



An
Bord
Pleanála

Inspector's Report PL20.247493

Development	Construction of a house, garage and associated works.
Location	Ballinagard Townland, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	16/340
Applicant(s)	Jason & Laura McGarry
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Jason & Laura McGarry
Observer(s)	None
Date of Site Inspection	25 th January 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ballinagard to the south of Roscommon town. Access to the site is off the N63 via a 'T' junction situated a short distance outside the town boundary. A narrow local road with 60 kph speed limit continues east from this junction for a distance of approximately 1.25km and the site is located mid-way along this road on its northern side.
- 1.2. There is linear residential development aligning the local road on both sides. These dwellings comprise a mix of styles with most likely to have been constructed since the 1980s. All dwellings have front gardens with similar set back distances from the road. Agricultural lands surround the dwellings to the north and south and there are a number of fields fronting the road.
- 1.3. The site is an undeveloped field located within a row of approximately 14 no. dwellings. There is a narrow strip of field to the west that provides access to agricultural lands to the rear. The site is quite level and there is a frontage of c. 40m. The stated area of the site is 0.231 hectare.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a 2-storey detached dwelling house, domestic garage, connection to all services and all other associated site works.
- 2.2. The proposed dwelling will have a floor area of 244 sq.m. and the garage will be 40 sq.m. The dwelling will have a dog-leg layout with southern gable set back from the road edge a distance of 23m. The ridge height will be 8.274m.
- 2.3. It is proposed to discharge foul water to a public sewer and obtain a water supply from public mains.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Roscommon County Council issued notification of decision to refuse permission for the proposed dwelling for three reasons relating to rural housing need; failure of the proposed dwelling to assimilate into its surroundings; and overlooking of the existing dwelling to the east.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to refuse permission as outlined in the Planner's Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application it is noted that the site is located in an Area Under Strong Urban Influence and within Rural Housing Policy Category A – Urban Periphery.
- 3.2.3. It is acknowledged that one of the applicants is from the area and is currently involved in part-time agriculture. However, the applicant is a plumber and there is no indication that he is taking over the ownership or running of the nearby family farm. It is also highlighted that the applicants own their own home approximately 1.6km from the site in Roscommon town. It is therefore considered that the applicants do not have a genuine rural generated housing need and that the proposal would contravene Section 5.11 and Policies 5.29 and 5.32 of the Development Plan.
- 3.2.4. With respect to design, it is stated that the while the proposed dwelling is of a relatively narrow plan, its form, massing, orientation and finished floor level are such that it will appear very bulky and large on the site. It is also noted that there are varying styles and sizes of fenestration with no overall pattern of style.
- 3.2.5. In terms of siting, the proposed dwelling will be in close proximity to the existing dwelling to the east and it is considered that, whilst some other dwellings along the road are also in close proximity to one another, the proposed dwelling will have a negative impact on adjoining residential amenity having regard to the scale and orientation of the dwelling, the presence of upper floor windows and lack of screening along the boundary.

- 3.2.6. It is concluded that the proposed dwelling would fail to respect and protect the landscape quality and visual amenity of the area and would give rise to overlooking and loss of privacy.

4.0 Planning History

Roscommon County Council Reg. Ref: 15/265 (PL20.245955)

- 4.1. Permission was refused in May 2016 for the construction of a house and associated works on a site approximately 340m east of the appeal site for reasons relating to rural housing need and creation of ribbon development.

Roscommon County Council Reg. Ref: 07/936 (PL20.224932)

- 4.2. Permission refused in March 2008 for 2 no. houses and connections to sewer system, surface water sewer and public mains on a site to the rear of the neighbouring dwelling to the west of the appeal site.
- 4.3. It was stated under the reason for refusal that the development would represent a haphazard piecemeal backland type development which would be premature pending the preparation of an integrated plan for the overall development of the area.

5.0 Policy Context

5.1. Roscommon County Development Plan, 2014-2020

- 5.1.1. The appeal site is located within a “Rural Area Under Strong Urban Influence” and within the Urban Periphery of Roscommon town.
- 5.1.2. It is considered reasonable that individual housing within Rural Policy Category Area A (Urban Periphery) be reserved for essential local need. Within Rural Policy Category B (Areas Under Urban Influence), applicants for individual housing development shall meet the rural generated housing need criteria set out in the ‘Definition of Urban & Rural Generated Housing Need’ within Table 5.3 of the Development Plan. Policies and suitability criteria for rural area types are set out in Table 5.4.

- 5.1.3. Section 5.11.5 includes specific guidance for rural areas in the urban periphery. (Policies 5.29 to 5.36).
- 5.1.4. Policy 5.32 seeks to *“strictly control development in the urban periphery by restricting development that would contribute to the erosion of the urban fabric and viability of the settlements listed in Table 5.4, Category A, of this Plan. Prospective applicants seeking new housing development in areas around the Urban Periphery shall be required to meet the suitability criteria as set out in Table 5.4, Category A, of this Plan.”*
- 5.1.5. Section 9.5 sets out rural siting and design development management guidelines and standards.

5.2. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005**

- 5.2.1. The principles set out in the Guidelines require that new houses in rural areas are sited and designed to integrate well with their physical surroundings and generally be compatible with:
- The protection of water quality in the arrangement made for on-site wastewater disposal facilities;
 - The provision of safe means of access in relation to road and public safety; and
 - The conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.
- 5.2.2. The Guidelines recommend that Planning Authorities identify and locate rural area typologies which are under a strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns. The appeal site is located in an area under strong urban influence.
- 5.2.3. The Guidelines recommend against the creation of ribbon development for various reasons including road safety, future demands for the provision of public infrastructure and visual impacts.

5.3. Natural Heritage Designations

5.4. The Ballinturly Turlough SAC is approximately 2.95km south-west of the site and the Lough Ree SAC is approximately 3.86km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged on behalf of the applicant. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Site was zoned for residential up to 15th December 2014 within the Roscommon Town Area Plan, 2008-2014 (RTAP).
- Planning Authority has identified the site as being in Category A - Urban Periphery; however, site is within the development envelope of the RTAP and cannot be immediately adjacent to the development boundaries.
- Roscommon Municipal District Council adopted the Roscommon Town Development Plan 2014-2020 and the Draft Plan was prepared by Roscommon County Council – appellant is not aware of any responsibilities for the LAP switching from one entity to another during preparation.
- LAP should be read in conjunction with the County Development Plan and where conflicts occur, the County Development Plan will take precedence – Planning Authority appear to have bestowed primacy on the LAP simply by giving Category A status to the site when it is obvious that the site is within the RTAP 2008-2014 and therefore not subject to this categorisation.
- Site has the status of urban land that is not zoned and the Board is asked to consider it as such.
- Site is included in the Roscommon town boundary within Regional Planning Guidelines from CSO.
- Site was within the town in the 1993 Roscommon Town Development Plan.
- Council has invested in public infrastructure to service this area – this is not the type of investment that would normally be carried out in rural areas.

- Area has 50kph speed limit and this is typical of an urban area.
- A map of employment centres is used in the Development Plan to identify rural areas.
- Applicant has long standing links to the area and his family home is located just to the east of the appeal site.
- It is now proposed to reduce the finished floor level of the dwelling by 0.5m and to remove the 1st floor window from the habitable room on the eastern elevation. Natural screening will also be provided near the eastern and northern boundaries of the site.
- This area of the town is characterised by a wide range of dwelling types and sizes – proposed dwelling will complement the tapestry of design and is not incompatible with the character of the area.
- Policy 5.29 does not apply to this application.
- Existing and proposed boundary planting will minimise the visual impact of the proposed dwelling.
- Separation distances are adequate for Building Regulation purposes and are similar to other dwellings in the area.
- Letter attached from adjoining property owner to the east stating they have no objection to the proposed development.
- Existing agricultural land use would pose a bigger threat to the public water source than a dwelling.
- Applicant now proposes a 2m wide footpath to the front of the site.

6.2. Planning Authority Response

6.2.1. The Planning Authority responded to the first party appeal with the following comments:

- Subject site is not within the defined “development envelope” of the current local area plan for Roscommon town (2014-2020) – it is 600m south of LAP boundary.

- Site is on unzoned rural land and clearly on the “Urban Periphery” in the Roscommon County Development Plan, 2014-2020 where it is considered reasonable that individual housing development should be reserved for essentially locally generated housing need.
- Planning Authority agree that Category Area A is not mapped – Map 12 does not purport to provide a mapped expression of Category Area A (Table 5.4 is referred to on map).
- Development envelopes identified on Map 12 represents Area Plans/ Local Area Plans that were in effect or most recently in effect during the course of preparation and adoption of the Roscommon County Development Plan, 2014-2020 – this is general information only and not policy representation.
- Any reliance in the appeal submission on the “status” of the mapped expression on plans which have since expired is misplaced and incorrect.
- Roscommon Town LAP 2014-2020 was adopted in accordance with the Core Strategy, Settlement Hierarchy and Housing Strategy, which led to a reduction in the extent of the Area Plan boundary and the amount of residentially zoned land.
- Information provided with the planning application was the subject of a detailed assessment and it was concluded that the applicants do not have a rural generated housing need which accords with the criteria under (a) and (b) of Table 5.3 of the Development Plan.
- Planning Authority accepts that incorrect map numbers have been referred to in Chapter 5; however, Section 5.11.3 clearly refers to Rural Area Types, as does Map 11, and Table 5.4 and Map 12 clearly refers to Rural Housing Policy.
- There are a number of outlying areas from Roscommon town that have the benefit of public infrastructure, but are nonetheless inappropriate for inclusion within the LAP boundary at the current time.
- Appeal does not address the concerns of the Planning Authority in relation to fundamental design issues, which render the proposed development incompatible with its surroundings.

- Rural siting and design standards remain entirely applicable to the consideration of the proposal.
- Proposed modifications put forward in the appeal do not sufficiently address the concerns outlined in the second and third reasons for refusal.
- Proposed development would contravene Section 5.11 and Policies 5.29 and 5.32 of the Development Plan.
- Reference is made to Board's refusal under PL20.245955.
- Refusal of planning permission for the reasons outlined represents a fair and consistent application of all relevant planning policies.

6.3. First Party Appellant's Response

6.3.1. The applicant's agent responded to the Planning Authority's submission with the following comments:

- Both parties agree that the Roscommon County Development Plan, 2014-2020 sets the policy that should inform the Board's decision and that Category A - Urban Periphery of Roscommon town is not mapped.
- It is stretching matters to consider that the site is open countryside which is the prerequisite to be included in the Category A – Urban Periphery.
- Townlands immediately adjacent the development boundary are anonymous and if they were named there would be certainty.
- Draft County Development Plan contained a map of Category Area A – this map showed that the appeal site is not in the Category A designation.
- Page 143 of the Development Plan states that “maps on the following pages set out the 3 distinct Area Types for the purpose of the Rural Housing Strategy”.
- Title of Map 12 is “Rural Housing Policy”.
- Interpretation of development plans has been the subject of High Court decisions that have consistently found that it is the view of a reasonable intelligent person that is relevant (Tennyson v Dun Laoghaire Corporation,

1991, Wicklow Heritage Trust v Wicklow County Council, 1998). Site was part of Roscommon for a long number of years and there is no explicit policy in the current development plan to exclude it.

- Board is asked to consider this site from a policy viewpoint to be urban and to make its decision based of the principles of proper planning and sustainable development.
- There has been less than one planning application in this area in the last six years and it is not an area under development pressure.
- There is sufficient and different information for the Board to arrive at a different decision to Ref: PL20.245955.
- Map 12 gives specific spatial information that provides the bedrock for the environmental contract between the citizens and Planning Authority and gives clear spatial guidance as to where specific policies pertain.
- Development Plan should be varied where less land is zoned.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Rural housing need;
- Siting and design;
- Impact on residential amenity; and
- Appropriate Assessment

7.2. **Rural Housing Need**

7.2.1. It is stated under the first reason for refusal that the proposed development is located within the urban periphery as set out within Section 5.11 of the Development Plan, and that the applicant fails to meet the criteria for a rural generated house. It is

considered, therefore, that the proposal would contravene Section 5.11 and Policies 5.29 and 5.32 of the Development Plan.

- 7.2.2. Under Policy 5.29 *“prospective applicants seeking new housing development in the countryside shall be required to meet the suitability criteria set out in Table 5.4 of this Plan, for the rural housing policy category area (see map 7), within which the development site is situate.”*
- 7.2.3. Policy 5.32 seeks to *“strictly control development in the urban periphery by restricting development that would contribute to the erosion of the urban fabric and viability of the settlements listed in Table 5.4, Category A, of this Plan. Prospective applicants seeking new housing development in areas around the Urban Periphery shall be required to meet the suitability criteria as set out in Table 5.4, Category A, of this Plan.”*
- 7.2.4. The first party appellant’s main argument against this reason for refusal relates to the location of the appeal site. Firstly, the site was previously zoned for residential development within the Roscommon Town Area Plan, 2008-2014. This plan has now expired and has been replaced by the Roscommon Town Local Area Plan, 2014-2020. The preferred development strategy for Roscommon town in the current Local Area Plan sees a prioritisation of town centre development with phased outward expansion. It is noted that the previous Area Plan included more than 10 times the amount of land needed to accommodate the population growth identified in the RPGs for the West Region, 2010-2022. The sequential approach was used to identify suitable lands for residential development and therefore more remote lands, such as the location of the appeal site, were excluded. It is noteworthy that the appeal site is now situated in excess of 600m from the 2014-2020 Local Area Plan boundary.
- 7.2.5. The appellant’s contention also relates to the location of the site within lands identified by the Planning Authority as Category A – Urban Periphery of Roscommon town. Reference is made to Map 12 – Rural Housing Policy which shows the site to be within the Roscommon Town Area Plan Development Envelope¹. The Category A – Urban Periphery is not clearly mapped and the Board is asked to consider the site from a policy viewpoint to be urban. In this regard, it is considered that the site

¹ Roscommon Town Area Plan, 2008-2014

has the status of unzoned urban land and the Council has invested in public infrastructure to service this land.

- 7.2.6. Rural Policy Category Area A (Urban Periphery) *“constitutes a small number of townlands immediately adjacent to the development boundaries of the settlements of Roscommon Town Monksland/Beallanamullia, Castlerea, Boyle and Ballaghadereen. These areas can be classed as being under very strong urban influence and within short commuting distance of these settlements. These settlements are also classed as important population growth centres within the west region which is likely to result in increased pressure for individual housing development in these rural hinterlands as the population of these settlements increase. In this context it is considered reasonable that individual housing development within these areas be reserved for essential locally generated housing need.”*
- 7.2.7. I would be in little doubt that the appeal site lies within the Category Area A – Urban Periphery of Roscommon town having regard to its proximity and development characteristics. The Ballinagard townland, within which is site is located, adjoins the Local Area Plan boundary and the site is approximately 2km south of Main Street. The local road has suffered from a high degree of ribbon development but is separated from the main built up area of the town by agricultural lands.
- 7.2.8. It is the Policy within the Category Area A – Urban Periphery *“to recognise the individual housing need that may arise from time to time, within the Urban Periphery for those referred to in categories (a) and (b) in Table 5.3. Such needs may be accommodated, provided it is within the same Urban Periphery Area, subject to the availability of a suitable site and normal planning considerations.”*
- 7.2.9. Categories A and B in Table 5.3 are as follows:
- a. *People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin. These would include farmers or close relatives of farmers who can substantiate that they are also engaged in agriculture or otherwise dependant on the immediate rural area (rather than a nearby town or village) for employment, and/or anyone taking over the ownership and running of a farm. It would also include people who have no family lands but who wish to build their first home*

within the rural community in which they have spent a large and continuous part of their lives. or

b. People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine-related occupations, as well as part-time occupations where the predominant occupation is farming or natural resource-related.

7.2.10. The applicant is originally from this area but is not currently dependent on the immediate rural area for employment. Furthermore, the applicant has not demonstrated that he is taking over ownership of a family farm, and moreover, the applicant currently owns and resides in a dwelling nearby in Roscommon. Thus, I consider that the applicant has not met any of the criteria set out in categories A and B of Table 5.3 applying to the urban periphery and therefore does not have a genuine rural housing need.

7.3. Siting and Design

7.3.1. The second reason for refusal refers to the siting, form, massing, orientation and design of the proposed dwelling, together with its relationship with neighbouring properties. It is considered that owing to these factors, the proposed dwelling cannot be satisfactorily assimilated into its surroundings and would fail to respect and protect the landscape quality of the area.

7.3.2. Section 9.5 of the Development Plan contains development management guidelines and standards for rural siting and design for all categories of development. It is stated that the design of a proposal should reflect its setting, as well as the scale, height and character of existing building in the vicinity, with building forms being kept simple and uncluttered.

7.3.3. The proposed dwelling contrasts with surrounding development most significantly in terms of its orientation, layout and scale. Most dwellings have rectangular plans with annexes and a consistent building line facing towards the road. The proposed dwelling will have a dog-leg layout that presents itself at an angle to the road. It is acknowledged the dwelling contains a number of rural design features; however, the

2-storey gabled design is at variance with neighbouring dwellings along the road, which are predominately lower rise structures with side gables.

- 7.3.4. Notwithstanding the above, I would not have serious concerns with the design of the proposed dwelling *per se* in an area where an unsustainable pattern of suburban style housing has occurred in a rural area. My concerns relate more to the contribution of the proposed dwelling to ribbon development and the 'leapfrogging' of more suitable development sites within Roscommon town.
- 7.3.5. Policy 5.35 of the Development Plan states that ribbon development and urban sprawl will be discouraged. The Rural Planning Guidelines gives the example of five or more houses existing on any one side of a given 250m frontage on the edge of town as being ribbon development. The proposed development will be the ninth dwelling within a 250m frontage measured to the east of the site. Furthermore, the proposal will contribute to the coalescence of two distinct areas of ribbon development resulting in nothing more than a narrow field frontage (c. 15m) to break up 450m of linear road fronting residential development. The proposed development will therefore contribute to unsustainable ribbon development at this location and will be contrary to Development Plan Policy 5.35.

7.4. **Impact on Residential Amenity**

- 7.4.1. The Planning Authority considers under the final reason for refusal that the proposed development would seriously injure the amenities of nearby residents by virtue of overlooking and loss of privacy.
- 7.4.2. In response, the applicant has submitted revised proposals showing boundary fencing with native screening to the northern and eastern site boundaries. In addition, the east facing window to the front bedroom has been omitted and the finished floor level has been lowered by 0.5m.
- 7.4.3. In my opinion, the above amendments are sufficient to alleviate any adverse impacts on adjoining residential amenities if the Board is minded to grant permission for the proposed development.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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

- 8.1. I recommend that planning permission should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located in an area designated as Urban Periphery in the current Roscommon County Development Plan in which it is the policy to accommodate the housing needs of qualifying persons. This policy is considered reasonable. Having regard to the submissions made in connection with the planning application and the appeal, it is considered that the applicants do not meet the criteria for a rural generated house as set out in the said Plan. The proposed development would, therefore, materially contravene an objective indicated in the said development plan and would be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area of housing pressure where there is a high density of almost continuous road frontage type development. The Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005 recommends against the creation of ribbon development. The proposed development would contribute to ribbon development as defined in the

said Guidelines, lead to demands for the uneconomic provision of further public services and community facilities in an area where these are not proposed and would interfere with the rural character and attractiveness of the area. The proposed development would, therefore, be contrary to the said Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

27th January 2017