



An  
Bord  
Pleanála

## Inspector's Report PL93.247762.

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<b>Development</b>	House, garage and associated site works.
<b>Location</b>	Ardoginna Terrace, Ardmore, Co. Waterford.
<b>Planning Authority</b>	Waterford City and County Council.
<b>Planning Authority Reg. Ref.</b>	15/718.
<b>Applicant</b>	Kathleen Harrington.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Kathleen Harrington.
<b>Observer</b>	Gerard Kinsella.
<b>Date of Site Inspection</b>	9 <sup>th</sup> May 2017
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse permission for a single dwelling on a site just outside the village of Ardmore, County Waterford. The two reasons for refusal relate to rural housing policy and visual amenity. I note that the address on the site notice appears to be inaccurate – it is Ardoginna ‘townland’, not ‘Terrace’.

## 2.0 Site Location and Description

Ardmore, County Waterford, is an historic coastal holiday village with a permanent population of around 500, but significantly more during the summer season. It is located in a scenic sheltered cove facing east, sheltered by a rocky promontory on the southern end. There is a fine 500 metre long sandy beach in the cove, with the town centred on the southern side, with a small Main Street running inward with holiday homes and campsites to the north close to the beach. Most residential development in the village runs along a coastal road running east on the northern side of the promontory, with many terraces and detached dwellings taking advantage of fine views over the bay, and with the well-known Cliff House Hotel occupying the top of the rocky cliffs over the Bay. The 8<sup>th</sup> Century Ardmore monastic site with its round tower overlooks the village just south-west of Main Street. A very well used cliff walk runs south-east from the town and loops around the promontory, returning via the well preserved monastic settlement.

The appeal site is located on a minor third class road (L-6037) which runs off another L-road which runs directly west from the monastery, following along high ground on a ridge overlooking the coast. This road is a cul-de-sac, ending at a small cove known as Goat Island in the townland of Ardoginna. This road mostly serves the well-drained arable and pasture land along the ridge, with a handful of dwellings on either side of the road. A small spur off the road serves the derelict Ardoginna House, a striking gothic style mansion. Ardoginna is approximately 2 km by road from the Main Street of Ardmore.

The appeal site, with a site area given as 0.37 hectares, is an irregularly shaped plot of land within a larger field which slopes gently to the south from the L6037 to the cliffs at the coastline. The site is overgrown, but the remainder of the field has been

recently ploughed. The boundary with the road to the north is a grassed ditch with dry stone walling.

**North** of the site is the public road (L6037), with an arable field beyond this. The **south** and **west** of the site is open grassland. To the **north-east** of the site it bounds a large private garden area for a dwelling approximately 150 metres east – there is another dwelling opposite this one to the north and a third dwelling (apparently the applicant's home) on the next plot. There is one further dwelling on this stretch of road – seemingly recently constructed, about 150 metres west of the site on the opposite side of the road. This is the only dwelling between the site and Goat Island.

### 3.0 Proposed Development

The proposed development is described in the site notice as:

*'a single storey dwelling, domestic garage, entrance, effluent treatment system, percolation area and all associated site development works.'*

### 4.0 Planning Authority Decision

#### 4.1. Decision

Refused for two reasons, which I would summarise as follows:

1. It is located in an 'area under urban pressure' and the planning authority is not satisfied that the proposal constitutes a genuine housing need, and as such it is contrary to stated policy.
2. It is considered that the exposed and sensitive location on a landscaped designated visually vulnerable would seriously detract from the visual amenity of the area.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

#### First report

- The site is situated in an area designated as 'under urban pressure' and as so under S.4.10 of the CDP must comply with one of seven criteria for housing need. It is stated that they are not satisfied that the applicant would comply.
- The east of the site is in an area designated as 'Visually Vulnerable'. Under Policy ENV 5 and CP4 (coastal zone management), it is considered that it would be unacceptable – it is also noted that it is in view of a protected structure, Ardoginna House).
- The site assessment is considered acceptable. AA report attached, no NIS considered necessary.
- Objections on file noted.
- Additional information was requested

#### Supplementary report:

- It was concluded that the applicant does not comply with rural housing need criteria, and no revised design was submitted, so a refusal is recommended.

### 4.2.2. Other Technical Reports

A planner's advice note provided following pre-consultation is on file noting the requirement to satisfy housing needs criteria.

A site suitability assessment submitted with the application indicates that the site is suitable for wastewater disposal.

AA Screening Report. It notes that there are no SAC/SPA's within 1 km and concludes that significant impacts can be ruled out – no NIS required.

## 4.3. Prescribed Bodies

None on file.

#### 4.4. **Third Party Observations**

**Stephen J.B. Smith** of Ardoginna requested that the design be altered to be more in keeping with other houses along the road.

**Mary Lincoln** of Ardmore objected to the proposed development.

**Gerard Kinsella** of Clonmel submitted an objection.

**Deirdre Ahern** of Conmel objected on the basis of their being excessive numbers of dwellings along the road.

**John L. King** objected for a number of reasons related to housing need and visual impact.

**Noirín Nic an Rí** of Ardmore objected for policy and amenities reasons.

#### 5.0 **Planning History**

No records on file for the site or locality. The planners report notes two permissions granted for dwellings close by – 09/130 and 02/252.

#### 6.0 **Policy Context**

##### 6.1. **Development Plan**

The site is outside the development boundary of Ardmore and beyond the Green Belt around the village. It is in open countryside in an area designated as being under 'Strong urban pressure'. Several sections of the overall area are designated as 'visually vulnerable'.

##### 6.2. **Natural Heritage Designations**

The site does not have any specific designations. The Ardmore Head SAC is approximately 1.5 km to the east. This SAC is designated for two habitats – vegetated sea cliffs of Atlantic and Baltic coasts, and European dry heaths.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Reason no.1:

- It is stated (with supporting information) that the applicant is the owner of a substantial farm landholding – as such, she qualifies as she currently rents a house nearby.

Reason no.2:

- It is noted that revised plans were discussed and submitted at an early stage of the application, and detailed landscaping for screening has been submitted.

### 7.2. Planning Authority Response

- It is submitted that the applicant is the registered owner of a dwelling in the rural area (adjacent to the site) – it is considered that the applicant does not meet housing need criteria.
- It is submitted that the site is particularly sensitive and exposed.
- The planning authority requests that ABP upholds the decision to refuse permission.

### 7.3. Observations

- It is submitted that the site is designated as visually vulnerable and the proposed house design would not fit unobtrusively in the landscape.
- It is denied that the applicant has local connections – it is claimed that all the objectors are local residents.
- Concerns are expressed at the lack of infrastructure provision for the area.
- It is noted that the address is incorrect on the application – it should be Ardoginna Townland, not Ardoginna Terrace.

## 7.4. Further Responses

None on file.

## 8.0 Assessment

### 8.1. Principle of development

The appeal site is within an area around Ardmore and Piltown designated as an 'Area under Strong Urban Pressure' in the current Waterford County Development Plan. Although the area is not close to a major town or city, its popularity as a holiday destination has put visible development pressure for holiday homes and other dwelling types, so I consider this designation to be reasonable and consistent with the Sustainable Rural Housing Guidelines 2005. In such areas, the following policies in the current County Development Plan apply:

#### **Policy SS3**

To cater for the housing requirements of members of the local rural community who have a genuine local housing need in areas under urban pressure as set out in the Criteria in Section 4.10.

#### **Policy SS4**

To direct urban generated housing development in Area Under Urban Pressure into the adjoining zoned settlements.

The applicant has claimed an exemption under policy SS3. Section 4.10 outlines the following criteria for exemptions:

A landowner<sup>3</sup> who owned the property prior to 4<sup>th</sup> March 2004 wishing to build a permanent home for his/her own use;

A farm owner or an immediate family member (son, daughter, mother, father, sister, brother,

heir) wishing to build a permanent home for their own use on family lands;

A favoured niece, nephew or heir (maximum of 2 persons per farm owner) of a farm owner with no children wishing to build a permanent home for their own use on family lands;

Persons working fulltime or part-time on a permanent basis, in a specific rural area who by the nature of the work need to be close to the workplace;

A son or daughter of an established householder (who has lived in the area for three years or more) wishing to build a permanent home for their own use to live immediately adjacent to their elderly parents to provide care;

Persons who were born and lived for substantial parts of their lives (three years or more) in a specific rural area, who then moved away and who now wish to return to their home places to reside near other family members, to work locally, to care for elderly family members or to retire; and

Persons who because of exceptional health circumstances – supported by relevant



documentation from a registered medical practitioner and a disability organisation may require to live in a particular rural area or close to family support (or vice versa).  
<sup>3</sup> Landowners are considered to be persons who have owned the land prior to the 4<sup>th</sup> of March 2004.

The applicant has supplied documents to demonstrate that she has owned land in the area since before 2004 and as such qualifies under these criteria. The planning authority and several observers have questioned whether the 'need' is genuine on the basis that the applicant is not a farmer, but seems to have a co-owning relationship with the landowner/farmer.

I note that Section 4.10 states that the applicant has to demonstrate genuine need 'to the satisfaction of the planning authority'. In this case, the planning authority, with presumably greater local knowledge than the Board, does not consider the appellant qualifies. There is always something of a subjective value judgement with these criteria, but having regard to the lack of a clear economic connection of the applicant to the lands, and the close proximity of zoned land within the village of Ardmore, I would concur with the planning authority on this issue. I would therefore recommend that the Board uphold reason 1 for refusal.

## 8.2. Design and landscape

The appeal site is in a very attractive area of coastal landscape, on the seaward side of the road where the land slopes gently down to the cliff edge. The site is on a cul-de-sac road which, apart from the scattering of dwellings (most of which seem to be holiday homes), mostly serves the small cove of Goats Island, which seems popular with rod fishermen. During my site visit I noticed a number of recreational walkers and cyclists using the road. The Scenic Landscape evaluation plan with the Development Plan is not particularly easy to read or interpret at this scale, but it seems to indicate the general area as 'visually vulnerable', a designation I would consider reasonable having regard to the open nature of the landscape and its scenic qualities. This is certainly not a landscape with the capacity to absorb much development and it is of significant tourism and recreational value. I note that the site is also within view of a fine but derelict protected structure, a large neo-gothic country home, Ardoginna House (sometimes referred to as Ardo Castle).

The proposed development is a low profile single storey dwelling with detached garage. The applicant has proposed detailed landscaping to address the visual impact. However, given its location on an exposed site, and in particular being on

the seaward side of the road, I would consider that any design would be intrusive and landscaping would not be sufficient to mitigate this. I therefore concur with the planning authority's second reason for refusal and recommend that the Board refuse for this reason.

### 8.3. Public health

A site assessment was submitted with the application, indicating that the site overlies a locally important limestone aquifer of high vulnerability. There does not appear to be a public water supply to the area, so a borehole well is required. The land is on deep deposits of moderately high permeability podzolic soils. The trial hole was open at the time of my site visit and I can confirm that the site is over at least 2 metres of well drained homogenous soils with no bedrock or groundwater visible, so is in principle acceptable for wastewater disposal subject to building control requirements.

### 8.4. Highway safety

The site is accessed by a very narrow and generally substandard L-road which is not capable of facilitating significant traffic numbers as there is little room for passing vehicles. There is a significant blind bend to the north-east of the site. There appears to be sufficient room to provide a driveway access satisfying the minimum sight-lines required. While I would be concerned at any development which would generate traffic along this cul-de-sac, I would consider that there is sufficient scope at this site for the required access to be provided reasonably safely having regard to the general low traffic speeds on the road.

### 8.5. Appropriate Assessment

The appeal site is on overgrown land, part of a field which seems to have been in tillage use in the past and is now pasture. The land in the area is fertile and intensively cultivated, so any local grasslands will be species poor – the local ecological value would be mostly confined to the ditches and natural cliff-side vegetation. The closest watercourse appears to run from Ardoginna House in a south-westerly direction, discharging at the cliffs. During the site visit I noted a hare in undergrowth on the site – the Irish Hare is an Annex V(a) species in the Habitats Directive and listed as internationally important in the Irish Red Data Book. It is not listed as a species of conservation importance in any SAC in the vicinity.

There is one EU designated habitat in the area – Ardmore Head SAC (site code 002123), located some 1.5 km to the east. The planning authority carried out an AA screening which concluded that significant impacts can be ruled out, but for no obvious reason did not list this specific SAC. The conservation objective relates to sea cliff flora and a small area of dry heath. Due to the separation distance and the absence of any pathways for pollution or run-off I do not consider that there would be any adverse impacts on this SAC through the construction of a dwelling on the appeal site.

I therefore consider that it is reasonable to conclude that 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 European Site Ardmore Head SAC No. 002123, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### 8.6. Other issues.

I do not consider that there are any other significant planning issues arising from this appeal.

### 9.0 Recommendation

I recommend that the Board uphold the decision of the planning authority to refuse permission for the single dwelling for the following reasons and considerations.

### 10.0 Reasons and Considerations

Having regard to the location of the site within an area designated as an Area Under Strong Urban Influence as identified in the Waterford County Development Plan and in an area where housing is restricted to persons demonstrating local need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient

provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The site is located in an exposed position in an area designated in the current Waterford County Development Plan as a visually vulnerable area by reason of its exposed and highly sensitive location close to the village of Ardmore. It is considered that the construction of a house on the site would be detrimental to the high scenic amenity of the area and would conflict with the policies of the Waterford County Development Plan regarding the protection of landscapes and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Philip Davis  
Senior Planning Inspector

18<sup>th</sup> May 2017