



An
Bord
Pleanála

Inspector's Report PL02.247598

Development	Retain and complete existing entrance in revised location and ancillary site works.
Location	Cargagh, Killinkere, Virginia, County Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	16/123
Applicant(s)	Irene Chernov
Type of Application	Retention Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Thomas P Lynch/Derek Byers/John Byres
Observer(s)	None
Date of Site Inspection	17 th February 2017
Inspector	Hugh Mannion.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.4ha and is located about 8km north of Virginia, County Cavan in the townland of Cargagh. The site accommodates a two storey detached house which is first in a row of three houses on the right hand side moving north along the public road. The road serving the site is single carriageway with a grass median almost continuously from the site to a junction with the local road to the south west which links the site to the closest village – Killinkere. There is an ungated entrance with two piers from the site to the public road.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention and completion of the revised entrance and associated site works previously permitted under reference number 16/123 at a site at Cargagh, Killinkere, Virginia, County Cavan.

3.0 Planning Authority Decision

3.1. Decision

After the submission of further information, the planning authority decided to grant permission subject to 7 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial planner's report recommended requesting further information in relation to a rationale for revising the entrance when the originally permitted entrance was sited to maximise sight distances at the site entrance.
- The second planner's report (stated 21/10/2016) stated that the response to the FI request was adequate and permission should be granted.

3.2.2. Other Technical Reports

The **area engineer** (report dated 3rd May 2016) required that that sightlines should be 80m at the revised entrance location.

3.3. Prescribed Bodies

There are no submissions from prescribed bodies.

3.4. Third Party Observations

The observations received at application stage, generally, make the same points as are raised in the appeals.

4.0 Planning History

Under reference number 16/123 permission was granted for the house which has been constructed on site with a vehicular/pedestrian entrance located centrally in the road side boundary.

5.0 Policy Context

5.1. Development Plan

The Cavan County Development Plan 2014 to 2020 is the relevant County Development Plan for the area. The following objectives apply to access from public roads to rural houses.

DMO25 To avoid the removal of existing roadside boundaries except to the extent that this is needed for a new entrance, and where required for traffic safety reasons.

DMO26 If traffic safety requires that the existing front boundary treatment must be set back, it will be requirement that a replacement boundary is put in place and that this boundary is similar to the one removed. In cases where the boundary to be removed consist of non-native species than the replacement boundary shall be a mix of native species.

DMO27 New front boundaries of rural dwellings shall comply with guidelines for landscaping as outlined in section 3.0 of 'Design Guide for Single One off Rural Houses within Cavan Rural Countryside.' The new front boundary shall

replicate the original roadside boundary and walls shall be permitted for entrance splay only and shall be of a design and height appropriate to the rural area.

5.2. Natural Heritage Designations

5.3. The site is not affected by Natura 2000 sites.

6.0 The Appeal

6.1. Grounds of Appeal

- The application does not adhere to the conditions of the original grant under PL06/1671 and the evergreen hedge which has been planted is unacceptable.
- The existing hedge is not 4m back from the public road as previously required; it should be moved.
- The permission should have included a time frame for compliance.

6.2. Applicant Response

The applicant responded to the appeal as follows;

- The applicant moved the entrance from the location originally permitted to the southern corner of the site in order to improve gradients on the driveway.
- The original permission required works to improve visibility at the site entrance.
- The amended entrance/roadside boundary has widened the road to 6m and has satisfied the local area engineer.
- The applicant undertakes to complete all works within 12 months of a final grant of permission.

6.3. Planning Authority Response

The planning authority states that condition 2 of the planning authority's decision requires setting back of the boundary; any hedge should comprise of native species.

6.4. Observations

There are no observations on file.

6.5. Further Responses

There are no further submissions.

7.0 Assessment

- 7.1. Permission was granted under reference number 6/1671 for the erection of a two storey house and a new entrance onto the public road on the subject site. The permitted site entrance was in the middle of the boundary with the public road facing the front door of the new house. The new site entrance was not constructed as shown on the lodged plans and the present application seeks to retain the amended entrance as constructed on the southern corner of the site.
- 7.2. The site is located in a rural area where the dominant landuse is agriculture. The public road is narrow (2m or 3m in places) and winds up hill from a junction with the county road which leads to Killinkere village which is about 2km to the southeast. The public road has no footpaths, public lighting or median line; a line of grass grows in the middle of the road. The subject site is the first of a row of three on this side of the road and about 300m further northwest from these three houses is another house. On the basis of these factors I conclude that the road is not heavily trafficked.
- 7.3. The original decision to grant permission required the submission of a landscaping plan for the site (condition 2), a 4m set back of piers from the carriageway of the public road and a 3m minimum width of the entrance and a 5m depth. The submitted site layout plan provides an 8m set back of gates/piers from the road edge, a 4.2m wide entrance gate. I conclude therefore that the design of the existing site entrance

is broadly in conformity with that proposed and that in itself is acceptable from a traffic safety perspective.

- 7.4. The applicant makes the point that the repositioning of the entrance allowed an improved gradient for the driveway. There is a difference of about 2m in elevation on the road from the southern boundary of the site to the northern boundary. I conclude that the amended entrance provides an improved gradient at the junction of the driveway and the public road which enhances traffic safety by reducing the potential for 'roll back' of a stationary vehicle.
- 7.5. The site layout submitted with the original application showed the removal of the roadside bank and hedge in the adjoining field to the south of the site. This was designed to give a sight distance of 80m to the south of the site and is repeated in the submission made as a response to the request for further information in the present case (see drawing in the body of the application documents on file). This work has not been carried out and having regard to the nature of the public road fronting the site and the indications of fairly low levels of passing traffic I am not convinced that it is required for traffic safety reasons as provided for in objective DMO25 of the County Development Plan. Nevertheless, it is provided for in the original permission for the overall development on site and in the present application and I recommend retaining the requirement.
- 7.6. The appeal also makes the case that the roadside hedge is not in accordance with condition 2 which required that boundary planting should be set back from the public road and comprise native deciduous trees. In my view the line of the roadside boundary provided for in this application is acceptable in terms of traffic safety. It appears that the roadside boundary has been planted with leylandii. Given the orientation of the house to the south of adjoining sites it would be preferable if these were kept to a maximum of 2m above the level of the public road fronting the site. I recommend a condition requiring the submission of boundary treatment for agreement with the planning authority.

8.0 Recommendation

Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the planning history of the site, the nature of the public road fronting the site and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to traffic hazard or injury to visual or residential amenity and would accord with the provisions of the Cavan County Development Plan 2014 to 2020 and with the proper planning and sustainable development of the area.

10.0 Conditions

1.

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further information received by on the 10th day of August 2016 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.

The front boundary fence and any associated planting shall not exceed 2m in height measured from the level of the public road. Within 6 months of the date of this order plans and particulars, including a timescale for implementation, of the exact height, location and materials of construction of the front boundary fence and any associated planting shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity and traffic safety.

Hugh Mannion
Planning Inspector
21st February 2017