



An  
Bord  
Pleanála

## Inspector's Report PL17.248259

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<b>Development</b>	Construction of a house, garage, new entrance and driveway.
<b>Location</b>	Harristown, Kilcloon, County Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	RA/161062.
<b>Applicants</b>	Maeve Beirne and Mark McCarthy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellants</b>	(i) Shane O'Toole, (ii) Des McDonald.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> June, 2017.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

PL17.248259 relates to 2 no. third party appeals against the decision of Meath County Council to issue notification to grant planning permission for a new house, garage and driveway on an undeveloped site at Harristown, Kilcloon, County Meath. The grounds of appeal express concerns in relation to flooding, house design and positioning, the ecological and environmental impacts arising from the development, access arrangements and the accentuation of ribbon development along the road.

## 2.0 Site Location and Description

- 2.1. Harristown is located in south-eastern Meath approximately 4 kilometres north of Maynooth, 7.5 kilometres west of Dunboyne and 6 kilometres east of Kilcock. The area is quite rural in character however there is largescale established one-off housing in the area and small pockets of suburban type residential development in the wider area.
- 2.2. The subject site is located on the southern side of a narrow third class road which ends in a cul-de-sac. The local road is approximately 600 metres in length and serves 16 dwellinghouses. There are a number of plots along the road, including the subject site, which is yet to be developed.
- 2.3. The subject site is located on the southern side of the road and comprises of a large field which at the time of site inspection, was used for the grazing of horses. The field is relatively flat and a small stream runs along its western boundary. Mature hedgerows define the boundary of the existing field. The entire field is approximately 160 metres in width and 150 metres in depth. There are dwellinghouses facing onto the access road on both sides of the field. There is also dwellinghouses on the northern side of the access road directly opposite the field.
- 2.4. The access road serving the site is narrow, capable of accommodating the width of a single car. There are wide grass verges on either side of the road where cars acan pull in when necessary (see photo's attached).

### **3.0 Proposed Development**

3.1. Planning permission is sought for the construction of a dwellinghouse in the north-western corner of the field. The dwelling is to be setback approximately 35 metres from the western boundary of the site and 28 metres from the northern boundary of the site. Access to the house is to be provided at the north-western corner of the field. A two-storey dwellinghouse is proposed with a total floor area of 220 square metres. The ground floor is to provide the main living accommodation together with a guest bedroom and three additional bedrooms and a bathroom are to be located at first floor level. The dwelling is to rise to a ridge height of 7.3 metres and is to incorporate a nap plaster finish. A single storey sunroom and patio area is to be located to the rear of the dwelling and a separate domestic garage is to be located in the south-eastern corner of the site. A proposed proprietary wastewater treatment system and percolation area is to be located in the front garden. Approximately 70 metres of hedgerow along the front boundary of the site is to be removed and replaced with a new setback timber stud rail fence in order to achieve requisite sightlines in an easterly direction.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

Meath County Council issued notification to grant planning permission for the dwellinghouse subject to 16 conditions.

#### **4.2. Documentation submitted with the Application**

The application was lodged on the 30<sup>th</sup> September, 2016. A site characterisation form is submitted with the application. The trail hole indicated the presence of an iron pan at approximately half a metre below ground level. The water table was encountered 1.6 metres below ground level. Percolation results yielded a T test of 14 and a P test of 28.

A letter was submitted from the landowners giving their consent for the current applicants to make the planning application. A separate letter was also submitted

consenting to the removal and construction of a fence in order to facilitate requisite sightlines.

Two observations were submitted objecting to the proposed development, the contents of which have been read and noted.

The applicant also submitted a Planning and Environmental Considerations Report with the application which addressed issues in relation to local housing need, housing design and siting, flooding, ribbon development and access. The application was also screened for appropriate assessment.

Letters of objection were submitted.

A report from the Road Design Offices notes it is proposed to remove the existing roadside hedge to provide 70 metre sightlines. The new boundary should be setback 3 metres from the road edge for the full extent of the removal otherwise there is no objection to the proposal.

The initial planning report prepared on foot of the application requested additional information in relation to:

- The methodology employed in carrying out the percolation tests. It is also noted that the site characterisation form states the maximum number of residences is five however the floor plan submitted clearly indicate the maximum number that can be accommodated is eight.
- The applicant is also requested to relocate the dwelling further west within the site and reduce the overall height and scale of the building.

#### **4.3. Further Information Submitted**

Revised drawings were submitted reducing the overall scale and height of the dwelling and placing the dwelling closer to the western boundary of the site. A revised site characterisation form was also submitted. It should be noted that the percolation test holes were pre-soaked before the percolation tests. However, unfortunately the incorrect date was entered in the site characterisation forms.

Further third party's letter of objection were submitted the contents of which have been read and noted.

Further planner's report considered the additional information submitted to be acceptable and in accordance with the proper planning and sustainable development of the area and therefore recommended that planning permission be granted subject to conditions. In its decision dated 8<sup>th</sup> March, 2017 Meath County Council granted planning permission subject to 17 conditions.

## **5.0 Planning History**

There appears to be no planning history associated with the site.

## **6.0 Grounds of Appeal**

### **6.1. Appeal by RC Design Services Limited on behalf of Mr. Des O'Donald of Harristown Lane**

- The location of the proposed dwelling within the field in question is incorrectly identified in the local authority planning report.
- The current proposal is contrary to the rural strategy and local objectives contained in the Meath County Development Plan. The subject site is not contained within the defined boundary of the village of Kilcloon. It is stated that the site has been locally flooded over the previous number of years. The proposed development will exacerbate flooding in the area with increased run-off.
- Flooding issues will impact on the workings of the proprietary wastewater treatment system.
- The removal of 70 metres of hedgerow in order to facilitate sightlines will impact on natural wildlife.
- The proposed development is located within 50 metres of a blind bend with no pull in areas along the length of the access road. The road is currently too narrow for waste collection and emergency services etc.

- The removal of hedgerows is contrary to Section 10.7 of the development plan which relates to visual impact.
- The applicant failed to carry out new percolation tests on the site as required by the Planning Authority.
- It is suggested that the site in question is not suitable for a proprietary wastewater treatment plant as the soil does not have sufficient percolation qualities. The proposal provides a serious risk to water pollution in the area. The proposed dwelling height will still be 3 metres higher than the adjoining house.
- No streetscape analysis has been provided to demonstrate that the proposal is sympathetic to its environment and fits aesthetically with surrounding neighbouring properties. It is not accepted that the proposal would fully integrate with the nature and established character along the cul-de-sac. Again reference is made to Section 10.7 of the Meath Development Plan which relates to visual impact.
- It is also stated that there are errors on the drawings and Condition No. 2 of the Council's decision requiring a revised site layout plan to be submitted for the written agreement of the Planning Authority does not afford members of the public an opportunity to comment.
- The proposed modern house type is not consistent with the Council's own rural design guide.

## 6.2. **Third Party Appeal by Shane O'Toole**

- It is argued that the area of Kilcloon is widely known to have flooding issues. The area surrounding the stream which runs along the western boundary of the site has been subject to serious flooding during heavy rainfall. The residents of Harristown Lane have agreed to give sworn statements to this effect. The addition of a new dwelling will significantly add to the risk and frequency of flooding in the area. National guidelines seek to ensure that development is avoided on floodplains and areas of flood risk.
- The grounds of appeal argue that while Meath County Council raised concerns in relation to the house design and positioning it is argued that these

issues were not satisfactorily addressed in the further information submitted on behalf of the applicant. It is argued that the height of the building is still excessive and this is contrary to the Meath County Development Plan. The elaborate design of the house does not integrate with the nature and established character along the cul-de-sac. In addition, the west elevation has very significant element of glass overlooking the neighbouring property and impinging on privacy.

- It is argued that the proposed development is not compliant with the EPA Code of Practice on Wastewater Treatment and Disposal Systems for Single Dwellings. Concerns are also expressed that the site is unsuitable to effectively drain surface water.
- There is concern that the percolation area is undersized and is located within 60 metres of a well on the appellant's site. This is a significant pollution risk.
- It is argued that the site is not suitable as it requires the raising of ground levels by over 1 metre on a floodplain. The site is significantly above the ground level of the neighbouring property. It will result in the removal of a large section of hedgerow and is located outside the development boundary for Kilcloon.
- It is stated that the proposed development would create five houses in a row within a length of 250 metres when taken in conjunction with other approved development in the area. It is therefore argued that the proposal constitutes ribbon development. It is also noted that many of the houses along this section of the road will not have adequate screening. Concerns are also expressed in relation to available sight distances at the access. It is also noted that there are two blind bends on the access road.
- Finally, it is argued that the proposed one-off house conflicts with key elements of the development plan which seeks to ensure a settlement strategy that is compatible with the protection of key economic environment, natural and cultural heritage assets as well as the road network, water quality and important landscapes. Other more appropriate sites are located at Kilcloon Church. The Board should note that the appellants have never questioned the ability of the applicants to meet the local needs requirements



for the Kilcloon area. This specific location on the subject site is the cause for concern.

## **7.0 Appeal Responses**

### **7.1. Planning Authority's Response to Grounds of Appeal**

- Meath County Council state in a response received by the Board on 20<sup>th</sup> April, 2017 that the appeal has been examined by the Planning Authority. The Planning Authority is satisfied that all matters outlined above in the submission were considered in the course of its assessment of the planning application as detailed in the Planning Officer's report. The Board is therefore respectfully requested to uphold the decision of the Planning Authority.

### **7.2. Applicants' Response to the Grounds of Appeal**

A response was submitted by Declan Clabby Architect on behalf of the applicants.

- Notwithstanding what is stated in the planner's report, (see photograph in planning report where the aerial photograph indicates that the proposed dwelling is located in a different location within the field). The planning application drawings clearly demonstrates the location of the proposed development. Having regard to the information contained on file including the drawings, it is very clear that Meath County Council have no misinterpreted the site location.
- The planner does however incorrectly state that the application site is located within the family landholding. The applicant nor the applicants' families are the owners of the site in question. The applicant's family home location is located within the townland of Harristown and is in close proximity to St. Joseph's National Primary School where the applicant is a vice-principal.
- There has been no technical discussion or justification supporting the statement that the site is in risk of flooding. It should be noted that a review of the Strategic Flood Risk Assessment for County Meath and the Eastern Catchment Flood Risk Assessment and Management Study did not identify the site as being at risk of flooding. Furthermore, there is no evidence to suggest that the field in which the site is located has been subject to flooding.

- There is no evidence of any species on site that are associated with floodplains. Any argument that the floor levels associated with the proposed house will increase flooding at the appellant's property is just not credible. It is however acknowledged that the same ditch/stream does have a history of overtopping further upstream to the north due to a localised build-up of vegetative debris. The applicants are not responsible for the upstream management of this ditch. There is no risk of surface water flooding on site or on the adjacent lands as a result of the development. In terms of on-site wastewater treatment, the percolation values recorded on site are indicative of good percolation rates. There is no risk of treated wastewater flooding the site.
- In terms of house design and siting, it is stated that the house is fully in accordance with the Meath Rural House Design Guidelines. The dwellinghouse will not impact on the visual amenities of the area as other houses in the area have mature boundaries and are well screened. The proposed house type is similar in style to several recently consented dwellings in the Harristown and Kilcloon area. Details of these houses are provided. The site layout has been designed to meet all criteria set out in the Design Guidelines. The western boundary of the site is adequately screened particularly along the western boundary where the appellants dwelling is located.
- There is no technical justification or arguments to support the appellants' conclusion that the site is not suitable for a proprietary wastewater treatment system. Details of the percolation tests are set out in the response. Furthermore, Condition No. 7 requires comprehensive requirements in relation to the on-site wastewater treatment system. It is considered that surface water management, foul wastewater management and other general biodiversity issues have been suitably addressed in the documentation submitted with the planning application.
- In relation to ribbon development, it is stated that presently there are not five or more houses on any one side of the 250 metres of road frontage surrounding the site. It is argued that the proposal provides potential for infill and it is noted that the Council will endeavour to arrive at a balanced and

reasonable view when considering developments which might exacerbate ribbon development. In this case the Council came to the view that the proposal does not constitute ribbon development. Furthermore, on this local cul-de-sac the dwellings are well screened and only partially visible therefore negative visual impacts associated with ribbon development is avoided.

- In relation to the sightlines the applicant consulted with the Road Design Office of Meath County Council who considered a sightline of 70 metres to be acceptable. It should be noted that all maintenance work to grass verges and hedges will be located within the proposed development with the exception of a 14.9 metre section which is located in neighbouring lands. A letter from the landowners in relation to same providing consents was submitted to Meath County Council as part of the planning application. However, if the Board have any concerns in respect of sightlines the applicant is willing to move the site entrance a further 3.5 metres to the east and drawings illustrating this change are attached. It is clear from these drawings and unobstructed views to both east and west along the Y axis are again achieved. Furthermore, the removal of scrub growth along the boundary will improve general road visibility.
- With regard to the appropriateness of the site for a dwellinghouse, the applicants note that Meath County Council have assessed the development and consider it to be in accordance with the provisions of the County Development Plan and the Meath Rural House Design Guidelines. Details of all the planning applications in Harristown between 2007 and 2014 are listed.
- In relation to the second appellant's submission it is noted that while he has very strong views in relation to one-off housing in rural locations, this does not appear to extend to his own direct family members who have submitted several planning applications over the previous 12 years in the Harristown area. These are listed in the appeal response.
- With regard to concerns about flooding these issues were dealt with earlier in the response. In relation to hedgerow removal it is acknowledged that approximately 70 metres of the existing hedgerow along the northern boundary will be removed. It is suggested however that the scrub has no

biodiversity value and such removal is common to most rural housing developments. The type of habitat is of low ecological value.

- Concerns in relation to access and site suitability have already been addressed in respect of the response to the other third parties concerns.
- In relation to house design and setting, it is reiterated that the proposal is in accordance with the design ethos contained in the Meath County Development Plan and the Meath Rural House Design Guidelines.

## **8.0 Further Submissions from Third Party**

### **8.1. Further Submission from Shane O'Toole**

- This submission sets out the background to a number of meetings with the landowner and the then, prospective applicants. The appellant was surprised to learn that the dwellinghouse is to be located on the western side of the field.
- Concerns are reiterated that the planner's report contains errors in relation to the ownership of the landholding and the location of the dwelling within the field and also has concerns in relation to topography.
- Concerns in relation to flooding are reiterated. Specifically, that the stream overtops the bank and this has been acknowledged by the applicant in relation to lands to the north of the site. It is reiterated that the OPW Guidelines emphasise that a precautionary approach should be undertaken in respect of flooding. Raising the floor levels of the floodplain will result in the natural floodplain being displaced.
- Concerns are reiterated that the design of the house is not in accordance with the Meath Rural House Design Guidelines. The provision of a 1.5 storey house is inappropriate given the predominance of bungalows in the area. Concerns are also reiterated with regard to the differential in ground levels between the subject site and the appellant's property.
- Concerns are reiterated that the site is not suitable for the accommodation of a proprietary wastewater treatment system particularly having regard to the fact that the lands are often waterlogged.

- Concerns are expressed in relation to the environmental impact arising from the proposed development and the exacerbation of ribbon development arising from the proposal.
- It is again argued that the proposed access point is precarious and sightlines particularly in an easterly direction are substandard.
- It is also stated that the applicant has not addressed many concerns raised in the original grounds of appeal with regard to sightline restrictions, the narrowness of the access road and the fact that an accident has occurred at this location.
- It is also argued that the applicant has not dealt with many of the concerns in respect of non-compliance with settlement strategy set out in the development plan.
- In conclusion it is stated that the appellant fully supports the applicant in building a house in Kilcloon where there are no planning concerns or risk of flooding to family homes.

**8.2. A Further Submission was received on behalf of Mr. McDonald by RC Design Services Limited.**

- It reiterates concerns in respect of facilitating speculative development in an established unzoned and unserved agricultural area. It is noted that there are no family ties to this site or landholding.
- Concerns are reiterated in respect of flooding and the suitability of the site to accommodate an on-site wastewater treatment system. It is considered that the application does not adequately address concerns in relation to the proposed levels and siting of the building on site. Concerns are expressed in relation to the amount of hedgerow removal required to achieve sightlines.
- The proposal will damage the existing mature natural boundaries within the field.
- Concerns are reiterated in respect of the blind bend to the west of the site.

- Concerns in relation to the relative height of the building and the impact of the dwellinghouse on the character and setting of the area are reiterated and it is again contended that the proposal is contrary to Section 10.7 of the County Development Plan.
- The response goes onto reiterate concerns in relation to the errors on the drawings and the applicant has failed to address anomalies identified in these drawings.
- The proposal is contrary to the provisions of the Meath Rural House Design Guide. Notwithstanding the fact that numerous applications were made by the appellant to Meath County Council over the years for houses in the area, the Board are asked to note however that only a single dwelling has been constructed on foot of the applications listed in the applicants response to the grounds of appeal.

## 9.0 Development Plan Provision

The site is governed by the policies and provisions contained in the Meath County Development Plan 2013 to 2019. Chapter 10 specifically relates to rural development. The overall goal is to encourage the continued sustainable development of rural communities without compromising the physical, environmental, natural and heritage resources of the county. Meath County Council recognises the long tradition of people living in rural areas and promotes sustainable rural settlement as a key component of delivering more balanced regional development. The development plan seeks to accommodate rural generated housing needs where they arise, subject to local housing need criteria and development management standards. The overall goal is to ensure that rural generated housing needs are accommodated in the areas they arise subject to satisfying good practice in relation to site location, access, drainage, design requirements and that rural generated rural housing needs should be accommodated within built-up areas or land identified through the development plan process. The subject site is located in a rural area designated as being 'under strong urban influence'.

In terms of policy, Policy RDPOL1 seeks 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.

Policy RDPOL3 seeks to protect areas falling within the environs of urban centres in this area type from urban generated and unsightly ribbon development and to maintain the identities of these urban centres.

Section 10.4 sets out the criteria for people who are deemed to be an intrinsic part of the rural community. The Planning Authority recognise the interests of persons local to or linked to a rural area who are not engaged in significant agricultural or resource related occupation to live in rural areas. Persons local to an area include:

Persons who have spent a substantial period of their lives living in rural areas as members of the rural community for a period in excess of five years.

Persons who are originally from rural areas who are in a substandard or unacceptable housing scenario and who continue to have close family ties with rural communities.

Persons whose employment is rurally based such as teachers in rural primary schools or whose work predominantly takes place within a rural area in which they are seeking to build their first home.

Section 10.5.1 sets out development assessment criteria.

The housing need background of the applicant in terms of employment, strong social links to rural areas and the immediate family as defined in Section 4.

Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped.

The suitability of the site in terms of access wastewater disposal and house location relative to other policies and objectives in the plan.

The degree to which the proposal might be considered infill development.

Section 10.5.2 relates to ribbon development. Ribbon development is considered to be a high density of almost continuous road frontage type. For example, where five or more houses exist on any one side of the road on a given 250 metres of road frontage. Whether a given proposal will exacerbate such ribbon development or could be considered ribbon development will depend on:

The type of rural area in circumstances of the applicant.

The degree to which the proposed development might be considered infill.

The degree to which ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

Meath County Council will endeavour to arrive at a balanced and reasonable view in the interpretation of the above criteria taking into account local circumstances including the planning history of the area and development pressures.

Section 10.7 relates to design and siting considerations. It is essential that care is exercised in the siting and design of new buildings to ensure that they too can integrate harmoniously with the surroundings and thereby protect the amenity and character of the countryside of County Meath. Meath County Council has prepared design guidelines for rural houses which are included in Appendix 15 of the Development Plan.

#### *The Rural House Design Guide*

The Rural House Design Guide sets out advice and guidelines in respect of site selection, site development, and building design including guidelines on height, scale and proportion and construction and detailing.

Finally, the Board will have regard to Circular Letter PL2/2017 which relates to Sustainable Rural Housing Guidelines for Planning Authorities and in particular local needs criteria and development plan. It notes that the European Commission originally issued an infringement notice against Ireland in 2007 in relation to “local needs criteria” as set out in the 2005 Guidelines. There are concerns that the 2005 Guidelines and in particular policies in relation to local need criteria may not comply with the EU Treaty on Freedom of the Movement of Citizens. It is anticipated that revised guidelines on rural generated housing will be issued under Section 28 of the Planning and Development Act, 2000 on foot of this European ruling. Until such time as guidelines as prepared and adopted, Planning Authorities should defer amending the Rural Housing Policy/Local Housing Need Criteria in existing development plans either by way of cyclical review or variation procedures.



## 10.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider the following issues to be critical in determining the current application and appeal before the Board.

- Local Housing Need
- Impact on Flooding
- House Design and Positioning
- Site Suitability for a Proprietary Wastewater Treatment Plant
- Ribbon Development
- Removal of Hedgerows
- Suitability of Access Road
- Sightlines at Proposed Entrance

### 10.1. Local Housing Need

Both third parties in the grounds of appeal make reference to the fact that the Planning Authority have incorrectly indicated that the subject site forms part of the family landholding. It is quite clear from the information on file that this is not the case. Notwithstanding this point it is apparent from studying the documentation on file, and in particular the documentation submitted as Appendix 1 of the Planning and Environmental Considerations Report received with the original documentation, that the applicant has demonstrated that she presently resides in the area, her parents have resided in the area for over 35 years and the applicant's son currently attends a national school in the area. Furthermore, the applicant is a primary school teacher currently teaching at Mulhussey which is in close proximity (c.2.5 miles from the subject site). While the local needs criteria set out in the Departmental Guidelines for Sustainable Rural Housing which have been incorporated into the current Meath Development Plan are currently under review, as it stands I am satisfied that the applicant in this instance meets the local need criteria as currently set out in the

development plan. The applicant in this instance is involved in employment which is rurally based, has spent a substantial period of her life living in the area and her family have strong intrinsic links with the area. The principle of housing need in my view therefore has been established.

## 10.2. **Impact on Flooding**

Again both third party appeals argue that the subject site is prone to flooding and that the proposed development, due to elevated ground levels, will exacerbate and accentuate local flooding in the area. I have consulted the OPW Draft Flood Mapping website and there is no reference or recording of any flood incident at this location. I have also consulted the Strategic Flood Risk Assessment for County Meath. Likewise, this document does not make reference to any flooding of the subject site and its surroundings.

I have also consulted Appendix C of the National Preliminary Flood Risk Assessment Overview Report prepared as part of the National CFRAM Programme. Appendix C sets out records of the number of past flood events at various locations throughout the country as part of the historic flood risk assessment. Likewise, there is no reference to Harristown or Kilcloon in this Appendix. While Circular PL2/2014 requires competent authorities to be precautionary when using OPW Flood Mapping in assessing planning applications, as it will be premature to rely solely on these draft outputs for planning and development management purposes, there nevertheless remains no evidence to suggest that the subject site floods.

The appellant has submitted photographs which indicated surface ponding on the subject site. However, this in itself does not provide any evidence of any largescale flooding on the subject site. I would be inclined to agree with the applicant that the surface ponding contained in the photographs are primarily as a result of compressed and trampled ground resulting from the grazing of livestock. The appellants have not provided any evidence to suggest that the stream along the western boundary of the site overtops and gives rise to fluvial flooding in the area.

The proposed dwellinghouse will incorporate elevated finished floor levels in the areas immediately surrounding the house. However, the footprint of the building in the context of the overall field is relatively small and will not result in any significant displacement of surface water in the context of the overall field in which the house is

to be located. The applicant also proposes a series of soakaways to deal with surface water drainage issues. Having regard to the information available I am generally satisfied that the proposed development will not exacerbate or accentuate flooding in the area to any material extent and therefore there is no evidence to suggest that the proposal should be refused on grounds relating to flooding.

### 10.3. House Design and Positioning

Concerns are expressed that the overall height and scale and design of the house is inappropriate in the context of surrounding development. There are a number of houses being currently constructed or recently completed in the wider area which are not dissimilar to the current proposal before the Board. In terms of design I would not be unduly concerned that the dwelling is a storey and a half in height rising to a ridge height of 7.35 metres. The dwelling is located in a sylvan and verdant environment incorporating mature landscaping surrounding the existing dwellinghouses.

Furthermore, the sites in question are large and the proposed house on the subject site is setback c.30 metres from the roadway. The overall size and dimensions of the site together with the separation distances between the proposed dwelling and the boundaries of the site in my view enables a larger dwellinghouse to sit comfortably within the site without impacting on the visual amenities of the area. The photographs attached indicate that existing dwellings surrounding the site are not readily visible from the roadway and as such will not be visually comparable with the house proposed on the subject site. The overall size and scale of the house has been reduced by c.1 metre in accordance with the Planning Authority's requirements by way of further information request. Finally, in relation to the size and scale of the house, the Board will note that extensive landscaping is proposed throughout the site which will over time screen the dwelling and contribute to the sylvan environment in which the house is set.

In terms of overall design, I do not consider that the proposed development deviates from the design parameters set out in the Rural House Design Guide for County Meath. The proposal involves the incorporation of a traditional style roof profile typical of other rural houses in the area. As already stated the proposal is not dissimilar to other dwellinghouses granted in the wider area some of which are

indicated in the applicants' response to the grounds of appeal. I do not consider that the proposed development is incongruous in terms of design and is generally appropriate in terms of materials incorporated into the external elevations.

#### 10.4. **Site Suitability for a Proprietary Wastewater Treatment Plant**

The grounds of appeal argue that the subject site does not have sufficient percolation qualities to accommodate an on-site wastewater treatment system. Again photographs are submitted which indicate surface water ponding on site in support of this claim. The appeal site was subject to a detailed site characterisation report. The percolation tests carried out on site suggests that the soils and subsoils inherent on the site have adequate percolation and infiltration qualities to accommodate a proprietary wastewater treatment system. The percolation tests yielded T values of 14 and P values of 28 both of which would comply with the standards set out in the EPA Code of Practice. Furthermore, I consider that the size and scale of the percolation area is more than adequate to deal with the hydraulic loading associated with a single individual house.

The photographs submitted by the appellant which indicate surface ponding as already mentioned may be more indicative and attributable to surface compression associated with the grazing of livestock. The Board will also be aware from the photographs submitted that the fields do not contain any evidence of vegetation such as rushes which are normally associated with poor percolation characteristics within the soil. In fact, having visited the site I noted that the vegetation which included evidence of thistles and ragwort are normally indicative of dry conditions. Therefore, based on the information contained in the site characterisation report together with my site inspection I am generally satisfied that the site in question is suitable for a proprietary wastewater treatment system.

One of the appellants also makes reference to the fact that the percolation area is located within 60 metres of the appellant's well. The drawings submitted indicate that groundwater directional flow is towards the appellant's property to the south-west. The appellant has not indicated the locational details of the well in question and whether or to the well is used for potable water supply. The planning application form indicates that the proposed development is to obtain water supply by means of a

new connection to the public mains. It is likely therefore that houses in the vicinity are likewise connected to the public mains and are not reliant on private wells as a source of water supply. Finally, in relation to this issue I would refer the Board to Table B3 of the EPA Code of Practice. It suggests that where domestic wells are located downgradient of a percolation area in the case where T/P values are in the range of 10 to 30 the separation distance between the percolation area and the domestic well should be in the region of 30 to 45 metres. The separation distance in this instance comfortably exceeds this.

#### **10.5. Ribbon Development**

Whether or not the proposed development in this instance constitutes or contributes to ribbon development is a debatable point. There are currently seven dwellinghouses on the southern side of the cul-de-sac. These are spread over a distance of approximately 450 metres. There are a number of vacant sites along the cul-de-sac on both sides of the road, the field in question being the largest vacant site. If the subject site were to be developed it would result in extending the linear pattern of development along the cul-de-sac. However, it can be equally and in my view reasonably argued that the proposed development constitutes an infill development along the cul-de-sac. The development plan clearly states that the Planning Authority should take into consideration the degree to which the proposal might be considered infill development. In this instance and having particular regard that the access road ends in a cul-de-sac, I consider that the Board could reasonably come to the conclusion that the proposed development constitutes infill development on a section of road which has a defined length and as such could be considered acceptable.

#### **10.6. Removal of Hedgerows**

The proposed development will result in the removal of hedgerows along the front boundary of the site in order to incorporate 70 metre sightlines in an easterly direction. The removal of this hedgerow is a requirement of the Roads Design Office to ensure that adequate sightlines are provided so as the proposed access to the dwelling does not result in a traffic hazard. Approximately 70 metres of hedgerow will be removed. It will be replaced with a new setback timber stud rail fence behind

which a new native species hedge will be planted. I do not consider that the removal of the hedgerow in this instance would constitute reasonable grounds for refusal having particular regard to the fact that a new hedgerow is to be planted along the front boundary of the site as a compensation measure. The removal of the hedgerow and the incorporation of a new hedgerow behind the proposed fence along the northern boundary of the site will undoubtedly improve sightlines in an easterly direction.

#### **10.7. Suitability of Access Road**

The access road serving the site is narrow and estimated to be 3 metres in width along its alignment. This access road obviously serves and caters for traffic associated with the existing development along the cul-de-sac. I do not consider it appropriate to refuse planning permission for the proposed housing development on the grounds that the access road is of insufficient width to cater for traffic generated by the proposed house having regard to the fact that this access road already serves 14 dwellinghouses. While the access road is narrow this will assist traffic calming and reduce traffic speeds along the alignment of the road. Furthermore, I note that there is a wide grass verge and a number of recessed domestic entrances which would provide suitable laybys for traffic passing in opposite directions.

#### **10.8. Sightlines at Proposed Entrance**

I have visited the site in question and I consider that, with the incorporation of the set back of the northern boundary 70 metre sightlines are achievable in an easterly direction. I am satisfied that requisite sightlines exist in a westerly direction towards the end of the cul-de-sac. The eastern side of the access road near the junction with Kilcloon/Maynooth Road incorporates a number of acute bends and this together with the narrow carriageway considerably slows traffic along the access road. I therefore consider that sightlines of 70 metres are more than adequate in this instance.

The applicant in response to the grounds of appeal has incorporated a slight relocation in the access road moving it approximately 3.5 metres to the east of the current location. Having inspected the drawings and the site, I consider that it is not

necessary to relocate the entrance as suggested in the response to the grounds of appeal in order to improve sightlines. I am satisfied that the access as originally proposed is suitable and will not result in a traffic hazard.

One of the appellants also makes reference to an accident occurring on the access road which is attributed to poor visibility. No further details are contained on file as to the cause or the severity of the accident in question. In the absence of such information it is not possible to determine whether the accident was due to road conditions or driver behaviour etc. I am satisfied having inspected the site that adequate sightlines are available and that the proposal will not result in a traffic hazard.

## **11.0 Appropriate Assessment**

There is one designated Natura 2000 site within 15 kilometres. The Rye Water Valley/Carton SAC is located approximately 3 kilometres to the south of the site. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment arise and it is not considered that the proposed development would be likely to have a significant affect individually or in combination with other plans and projects on a European site.

## **12.0 Conclusions and Recommendations**

Arising from my assessment above I consider that An Bord Pleanála should uphold the decision of Meath County Council and grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 13.0 Reasons and Considerations

Having regard to the pattern of development in the area, it is considered that subject to conditions set out below the proposed development will not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further information received by the planning authority on the 1<sup>st</sup> day of February 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, a revised site layout plan shall be submitted to the planning authority for written agreement which correctly indicates the distance of the dwelling from the western boundary of the site in order to correspond with the scale dimensions on the submitted site layout plan received by the planning authority on 1<sup>st</sup> day of February, 2017. (Drawing No. 16051002B).

**Reason:** In the Interests of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.



Reason: In the interest of visual amenity.

4. The proposed domestic garage shall be used for purposes incidental and ancillary to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial use.

**Reason:** In the interest of orderly development.

5. The entrance gates to the proposed house shall be setback not less than 4 metres and not more than 6 metres from the edge of the public road. Wingwalls or bell shaped walls forming the entrance shall be agreed in writing with the planning authority prior to the commencement of the development and shall not exceed 1 metre in height.

**Reason:** In the interest of traffic safety.

6. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details submitted to and agreed with the planning authority prior to the commencement of development. The scheme will include the following:

The establishment of a native hedgerow within the boundary fence along the northern boundary of the site.

All plants which die, are removed or become seriously damaged or diseased within the period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape in the interests of visual amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

8. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 30th day of September, 2016, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

9. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

10. All wastes generated during the construction including surplus excavation material to be taken off site shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 to 2008. This shall not apply to the reuse of excavated materials within the applicants’ site boundary.

**Reason:** In the interest of orderly development and public health.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

12. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

13. The developer shall pay to the planning authority a financial contribution of €4,950 (four thousand nine hundred and fifty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Paul Caprani,  
Senior Planning Inspector.

17th July, 2017.