



An
Bord
Pleanála

Inspector's Report

Development

Dormer dwelling, garage/store, site entrance, wastewater treatment system and ancillary site works at Seaview, Killpeddar West, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

16/374

Applicant

Jamie Kelly & Caroline Scully

Type of Application

Permission

Planning Authority Decision

Refuse

Appellant

Jamie Kelly & Caroline Scully

Type of Appeal

1st Party v. Refusal

Observer(s)

None

Inspector

Colin McBride

Date of Site Inspection

06/09/16

1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 0.4045 hectares, is located to the south east of the settlement of Kilpeddar, Co Wicklow. The appeal site is a short distance to the west of the N11. The appeal site is located on the southern side of a lower category public road (approximately 5m wide) that joins the N11 to the west of the site. The site is part of a larger field in agricultural use (grazing lands). Levels on site increase moving east to west and as well as north to south at the (southern end of the site). In terms of adjoining development there is an existing dwelling on a site to west and one on a site to the east. Boundary treatment consists of existing hedgerow along the northern boundary (road frontage), western boundary and where the site adjoins the dwelling to the east. There are no defined boundaries along the western and southern limits of the site.

2.0 Proposed Development

- 2.1 Permission is sought for the construction of a dormer style dwelling a garage/store, a new entrance, wastewater treatment system and all associated site works. The dwelling has a floor area 214sqm and a ridge height 6.665m. The dwelling features a pitched roof and external finishes of render, stone and blue/black roof tiles. The garage/store has floor area of 53.28sqm and a ridge height of 5.167m. It is proposed to install a proprietary wastewater treatment system and water supply is to be from public mains.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 Permission refused based on five reasons...

1. The proposed development would not represent a necessary dwelling in this Landscape designated Access Corridor Area contrary to the provisions of Section 6.3.2 of the County Development Plan 2010-2016. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the county for the development of tourism and tourist related employment.

The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the

housing need criteria as set out under Objective RH14 of the County Development Plan as the applicants have failed to demonstrate that they are permanent native residents of this particular rural area with a proven need for a new dwelling. The proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value.

2. The proposed development would endanger public safety by reason of serious traffic hazard because adequate sightlines in accordance with the requirements of the Design Manual for Roads and Bridges, NRA, 2011 cannot be achieved from this location.
3. Having regard to the location of the proposed dwelling, positioned in a manner inconsistent with the established pattern of development on this local road and the extent of the driveway necessary to access the proposed development, it is considered that the proposal would represent inappropriate development in a rural area which would open additional lands to development, would set a precedent for further undesirable patterns of development in this area and would be contrary to the amenities of this Corridor Area, the existing adjoining dwellings and to the proper planning and sustainable development of the area.
4. The Wicklow County Development Plan provides that new houses in rural areas should *"complement local traditional building styles within close proximity including ridge orientation and pitch of roofs, door and porch styles and the use of materials where appropriate"* and that *"good, modern and innovative house design is encouraged provided it is in sympathy with the surrounding landscape and does not dominate nor clash with surrounding buildings"* and that *"house designs more suitable to suburban areas are not acceptable in rural areas"*. The proposed dwelling, due to its design (which incorporates a number of suburban features and elements alien to the Irish rural landscape) would form a highly incongruous feature in this area, would militate against the presentation and protection of the rural and visual amenities of the area and would therefore be contrary to the design guidelines and objectives of the County Development Plan which provides that all development shall have regard to the County landscape hierarchy and should respect existing landscape zones.
5. Inadequate site specific information is available to show that the site is suitable for septic tank effluent percolation and if found to be unsuitable then this development would be prejudicial to public health.

3.2 Planning Authority Reports

3.2.1

- (a) EHO (03/05/16): Further information required including a fully completed site characterisation form including ground levels, cross sections and longitudinal sections.
- (b) Irish Water (12/04/16): No objection.
- (c) Senior Executive Engineer (16/05/16): Sightline to the west is not acceptable and the applicant should consider moving the site entrance towards the west and provide details of sightline in accordance with NRA/TIA requirements.
- (d) Planning report (24/05/16): There is a lack of information to demonstrate the applicants are permanent native residents. The design of the dwelling is inappropriate for a rural area and contrary the pattern of development. Sightlines at the proposed entrance are in adequate in the context of the DRMB/NRA standards. Due to further information required in regards to wastewater treatment it was considered reasonable to refuse permission on such basis also. Refusal was recommended based on the reason outlined above.

4.0 Planning History

4.1 No planning history on site.

5.0 Development Plan

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

Chapter 6: Rural Housing and Development: Section 6.3.3

Objective RH14: Residential development will be considered in the countryside only when it is for the provision of a necessary dwelling in a number of listed circumstances (attached).

5.2 Chapter 17: Natural Environment:

Section 17.8.1 Landscape Characterisation:

Landscape Hierarchy: Access Corridor Area: Vulnerability: Medium;

Objective LA1: All developments and activities shall have regard to the County Landscape Classification hierarchy.

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

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A first party appeal has been lodged by Lane Planning & Design on behalf of Jamie Kelly & Caroline Scully. The grounds of appeal are as follows...

- Jamie Kelly is a permanent native resident of the area living at his parents' home at Seaview, Killpeddar West for the past 13 years, The applicant qualifies under sub-section 1 of Objective RH 14. The site is taken from agricultural landholding belonging to the family with the applicant's family home and relations' houses identified on the landholding map.
- The site layout plan shows sightlines of over 100m available in each direction and such would be compliant with the DRMB standards.
- The layout and positioning of the dwelling conforms with development in the area and takes into account the contours of the site.
- The house design is fully compliant with Development Plan policies and is similar to existing dwellings in the area including a dwelling 100m away from the site and proposes use of complimentary materials in a rural area.
- It is noted the site specific information was submitted in regards to the wastewater treatment system and that the EHO indicated that the proposal was unlikely to result in pollution.

7.0 Planning Authority Response

7.1 No responses.

8.0 Assessment

8.1 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, siting, visual/residential amenity
Traffic impact
Wastewater treatment system
Other Issues

8.2 Principle of the proposed development/Development Plan Policy:

8.2.1 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.

8.2.2 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 applicants did not comply with the criteria set down under Objective RH14. Based on the information on file, qualification is based on Jamie Kelly's circumstances. It is noted that Jamie Kelly has resided in his parents' house for the last 13 years, which is also located at Seaview Killpeddar and is immediately to the west of the site. It is also noted that the applicant went to school in the local area. The site is taken from an agricultural landholding, which includes the family farm. In assessing the proposal, it was determined that the applicant (Jamie Kelly) had not demonstrated he was a permanent native resident of the area.

8.2.3 Based on the criteria listed under Objective RH14, Jamie Kelly would qualify for rural housing under criteria 1 and 2. The question that appears to have arisen is the applicants' ability to demonstrate such. I would consider based on the information submitted on file that the applicants by virtue of Jamie Kelly's circumstances complies with rural housing policy as set down under Chapter 6 of the County Development Plan.

8.3 Density, design, scale, visual/residential amenity:

8.3.1 The proposal was refused based on impact on the rural character of the area, with the layout and pattern of development considered inappropriate, and the overall design of the dwelling out of character in a rural area. The proposed dwelling is set back 88m from the public road and further back from the building lines of the existing dwellings to the east and west. The contours on site increase moving west to east with a more gradual change in contours to

the south of the site, where the proposed dwelling is located. Given the rural location of the site, I would consider reference to building lines to be redundant and would note that the location of the dwelling is where the least impact occurs due to the more gradual change in contours and would result in less excavation than if located further north on site. I would consider that the location of the dwelling would be unlikely be high visible or prominent at this location, due to existing topography, vegetation and adjoining development.

8.3.2 The dwelling is a dormer style dwelling, with a pitched roof and external finishes of render and natural stone. In regards overall quality of the design, although not of any great architectural merit, it is nonetheless relatively nondescript in design and I would consider it to be acceptable in regards to its overall visual impact at this location. I am satisfied that the overall design and scale of the dwelling, taken in conjunction with its siting would be acceptable in the context of the visual amenities of the area.

8.3.3 I am satisfied that the design, scale and siting of the proposed dwelling would also be acceptable in the context of the residential amenities of adjoining properties.

8.4 Traffic impact:

8.4.1 The proposal was refused based on inadequate sightlines. The applicant has indicated that sightlines of up 100m area available in each direction at the vehicular entrance. The site is on a lower category public road that has a width of 5m where it adjoins the site. Having inspected the site I would note that there is at least 90m clear visibility available in each direction with the site located on the outer edge of a shallow bend in the road as well as the fact there is a deep verge between the appeal site and the road edge. I would consider that such sightlines are sufficient in this case to cater for the turning movement associated with the proposed dwelling without resulting in a traffic hazard.

8.5 Wastewater Treatment:

8.5.1 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 (2.5m). The percolation tests result for T tests carried out by the standard method and for deep subsoils and/or water table, and P test carried out by the standard method and for shallow soil/subsoils and or water table 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 drawings submitted do not indicate the location of wastewater treatment systems on adjoining sites or

private wells so it is not clear whether the proposal meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries, the proposal should meet such standards). Based on the information on file and subject to appropriate conditions requiring compliance with the EPA Code Practice, I would consider that the proposal would be acceptable in the context of public health.

8.6 Other Issues:

8.6.1 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.

9.0 Recommendation

9.1 I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

10.1 Having regard to the provisions of the Wicklow County Development Plan 2010-2016 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in the context of the visual amenity of the area, the amenities of adjoining properties, traffic safety and convenience, and satisfactory in regards to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and no surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road. Reason: In the interest of public health.
4. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tiles shall be the same as the colour of the roof.
Reason: In the interest of visual amenity.
5. The external walls shall be finished in neutral colours such as grey or off-white. Reason: In the interest of visual amenity.
6. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 12th day of April, 2016, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment

Systems for Single Houses”, Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of 2 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
21st September 2016