



An
Bord
Pleanála

Inspector's Report PL06F.247631

Development	House to front garden area of existking house, using existing vehicular access driveway as right of way including subdivision of site.
Location	'Windmill Ville', Feltrim Hill, Malahide, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F16A/0390
Applicant	Anne Madden
Type of Application	Planning Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant	Anne Madden
Observer(s)	DAA
Date of Site Inspection	24/02/2017.
Inspector	L. W. Howard

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1.0 Site Location and Description

- 1.1. The stated c.0.045ha application site is located on the western side of the Feltrim Road, and to the east of the Feltrim Quarry, County Fingal.
- 1.2. The site is located within a small cluster of residential development, comprising a total of 6no. dwellings.
- 1.3. The site comprises the domestic front garden of an existing family property, currently developed with a detached bungalow which is located adjacent and to the west of the application site.
- 1.4. The existing parent property / bungalow is accessed via an c.72m long panhandle driveway off the Feltrim Road.
- 1.5. Contextually, additional residential development adjoins the site to the east, southeast and southwest. A woodland exists to the north of the parent property
- 1.6. Existing boundary treatment to the south and east of the site comprises hedging.
- 1.7. Topographically, the application site slopes from the rear / west down to the Feltrim Road / east.

2.0 Proposed Development

- 2.1. Permission is being sought to erect a house on a c.0.045ha site, as follows :
 - subdivision of site from parent family property
 - a c.100m², 2-bedroom, 3-person single storey dwellinghouse
 - right of way vehicular access using the existing family c.72m long panhandle driveway off the Feltrim Road
 - foul and surface water drainage connection to existing private separate drainage system
 - boundary treatment and all associated landscaping
 - all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse planning permission, for 1no. Refusal Reason relating to 'traffic hazard', consequent of substandard sightline visibility due to –

- the horizontal alignment of the road, and
- the boundary conditions of the adjoining lands are outside the control of the applicant.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key issues considered as follows :

Compliance with Zoning Objective / Development Plan Objectives

- Residential development is permitted in principle on GB zoned lands, subject to compliance with the Rural Settlement Strategy and Table RH03 criteria particularly.
- In compliance with Table RH03 criteria, confirm that the applicant -
 - is a member of a rural family,
 - requires residency close to the family home, by reason of close family ties,
 - has resided locally for 29 years. Confirm documentary evidence submitted demonstrating residency locally for at least 15 years,
 - has never received planning permission for a rural dwelling in the County. Neither has any other family member. Confirm that a planning history search completed for the site,
- The applicant meets the requirements of the Rural Settlement Strategy and the principle of the proposed development is acceptable.

Integration and Impact on Visual and Residential Amenity

- Located within the Greenbelt GB zoning, Objective RH18 requires applications be accompanied by a comprehensive Visual Impact Statement.
- However, notwithstanding the absence of such a Visual Impact Statement, weighted regard given to the location of the application site on domestic garden land, within an established cluster of residential development.
- Accordingly, consider a Visual Impact Statement as not necessary.
- Assessment –
 - proposed dwelling is modest in scale and design
 - footprint location in excess of 37m from the Feltrim Road, to the rear of a pair of semi-detached cottages fronting onto the road

- Having regard to siting and the modest scale of development, conclude the proposed development will have no adverse impact on visual amenity locally.
- Having regard to modest single storey nature of the proposed dwelling, and its siting contextually with neighbouring properties, conclude that no adverse impacts on local residential amenity will arise.
- The lack of boundary treatment details could be secured by way of Condition, were planning permission to be granted.
- Clarify site location within the 'Outer Airport Noise Zone' and note the 'DAA' request for a Condition ensuring compliance with the relevant provisions of the County Development Plan.
- Should permission be granted, a Condition to be attached requiring the provision of 'noise insulation' to appropriate Standard.

Transportation Issues

- Specific regard given to the report of the County Transportation Planning Section.
- Confirmation clarified that sightline requirements were brought to the attention of the applicant, during pre-planning discussions.
- Consequent of site location outside a built-up urbanised area, sightline requirements are determined by the Standard DN-GEO-03043, published by Transportation Infrastructure Ireland.
- Sightline requirements are 90m in each direction, from the proposed entrance.
- Southern approach : Works are required to the property boundary to achieve 90m.
- Northern approach : Sightlines impeded by the boundary conditions of Feltrim Quarry lands, as well as by the horizontal alignment of the road. Available sightline restricted to c.76m.
- Along this section, ambient speeds are likely to be higher than the posted speed limit.
- Due to the horizontal alignment of the road, and to the visually restricting boundary conditions of adjoining properties that are outside the control of the applicant, conclude that the required sightlines cannot be achieved.
- The County Transportation Planning Section recommends a refusal of planning permission, on the grounds of a traffic hazard.

Water and Drainage Issues

- No objection by Irish Water, subject to Conditions. Noteworthy is the Condition requiring details of a separate water connection to the public network.
- County Water Services require full details of the proposed soakaway.

Conclusion & Recommendation

- The proposed development is acceptable in principle.
- No significant adverse impact on visual and residential amenity on the surrounding area, will result.
- Required sightline visibility, to Standard, cannot be achieved.
- Recommend refusal of planning permission on the grounds of traffic hazard.

3.2.2. **Other Technical Reports**

Transportation Planning Section

Refusal – On the grounds of Traffic Hazard consequent of substandard sightline visibility.

Water Services Section

No objection.

3.3. **Prescribed Bodies**

Irish Water

No objection.

daa

No objection.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. Application site

F13B/0126 Retention Permission granted for two rooflights to front facing part of roof slope serving converted attic roof storage space to bungalow.

F97A/0249 Permission GRANTED for erection of small horticultural store and 2no. polythene tunnels.

5.0 Policy Context

5.1. National

5.1.1. Sustainable Rural Housing Guidelines 2005

Both the National Spatial Strategy and the Sustainable Rural Housing Guidelines 2005 distinguish between rural generated housing and urban generated housing and seek to ensure that the needs of rural communities are identified in the development plan process. The guidelines make clear that in all cases, consideration of individual sites will be subject to satisfying normal planning considerations relating to siting and design, including vehicular access, drainage, integration with the physical surroundings and compliance with the objectives of the development plan in general.

5.1.2. EPA Code of Practice

The EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, 2009 applies.

5.2. Development Plan

5.2.1. Fingal County Development Plan 2017-2023

Ch5 Rural Fingal

S5.2 Fingal's Rural Settlement Strategy

Settlement Strategy

Housing in the Countryside

Objective RF26 To facilitate those with a genuine rural generated housing need to live within their rural community.

Rural Generated Housing Need

Table RF01 clarifies the maximum number of houses permitted per 'existing house'.

Table RF02 provides an eligibility summary.

Objective RF31 Permit a maximum of one incremental house for those who meet the relevant criteria within lands zoned "GB", plus one house for a person with exceptional health circumstances.

Objective RF33 Single houses granted permission within lands zoned “GB”, will be subject to an occupancy requirement.

New housing for the rural community other than for those who are actively engaged in farming :

Objective RF39 Permit new rural dwellings in areas zoned “GB”, on suitable sites where the applicant meets the criteria set out in Table RF03.

Table RF03 Criteria for ‘eligible applicants’ from the rural community, for planning permission for ‘new rural housing’ – see copy attached.

These detailed criteria include a requirement for supporting documentation and evidence demonstrating compliance with Objective RF39.

Layout and Design for Housing in the Countryside

Aim to limit visual impact of new houses upon the countryside.

Layout and design for new dwellings to prevent the increase of new entrances onto public roads.

Preference is for the sharing of entrances with existing houses / farmyards belonging to their family of the owner of the new home.

Objective RF59 Ensure regard to Chapter 12 – Development Management Standards, in the design and layout for new dwellings.

Objective RF60 Applications for a house on lands zoned GB to be accompanied by a comprehensive Visual Impact Statement

Rural Drainage

Objective RF66 Ensure compliance with the requirements for on-site treatment systems, and the EPA Code of Practice.

Objective RF67 Implement the recommendations of the Ground Water Protection Scheme

Ch 11 Land Use Zoning Objectives

S11.8 Zoning Objective “GB” Greenbelt

Objective : Protect and provide for a Greenbelt.

“Residential” land use permitted in principle, subject to compliance with the rural settlement strategy.

Ch 12 Development Management Standards

S12.6 Design Criteria for Housing in the Countryside

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Pre-Planning Consultation

- Having regard to the pre-planning discussions carried out prior to lodging the full application, the applicant is surprised at the Planning Authority’s refusal decision.

6.1.2. Local Character / Pattern of Development

- Applicant is conscious to maintain the current level of property value locally.
- Therefore application was made for a simple domestic type extension to create a similar type of development that already exists locally.
- The proposed development –
 - matches the house design types locally in terms of design, material, texture, colour and finish, and
 - is substantially similar in size, appearance and character to the existing established residences locally,all in order to protect and improve the existing amenities.

6.1.3. Road Access and Traffic Safety

- The Feltrim Road is an urban road. The 60km/hr speed limit applies.
- The appropriate design standard is DMURS and not DN-GEO-03043.
- The applicable visibility standard is 65m along the Feltrim Road in each direction, at a set-back distance of 2.4m, with visibility to the left (north) being measured to the centreline of the road due to the constraint on overtaking.
- The visibility available at the entrance meets this requirement. It is noted that the Transportation Planning Section report indicates that c.76m is available.
- Access to the proposed development is via an existing long established entrance.
- The use of the existing entrance shall eliminate any need to remove existing hedgerows or boundaries as would be required with a new entrance.

6.1.4. Conclusion

- Request that the Board decide to Grant Planning Permission.
- Invite the Board to attach any relevant and appropriate Condition to any decision to grant planning permission.

6.2. Planning Authority Response

- 6.2.1. Confirm that concerns regarding sightlines were raised during pre-planning discussion.
- 6.2.2. The road from which access is proposed is not an urban street.
- 6.2.3. The Standards as set out in DN-GEO-03043 have been correctly applied.
- 6.2.4. Having regard to the horizontal alignment of the road, and that the boundary conditions of the adjoining lands are outside the control of the applicant, the required sightlines cannot be achieved.
- 6.2.5. Affirm that the proposed development would give rise to as traffic hazard, contrary to the proper planning and sustainable development of the area.
- 6.2.6. Request that the Board uphold the decision of the Planning Authority.
- 6.2.7. If the Board is minded to grant planning permission, request that a Condition be attached requiring payment of a Development Contribution in accordance with the Planning Authority's Development Contribution Scheme.

6.3. Observations

6.3.1. DAA

- Reference the relevant provisions of the Fingal County Development Plan 2011-2017.
- In the event of a grant of planning permission, request a Condition be attached requiring noise insulation be provided to an appropriate Standard, in the interests of the residential amenity of future occupants.

6.4. Further Responses

None.

7.0 Assessment

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed Rural House development
- Visual and Residential Amenity Impact
- Road Access and Traffic Safety
- Water Supply and Wastewater Treatment
- Appropriate Assessment.

7.2. Principle and Location of the proposed Rural House development

7.2.1. The application site is located within the designated 'Greenbelt' area within Fingal County, on the northern fringes of the Dublin Metro Area, that is designated as being under strong urban influence in the Sustainable Rural Housing Guidelines 2005 and the Fingal County Development Plan 2017-2023. Accordingly, I consider there should be a presumption against development at the application site, save for in instances where it can be demonstrated that the applicant accords with the Planning Authority's Rural Settlement Strategy and Table RF03, as set out in the County Development Plan 2017-2023.

7.2.2. In compliance with the eligibility criteria prescribed at Table RF03, and having regard to the applicant's 'Supplementary Application Form for Planning Permission for a Dwelling in a Rural Area' together with the evidential documentation included with the application I am satisfied that the applicant has demonstrated that –

- she is a member of a rural family,
- she requires residency close to the family home, by reason of close family ties,
- she has resided locally for 29 years. I note the supporting documentary evidence submitted by the applicant, demonstrating residency locally for at least 15 years, and
- she has never received planning permission for a rural dwelling in the County, and that neither has any other family member. I note the planning history search completed by the Planning Authority for the application site, in this regard.

7.2.3. Accordingly, I am satisfied the applicant meets the requirements of the Zoning Objective "GB- Greenbelt", the Fingal Rural Settlement Strategy, and Objective RF39 and Table RF03 particularly. In my view, subject to demonstrated compliance with the relevant provisions of Chapter 12 – "Development Management Standards" of the Fingal County Development Plan 2017-2023, the principle of the proposed development is acceptable.

7.3. **Visual and Residential Amenity Impact**

7.3.1. Having regard to the potential for negative visual amenity impact on the rural character of the GB Zone, I note that no designated Scenic Views or Viewing Points exist in the vicinity of the application site at Feltrim.

7.3.2. Located within a small cluster of residential development, comprising 6no. dwellings, the c.0.045ha application site itself is well screened from view from the Feltrim Road, by the pair of semi-detached cottages to the east fronting onto the road, the 3no. detached dwellinghouses to the south and southeast, together with associated property boundary demarcation and landscaping, and by the woodland to the north.

7.3.3. Set back in excess of 37m from the Feltrim Road, I believe the proposed new modest single storey dwellinghouse would be satisfactorily screened in the local Feltrim landscape, when viewed from the surrounding road network.

- 7.3.4. Accordingly, having regard to the footprint location proposed, and to the insitu mitigation of visual impact, I believe the scale, form and design of the proposed new dwellinghouse would not appear incongruous in the context of other contextual residential development in this cluster and of other land use in the vicinity. If deemed necessary, further mitigation of visual impact could be achieved by supplementary boundary treatment, landscaping and planting around and within the application site. Such mitigation could be secured by way of Condition, were planning permission to be granted.
- 7.3.5. Further, having regard to the modest domestic single storey nature of the proposed dwelling, and its footprint location contextually within the cluster of neighbouring similarly, sized, scaled properties, I believe that no adverse impacts on local residential amenity will arise.
- 7.3.6. Accordingly, I believe no disproportionate negative visual or residential amenity impact will result locally, consequent of the proposed development.

7.4. Road Access and Traffic Safety

- 7.4.1. To facilitate the proposed development, right of way vehicular access is proposed using the existing family c.72m long panhandle driveway off the Feltrim Road to the east. This access is located adjacent the northern end of the row of 3no. houses (of the 6no.) fronting onto Feltrim Road, and currently serves the applicant's family home located adjacent to the west.
- 7.4.2. The cluster of 6no. houses within which the application site is located at Feltrim, is located outside of any designated built up urbanised area under the Fingal County Development Plan 2017-2023. Rather, Feltrim is identified at Section 5.2 – “Fingals Rural Settlement Strategy – Rural Clusters” of the County Development Plan 2017-2023, as one of 37no. Rural Clusters within Fingal. Specifically, the site is located on lands clearly designated with the Zoning Objective GB – Greenbelt, which in terms of its stated “Vision”, permanently demarcates the boundary between the rural and urban areas, or between urban and urban areas of Fingal County. Consequently, the Greenbelts role is to check urban sprawl, to prevent coalescence of settlements, to prevent countryside encroachment and to protect the setting of towns and villages within the county. The County Development Plan 2017-2023 therefore intends the consequence under the Zoning Objectice GB-Greenbelt, of

achieving the regeneration of un- and under-developed town areas by ensuring that urban development is directed towards these areas.

- 7.4.3. In my view, the above referenced clarification is necessary having regard to the applicants grounds of appeal. In my view neither the residential 'rural cluster' of 6no. dwellinghouses outside of a designated urban settlement, or the Zoning Objective GB- Greenbelt were considered by the applicant in advocating why the Standard DN-GEO-03043 published by Transport Infrastructure Ireland, is wrong. Rather, the applicant argues that because the Feltrim Road is an urban road and that the 60km/hr speed limit applies, the appropriate design standard is DMURS. I do not share the applicants opinion in this regard and accordingly do not accept the argued successful application of the 65m sightline visibility Standard deduced under DMURS, in demonstrating the satisfactory traffic safety at the proposed entrance.
- 7.4.4. In response, having regard to the relevant Zoning Objective GB, to the existing pattern of development at this locality along the Feltrim Road being a small cluster of 6no. modest dwellinghouses only, and notwithstanding the designated speed limit of 60km/h, I believe the application site is located outside of a built-up, urbanised area within County Fingal. Consequently, sightline visibility requirements from the proposed entrance are to be determined from the Standard DN-GEO-03043 published by Transport Infrastructure Ireland, which requires 90m sightlines from the proposed entrance towards each of the northern and southern approaches along the Feltrim Road.
- 7.4.5. Clearly, having regard to both the applicants drawings submitted, and to my observations at the time of site visit, 90m sightlines are not achievable towards each of these approaches. To the south, works are necessary to the adjacent property boundaries in order to achieve 90m sightlines. Sustained achieveability of this sightline is also dependent on no vehicular parking along the property frontage onto Feltrim Road. Such restriction on sightline visibility was apparent at the time of site visit. Each of these threats are outside the control of the applicant. To the north, sightline visibility is restricted by the boundary conditions of the adjacent Feltrim Quarry lands and compounded further by the horizontal alignment of the Feltrim Road in this direction. Available sightline visibility in this direction, appears restricted to c.76m. Again, each of these threats are outside the control and influence of the applicant. Certainly, any works required, would not be contained within the application site, or on lands in the applicant's ownership or for which she has

demonstrated consent from the adjacent property owner to undertake such works as to improve sightline visibility. Having regard to the above, I am left to conclude that the 90m sightlines to each of the northern and southern approaches, cannot be achieved. I note that the applicant does not dispute this conclusion, in the appeal submission. Rather, the applicant argues that the incorrect Standard DN-GEO-03043 published by Transport Infrastructure Ireland, was applied by the Fingal Transportation Planning Section and by the Planning Authority. I understand that the applicant's entire appeal argument rests on this distinction. I believe the applicant to be incorrect in advocating the application of DMURS in the current case.

- 7.4.6. The increase in turning movements reasonably anticipated consequent of the proposed development, through the existing substandard single domestic entrance, would not be satisfactory from a traffic safety perspective.
- 7.4.7. I note that the proposed development would be provided with adequate on-site car parking (ie. 2no. spaces proposed along the north gable end of the house).
- 7.4.8. Having regard to the horizontal alignment of the Feltrim Road in the vicinity of the proposed entrance, and to the visually restrictive boundary conditions of the adjoining lands which are outside the control of the applicant, the required sightlines prescribed under the Standard DN-GEO-03043 published by Transport Infrastructure Ireland, cannot be achieved. The proposed development would therefore endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in both a northerly and southerly direction. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

7.5. Water Supply and Wastewater Treatment

- 7.5.1. I have had regard to the applicants proposed foul and surface water drainage connection to existing private separate drainage system, and to the proposal for domestic water supply via new connection to existing supply.
- 7.5.2. I am satisfied as to the adequacy of the water supply, foul and surface water drainage proposed to serve the proposed development. In this regard, I note that neither the County Water Services Section or Irish Water expressed any objection to the proposed wastewater servicing arrangements, subject to Conditions, were planning permission to be granted.

7.5.3. Accordingly, I conclude that on the information available, the proposed development would have no serious threat to public and environmental health, and in this regard would be in accordance with the proper planning and sustainable development of the area.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a semi-rural environment, and to the separation distance and absence of a clear direct pathway to any 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.

8.0 **Recommendation**

8.1. I recommend that planning permission should be Refused for the reasons set out below.

9.0 **Reasons and Considerations**

Having regard to the horizontal alignment of the Feltrim Road in the vicinity of the proposed entrance, and to the visually restrictive boundary conditions of the adjoining lands which are outside the control of the applicant, the required sightlines cannot be achieved. The proposed development would therefore endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in both a northerly and southerly direction. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

L. W. Howard
Planning Inspector

26th March 2017