

An Bord Pleanála



Inspector's Report

Appeal Reference No: 93.246546

Development: House, garage and associated site works at Callaghane, Grantstown, Co. Waterford.

Planning Application

Planning Authority: Waterford City and County Council.

Planning Authority Reg. Ref: 15/670

Applicant: Niall and Michelle Quann.

Planning Authority Decision: To refuse permission.

Planning Appeal

Appellant: Niall and Michelle Quann.

Type of Appeal: First party v. decision.

Observers: None.

Date of Site Inspection: 26 August 2016.

Inspector: B. Wyse.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1** The site is located in a rural area south east of Waterford City (c. 6kms from the city centre). The area is generally characterised by good agricultural land with quite extensive scattered housing and ribbon development on the local roads.
- 1.2** The site has a stated area of 0.5497ha and comprises the front portion of a rectangular grassed field. It is relatively flat with a slight rise to the rear/east. Boundaries generally comprise sod/stone banks and mature hedgerows. The existing field gate is at the northern end of the road frontage.
- 1.3** The applicant's family home, and existing residence, is adjacent to the south. There is also a house adjacent to the north. There are several more houses along the road to the north and to the south.
- 1.4** The road is local secondary road L8065 (Knockhouse Road). The carriageway width is generally 3 metres or less, with perhaps 4 metres at some widened sections associated with setbacks where houses have been built. While the site is located on a relatively straight section the general horizontal alignment is poor with several bends to the north between the site and the local primary road (Ballygunnercastle Road) and to the south.
- 1.5** Maps/photographs in file pouch.

2.0 PROPOSED DEVELOPMENT

2.1 This consists of:

- A single storey 4 bed house with integral garage, of contemporary design but to a vernacular idiom.
- New splayed entrance to southern end of site frontage. Frontage of property to south to be modified slightly to achieve sightlines.
- An on-site package waste water treatment plant (WWTS) and polishing filter.
- Water supply from local group water supply scheme.

2.2 Application documentation includes:

- Design statement.
- Pre-application correspondence with planning authority re. settlement policy and other matters.
- Letters of consent from the landowner (applicant's mother) to the making of the application and for sightline works.
- Site suitability assessment and WWTS specifications. Site test results indicate compliance with EPA Code of Practice.
- Land Registry details.

Supplementary planning application form for rural housing. Includes:

- Map of family landholding.
- Indication of one site previously sold to a non-family member.
- Applicant's employment with the HSE, University Hospital, Waterford.
- Statement of housing need for the area.

2.3 Further information submitted 22 March 2016 includes:

- Entrance amended to part shared arrangement with adjacent entrance to south.
- Further details re. family landholding, including original extent and various transfers/disposals.
- Indication that one further family member is likely to seek to develop a house on the landholding.
- Indication that further development of the parental home as an alternative is not an option.

3.0 PLANNING AUTHORITY DECISION

3.1 Decision

3.1.1 The decision is to refuse permission cites two reasons that refer to the following:

1. Contravention materially of the development plan policies/Ministerial guidelines with reference to; rural; proximity to city greenbelt; area under urban pressure; and ribbon development.
2. Contravention materially of development plan policies with reference to; substandard width/alignment of public road; multiplicity of entrances; safe/efficient use of public road; and traffic hazard.

3.2 Planning Authority Reports

3.2.1 Planning Reports (dated 21 January and 11 April 2016)

Basis for the planning authority decision. Include:

- Reference to considerable extent of development on the family landholding (c.11.5ha) to date and future possible family housing development on the lands.
- Reference to development plan policy (Table 10.3) in relation to ribbon development and Appendix 4, Sustainable Rural Housing: Guidelines for Planning Authorities (DEHLG) (SRHG) in relation to same.
- Reference to development plan policy (Section 7.2) in relation to the protection of the safe and efficient operation of the road network.
- Appropriate assessment screening assessment.

3.2.2 Other Technical Reports

Water Services – no objection subject to standard conditions re. the WWTS.

Irish Water – no objection subject to standard conditions.

3.2.3 Observations

None received.

4.0 PLANNING HISTORY

On the basis of the planning authority planning report and the planning authority iPlan records the following is the most relevant/confirmed planning history. I have roughly plotted these cases on a copy of the landholding map submitted by the applicants to the planning authority with further information on 22 March 2016 – see file pouch.

PA Ref. 99/1305

This is the permission (c.1999) for the applicants parents house (applicants current residence). It was subject to a section 38 agreement restricting further housing development on the landholding, excepting family members.

PA Ref. 13/445

This is a 2014 permission for a house on a site to the south of the landholding that was previously sold to a third party.

PA Ref. 98/701

This is a permission (c.1998) for the house adjacent to the north of the site (separate landholding).

5.0 POLICY CONTEXT

5.1 Waterford City and County Development Plan 2011-2017

Rural settlement strategy based on National Spatial Strategy (2002-2020), Regional Planning Guidelines (2009) and SRHG (2005).

Site located in rural area under urban pressure (Appendix A3). It is located a short distance outside the Waterford City Greenbelt.

Key objective in such areas is to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical requirements, and to direct urban generated development to areas zoned for housing in adjoining service centre/settlement nodes (Section 4.9.1).

Policy SS3: to cater for the housing requirements of the local rural community who have a genuine local housing need in areas under urban pressure as set out in the criteria in Section 4.10.

Section 4.10 criteria include:

- A son/daughter of an established householder (who has lived in the area for three years or more) wishing to build a permanent home for their own user to live immediately adjacent to their elderly parents to provide care.
- Persons who were born and lived for substantial parts of their lives (three years or more) in a specific rural area, who then move away and who return to their home places to reside near other family members, to work locally, to care for elderly family members or to retire.

Having regard to SRHG Chapter 10, Table 10.3 of the development plan includes the following minimum standards for individual houses in rural areas:

Dwellings giving rise to ribbon development shall not be permitted. Ribbon development is defined as in excess of 3 dwellings in a row or 5 dwellings on either side of the road located on any 250 metre stretch of road.

Policy INF3: to protect the efficient and safe operation, and facilitate the ongoing development of national, regional and county roads throughout Waterford.

Chapter 7 (Section 7.2.3) indicates that, in general, the principle of accessing development from local roads is acceptable subject to site suitability criteria and road safety considerations as set out in Sections 10.2.2/3/4 of Chapter 10 [Sections 10.2.2 and 3 refer mainly to national and regional roads. Section 10.2.4 refers to sightline requirements, including on local roads (Table 10.1)].

5.2 Sustainable Rural Housing: Guidelines for Planning Authorities (DEHLG 2005)

Overarching objectives (Chapter 2) include:

1. The delivery of sustainable rural settlement.
2. Guidance of residential development to the right locations in rural areas in the interest of protecting natural and man-made assets.
3. Tailoring planning policies to different types of rural areas.

The development plan should make it clear that the planning authority will look favourably upon an applicants proposal for an individual house in a rural area where that applicant comes within the definition of need subject to satisfying normal planning considerations relating to siting and design (Chapter 3).

The guidelines recommend against the creation of ribbon development for reasons relating to road safety, future demands for public infrastructure and visual impacts (Appendix 4).

5.3 Natural heritage Designations

None relevant.

6.0 THE APPEAL

6.1 Grounds of Appeal

6.1.1 Main grounds include:

- The application site is a gap site within an existing pattern of ribbon development. The planning authority extended this as recently as 2013 in granting permission under PA Ref. 13/445, a site that was part of the original landholding.
- The planning authority has also granted permission on gap sites within an existing pattern of ribbon development along the same road to the north of the site.
- Granting the current proposal would be consistent with other decisions, particularly where the planning authority has indicated that a house for a family member is acceptable in principle.
- The site is well outside the Waterford greenbelt lands and the development will not interfere with the buffer around the city.
- The site, being a gap site, has limited agricultural value and its development will not erode rural amenity.
- The development is more appropriate than encouraging the applicants to acquire a site elsewhere in the vicinity in an area that is less developed and more rural in character.
- The development will not result in traffic hazard. The applicants currently live at the family home and travel the road on a daily basis. There will be no increase in traffic volumes.
- If there was a fundamental objection on traffic grounds why was an invitation to relocate the entrance issued by the planning authority?
- The proposal provides for adequate sightlines and the extended entrance has potential as a passing place for other road users.
- The invitation to the applicants to build an independent living unit on the site of the family home confirms that traffic was not a particular concern.
- Two modest houses, relative to one oversized building, comprising two independent living units, would have less of an impact on the visual/rural character of the area.
- Granting this permission will not set a precedent and not bind the planning authority to granting any other permissions in the future.

6.2 Planning Authority Response

Includes:

Precedent is not a reasonable argument. Each application must be considered on its merits. The planning authority has long held the view that the immediate area is overdeveloped.

While the applicants genuine housing need is recognised this does not remove the requirement to meet relevant development management standards and development plan policies.

The area in which the site is located suffers from development pressure due to its proximity to the greenbelt.

6.3 Observations

None received.

7.0 ASSESSMENT

7.1 Given the information/documentation on file in relation to the applicants housing need, and which indicates compliance with development plan requirements, and the proposed on-site WWTS, including, in particular, the relevant site suitability assessments/site characterisation test results that meet the EPA Code of Practice guidelines, and the absence of any dispute in relation to these matters, I am satisfied that the main issues in this appeal are those referred to in the planning authority reasons for refusal. The issue of appropriate assessment also needs to be addressed.

The issues, therefore, can be dealt with under the following headings:

- Ribbon Development
- Suitability of the Local Road
- Appropriate Assessment

7.2 Ribbon Development

7.2.1 It is clear by reference to the mapping information available that the Knockhouse Road (Local secondary road L8065) already accommodates a significant amount of one-off road front housing development. Planning history information indicates a continuing pressure for development and the evidence is that the applicants

family landholding, at just c. 11.5ha, has generated a significant demand for such development.

- 7.2.2** As indicated at Section 5.0 above the current development plan makes it clear that while local housing requirements will generally be facilitated this is subject to site suitability and technical considerations, that is to say, normal site specific planning considerations will continue to apply. In this the plan is supported in the SRHG. Ribbon development, in particular, is an important factor as reflected in the prominence given to the issue in both documents.
- 7.2.3** The development plan is quite categorical, stating that “Dwellings giving rise to ribbon development shall not be permitted”. Ribbon development is defined as in excess of 3 dwellings in a row or 5 dwellings on either side of the road located on any stretch of road. The proposed development would fall within this definition, certainly by reference to the former and probably also by reference to the latter. It would, therefore, constitute ribbon development.
- 7.2.4** I consider, therefore, that the planning authority’s first reason for refusal should be substantively upheld.

7.3 Suitability of the Local Road

- 7.3.1** The level of development on the road to date, and the pattern of ribbon development giving rise to multiple individual access points, has clear implications in terms of the suitability of the road to accommodate further development.
- 7.3.2** As also indicated at Section 5.0 above it is stated policy in the current development plan to protect the efficient and safe operation of the road network. While in principle accessing appropriate development from local roads is acceptable this is subject to suitability criteria and road safety considerations.
- 7.2.3** While the specific sightline requirements can be achieved in this instance (55 metres in both directions on local roads subject to an 80kph speed limit) with the consent for a setback to the applicants parents frontage, it is the overall suitability of the road that is at issue here. As indicated at Section 1.0 above the standard of the road is particularly poor in the context of the significant level of development that has already taken place and the evident pressure for further development. The carriageway width is generally 3 metres or less so that passing for vehicles is only possible at gateways or frontage setbacks. The poor horizontal alignment includes several bends with restricted vision particularly to the north of the site, the direction likely to generate the most traffic as the

shortest route to the main/regional road. In my view this road is not suitable for further residential development of the type proposed.

7.2.4 I consider, therefore, that the planning authority's second reason for refusal should also be substantively upheld.

7.3 Appropriate Assessment

Having regard to the small scale and location of the proposed development remote from European sites, 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.

8.0 RECOMMENDATION

I recommend that permission be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. It is the policy of the planning authority as set out in the current development plan to control ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in the rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public infrastructural services and facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

Brendan Wyse

Assistant Director of Planning

31 August 2016