



An  
Bord  
Pleanála

## Inspector's Report PL27.247982

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<b>Development</b>	House, vehicular access, driveway & wastewater treatment plant.
<b>Location</b>	Barmamire, Enniskerry, Co. Wicklow
<b>Planning Authority</b>	Wicklow Co. Council.
<b>Planning Authority Reg. Ref.</b>	16/815
<b>Applicant</b>	Mary King
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Mary King
<b>Observer</b>	None
<b>Date of Site Inspection</b>	20/4/17
<b>Inspector</b>	Siobhan Carroll

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Barmamire, Enniskerry, Co. Wicklow. It is situated circa 4.8km to the west of Enniskerry. It is accessed off the L1011 and then via the L5041 which forms part of the Wicklow Way. The site is located at circa the 250m contour at the eastern road side boundary. The site levels fall to circa 230m contour to the south-western corner. There are extensive views out over the Glencree River valley and towards Glencullen Mountain to the north, Powerscourt Mountain to the south and Glencree to the west.
- 1.2. The site has a stated area of 1.74 hectares and it comprises a grassed field. It contains sections of gorse. An area of semi-mature trees and saplings have been planted on the northern side of the site. The adjoining lands to the north and west are under forestry.

## 2.0 Proposed Development

- 2.1. Permission is sought for a house, vehicular access, driveway & wastewater treatment plant. The main features of the scheme are as follows;
  - Site area – 1.74 hectares
  - Dwelling with floor area of 249sq m
  - Ridge height of between 5m and 8.7m
  - Wasterwater treatment plant
  - Bored Well

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason.

*The site is located in a highly scenic and high quality area designated as an Area of Outstanding Natural Beauty, in the Wicklow County Development Plan 2016. This designation encompasses those areas which are most vulnerable and sensitive and which are considered to be of greatest scenic value, and in relation to which it is the policy of the Planning Authority, to take full account of the designated landscape categories and the protection of their amenities and assets. Having regard to the visually remote and isolated location, the elevation, exposure and topography of the subject site, it is considered that any form of development on the subject site would form a highly intrusive feature in this landscape and would be highly visible from a number of designated listed prospects located on important tourist routes.*

*Accordingly, the proposed development would seriously injure the visual amenities of the area, would erode the high quality landscape at this point and would be contrary to the provision of the County Development Plan. The proposed development would therefore contravene the overall strategy for the natural environment as set out in the County Development Plan which seeks to avoid negative impacts on the natural environment, contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

3.2.2. Report dated 19<sup>th</sup> December 2016 - on foot of unsolicited further information – the Director of Services considered that the applicant qualified for special consideration in terms of rural housing policy. Refusal was recommended on the basis of visual impact.

3.2.3. Report dated 8<sup>th</sup> of August 2016 – Refusal recommendation on the basis of not qualifying under rural housing policy, visual impact and traffic hazard.

### **3.2.4. Other Technical Reports**

3.2.5. Municipal Engineer – no objection subject to conditions.

3.2.6. Environmental Health Officer – no objection subject to conditions.

### 3.3. **Prescribed Bodies**

- 3.3.1. An Taisce – The previous refusals on the site are noted. An evaluation is required which demonstrates that all the issues have been resolved to determine that the site is suitable.

### 3.4. **Third Party Observations**

- No received by the Planning Authority

## 4.0 **Planning History**

There are a number of previous applications pertaining to the site which are detailed in the report of the Planning Authority. The most recent decision permission was refused to the applicant Mary King under Reg. Ref. 14/1227 for a dwelling, vehicular access, driveway & wastewater treatment plant. Permission was refused for two reasons. The first reason referred to the local of the site within an Area of Outstanding Natural Beauty and that the proposed development would seriously injure the visual amenities of the area. The second reason referred to traffic hazard due to insufficient sightlines at the entrance.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The operative plan for the area is the Wicklow County Council Development Plan 2016 - 2022.

- Chapter 10 – refers to Heritage
- Objective HD21 refers to Housing in the Open Countryside

### 5.2. **Natural Heritage Designations**

- 5.2.1. Wicklow Mountains SAC is located 1.16km from the site.
- 5.2.2. Wicklow Mountains SPA is located 1.5km from the site.
- 5.2.3. Knocksink Wood SAC is located 3km to the east of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was submitted by Auveen Byrne Associates on behalf of the applicant Ms. Mary King on the 8<sup>th</sup> of February 2017. The main issues raised are as follows;

- The applicant Ms. Mary King has lived all her life at her parent's house at Annacrivey, Enniskerry. The family home is 1.7km as the crow flies from the appeal site.
- In relation to relevant Development Plan policy, the Wicklow Co. Council Development Plan 2016-2022 came into force on the 14<sup>th</sup> of December 2016. Policy HD23 and Chapter 4 replaced policy RH14 and Chapter 6 in the former plan.
- It is noted that the current Development Plan does not contain any reference or definition of a "necessary house". Therefore, the applicant does not have to be a first time home owner to qualify for consideration for a rural house.
- A permanent native resident is defined as a person who has resided for at least 10 years in a rural area of Wicklow. Policy HD23 provides that a house will be considered in the open countryside only when it is for a person with a definable social or economic need to live in a rural area.
- The applicant Ms. King qualifies on the first criteria – a permanent native resident seeking to build a house for his/her own family and not as speculation. The applicant has a strong social need to live close to her parents and wider family in the area.
- It is requested that the Board take into consideration that the applicant throughout the history of her making applications has qualified for permission under policy SS9 of the 2004-2010 Development Plan and also policy RH14 of the 2010-2016 Development Plan.

- Regarding the matter of visual impact the applicant employed the services of Arc Consultants.
- Arc Consultants concluded that the erection of a profile on site would not be useful in this case as it would not be visible. They also consider that the proposed driveway would not be visible in sensitive views.
- The Planning Officer in her report considered that the proposed dwelling will not be part of a cluster and would be a visual problem. In response it is stated that clusters of houses and individual houses are common in the Glencree Valley, that dwellings do not detract from the visual amenity of the valley and that they anchor views.
- The views towards the site from listed views/prospects are wide in scope and span. It is considered that the proposed house will be imperceptible to slightly perceptible in such views.
- The Planning Authority concluded that the proposed dwelling will be intrusive and incongruous in the view however the reports do not provide a basis for such conclusions.
- It is noted that the Board has refused permission on site on three previous occasions. The two most recent were refused on the basis of serious visual impact.
- The design of the proposed dwelling was informed by the site location and context in order to avoid visual impact.
- The provisions of policy HD23 as it relates to the issues of protection of landscape and amenity and visual impact includes the following statement;
 

*“In the event of conflict of any other settlement strategy objective/Landscape Zones and categories, **a person who qualifies under policy HD23 their needs shall be supreme**, except where the proposed development would be a likely traffic hazard or public health hazard.”*

*“With regard to the preservation of views and prospects, due consideration should be given to those listed within the area of the National Park, and with respect to all other areas, to generally regard the amenity matters, but not to the exclusion of social and economic matters. **The protection and***

***conservation of views and prospects should not give rise to the prohibition of development, but development should be designed and located to minimise impact.”***

- The house has been designed and located to minimise impact and therefore it would not impact detrimentally or materially on protected views/prospects.
- The report of Kavanagh Mansfield submitted on the 18<sup>th</sup> of November 2016 indicates that adequate sightlines are available. Furthermore, due to the low levels of traffic and low speed of vehicles on the L5014 the proposed development would not give rise to a traffic hazard.
- It is noted that no issues arose in relation to wastewater disposal.

## **6.2. Planning Authority Response**

- None received

## **7.0 Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Rural Housing policy
- Design and Visual Amenity
- Site Access
- Effluent Treatment
- Appropriate Assessment

### **7.1. Rural Housing policy**

- 7.1.1. With regard to compliance with rural housing policy the proposal should be in accordance with the provisions of the Sustainable Rural Housing Guidelines and the provisions of the current Development Plan the Wicklow County Development Plan 2016 – 2022, as it relates to settlement in rural areas. The appeal site is located in

an area identified as an Area Under Strong Urban Influence on Map No.1 – Indicative Outline of NSS Rural Area Types in the Sustainable Rural Housing Guidelines.

7.1.2. Objective 23 of the Wicklow County Development Plan 2016 – 2022 refers to housing in the open countryside and it states that residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside. There are sixteen categories set out under Objective 23, whereby residential development will be considered in the countryside.

7.1.3. The first category is as follows;

1. *A permanent native resident seeking to build a house for his / her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total (including permanent native residents of levels 8 and 9), or resided in the rural area for at least 10 years in total prior to the application for planning permission.*

7.1.4. As set out in the appeal, it is requested that the Board consider the applicant Ms. King qualifies as a permanent native resident, seeking to build a house for her own use not as speculation. It is stated in the application and appeal submissions that Ms. King is from Annacrivey, Enniskerry, Co. Wicklow and has lived there all her life with her parents. The appeal site at Barmamire, Enniskerry is located circa 1.7km as the crow flies from her family home and 3.4km by road. Annacrivey is a rural area approximately 2km to the west of Enniskerry. It is stated in the application form and also in the appeal that the applicant does not own a home.

7.1.5. On the basis of the information submitted with the application and the appeal I would consider that the applicant meets the qualification criteria to build a rural dwelling at this location in accordance with the provisions of the Development Plan and the provisions contained in the Rural Housing Guidelines.

7.2. Design and Visual amenity

7.2.1. The Planning Authority refused permission on the basis that the proposed development would seriously injure the visual amenities of the area and that it would form a highly intrusive feature in the landscape designated an Area of Outstanding Natural Beauty.



- 7.2.2. In response to this reason for refusal, the applicant's agent states that the house has been designed and located to minimise impact and therefore it would not impact detrimentally or materially on protected views/prospects.
- 7.2.3. Map 10.13b of the Wicklow County Development Plan 2016-2022 indicates the Wicklow Landscape Category Map with reference to Areas of Outstanding Natural Beauty. These landscape areas are described as under very high vulnerability to development.
- 7.2.4. The site is located within an area designated 'Glencree/Glencullen Area of Outstanding Natural Beauty'. This area is described in the Development Plan as based around the drainage pattern of the Glencree and Dargle Rivers and the surrounding road network and that the area is very scenic, with attractive views and number of tourist attractions such as Powerscourt House and Demesne, Chareville Demesne and Glencree Drive.
- 7.2.5. The Landscape Assessment is set out in Appendix 5 of the Development Plan. Section 5.3.4 sets out the general development considerations for Glencree/Glencullen as follows;
- 1. To protect listed views and vantage points across the valley and to resist development proposals that would negatively impact on the valley setting and views from the west at Glencree towards the Great Sugar Loaf.*
  - 2. To maintain and preserve views across the valley towards the Wicklow Mountains.*
  - 3. Through appropriate siting and design to ensure that developments along local roads will not be conspicuous or have a disproportionate or dominating visual impact on the surrounding environment as seen from the local scenic routes and settlements.*
  - 4. To protect and facilitate the conservation of structures, sites and objects which are part of the County's cultural heritage, whether or not such structures, sites and objects are included on the Record Protected Structures.*
- 7.2.6. Therefore, these matters should be fully considered in the case of the current proposal. The site is situated at a prominent location within Glencree Valley located 330m from the L1011 and adjoining the L5041 which forms part of the Wicklow Way at roughly 250m-220m contour levels on a north-west facing slope. Map 10.15 of the

County Development Plan 2016-2022 indicates Prospects of Special Amenity Value or Special Interest. There are Listed Prospects along the Glenree Valley. In relation to the appeal site it is situated within the Listed Prospect No. 1 – from L1011, L1015 & L5014 and Glenree which is a Prospect of mountain area around Glenree Drive, Prince William Seat, Glenree River and Sugarloaf Mountain. It is also situated within Listed Prospect No. 2 from L1013 Glenree Drive South which is a Prospect of Tonduff mountain and Glenree river valley and view to east of Sugarloaf Mountain.

- 7.2.7. The house design is split level and with a section first floor accommodation in the roof space. The proposed floor area 249sq m and the proposed ridge height of between 5m and 8.7m. The proposed finished floor level of the dwelling is indicated on the site layout plan as 239.5m OD. The dwelling would be located a minimum distance of 360m from the closest residential properties which are situated to the east and north of the appeal site. These dwellings are clustered around the L1011 while the subject site is isolated and set away from this existing housing. Therefore, the site location within the Glenree Valley on an elevated north-west facing slope and away from existing development, in my opinion renders the site to be located in a highly visually sensitive location within the designated Area of Outstanding Natural Beauty and within views and prospects of special amenity along the Glenree Valley.
- 7.2.8. A Visual Impact Assessment produced by ARC Architectural Consultants Limited has been submitted with the application and appeal. A series of photomontages have been provided which indicate the location of the proposed dwelling in the landscape. Having reviewed the Visual Impact Assessment and visited the vantage points from which the views were taken from having regard to the elevated nature of the site and against the backdrop of the Sugarloaf Mountain notwithstanding the existing and proposed landscaping I considered that the dwelling and its associated driveway would be prominent and would form a visually intrusive feature within the landscape.
- 7.2.9. In conclusion, having regard to the siting and design of the proposed dwelling and having regard to the visually sensitive nature of the site specifically its prominent location within views and prospects of special amenity along the Glenree valley, I consider that it would seriously injure the visual amenities of this sensitive rural area.

### 7.3. Site Access

7.3.1. It is proposed to close the existing agricultural entrance and develop a new vehicular entrance onto the L5041 circa 17m to the south-west of the agricultural entrance. The proposed location of the vehicular entrance is along a relatively straight section of the roadway. It is indicated on the site layout plan that sightlines of 75m can be provided to the north and south at the proposed entrance. A Traffic report was prepared by Kavanagh Mansfield & Partners Consulting Structural & Civil Engineers. It is noted in the report that a section of grassed verge within the sightline to the north-west is not within the ownership of the applicant and therefore in order to ensure satisfactory sightlines the area would need to be maintained to ensure no obstructions.

7.3.2. The traffic report provided includes a traffic survey which indicates a total of 585 traffic movements on the L5041 within a week. This represents a relatively low level. It is also noted in the report that traffic was recorded as travelling at relatively low speeds with an average of 50kph. Having inspected the site and viewed the location of the proposed entrance I am satisfied that an adequate sightline distance is available in both directions and given the level of traffic on the road that the proposed location of the entrance is acceptable.

### 7.4. Effluent treatment

7.4.1. It is proposed to install a packaged wastewater treatment system and polishing filter. It is proposed to locate the treatment plant circa 8m to the south and downhill of the dwelling and the polishing filter is located on the layout plan 15m to the west of the dwelling and also downhill. Regarding water supply a bored well is proposed on site uphill and 90m from the soil polishing filter. Table 6.1 of the EPA Manual – Treatment Systems for Single Houses sets out the minimum separation distances, the minimum distance from a watercourse or stream to a percolation area is stated as 10m and the minimum distance from a road to a percolation area is stated as 4m. There is watercourses within 10m of the site.

7.4.2. The site suitability assessment indicates that a T value of 18 was recorded on site. A T value of greater than or equal to 3 and less than or equal to 50, means that the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater. It is proposed to discharge the treated effluent to

ground water. No rock was encountered up to a depth of 2.1m below ground level during the site testing. Water ingress occurred at a depth of 1.3m below ground level. The groundwater protection response for the area is R1 which means the site is suitable for an on-site system subject to normal good practice.

7.4.3. P tests were also carried out and a P value of 23.75 was recorded. Table 6.3 of the EPA Manual advises that where the P value is greater than 3 and less than 75 then the site is suitable for a secondary treatment system with polishing filter at ground surface or overground. It is proposed to construct a raised polishing filter from imported permeable soil with an area of 70sq m. The proposed soil polishing filter has a thickness of circa 700mm. It is proposed to discharge the treated effluent to ground water.

7.4.4. The Environmental Health Officer in their report dated 8<sup>th</sup> of August 2016 had no objections to the proposed on-site effluent treatment system. Having regard to the information submitted including the site characterisation report and the proposal to install a secondary treatment system, I would concur with the assessment of the planning authority that site is suitable for the proposed on site effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted.

## 7.5. Appropriate Assessment

7.5.1. The appeal site is located in the townland of Barmamire, Enniskerry, Co. Wicklow. The site is located circa 1.16km at its closest location from the Wicklow Mountains SAC Site Code 002122. The Wicklow Mountains SPA Site Code 004040 is located 1.5km at its closest location to the site. Knocksink Wood SAC Site Code 000725 is located 3km to the east of the site.

7.5.2. Having regard to the nature and scale of the proposed development and its proximity to these European sites, 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 have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be refused for this development for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. The site of the proposed development is located in an area which is designated as an Area of Outstanding Natural Beauty in the current Wicklow County Development Plan. Furthermore, the site is located within views and prospects of special amenity along the Glencree Valley. The proposed development, by reason of its siting in a prominent position on a north-west facing and elevated slope at a visually remote and isolated location within the designated landscape, would form a visually incongruous and intrusive feature and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Siobhan Carroll  
Planning Inspector

11<sup>th</sup> May 2017