



An  
Bord  
Pleanála

## Inspector's Report PL17.248125

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<b>Development</b>	Construction of a dwelling and wastewater treatment system.
<b>Location</b>	Blackhall Big, Dunboyne, County Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	RA/161350.
<b>Applicant</b>	Claire Delaney.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party -v- Refusal
<b>Appellant</b>	Claire Delaney.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> May, 2017.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

PL17.248125 relates to a first party appeal against a decision by Meath County Council to refuse planning permission for the construction of a new dwellinghouse together with a proprietary wastewater treatment plant in the townland of Blackhall Big between Dunboyne and Summerhill in south-east County Meath. Meath County Council issued notification to refuse planning permission for a single reason which stated that the proposed development would give rise to a serious traffic hazard.

## 2.0 Site Location and Description

- 2.1. The townland of Blackhall Big is located approximately 5 kilometres north-west of the village of Dunboyne. The subject site is located on a local road which runs northwards from the R156. The junction between the road serving the site and the R156 is approximately 330 metres to the south. The local road serving the site incorporates an acute bend between 50 and 60 metres south-west of the subject site.
- 2.2. The local road serving the subject site links the R156 with the R154 to the north near the small settlement of Batterstown. It has an 80 km/h speed limit.
- 2.3. The site itself is roughly rectangular in shape and has a road frontage of 40 metres. The site is currently covered in dense vegetation. It has a maximum depth along its north-eastern boundary of almost 90 metres in length. The south-western boundary is approximately 50 metres in length. The overall size of the site is stated on the planning application form as being 0.36 hectares. In terms of surrounding development, a dwellinghouse is located on lands to the immediate south-west adjacent to the acute bend in the local road. A small parcel of land c.15 metres in width separates the north-eastern boundary of the site from an existing neighbouring single-storey dwelling. There are no dwellinghouses directly opposite the site. These lands on the southern side of the local road form part of the gardens associated with a large stately-type dwelling.

### 3.0 Proposed Development

- 3.1. Planning permission is sought for a dormer type bungalow and proprietary wastewater treatment system on the subject site. The dwelling is L-shaped. The main living area, kitchen, dining, living room is located at ground floor level in the rear return of the dwellinghouse. The front of the dwelling incorporates a living room, bedroom and bathroom at ground floor level. Three further bedrooms are located at first floor level within the pitch of the dwelling with a double floor to ceiling height over part of the rear return. The dwellinghouse has a total floor area of 193 square metres. A separate single-storey garage with a floor area of 23 square metres is located to the rear of the dwellinghouse adjacent to the north-eastern boundary.
- 3.2. The dwelling rises to a ridge height of 6.51 metres and incorporates a nap plaster exterior.
- 3.3. The dwelling is to be served by a BAF proprietary wastewater treatment system which is located 10 metres to the south-west of the dwellinghouse near the south-western boundary of the site. The proposed entrance to the site is located adjacent to the north-eastern boundary approximately 60 metres from the bend in the acute road.

### 4.0 Planning Authority Decision

#### 4.1. Decision

- 4.1.1. Meath County Council refused planning permission for a single reason which stated:

*“It is considered that the proposed development would give rise to a serious traffic hazard due to the restricted visibility at the proposed entrance point where inadequate sightline including forward and rear visibility are not achievable. It is therefore considered that the proposed development would endanger public safety by reason of a traffic hazard and set an undesirable precedent for future similar developments of this kind and would be contrary to the proper planning and sustainable development of the area.”*

## 4.2. **Planning Authority Assessment**

4.2.1. The planning application was lodged on 6<sup>th</sup> December, 2016. It included documentation demonstrating local housing need. It included:

- A record of pre-application consultations.
- Details of the applicant's local address at Blackhall Big indicated on bank accounts, driver's licence, driver's insurance, travel vaccinations, utility bills, credit union bills.
- Details of attendance in local schools in Dunboyne.
- A letter from An Garda Siochana stating that the applicant has lived with her parents in the local area.

## 4.3. **Internal Reports and Observations**

4.3.1. A submission was emailed by local residents stating that there is no objection to the proposed development but major concerns are expressed in relation to local water supply and local flooding in the area.

4.3.2. A report from the **Roads Design Office** states the following:

- The site is located on a primary county road between Batterstown and Kilcloon. The site is located close to a very sharp bend. There is a high bank and trees on the opposite side of the road extending all the way around the bends.
- Sightlines of 90 metres shown on maps submitted are not achievable due to the bank and in any case the sightline is taken from the nearside ditch and not the near edge of the road as required. Furthermore, a vehicle turning right onto the site has much shorter forward visibility. This was pointed out to a number of potential buyers of this site last year in pre-planning. The engineer's report therefore recommended a refusal of planning permission due to traffic hazard and lack of visibility in accordance with acceptable standards.

4.3.3 The **Planning Report** dated 8<sup>th</sup> February, 2017 sets out the site location and description and the planning history associated with the site. The report goes on to outline the policies in the Meath County Development Plan as they relate to the subject site. In terms of flood risk, it is stated that the nearest identified flood risk

area is located 500 metres to the north of the application site. The report assesses the application in terms of:

- Appropriate Assessment.
- Planning Policy.
- Design, Layout and Setting.
- Access.
- Water Services.
- Flooding.

In terms of planning policy and local need it is considered that the applicant has demonstrated local need in compliance with the policy of the County Development Plan. In terms of design, layout and siting the proposed dwellinghouse is deemed to be acceptable. In terms of water services, it is stated that the site is deemed to be suitable for an on-site wastewater treatment system and is acceptable in terms of water supply and surface water disposal. Traffic issues are the only major concern cited in the planner's report and reference is made to the local area engineer's report referred to above. Based on the recommendation of the local area engineer, the planning report recommended that planning permission be refused for a sole reason relating to restricted visibility resulting in a serious traffic hazard.

4.3.4 In its decision dated 6<sup>th</sup> February, 2017 Meath County Council refused planning permission for a single reason set out above.

## 5.0 Planning History

Details of three files are attached. They are summarised below.

Under File No. 92/001121 Meath County Council refused planning permission on the subject site for a dwellinghouse for three reasons relating to:

- Traffic hazard.
- The proposal would give rise to an excessive density of development in an unserved rural area.
- The proposal would result in an excessive concentration of septic tanks.

- There are precedent decisions where planning permission was refused and there has been no change in circumstances sufficient to warrant a reversal of that decision.
- This decision was dated 17<sup>th</sup> November, 1992.

Under Reg. Ref. 01/190 planning permission was again refused on the subject site for a dwellinghouse for three reasons relating to:

- An excessive density of development on an unserviced rural road served by a poor road network.
- The proposal would endanger public safety by reason of a traffic hazard because of the additional traffic turning movements and car parking which would be generated on a substandard road with an acute bend and with restricted visibility.
- There is a precedent of previous refusals of planning permission on site and there is no change in circumstances sufficient to warrant a reversal of this decision.

Under DA/20317 planning permission was refused for a single-storey residence, new entrance, septic tank and puraflo treatment system again for three reasons relating to setting policy, traffic hazard and planning precedent.

## **6.0 Grounds of Appeal**

- 6.1. The decision of Meath County Council to issue notification to refuse planning permission was appealed on behalf of the applicant by Eslin House Design.
- 6.2. The grounds of appeal argue that the applicant has lived all her life in the area and the family home is less than 1 kilometre away from the site in question. The applicant complies with the requirements of the Meath County Development Plan in respect of local need. There is no suitable site any closer to the existing family home within the townland of Blackhall Big.
- 6.3. The applicant with her father attended a pre-planning meeting with the Planning Authority on 16<sup>th</sup> October, 2015. Details of the minutes are attached. It is stated that the issue of a traffic hazard was not pointed out to the applicant at the pre-planning

meeting. If this were pointed out the applicant might not have gone to the expense of preparing drawings and submitted a planning application.

- 6.4. In the planning application submission, it is proposed to replace the existing agricultural entrance where sightlines can be achieved in excess of 120 metres to the east and 90 metres to the west. It is stated that there is more than adequate site stopping distance in both directions especially as traffic coming from the west is naturally going to be much slower than the 80 km/hr speed limit. The site is located on the less busy and less important county road of L2215. There is an existing house to the west of the proposed site which is much closer to the bend in the road yet there have been no accidents at this location. The entrance is not a traffic hazard as traffic coming from the west cannot take the bend at 80 km/h and have to slow down on the bend. The existing hedge along the frontage of the road and the grass verge fronting the site will be maintained in a very tidy fashion by the applicant.
- 6.5. The proposed entrance will be safe with a bellmouth type design incorporating a setback 4 metres from the existing carriageway.
- 6.6. The grounds of appeal go on to outline development plan policies in relation to rural housing needs and it is argued that the applicant complies with the policies set out in the plan. The applicant has demonstrated a specific rural housing need in this instance. It is stated that there is no other access or suitable sites available and the proposal provides a much better solution than providing an entrance onto an adjoining regional road which is contrary to the policies set out in the plan.

## 7.0 Appeal Responses

Meath County Council submitted the following response to the grounds of appeal. The appeal has been examined by the Planning Authority. The applicant was advised in pre-planning that there were previous refusals on the site in relation to the access and traffic safety. In the event that the applicant was to proceed with an application, they were advised to locate the entrance where visibility would be best and that the previous refusal reasons would need to be overcome. The report received from the Road Section states that a sightline of 90 metres is not achievable owing to the bank and trees on the opposite side of the roadway extending all the way around the bend. The Planning Authority is satisfied that all matters outlined in



the submission were considered in the course of its assessment of the planning application as detailed in the planning officer's report and the report received from the Roads Section. The proposed development is considered to be contrary to the policies and objectives as outlined in the Meath County Development Plan.

## 8.0 Planning Policy Context

8.1. The site is governed by the policies and provisions contained in the Meath County Development Plan.

8.2. Section 10.16.2 relates to providing access onto roads. In relation to regional and county roads, it is stated that it is vitally important that new housing in rural areas that is located along non-national routes, is located in such a manner to avoid endangering public safety by way of traffic hazard. There are a number of regionally and locally important functions of certain regional and county type roads that act as particularly important transport links that traverse County Meath.

8.3. In terms of policies the following policies are relevant.

RDPOL38 – To ensure that all development accessing off the county road network is at a location and carried out in a manner which would not endanger public safety by reason of a traffic hazard.

RDPOL39 – To identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points which would prejudice the carrying capacity and ultimately the function of the road.

Section 10.16.3 of the development plan states that exceptions to the above policies relating to regional and county roads will be considered on their merits in the following circumstances.

For those who have a location specific housing need or family owned lands and cannot provide access onto any other non-identified regional or county road and therefore need to access one of the regional or county roads identified in Map No. 10.6

In terms of rural housing policy, the plan states that the goal of the rural settlement strategy is to ensure that rural generated housing needs to be accommodated in areas as they arise subject to satisfying good practice in relation to site location,

access drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or identified through the development plan process. Applications for individual house developments in rural areas must satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed subject to compliance with normal planning criteria. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in the plan.

The application site is situated in an area under strong urban influence which has the following relevant policies.

RDPOL1 – To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RDPOL2 – To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

RDPOL3 – To protect areas falling within the environs of urban centres in this area type from urban generated and unsightly ribbon development and maintain the identity of these urban centres.

Section 10.4 of the development plan sets out the criteria by which applicants can demonstrate a local housing need.

In terms of design standards for rural housing the development plan places a strong emphasis on design standards for new housing in rural areas. In this regard Meath County Council Rural House Design Guide is included as an Appendix to the development plan and Policy RDPOL9 requires all applications comply with the Rural House Design Guide.

Policy RDPOL43 – Requires to ensure that the required standards for sight distances and stopping sight distances are in compliance with the current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges and specifically Section TD41-42/09 when assessing individual planning applications for housing in the countryside.

## 9.0 Planning Assessment

- 9.1. I have read the documentation on file, visited the site and its surroundings and have had particular regard to the Planning Authority's reason for refusal and the grounds of appeal relating to this reason for refusal. I have also assessed the documentation on file and based on the policies contained in the development plan I am satisfied that the applicant generally complies with the criteria set out in the development plan in relation to housing need in that she is from the area and is part of the local rural community. I am also satisfied having inspected the site and the site characterisation form submitted with the application, including the percolation tests carried out as part of this site suitability study. I would conclude that the site is suitable to accommodate an on-site proprietary wastewater treatment system without adversely impacting on the receiving environment. I am generally satisfied therefore that the Board can restrict its deliberations in determining the application and appeal before it to the issue raised in the Planning Authority's reasons for refusal, namely the issue of a traffic hazard arising from restricted sightlines.
- 9.2. The subject site is located in an 80 kmph zone. It is located on the northern side of the road which incorporates a sharp and acute bend to the south-west of the subject site. The Meath County Council Road Design Office recommended that planning permission be refused due to the restricted sightlines in a south-westerly direction from the subject site.
- 9.3. It is also clear that the Planning Authority have adopted a consistent approach in refusing planning permission for other residential dwellings on the subject site since the early 1980s. The issue of restricted sightlines and traffic hazard was cited consistently in previous reasons for refusal for dwellings on the site. The applicant argues in the grounds of appeal that the issue of restricted sightlines was not raised during the course of the pre-application consultations. The Board will be aware that any matters discussed in pre-application consultations cannot solely be relied on in issuing a subsequent decision in relation to any planning application. It is also clear from a copy of the minutes in relation to the pre-application consultation that the issue of site visibility at the entrance was an important issue as the minutes clearly state:

*“Advised to locate entrance where visibility is best – previous refusal needs to be overcome”.*

- 9.4. I refer the Board to my photographs attached. The photograph showing sightlines in a south-westerly direction clearly indicate that sightlines are restricted. I estimate that at best, sightlines at the proposed entrance are in the order of 80 metres. Furthermore, the applicant in this instance would be relying on the consistent cutting back of hedges both on the northern side and on the southern side of the road to maintain sightlines of 80 metres. In the case of the lands that bound the northern side of the road, lands further west are outside the appellant’s control. In the case of lands on the southern side of the road all the lands in question are outside the appellant’s control. Therefore, it is not within the appellant’s power to ensure that the requisite maximum sightlines available are under her control.
- 9.5. Notwithstanding this point I would have significant concerns in relation to the sightlines available to the applicant in a south-westerly direction. While sightlines of c.80 metres are available these are considerably less than the standards set out in the NRA Guidelines in relation to requisite sight distances in terms of at grade junction design (NRA TD41-42/09). In the case with the design speed limit for the major road is 85 kmph (the nearest proximate speed limit for the local road in question, a sightline distance of 160 metres is required to be provided). This “Y” distance is generally permitted with no relaxation of standards. However urban and other roads with slower speeds limits may have a one-step reduction set out under Clause 7.7(c) of the Guidelines. In the case of speed limits of 85 kmph one step below the desirable minimum in this instance is 120 metres. Again, therefore, even were the Board to accept the appellant’s argument that traffic speeds approaching the bend would slow down considerably, under the NRA Guidelines, it would still be a requirement to provide sightlines of 120 metres. The sightlines available in this instance are considerably below this standard.
- 9.6. I can only conclude therefore based on my site inspection and the relevant NRA Guidelines that the sightlines at the proposed entrance to the dwellinghouse are substandard and would result in a traffic hazard. I therefore consider that the Board should uphold the decision of Meath County Council and refuse planning permission for the dwellinghouse in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 10.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, with the site being located a considerable distance to the nearest 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.

## 11.0 **Reasons and Considerations**

It is considered that the proposed development would endanger public safety by reason of a traffic hazard because of the additional traffic turning movements the development would generate onto a road where sightlines are restricted in a south-westerly direction. It is further considered that the proposed development would contravene Policy RDPOL38 of the Meath County Development Plan which seeks to ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

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Paul Caprani,  
Senior Planning Inspector.

12 June, 2017.