



An
Bord
Pleanála

Inspector's Report PL17.247586

Development	House, garage, DWWTS, entrance and associated works.
Location	Marshallstown, Kilmessan, County Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA/160073
Applicant(s)	John & Janine Byrne
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	(1) Sharon Lynch (2) Aideen Fines (3) John Broderick (4) Tom & Kay Madden
Observer(s)	None
Date of Site Inspection	20 th January 2017.
Inspector	Hugh Mannion.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response	6
6.4. Observations.....	7
6.5. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.517ha and is located on the south-eastern side of a local road which links the R154 Trim/Clonee road with Kilmessan in County Meath. The site is part of a larger landholding which accommodates an existing single storey thatched farm house addressing the public road and behind that a number of farm buildings which appear to have been predominantly stables. Although there are no farm animals on site at present I consider it likely that the field which includes the site has been used for grazing horses.
- 1.2. The existing thatched house and landholding is accessed from the public road through a double gated access and a driveway along the southern edge of the field of which the site forms part. The roadside boundary is defined by a well-established sod bank topped native species. There are a few larger ash trees. Behind this is a post and rail fence. An appellant's house with associated commercial dog kennels is in the adjoining field to the north east. The boundary between the application site and the appellant's property is a thick hedge, perhaps 3m high, with the same post and rail fence augmenting this boundary on the application site's side.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of two storey house (with an internal floor area of 281m²) and a stand-alone garage. A new DWWTS and new access onto the public road is proposed.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions. Condition 2 referred to compliance with the EPA code of Practice for DWWTS. Condition 9 limited the use of the garage.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

3.2.2. Initially the planning authority sought further information in relation to;

- The 'local housing need' basis for the application.
- Clarification that the proposed DWWTS meets the Code of practice standards.
- Availability of sightlines at the proposed entrance to the public road.
- Compliance with the Meath Rural House Design Guide.

The applicant responded to the further information request on the 15th September 2016.

3.2.3. Other Technical Reports

The planning authority's Road Design office expressed no objections.

3.3. **Prescribed Bodies**

There are no submissions from prescribed bodies.

3.4. **Third Party Observations**

The third party observations generally make the points set out in the appeals.

4.0 **Planning History**

There is no relevant planning history on the site.

5.0 **Policy Context**

5.1. **Development Plan**

The **Meath County Development Plan 2013 to 2019** is the development plan for the area. Chapter 10 of the plan deals with rural development including housing.

The site is located in an area designated as an area under strong urban influence in the **Sustainable Rural Housing Guidelines (DOEHLG 2005)**.

5.2. Natural Heritage Designations

The site is not within a European site.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed house is too large (280m²) and out of context in a rural area where the dominant land use is agriculture. The proposed development does not meet the criteria set out in the Meath Rural Housing Design Guide.
- Meath County Development Plan's settlement strategy seeks to consolidate rural development in existing villages and settlements. The proposed development would give rise to overdevelopment in a rural area and ribbon development.
- The area is designated as an "area under strong urban pressure" in the Sustainable Rural Housing Guidelines. The applicant lives in Trim and has not demonstrated a need to live in a rural area.
- The planning authority failed to properly assess the landscape impact of the proposed development in accordance with policy LCSP1 of the County Development Plan.
- Sightlines are inadequate at the site entrance and the proposal will give rise to traffic hazard.
- The application site adjoins Kilmessan Kennels which comprises a rural enterprise; the house attached to Kilmessan Kennels will be negatively impacted upon by the proposed development.

6.2. Applicant Response

- The site is located in a 'low development pressure area' designated in the County Development Plan where it is a policy to accommodate for houses as it arises. The applicant was born in the area, went to school in the area, played football in the area, members of the family still live in the area. The applicants were married in the local church.
- The revised proposal submitted as further information demonstrates compliance with the Rural Housing Design Guidelines.
- The proposed house is located about 80m distant from the dwelling house associated with Kilmessan Kennels. The proposed development will not impact on that house or on the commercial operation of the kennels business.
- The proposed development will not result in the provision of 5 or more houses on a 250m stretch of road as required by the Sustainable Rural Housing Guidelines and the Meath County Development Plan.
- The proposed development will comply with the EPA manual for DWWTS serving single houses.
- There is 125m sight distance from the proposed entrance in both directions which will ensure that there is no danger to road safety.
- Other cases referred to by the appellants where the Board refused permissions are not relevant in the present case. All cases must be considered on their own merits.

6.3. Planning Authority Response

- The application site is in an area designated 'Low Development Pressure' and the proposed development complies with Development Plan objective RD Pol 6 to accommodate housing demand subject to good design, location and protection of landscapes and environmentally sensitive areas.
- The planning authority considers that adequate sightlines are available.

- The application complies with the EPA code of practice for DWWTS serving single houses.
- The proposed development is located in a landscape character area with a medium capacity to accommodate one-off housing.

6.4. **Observations**

There are no observations on file.

6.5. **Further Responses**

There are no further submissions.

7.0 **Assessment**

7.1. The issues to be considered in this case are rural housing policy, sewage treatment, road safety, rural house design, landscape character impacts, impacts on adjoining property and appropriate assessment.

7.2. **Rural Housing Policy**

7.3. The strategic policy in relation to rural housing set out in RUR DEV SP 1 of the County Development Plan “To adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types”. The County Development Plan objective RD POL 1 seeks to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

7.4. The site is located in an area designated as being under strong urban influence in the NSS map attached to the Sustainable Rural Housing Guidelines. Meath County Council in the development plan distinguishes three rural area types; rural areas under strong urban influence, strong rural areas and low development pressure areas. The application site is within a low development pressure area illustrated on map10.1 attached to the county development plan. Policy RD POL 6 refers to such areas and states that the planning authority will ‘accommodate demand for

permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas”.

- 7.5. The planning authority raised the matter of compliance with rural housing policy in the request for further information. The applicants replied that they partially own and live in a house in Trim which no longer meets their needs, that one of the applicants was raised 500m from the site, went to school nearby and conclude that these factors and others make the application compliant with the planning authority’s rural housing policy as set out in the county development plan.
- 7.6. The national guidance set out in the Rural Housing Guidelines make the point that it is necessary to identify housing need when considering planning applications and distinguishing between urban generated housing and rural generated houses. The application makes the case that it arises from a housing need but also confirms that the applicants are housed in Trim town. The Rural Housing Guidelines advise that rural housing should be considered appropriate to farmers, children of farmers who may take over the farm, persons who have lived most of their lives in rural areas and are building their first home, persons who work in rural related occupations, teachers in rural schools.
- 7.7. The overall goal of the planning authority (see 10.2 of the County Development Plan) is to ensure that rural generated housing needs are accommodated in rural areas as they arise subject to satisfying normal planning criteria and that urban generated housing needs be accommodated within built up areas. The application site is located in an unserviced rural area, on a single carriageway road with no footpaths, median line, cycleways or pedestrian crossings. There is already a pattern of suburban like development in the form of about 17 houses between the application site and the junction with the Trim/Clonee road. The applicants’ professions are carpentry and accountancy and are not the owners of the site. I conclude that the application has not demonstrated that it arises from a rural generated housing need and I conclude therefore that the proposed development would be contrary to the national guidelines and to the proper planning and sustainable development of the area.

7.8. Sewage Treatment

- 7.9. It is an objective (RD POL48) of the planning authority to ensure that all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the EPA '*Code of Practice Waste Water Treatment and Disposal Systems Serving Single Houses (p.e. <10)*'(2009) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes. The proposed development will drain to a proprietary treatment system and percolation area. The planning authority sought additional information in relation to compliance with the separation distances from the percolation area to the public road. The applicant submitted a revised site layout (see drawing number 20159002 Rev A received by the PA on 15th September 2016) which provided the 4m distance between the revised roadside boundary and the closest point of the percolation area.
- 7.10. The site is unsuitable for the safe disposal of septic tank effluent because of a high water table (1.8m below ground level) and poor percolation but is suitable for the disposal of treated effluent from a proprietary effluent treatment system followed by a constructed percolation area. The house has a stated area of 280.9m² and the application states that it has three double bedrooms (two up, one down stairs) and a study/office down stairs. The proposed proprietary treatment system has a pe of 5, given the floor area of the proposed house this pe seems low. It is not clear in the application documents but I infer that the treated effluent is discharged by gravity to the percolation filter. The proposed percolation area has been sized correctly in accordance with table 10.1 of the EPA code of practice.
- 7.11. Having regard to the foregoing I consider that the proposed development complies with the EPA manual.
- 7.12. The proposed development is to be served by connection to a group water scheme.
- 7.13. **Road Safety.**
- 7.14. The roadside boundary comprises a sod bank topped with hedging. This will be removed and the new boundary set back by about 2m. The planning authority requested further information in relation to the provision of sightlines at the proposed development. The applicant provided a drawing (see drawing number TWL/0302701/01/PL01 from Trafficwise) which illustrates the availability of sightlines

of 120m in both directions. The planning authority's road design engineering advice is that no objections on traffic grounds.

7.15. The Sustainable Rural Housing Guidelines define ribbon development as 5 or more houses on any one side of a given 250m stretch of road frontage. That circumstance does not arise in the present case but there is a multiplicity of entrances related to houses particularly to the southwest developed in a suburban pattern towards the junction with the Trim/Clonee road. The Guidelines make the point (paragraph 4.4) that roadside hedges should be removed only to the extent required to facilitate traffic safety. In the present case the road fronting the site is without a median line, footpaths, cycleway or public lighting. A balance must be struck in a situation such as this; if the proposed development originated in a demonstrable housing need related to the use of the land for agriculture or other rural based activity then creating a new access to a less than optimum public road network might be acceptable. In the present case the proposed development is not related to such a rural generated housing need and will give rise to car based trips to access local commercial or community/education facilities. Given the poor standard and single carriageway width of this road between Kilmessan and the junction with the Trim/Clonee road I consider that additional traffic turning movements in and out of the site where the 80kms/h speed limit applies will endanger public safety by reason of traffic hazard.

7.16. Rural House Design.

7.17. The appeals make the point that the proposed development is inappropriately located within the landscape and has not had regard to the planning authority's Rural Design Guide. The house on the adjoining site (Kilmessan Kennels) is a two storey house with a single story element and a set of kennels behind it. Further to the northeast, towards Kilmessan, is a dormer bungalow. On the same landholding there is a thatched cottage and the proposed house will be about 30m forward of that. On the adjoining landholding to the southwest is a bungalow. On the opposite side of the road to the west is new dormer bungalow and an older single storey house. The proposed development is 8.2m high and 13.5m on the elevation which fronts the public road. The house is 12.6m deep. These proportions will result in an

excessive mass and 'blocky' appearance to the proposed house which has had too little regard to the advice set out in the planning authority's rural design guidance. Furthermore, the proposed house has had insufficient regard to the existing thatched cottage on the site and will be overly dominant of that structure. Having regard to these factors I conclude that the proposed development house has had insufficient regard to the advice set out in the Rural Design Guide.

7.18. In relation to the landscape designation for the area raised by the third party appeal it is the case that the proposed development is located in an area designated 'high value' in the landscape assessment maps attached to the Plan. The assessment in appendix 7 states "High Value: Areas which are considered to be of value by virtue of their positive characteristics, sense of place or local associations. These areas may be of regional or local importance". The proposed house design is unacceptably at variance with the design of the existing thatched house on site and will visually dwarf that house. The loss of the established roadside hedge and setting back of a new boundary will seriously undermine the rural and landscape character of the area.

7.19. Impacts on Adjoining Property.

7.20. The appellant makes the case that the proposed development will impact on the amenity of the adjoining property and is an inappropriate use beside the dog kennelling business. Having regard to the nature of the proposed residential use, the size of the site and the separation distance from adjoining properties I do not agree that the proposed development would disturb the residential amenity of the adjoining property or impact on the use of the lands for kennelling dogs.

7.21. Appropriate Assessment Screening.

7.22. I have marked the site location on the drawing "Figure 2a Natura 2000 Network County Meath" included in the SEA report in the County Development Plan (attached in pouch). Having regard to the separation distance between the site and the River Boyne and the absence of a direct hydrological relationship between the site and the River Boyne and River Blackwater SAC and SPA, the suitability of the site for effluent treatment by a proprietary system and polishing filter and the absence of other foreseeable emissions from the proposed development it is reasonable to

conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. Having regard to the foregoing I recommend refusal for the reasons set out below.

9.0 Reasons and Considerations

1. The Board is not satisfied that the application arises from a demonstrable rural housing need in an area designated as under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities (DOEHLG 2005). The proposed development would consolidate a pattern of suburban type development in an unserviced rural area and on a road network which is substandard in the provision of median lines, public footpaths, cycleways, or public lighting. The proposed development would, therefore contravene the Sustainable Rural Housing Guidelines and be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located in an area designated in the Meath County Development Plan 2013 to 2019 as of high landscape value by virtue of its positive characteristics, sense of place or local associations and may be of regional or local importance. It is the strategic policy of the planning authority set out in the Plan to protect the landscape character, quality and local distinctiveness of such landscapes. The proposed development by reason of its visual dominance within the landscape would detract from the rural character of the area and the quality and local distinctiveness of the landscape of the area and would, therefore, materially

contravene the County Development Plan and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Planning Inspector
31st January 2017