

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL27.246310

Development: House, garage, site works at Ballinglen, Arklow, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council

Planning Authority Reg. Ref.: 16/26

Applicant: Eileen Doyle

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Eileen Doyle

Type of Appeal: Applicant vs. refusal

Observers: None

Date of Site Inspection: 22nd June 2016

Inspector: Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

The site has a stated area of 0.531 hectares and is part of a larger holding owned by the applicant's family which is 77 hectares in area. The site has been fenced off by a post and wire fence from a larger field and slopes down northeast to south west creating a difference of about 10m within the site from roadside to rear boundary. There is dense roadside site boundary along the full length of the overall field of which the site forms part.

Ballinglen House appears on the 19th century OS maps and is located southeast of the site and on the other side of the public road. That landholding has a significant number of large trees which combined with the hedgerow on the application's side of the road provides some cover on the road in the immediate area of the site.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the erection of a dormer bungalow, detached double garage and site works including a biocycle effluent treatment system at Ballinglen, Arklow, County Wicklow.

3.0 PLANNING HISTORY

Permission refused for similar developments under PL27.234652 and PL27.238096 for the reason that;

The site of the proposed development is located in a landscape identified in the current Wicklow County Development Plan as an 'Area of Special Amenity', which is stated in the plan to have a high vulnerability. The proposed development would be located in an elevated position within the landscape on an exposed sloping site, isolated from established development. The proposed dwelling, which would entail excavation of an exposed site, is of an inappropriate scale and unsympathetic design and would result in a visually obtrusive development resulting in a serious deterioration of the landscape quality. The proposed development would, therefore, be contrary to the policies for the siting and design of new houses, as detailed in paragraph 6.4.3 of the development plan, which seek to emphasise the need for sensitive development in rural area in the siting and design of one-off housing. Furthermore, the proposed development would adversely impact on the designated prospect of special amenity or special interest Number 54 and would form an obtrusive and incongruous feature in this view and would, therefore, contravene Objective VP1 of the development plan in relation to views and prospects. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The **Planner's Report** on file recommend refusal, generally, as adopted by the planning authority.

The **Environmental Health Officer** has no objections to the proposal on grounds of public health.

The **Area Engineer** reported no objection subject to the provision of a suitably sized pipe under the driveway on the public road.

4.2 Planning Authority Decision

The planning authority refused permission for three reasons;

- The proposed development would seriously injure the amenity of an "area of special amenity" as designated in the County Development Plan.
- The proposal would be in conflict with the Council's settlement strategy to restrict rural housing to those with a demonstrable need to live in the countryside.
- The proposed development would endanger public safety by reason of traffic hazard.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- The applicant needs to live on the family landholding so as to be able to care for her aged parents.
- The site is categorised as being in a landscape of "low to medium sensitivity" in the draft Wicklow County Development Plan 2016-2022. At the 110m contour line the site is well below 300m contour which is generally accepted as the south Wicklow Mountains.
- The site is obscured by the trees along the R747 and will not impact on designated prospect number 54. Relocating the house would impact on designated views.

- The scale of the proposed development has been reduced from that proposed in PL27.238096.
- The planning inspector in PL27.238096 accepted that the applicant came within the scope of the rural housing need policy.
- The planning inspector in PL27.238096 accepted that the proposed development would not give rise to traffic hazard.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority did not respond to the appeal.

6.2 Observations on grounds of appeal

There were no observations/objections made to the Board.

7.0 POLICY CONTEXT

Sustainable Rural Housing Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government, April 2005.

The site of the proposed development is located within an 'Area under Strong Urban Influence', as indicated in the Sustainable Rural Housing Guidelines for Planning Authorities. In relation to such areas, Appendix 3 recommends (inter alia) that key development plan objectives in these areas should be, on the one hand, to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.

The County Development Plan 2010 - 2016 states in relation to 'Areas of Special Amenity'

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.

Objective RH2 is "to strengthen the established structure of villages and smaller settlements both to support local economies and to accommodate additional population in a way that supports the viability of local infrastructure, businesses and services, such as schools and water services".

Objective RH14 makes provision for exceptions to this general assumption to the strategy to limit rural housing in favour of strengthening the structure of rural settlements.

8.0 ASSESSMENT

8.01 Landscape Designation

8.02 The proposed development is located in an “area of special amenity” (Vulnerability: High) designated in Map 17.09 attached to the current Wicklow County Development Plan.

8.03 The applicant makes the point that the draft County Development Plan is expected to vary the landscape designation so that the application site may not be designated as landscape sensitive in the future. The draft County Development Plan will not be adopted before the 1st September 2016. I have compared the current (2010 – 2016) landscape characterisation map and the draft landscape characterisation map (for 2016- 2022) and there is no change of designation for the area in which the application site is located.

8.04 The appeal makes the further point that the house has been reduced in scale from that submitted in PL27.238096. This is the case as the current application provides for a front elevation about 18.5m long while the previous application provided for a 23.4m long elevation facing the public road. The proposed height (6.5m) remains the same. Because the site rises as it moves back from the public road the house will be about 5.9m higher than the public road and the garage, which has a 9m long elevation, will also be raised over the public road (see the section through the site on the submitted ‘site layout plan’). The development will also involve significant cutting into the site to achieve this reduced elevation over the public road. I conclude that notwithstanding the screening available that the proposed development will be visible over a wide area within a special amenity landscape.

8.05 The appeal makes the case that the trees at the entrance to Ballinglen House on the opposite side of the public road will help obscure the house from the R747 (about 2k to the southeast) and therefore from prospect 54 designated in the County Development Plan. The manuscript note on the typescript planner’s report on file appears to support this contention. I consider it a significant deficiency in this regard that the application relies on screening from trees which are not under the control of the applicant and I conclude that the site is visible from parts of the R747.

8.06 The Development Plan (paragraph 6.4.3) makes the point in relation to design of rural housing that buildings should be nestled into the landscape and not be located in an elevated position on a site, should be located

sympathetically within their surroundings, avoid open field or exposed locations that prevent the development being integrated within its surroundings and generally have regard to the rural housing design guidelines. In so far as the application has been varied since the application under PL27. 246372 apart from shortening the elevation no significant steps have been taken to meet the advice set out in the County Development Plan and I conclude that the proposed development does not reflect the advice set out in the County Development Plan.

8.07 I conclude therefore that while the house may be sheltered from some parts of the local road network that nevertheless its elevated location would make it visible within a landscape area of special amenity which would undermine that designation and materially contravene the current County Development Plan.

8.08 Settlement Strategy

8.09 Section 6.3 of the County Development Plan sets out objectives for rural development which includes objective RH2 “to strengthen the established structure of villages and smaller settlements both to support local economies and to accommodate additional population in a way that supports the viability of local infrastructure, businesses and services, such as schools and water services”.

8.10 Objective RH14 makes provision for exceptions to this general assumption to the strategy to limit rural housing in favour of strengthening the structure of rural settlements. These exceptions include some instances provided for in the Sustainable Rural Housing Guidelines, particularly in relation to children of land owners. I note that the planning authority accepted that the applicant met the criteria for rural housing need in the case of PL27.238096

8.11 Having regard to the provisions of the Sustainable Rural Housing Guidelines and the classes of applicants which may be considered suitable for new housing in rural areas as provided for in objective RH14 of the County Development Plan I conclude that the application should not be refused for second reason for refusal set out by the planning authority.

8.12 Traffic Safety

8.13 The planning authority refused permission (refusal reason 3) because the proposed development would give rise to traffic hazard. The area engineer did not comment on this aspect of the application and the Board did not refer to traffic hazard in its refusal under PL27.238096.

8.14 There is no median line on the public road fronting the proposed development, no footpaths, cycle paths or public lighting. The road is narrow and drops away to the southwest from the proposed new site entrance. There is evidence of the inadequate road width in the vicinity of the site where there is cutting into the grass verge on the application side of the road which indicates that traffic entering/existing Ballinglen House must mount the grass verge to execute these turning movements.

8.15 The application includes a site layout plan on which is plotted a 90m sightline. I do not consider that such a sightline exists or can be achieved without removal of road side boundary which appears currently to be under the control of the applicant's family but is not included in the application site.

8.16 I conclude therefore that the proposed development would endanger public safety by reason of traffic hazard.

8.17 Appropriate Assessment

8.18 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment I conclude that no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the foregoing I recommend permission be refused for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The site of the proposed development is located in a landscape identified in the current Wicklow County Development Plan as an 'Area of Special Amenity', which is stated in the plan to have a high vulnerability. The proposed development would be located in an elevated position within the landscape on an exposed sloping site, isolated from established development. The proposed dwelling, which would entail excavation of an exposed site, is of an inappropriate scale and unsympathetic design and would result in a visually obtrusive development resulting in a serious deterioration of the landscape quality. The proposed development would, therefore, be contrary to the policies for the siting and design of new houses, as detailed in paragraph 6.4.3 of the development plan, which seek to emphasise the need for sensitive development in rural area in the siting and design of one-off housing. The proposed development would, therefore, seriously injure the amenities of the area and would materially contravene an objective set out in the County Development Plan and contrary to the proper planning and sustainable development of the area.
2. The proposed development is located on a narrow rural road which is without a median line, footpaths, cycleways or pedestrian crossings or public lighting. The Board is not satisfied on the basis of the application that adequate sightlines can be provided at the proposed entrance and therefore the proposed development would endanger public safety by reason of traffic hazard.

Hugh Mannion
Planning Inspector
24th June 2016