



An  
Bord  
Pleanála

## Inspector's Report PL27.248252

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<b>Development</b>	House, garage, well, secondary treatment system, percolation area, entrance and associated site works.
<b>Location</b>	Drummin (Ballinacor North Barony), Annamoe, Co Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	16/1104
<b>Applicant(s)</b>	Charles & Olya Foster
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-v-Refusal
<b>Appellant(s).</b>	Charles & Olya Foster
<b>Date of Site Inspection</b>	08 <sup>th</sup> June 2017
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

The appeal site, which has a stated area of 0.576 hectares, is located less than 1km to the west of Annamoe village, Co. Wicklow. The appeal site is accessed from an existing laneway that runs from west to east and has a junction with the R755 with Annamoe Village to the east of the site and a junction with the L-1059 to the west of the site. The existing laneway is unsurfaced and approximately 3m in width. The laneway serves mainly agricultural lands to the north and south, but does serve a number of dwellings (located to the east of the site and closer to the village), a sawmill and Glendalough House. The appeal site is served by an existing entrance off the laneway and has some small stone built sheds located adjacent the entrance. There is an existing mobile home structure on site, however such does not appear to be lived. The site has existing boundaries consisting of stone walls, trees and hedgerow. Levels on site increase gradually moving south to north on site. Adjoining land uses to the north, east and west are agricultural grazing lands.

## 2.0 Proposed Development

2.1. Permission is sought dormer style dwelling with a floor area of 132.5sqm and a ridge height of 6.875m. The dwelling features a pitched roof and external finishes of white plaster walls and blue black slates. It is also proposed to construct a detached garage with a floor area of 27.84sqm and a ridge height of 5.25m. The proposal also entails installation of a wastewater treatment system, a well and alterations to the existing entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on one reason...

1. The proposed development would endanger public safety by reason of serious traffic hazard because of
  - The number of existing dwelling served by this substandard road network.

- The inadequacy of the road network in terms of width/alignment/structural condition and limited passing points on it.

It is considered that the existing road network is only suitable for the traffic movements generated by existing permanent native residents who are local to this particular area who are served by the existing route.

### **3.2. Local Authority and External reports**

- 3.2.1. Area Engineer (02/11/16): Road widening and drainage proposals for lane are acceptable.
- 3.2.2. Environmental Health Officer (19/10/16): No objection subject to condition.
- 3.2.3. Planning report (22/11/16): The report notes that the applicants qualify under rural housing policy. The design and visual impact of the dwelling was considered acceptable and the proposal for a waste water treatment system was also considered acceptable. The existing laneway was considered to be substandard and in poor condition and that permitting the development would set a precedent for similar development along the laneway. Refusal was recommended based on the reason set out above.
- 3.2.4. Planning report (10/03/17): A further planning report due to a time extension and the submission of unsolicited further information. The same conclusion was drawn with concerns regarding the provision of development off a substandard laneway. Refusal was recommended based on the reason outlined above.

### **4.0 Planning History**

- 4.1 15/416: Permission refused for a dwelling and associated site works on the appeal site. Refused on traffic grounds (substandard laneway in width/alignment and condition).

4.2 01/5288: Permission refused for a dwelling and associated works. Refused due non-compliance with rural housing policy.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The relevant Development Plan is the Wicklow County Development Plan 2016-2022.

The site is located in area classified under Level 10 Open countryside. New housing in this area must comply with the criteria set down under HD21 (Housing in the open countryside).

## 6.0 The Appeal

### 6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Vincent JP Farry & Co Ltd on behalf of Charles & Olya Foster. The grounds of appeal are as follows...

- The appellants note that the Planning Authority's assessment of the proposal indicated that the site is appropriate in all aspects apart from one issue concerning the existing access laneway.
- It is noted that the limited width and condition of the existing access does not automatically co-relate with traffic safety concerns. It is noted that countryside roads are usually of lower standard and such does not preclude the provision of dwellings off them. The appellants quote a case (Wicklow County Council-v-Fortune) in this regard.
- It is noted that the laneway has access off the L-1059 at its western end and as the site is closer to this road than the access of the laneway and the R755 to the east that it will be used for access. It is noted there are no dwellings

west of the site and that the laneway is in an improved condition on the western side of the site.

- The restrictive nature of the laneway means traffic speeds are low and such will lessen the likelihood of traffic collisions.
- The appellants have included a submission (unsolicited further information they wish to be included under the grounds of appeal). This submission in addition to points raised by the appeal submission notes that the Councils Roads Department indicated no objection to the proposal as well indicating that the appellants approach their property from the west (from the L-1059) with no existing dwellings between the site and the access from the L-1059 and the laneway being in better condition to the west of the site.

## **6.2 Responses**

### **6.2.1 No responses.**

## 7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Design, visual/adjoining amenity

Traffic

Wastewater treatment system

Appropriate Assessment

## 7.2 Principle of the proposed development:

7.2.1 Permission is sought for a dwelling and associated sites works within a rural area of Co. Wicklow. As noted under the policy section above the site is an area classified as Level 10 open countryside. Within this area the applicants must comply with the criteria set down under Objective HD21 (attached). Charles Foster is from the area and the applicants currently reside in the family home at Rathkevin, Annamoe, which is 2km from the site. In their assessment of the development the Planning Authority deemed that the applicants complied with the requirements of rural housing policy as set down under the Wicklow County Development Plan 2010-2016 and Objective RH14. It is notable that the Development Plan used to assess the proposal has since been superseded by the Wicklow County Development Plan 2016-2022. I would note that rural housing policy has not changed and the criteria under HD21 of the current Development Plan are similar to that of the previous Development Plan and specifically Objective RH14. Having regard to such I would consider that the applicants would meet the criteria for rural housing as set down under Objective HD21 of the County Development Plan and that the principle of the proposed development is satisfactory.

### **7.3 Design, visual/adjoining amenity:**

7.3.1 In regards to landscape character, the appeal site is located in an area classified as being an Area of Outstanding Natural Beauty. Despite the location of the site in such an area, the appeal site is not a significantly prominent site within the landscape, and is not an elevated or prominent position in the landscape. The appeal site is located well away from the public roads in the area and the site, which gently slopes from south to north already has established boundary treatment in the form of existing trees, hedgerows and stone walls. In addition, the proposed dwelling is modest in scale and the overall design has adequate regard to its location within a rural area. All these factors mean the proposal would be unlikely to have a significant, prominent or adverse visual impact in the area and would not be contrary to Development Plan policy in regards to landscape character or compromise the visual amenities of the area.

7.3.2 In regards to adjoining amenity, the site is adjoining by agricultural lands with the nearest dwelling located over 150m to the east. I am satisfied the proposal would have no adverse impact on the amenities of any adjoining properties.

### **7.4 Traffic:**

7.4.1 As noted in the site description the site is accessed off an existing private laneway that runs between the R755 in Annamoe village to the east of the site (800m) to the L-1059 to the west of the site (430m). The laneway is less than 3m in width and is unsurfaced. At the time of the site inspection the section of laneway to the east of the site is in poor condition with obvious signs of lack of maintenance. The applicant is proposing a number of measures to improve the laneway including widening of the laneway for a section of 215m coinciding with the site frontage and the lands to the east that are in the applicants' ownership. This would give the laneway a width of 4.15m for this length of the laneway. A new layby section is to be provided approximately halfway between the site and the junction of the laneway and the

R755. The applicant has submitted a letter of consent from the relevant landowners to carry out such.

7.4.2 Permission was refused for one reason concerning the laneway access to the site with it being deemed to be substandard in width and condition to cater for an additional dwelling and therefore a traffic hazard. The appellants have noted that the standard of the laneway does not result in a traffic hazard due to the small level of traffic using the laneway and the low speeds of vehicles on such. The appellants' note that the laneway has been maintained by the people who reside on it and such will continue as well as noting improvement proposed. The appellant also notes that there is no development located west of the site along the laneway and such is in better condition than the stretch to the east. It is noted that the dwelling is closer to the public road to the west (L-1059) and that this is the way the site is to be accessed instead of to the east.

7.4.3 Notwithstanding the proposal to provide an additional passing point and a widening of the laneway adjacent the site, the appeal site is located on a narrow agricultural laneway that is restricted in width and poorly maintained. I would consider that the laneway has insufficient capacity for additional development and the proposal for additional development would constitute a traffic hazard having regard to the traffic movements generated and the fact it is unsuitable to cater for additional traffic taken in conjunction with existing traffic movements along the laneway. It is acknowledged that the western end of the lane is in better condition, however such is due to having less development (housing) with the eastern end of the laneway used more with traffic accessing off the R755. The provision of additional development would also set a precedent for more development along this substandard laneway. In this regard the proposed development would be contrary to the proper planning and sustainable development of the area.

## **7.5 Wastewater Treatment:**

7.5.1 The proposal entails installation of a proprietary wastewater treatment system. Site characterisation was carried out including trial hole and percolation tests. The trial



hole test notes that the water table level was encountered at a depth of 1.8m in the trial hole (2.1m). The percolation tests result for T tests carried out by the standard method and for deep subsoils and/or water table, and P test carried out by the standard method and for shallow soil/subsoils and or water table indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. It appears based on the layout that the proposal meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries, layout of wastewater treatment system and location of the well the proposal should meet such standards). Based on the information on file and subject to appropriate conditions requiring compliance with the EPA Code Practice, I would consider that the proposal would be acceptable in the context of public health.

## **7.6 Appropriate Assessment:**

7.6.1 Having regard to the nature and scale of the proposed development and its proximity 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.

## **8.0 Recommendation**

8.1. I recommend refusal based on the following reasons.

## **9.0 Reasons and Considerations**

9.1

1. The appeal site and proposed development is located off an extremely narrow unsurfaced and poorly maintained laneway. The site is located a significant distance along the laneway away from the adjoining public roads. The existing laneway is substandard and unsuitable for the additional traffic movements generated by the

proposed development taken in conjunction with the existing traffic movements generated by development and land uses located along the laneway. In this regard the proposal would constitute a traffic hazard and would set an undesirable precedent for additional development along this substandard laneway. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

03<sup>rd</sup> July 2017