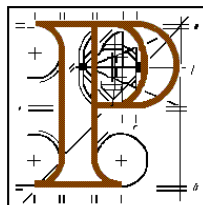


An Bord Pleanála



Inspector's Report

Development

(1) Permission for the erection of a fully serviced dormer dwelling, to upgrade existing sewerage treatment facilities and all ancillary site works (2) Permission for retention of domestic unit with kitchen and toilet facilities, vehicular entrance and existing sewerage treatment facilities (3) Permission for retention is also sought to temporarily retain existing mobile home at Burgage Moyle, Blessington, Co. Wicklow.

Planning Application

Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/293
Applicant:	Ann Marie Wall
Type of Application:	Permission and Retention Permission
Planning Authority Decision:	Refuse permission

Planning Appeal

Appellants:	Ann Marie Wall
Type of Appeal:	First Party
Observer(s):	None
Date of Site Inspection:	1 st February 2017

Inspector Emer Doyle

SITE LOCATION AND DESCRIPTION

The appeal site is located in the townland of Burgage Moyle approximately 2.5km south of the Naas Road junction in Blessington, Co. Wicklow.

The site is accessed from the N81 and is almost opposite the N81/ R758 junction. There is a bus stop serving the Dublin Bus Route No. 65 to the north of the access.

There are three structures on the site at present- a mobile home, a separate domestic unit containing a kitchen and bathroom and a small storage shed. The site has a stated area of 0.348 hectares. There is an existing single storey dwelling to the south of the site.

PROPOSED DEVELOPMENT

Permission is sought for the following:

- Construction of dormer bungalow and upgrading of existing sewerage treatment system. The site is served by an existing biocycle treatment plant and it is proposed that this is retained and a soil polishing filter is constructed in accordance with EPA Guidelines.
- Permission to retain existing separate single storey domestic unit which contains a kitchen and bathroom and has a stated area of 42m².
- Permission sought to retain existing vehicular entrance and to temporarily retain existing mobile home which has a stated area of 60.1m².

TECHNICAL REPORTS

Planner's Report

It was considered that the applicant had not demonstrated that she was a permanent native resident of the rural area. Concerns were expressed in relation to the retention of the additional domestic unit on the site and in relation to traffic safety. Refusal recommended for 4 No. reasons.

Senior Executive Engineer Roads

Report noted that site is located within the study area for the emerging preferred route for the N81 Tallaght to Hollywood Road Improvement Scheme. Refusal recommended for 5 No. reasons.

Environmental Health Officer

No objection subject to conditions.

Water Services Section of Dublin City Council

Refusal recommended for two reasons relating to the inadequacy of information provided in relation to foul sewerage arrangements.

Transport Infrastructure Ireland

Refusal recommended for one reason relating to official policy for national roads.

PLANNING AUTHORITY'S DECISION

Permission was refused for four reasons relating to rural housing policy, traffic safety on N81, contravention of Development Plan policy in relation to location of site within the preferred route corridor for the Hollywood to Tallaght Road Improvement Scheme and the precedent the granting of a separate domestic unit on the site would set for sporadic development.

APPEAL GROUNDS

A first party appeal against the Council's decision was submitted on behalf of the applicant. The grounds of appeal can be summarised as follows:

- The applicant has been living on a mobile home on the site which she acquired c. 32 months ago. The applicant's children are being educated in local schools and her family are from the general catchment of Blessington.
- The traffic turning movements would not result in a traffic hazard as there would be no increase in traffic from the existing entrance. The current access to the site can be seen on OS Maps from Pre 1995 as attached to the appeal.

RESPONSES

None submitted.

PLANNING HISTORY

PA Ref. 15/1218

Permission previously refused to Ann Marie Wall for similar development on this site for 3 No. reasons.

UD3605

File opened by Planning Authority in relation to unauthorised development on site.

POLICY CONTEXT

WICKLOW COUNTY DEVELOPMENT PLAN 2016-2022

Chapter 3 - Settlement Strategy

This site is located in a Level 10 Area, where the rural housing policy applies.

Chapter 4 - Housing

The rural housing policy is set out in Objective HD21.

Objective HD22- Requirement for occupancy condition in relation to rural houses.

Chapter 9 – Infrastructure

Objectives for the N81

Tallaght to Hollywood Cross Upgrade

National Roads Objectives

TR18 To support major road improvements by reserving the corridors, as and when these are identified, of any such proposed routes free of development which would interfere with the provision of such proposals.

TR21 To safeguard the capacity and safety of the National Road network by restricting further access onto National Primary and National Secondary roads in line with the provisions of the 'Spatial Planning and National Roads' Guidelines DoECLG 2012.

TR35 The Council will preserve free of development, all published road improvement lines and route corridors, where development would seriously interfere with the road's objective, until such time as a final decision on a preferred route has been made. The Council will endeavour to ensure that a decision with respect to final road lines is decided upon as expeditiously as possible in order to prevent an unnecessary sterilisation.

Map No. 09.01 Strategic Roads Objectives.

Appendix 2- Rural Housing Design Guidelines.

The site is located in the western corridor Map No. 10.13(d). The policy for these areas is set out in Section 5.3.14.

SUSTAINABLE RURAL HOUSING GUIDELINES

The site is located in a rural area under strong urban influence, as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005.

ASSESSMENT

The principle issues for consideration in this appeal are as follows:

- Compliance with rural housing policy
- Traffic Safety

Compliance with rural housing policy

It is stated in the grounds of appeal that the applicant has been living in a mobile home on the site which was acquired c. 32 months ago (appeal dated 1/11/16). The applicant's children are in local schools and her family are from the general catchment of Blessington. No documentary evidence has been submitted relating to where the applicant's family are based or her connections with the area.

The site is located in an area 'under strong urban influence' in the Sustainable Rural Housing Guidelines for Planning Authorities. The Guidelines describe two categories of circumstances that would lead the planning authority to conclude that a particular proposal for development is intended to meet a rural generated need. Two headings are used in the guidelines: 'persons who are an intrinsic part of the rural community' and 'persons working full-time or part-time in rural areas'

There is no information on file in relation to the applicant's employment and I do not consider that living in an unauthorised mobile home for c.3 years would constitute being an intrinsic part of the rural community. There is no information on file relating to if the applicant was ever a part of the rural community in this area prior to the past 3 years.

The policy for Rural Housing is set out in Objective HD21 of the current Development Plan. I have examined the 16 No. categories set out in the policy objective. Based on the information set out in the application and the appeal, there is no evidence it is that the applicant complies with any of the categories.

Based on all of the above, I have not been adequately satisfied that the need for a dwelling in such a location is justified or necessary and consider therefore that the proposal as submitted is not in compliance with the rural housing policy for development of housing in such areas.

Traffic Safety

The proposed development would be accessed from a National Secondary Road where the maximum speed limit applies. The development would use an existing access from an unauthorised mobile home and domestic unit. The site is located within the study area for the N81 Tallaght to Hollywood Road Improvement Scheme.

The relevant policies in relation to development on National Roads are set out in the DoECLG 'Spatial Planning and National Roads Guidelines for Planning Authorities'. Objectives to safeguard the capacity and safety of the National Roads and to preserve free from development all published road improvement lines and route corridors are set out in TR18, TR21 and TR35 of the County Development Plan.

The grounds of appeal seek to justify the development on the basis that there would be no increase in traffic from an existing access and the proximity of a bus stop to the site. Whilst there is evidence that there has been development on this site for some time, there is no evidence of authorised development on the site. The Report from the Roads Engineer dated the 31st of March 2016 expresses concern that the site is within the junction zone for the N81/R758 junction as the right turning lane for traffic leaving the N81 to turn east commences immediately in front of the entrance. The bus stop for Dublin Bus Route No. 65 is located to the north of the entrance. The Road Report states the following:

'A situation may arise whereby a vehicle may leave the site to turn right onto the N81 at the same time as a bus is stopped at the Bus Stop and a vehicle is in a stationary position waiting to complete a right turn onto the R758 from the northbound flow of the N81. In this situation the vehicle merging from the site could be obscured by the bus and vehicles in the right turning lane and it would not be visible to vehicles travelling south along the N81 past the R758 junction or left turning vehicle from the R758 onto the N81. The vehicle turning right onto the site would not be able to see traffic travelling south on the N81 or traffic joining the southbound N81 from the R758. This is a very hazardous scenario and is not desirable from the point of view of road safety.'

I concur with the points made in the Roads Report and I do not consider that either of the grounds of appeal in relation to the existing access or the proximity of the bus stop would warrant an overturning of the decision of the Council.

Having regard to the location of the development on a national secondary road, at a point where the maximum speed limit applies and the location of the site within the Study Area for the N81 Tallaght to Hollywood Road Improvement Scheme, I am of the view that the retention of the existing development and the proposed development would be contrary to objectives TR18, TR21, and TR35 of the County

Development Plan and would contravene National Guidance as set out in 'Spatial Planning and National Roads' Guidelines DoECLG 2012.

Appropriate Assessment

Having regard to the nature and scale 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 proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

The planning authority's decision to refuse permission for the proposed development should be upheld by the Board.

REASONS AND CONSIDERATIONS

1. The site is located in a rural area under strong urban influence, as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005 and in Settlement Strategy Level 10 – Open Countryside as set out in the current Development Plan where housing is restricted to persons demonstrating local need in accordance with rural housing policy HD21 of the Plan. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a rural house at this location and the inefficient provision of public services and infrastructure, would materially contravene the provisions of the Guidelines and of the Development Plan, and would, therefore, be contrary to the proper planning and development of the area.
2. The development site is located within the Study Area for the N81 Tallaght to Hollywood Road Improvement Scheme. The proposed development would be premature pending the completion of the planning process and design and completion of the N81 Tallaght to Hollywood Road Improvement Scheme and contrary to policies and objectives set out in the Development Plan in relation to supporting major road improvements by reserving the corridors of any such proposed routes free of development which would interfere with such proposals, and the preservation free of development of all published road improvement lines and route corridors until such time as a final decision has been made. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development and the retention of the existing development would endanger public safety by reason of traffic hazard because the site is served by a direct access onto the N81 and the traffic turning movements

generated by the development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, contravene National Road Authority Guidance, would be contrary to the said Ministerial Guidelines in respect of Spatial Planning and National Roads and would be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Inspector
22nd February 2017