnerability of this area is identified as being 'high'. The proposal is for a single-storey dwelling and is not dissimilar in terms of design and scale to existing dwellings in the vicinity with a number of existing dwellings located to the north east. In regards to visual impact from the public road (L5077), the proposal would not have a significant or prominent impact especially with retention of the existing front boundary hedgerow. The dwelling itself is modest in scale and height and features relatively simple external finishes.

9.3.2 The site is quite open to the west with land levels falling moving east to west and the possibility that the site and dwelling could be quite visible when viewed from the west. In particular the Council identifies the visual impact from the L1059 and L1060 as a concern. The L1059 and L1060 are located to the west/south west and are part of the Wicklow Way. I would consider that the proposal by virtue of its modest scale, distance from the roads in question and intervening vegetation would not be a highly visible or obtrusive feature in the landscape relative to the roads identified by the Planning Authority. I would note that Views of Special Amenity Value or Special Interest are indicated on map 17.10 of the County Development Plan and Prospects of Special Amenity Value or Special Interest are on map 17.11. I am satisfied that the proposal would not interfere or be highly visible in respects of any of the designated views or prospects under the County Development Plan. The R755 is located to the west of the site and at a lower level. I would consider that the visual impact of the proposal in respect of this route would be satisfactory in that the dwelling is modest in height and scale and there are proposals for new vegetation along the western and northern boundary as well existing vegetation. I would also note that the lands to the east of the site serve to provide a backdrop for the proposed development due to their higher

elevation. I would consider that the overall visual impact of the proposed development at this location to be satisfactory.

9.3.3 One of the reasons for refusal highlights concerns regarding the location of the dwelling relative to an existing settlement and the impact of such on the rural character the area, the distinction between urban and rural and ribbon development. In regards to the pattern of development at this location, the public road the site is located off has significant a level of ribbon development particularly on the western side of the road that extends as far as the end of the urban speed limit zone. Existing ribbon development terminates where the field area the site is part of begins to the north of the site. There was a concurrent proposal under ref no. 15/703 for a dwelling to the north of the site (application withdrawn) with the proposed dwelling sharing an entrance with such. Although 15/703 has been withdrawn and there is small gap between existing ribbon development to the north, I would consider that the proposal would exacerbate existing ribbon development on the edge of an existing settlement and would impact adversely on the rural character of the area as well as blurring the distinction between the urban and rural area. I would refer to Appendix 4 of the national guidelines, Sustainable Rural Housing: Guidelines for Planning Authorities (April 2005) which indicates that guidelines recommend against the creation or exacerbation of ribbon development with it noted that such would be defined by 5 or more houses existing on any one side of a given 250m of road frontage. Including the width of the site and to the north the proposal would give rise to the provision of 5 dwellings within a 250m distance and such does not take into the proposal for another dwelling on the site immediately to the north of the existing dwelling or the dwellings beyond this 250m distance to the north of the site. There is no question that proposal would exacerbate existing ribbon development on the edge of an existing settlement, impact adversely on the rural character of the area and blur the distinction between urban and rural as well as being contrary to the recommendations of the national guidelines, Sustainable Rural Housing: Guidelines for Planning Authorities (April 2005). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

9.4 Traffic/access:

9.4.1 The site is located off an existing local road (L5077), which is minor country road with a width of approximately 4-5 metres. The horizontal and vertical alignment of the public road is such that I would be satisfied that sufficient sightlines would be available in both directions at the proposed vehicular entrance. In this regard I would consider that the proposal would be satisfactory in regards to traffic safety and convenience. It is notable in the refusal reason that some issue is made of the lack of footpaths facilities/services at this location. In this regard I would note the proposal is for

rural dwelling outside of a designated settlement albeit not far from Roundwood and its urban speed limit. I would consider that such an assessment is unjustified as there should be no expectation of such facilities given the rural location and nature of the dwelling. I am satisfied based on the type of road, the low level of traffic on this road, the level of traffic generated by the proposal and the available sightlines, that the proposed development would be acceptable in the context of traffic and convenience.

9.5 Wastewater Treatment:

9.5.1 The proposal entails installation of a proprietary wastewater treatment system. Site characterisation was carried out including trial hole and percolation tests. The trial hole test notes that the water table level was not encountered in the depth of the trial hole. The percolation tests results for T tests carried out by the standard method indicate percolation values that are within the standards that would be considered acceptable for operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The proposal also entails the provision of a private well on site with the location of the well and drainage layout conforming to the separation distances required under the EPA Code of Practice. I would consider that on the balance of information it is considered that the applicant has demonstrated adequately that the proposed wastewater treatment would be acceptable and would not compromise public health. As such I would consider that the drainage proposals would be acceptable.

9.6. Other Issues:

9.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European 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.

RECOMMENDATION

I recommend a refusal based on the following reason.

REASONS AND CONSIDERATIONS

1. Having regard to the level of existing ribbon development extending out of Roundwood into the rural area and to the recommendations of the national guidelines, Sustainable Rural Housing: Guidelines for Planning Authorities (April 2005) that recommend against the creation or exacerbation of ribbon development, in which ribbon development is defined as 5 or more houses existing on any one side of a given 250 metres of road frontage, the proposed development would give rise to ribbon development and exacerbate existing ribbon development extending it further out of a designated settlement into the rural area. The proposal would be contrary to the recommendations of the

Sustainable Rural Housing: Guidelines for Planning Authorities and would be detrimental to the rural character of the area as it would blur the distinction between the rural and urban area at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
06th April 2016