



An
Bord
Pleanála

Inspector's Report PL02.247622

Development	Erect a two storey house.
Location	Rahardrum, Virginia, County Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	16/418
Applicant(s)	Kara O'Connell
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	Applicant vs Refusal
Appellant(s)	Kara O'Connell
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 4.68ha and is located to the southwest of the N3 on the eastern side of Virginia town between the road and Lough Ramor in County Cavan. There is intermittent development between the road and the lake in the vicinity of the site. There is a large Glanbia factory to the east of the site and closer to the site is the 'Lakeshore Hotel'.
- 1.2. The site is part of a landholding which includes an existing two storey house and related stables/outhouses. This building is listed in the NIAH and dated to circa 1820 with later additions. There is an access to the N3 within a 60kph speed zone immediately to the northwest of the application site. The proposed house is about 100m south east of the existing house and overlooks Lough Ramor. The site slopes sharply, generally, north to south towards the lake. The site is in pasture and there are a number of mature trees on site which are not directly impacted upon by the proposed development.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey house with a gross floor area of 495m² with access from an existing vehicular access to the N3 and connection to public sewerage and water supply at Rahardrum, Virginia, County Cavan.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission because;

The proposed dwelling would be located on an elevated site overlooking Lough Ramor Natural Heritage Area (NHA). The over dominance of the proposed dwelling by virtue of its bulk, size and location would have a negative visual impact on the area and would negatively impact on the Natural Heritage Area (NHA). The

proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the Cavan County Development Plan 2014 – 2020 and contrary to the principles of proper planning and sustainable development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report recommended that permission be refused for the reason set out in the manager's order.

3.2.2. Other Technical Reports

3.2.3. The Area Engineer reported that the proposed development would be accessed over an existing entrance within the speed limit.

3.3. **Prescribed Bodies**

The **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs** noted that the proposed development had the potential to impact on otters which are a qualifying interest of the Boyne/Blackwater SAC.

Inland Fisheries Ireland stated that they had no objection to the development if the mitigation measures set out in the AA screening report are implemented.

Irish Water have no objections to the proposed development subject to conditions.

Transport Infrastructure Ireland reported that the proposal would adversely impact on the operation and safety of the N3 in the area of the site.

3.4. **Third Party Observations**

There are no third party observations.

4.0 **Planning History**

5.0 There is no relevant planning history for the site.

6.0 **Policy Context**

6.1. **Development Plan**

6.2. The site is unzoned land outside the development boundary established on the zoning map for Virginia attached to the Cavan County Development Plan 2014-2020.

6.3. The landscape policies set out in the Development Plan relevant to this case are:

6.4. **NHEO33** To maintain the amenity value of major lakes and their environs within a landscape, recreational and ecological context by restricting and regulating development that would prejudice use and enjoyment of the areas, give rise to adverse visual impacts or threaten habitats through disposal of effluents.

6.5. **NHEO34** To implement the above along the shorelines of these lakes and the immediate area adjoining, including skyline development on surrounding hill crests.

6.6. The policies set out in the plan in relation to NHAs are;

6.7. **NHEP9** Development on or adjacent to National or European designated sites or proposed designated sites during the lifetime of this plan will be permitted only where an assessment has been carried out to the satisfaction of Cavan County Council and in consultation with the NPWS and where overall integrity of the site will not be compromised or adversely affected.

6.8. **NHEP10** To have regard to the views of the NPWS in respect of proposed development where such development may have an impact on a designated National or European site or a site proposed for designation.

6.9. The objective set out in the plan in relation to NHAs is;

- 6.10. **NHEO5** To protect and conserve the conservation value of SPAs, SACs and NHAs as identified by the Minister for DAHG and any other sites that may be proposed for designation during the lifetime of this plan.
- 6.11. The objective set out in the plan in relation to landscape protection.
- 6.12. **DMO13** To have regard to special landscape policy areas and the Landscape Categorisation Analysis of County Cavan, to ensure that these areas are not adversely affected by incompatible development.

6.13. **Natural Heritage Designations**

The site adjoins the Lough Ramor Natural Heritage Area

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The grounds of appeal may be summarised as follows;

- The site is not specifically listed as a landscape worthy of protection in the County Development Plan. The proposed house will enhance the landscape character and features of this part of Cavan County Council.
- The house is not overly dominant being 9.8m high but set back 97m from the N3 and 60m from the lake. Mature trees are maintained on site and others planted. The application was accompanied by photomontages demonstrating the visual impact.
- The existing older farm house on site will be used as office accommodation.
- The application has demonstrated that there are unlikely to be impacts on the Lough Ramor pNHA.

7.2. Planning Authority Response

The planning authority commented on the appeal as follows;

- The house is located on an elevated and exposed site in contravention of the rural housing design guidance set out in the County Development Plan.
- The site is partly located within the Lough Ramor pNHA and would give rise to adverse visual impact on the area in contravention of objective DM013.

7.3. Observations

There are no observations on file.

7.4. Further Responses

There are no further responses on file.

8.0 Assessment

- 8.1. The proposed house has a floor area of 495m², is two storey and within the grounds of an existing early 19th century farm house on the south-eastern side of Virginia, County Cavan. The application makes the point that the existing house is unsuitable for residential accommodation and would serve as office accommodation in the future. I note that this change of use is not provided for in this application. There is an existing access to the N3 which serves the existing farmhouse and associated stables and this would be shared with the proposed new house. This existing access is set back from the edge of the public road by about 16m and is in an area where the 60kph speed limit applies. Having regard to the layout of the access, the speed limit that applies and sightlines available I agree with the planning authority that traffic hazard is not an issue in this case. The site is served by public water and public sewerage and Irish Water has reported no objections on these points. Surface water is proposed to be piped to an open water course in the edge of the site and would then flow to Lough Ramor.

- 8.2. The planning authority refused permission because the proposed development would be located on an elevated site overlooking Lough Ramor Natural Heritage Area (NHA), would, by virtue of its bulk, size and location have a negative visual impact on the area and would negatively impact on the National Heritage Area (NHA) and, therefore, seriously injure the visual amenities of the area and would be contrary to the Cavan County Development Plan 2014 – 2020.
- 8.3. The County Development Plan includes map 8 in the appendices which distinguishes between landscape types within the county. This map designates the entire N3 corridor as a “high landscape area” and designates Lough Ramor as a ‘Major Lake’. The objectives which apply to these areas are (NHE033) to maintain the amenity value of major lakes and their environs within a landscape, recreational and ecological context by restricting and regulating development that would prejudice use and enjoyment of the areas, give rise to adverse visual impacts or threaten habitats through disposal of effluents and (NHE034) to implement the above along the shorelines of these lakes and the immediate area adjoining, including skyline development on surrounding hill crests. There is some screening provided by the boundary hedge along the N3 but this is fairly minimal. The proposed house is elevated over the level of the public road and will be visible from various points on the road frontage. The house will also be visible from adjoining landholdings and from the open water of the lake. This visibility will be exacerbated by the bulk and size of the proposed house; it is 9.8m and an elevation length of about 36m.
- 8.4. The site is outside the development boundary of the town set out in the Virginia town zoning map attached to the County Development Plan. The Sustainable Rural Development Guidelines advise that planning authorities when considering applications for rural housing should distinguish between urban generated housing and rural generated housing. It may be noted that the Meath County Development Plan has mapped rural areas types as provided for in the National Guidelines and identified the area around Virginia as an area ‘under strong urban influence’. It is notable in this context that there is an existing house on site in the ownership of the applicant.
- 8.5. Objective DM08 of the County Development Plan requires that all applications for rural houses comply with the Design Guide for single one-off rural houses attached to the County Development Plan. The most significant point made in the design

guide in relation to the present application is that new houses should be carefully sited and that “houses on elevated and exposed sites which will be obtrusive and which will reduce the visual character of the rural area will not be permitted”.

8.6. Appropriate Assessment

- 8.7. The application includes an appropriate assessment screening report which identifies three Natura sites which may be impacted upon by the proposed development. These sites are; the River Boyne and River Blackwater SAC (002299), the River Boyne and River Blackwater SPA (004232) and the Killyconny Bog SAC (000006). The report concludes that there are no likely direct or indirect impacts on the Natura 2000 sites but sets out a number of best practice mitigation measures to deal with the construction and operation phases of the house; these include limiting run-off from the site during construction phase and preventing the release of hydrocarbons within the site.
- 8.8. Having regard to the AA screening assessment provided by the applicant, to the reports of the planning authority, the other information on the file, the material published by the NPWS and my site inspection, which I consider adequate in order to issue a screening determination, I conclude 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), the River Boyne and River Blackwater SPA (004232) and the Killyconny Bog SAC (000006) or any other European site, in view of the sites’ Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is therefore not required.

9.0 Recommendation

- 9.1. Having regard to the foregoing I recommend that permission be refused for the reasons and considerations set out below.

9.2. Reasons and Considerations

1. It is an objective of the planning authority as set out in the Cavan County Development Plan 2014 – 2020 to maintain the amenity value of major lakes and their environs within a landscape, recreational and ecological context by restricting and regulating development that would prejudice use and enjoyment of the areas, give rise to adverse visual impacts or threaten habitats through disposal of effluents. The proposed dwelling is located on an elevated site overlooking Lough Ramor proposed Natural Heritage Area (pNHA). The proposed development by reason of its bulk, size and elevated location would be visually intrusive in views over a wide area including from the N3 on its approach to Virginia town centre, from adjoining lands and from within the proposed Natural Heritage Area. The proposed development would, therefore, seriously injure the visual amenity of the area, including that of the proposed Natural Heritage Area and would be contrary to the Cavan County Development Plan 2014 – 2020 and to the proper planning and sustainable development of the area.

Hugh Mannion
Planning Inspector

2st March 2017