



An
Bord
Pleanála

Inspector's Report PL26.248596

Development	Construction of dwelling house with detached garage and associated site works.
Location	Cloghnamallaght, Monamoillin, Gorey, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20170303
Applicant(s)	Lee & Denise Doyle
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s).	Colm Mac Con Iomaire & others
Date of Site Inspection	23 rd August 2017
Inspector	Colin McBride

1.0 Site Location and Description

The appeal site, which has a stated area of 0.304 hectares, is located to the south west of Gorey within the rural area of Co. Wexford. The appeal site is part of larger field (agricultural grazing land). The site is served by a lower category county road with a carriageway width of approximately 4m. The site itself is part of larger field so has no defined boundaries apart from the roadside boundary (north eastern boundary), which is defined by existing hedgerow. The site has an existing agricultural entrance that currently serves the entire field the site is taken from. The nearest dwellings are located to the north west (dwelling and farmyard) and to the south east. Levels on site increase moving away from the public road.

2.0 Proposed Development

- 2.1. Permission is sought for a two-storey dwelling house, detached garage and associated site works. The dwelling has a floor area of 258.66sqm and a ridge height of 8.401m. The dwelling features a pitched roof with external finishes that appear to be render and a slate roof. It is also proposed to construct a detached garage with a floor area of 29.34sqm and a ridge height of 4.153m. It is proposed to provide a new vehicular access coinciding with location of the existing agricultural access and install a proprietary waste water treatment system. Water supply is to be a private well.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 10 conditions, which are standard in nature.

3.2. Local Authority and External reports

- 3.2.1. Environment Section (31/03/17): Grant of permission recommended subject to conditions.

- 3.2.2. Planning Report (02/05/17): The applicants were considered to comply with rural housing policy, the design and scale of development was considered acceptable in relation to visual and adjoining amenity, traffic safety and public health. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 No planning history.

5.0 Policy Context

5.1. Development Plan & National Guidance

- 5.1.1 The relevant Development Plan is the Wexford County Development Plan 2013-2019.

- 5.1.2 Rural Housing policy is under Section 4.3.3 of the County Development Plan.

The site is classified as being in a 'Stronger Rural Area'.

Objective RH03

To facilitate the development of individual houses in the open countryside in 'Stronger Rural Areas' in accordance with the criteria laid down in Table No. 12 and subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

Table 12 sets out the criteria for each rural area types (attached).

- 5.1.3 Under the Sustainable Rural Housing: Guidelines for Planning Authorities (April 2005) the site is located in an Area under Strong Urban Influence.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Ian Doyle Planning Consultant on behalf of Colm Mac Con Iomaire & Shelly MacNally and Seamus O'Leary & Ann Codd.

- The appellants reside in the dwellings located to the south east and north west of the field from which the site is taken.
- It is noted that the site is in a 'Stronger Rural Area' and applicants are subject to a number of criteria for rural housing. It is considered insufficient documentation is submitted to demonstrate the applicants' compliance with the criteria for rural housing at this location and it is noted that the applicants reside and work in Waterford City and the proposal is urban generated rural housing not compliant with Development Plan policy.
- It is considered the design and scale of the dwelling is inappropriate within a rural area such as this and would be visually imposing at this location.
- The proposal by virtue of its location within the field would create infill sites between it and the appellants' properties on either side. If permission is granted a sterilisation agreement should be required for the remainder of the field.
- There is a historic well located opposite the site that is still in regular use. It is noted that insufficient information is submitted to enable the planning authority make an appropriate assessment.

6.2 Responses

6.2.1 Response by Wexford County Council.

- It is noted that the proposal complies with County Development policy and the dwelling can be successfully integrated into the landscape without any adverse visual impact.

6.2.2 Response by Seamus O'Hagan, Graphic Concepts on behalf of the applicants, Lee & Denise Doyle.

- The response notes rural housing policy and the fact that the applicants comply on the basis of the fact the proposal is within 7.83km of Denise Doyle's family home. The applicant has included documents demonstrating that Denise Doyle attend the schools within the local area.
- It is considered that the proposal complies with Development Plan policy regarding the design of rural housing and the applicants have included a landscape plan for the site.
- It is noted that the drainage characteristics of the site are acceptable for a wastewater treatment system.
- It is noted that the proposal would be acceptable in regards to traffic safety with adequate sightlines available.
- It is noted that the design is sympathetic to the rural location of the site.
- It is noted that the proposal would not extend a linear pattern of development and the site is located centrally in the field to prevent overlooking of the existing dwelling. It is noted that the site is already an infill opportunity as it is located between two existing dwellings and that it would not extend ribbon development.
- The historic well on the opposite side of the road is sufficiently separate from the site and wastewater treatment system with the required separation distance under the EPA guidelines provided and the wastewater treatment system not in the direct flow path of the well.

6.3 Submission to Planning Authority

6.3.1 Colm Mac Con Iomaire & Sheila MacNally

- The submission registers objection to the proposal.

6.3.2 Seamus O'Leary & Ann Codd

- It is noted there is already a traffic hazard at this location due to the narrow width of the road and existing agricultural traffic.

6.3.3 James Browne TD

- It is noted that the applicant complies with planning regulations regarding rural housing.

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/Development Plan policy

Design/visual amenity/pattern of development

Traffic

Wastewater treatment

Flood risk

Other issues

7.2 Principle of the proposed development/Development Plan policy:

7.2.1 The proposal seeks permission for a dwelling in the rural area of the county. Policy in regards to rural housing is set out under Section 4.3.3 of the County Development Plan. The site is located in an area classified as a Stronger Rural Area. Applicant's in such areas need to comply with the criteria set down under Table 12 (attached), which includes 'local rural people', who currently reside or have previously resided within 15km of the site for a minimum period of 5 years. The appellants' have questioned the applicant's compliance with rural housing policy and noted that they failed to demonstrate compliance with such. Compliance with rural housing policy is in relation to Denise Doyle. According to the information on file Denise Doyle originally resided and grew up in her family home 7.83km from the site in the townland of Mangan Lower. The applicant has also included detail of schools attended including primary school at Ballygarrett, Wexford as well as other documentation to demonstrate compliance with Development Plan policy. On the basis of the information on file, I would consider that the applicants comply with Rural Housing policy under the Wexford County development as written.

7.3 Design/visual amenity/pattern of development:

7.3.1 The appeal site is part of an existing field with levels increasing moving away from the public road in a south western direction. The proposed dwelling is a two-storey dwelling with what appears to be a render finish and slate roof. The site itself would not be a significantly visible or prominent site due to its location, topography and existing trees and hedgerows. I would be satisfied that the dwelling proposed would not be highly visible in the surrounding area. The overall quality of the design is not of any great architectural merit, it is nonetheless relatively nondescript in design and I would consider it to be acceptable in regards to its overall visual impact at this location. I am satisfied that the overall design and scale of the dwelling, taken in conjunction with its siting would be acceptable in the context of the visual amenities of the area.

7.3.2 The appellants raise concerns regarding the pattern of development noting that the positioning of the dwelling in the field would create infill sites. I would consider that no matter where the dwelling is positioned in the field that this argument could be raised. I would concur that the site itself is an infill site being located between two dwellings and it can be argued that it does not extend ribbon development or constitute ribbon development as defined by the Sustainable Rural Housing guidelines (5 dwellings over a distance of 250m). I would note that infill sites or other dwellings at this location would be subject to permission and are not being assessed under this proposal.

7.4 Traffic:

7.4.1 The site is located off a lower category county road with a carriageway width of approximately 4m. The site is located at point in the road where both horizontal and vertical alignment allow for sufficient sightlines in either direction. I am satisfied that the nature and scale of development would not generate traffic that would result in significant additional turning movements at this location and that the layout of the proposed vehicular access is satisfactory. In this regard I am satisfied the proposal would be acceptable in the context of traffic safety and convenience. I would note that the proposal uses the existing vehicular entrance to the site with it not clear how the remainder of the field is to be accessed if permission is granted.

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 2.2m in the trial hole (2.2m). The percolation tests result for T tests carried out by the standard method and for deep subsoils and/or water table, indicate percolation values that are within the standards what 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. The drawings submitted meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries). I am satisfied that there is adequate separation between the wastewater treatment and the proposed well on site and any existing wells on adjoining properties including that identified on the opposite side of the road. 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 a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1

Having regard to the provisions of the Wexford County Development Plan 2013-2019 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in the context of the visual amenity of the area, the amenities of adjoining properties, traffic safety and convenience, and satisfactory in regards to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 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. 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.

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.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and no surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road.

Reason: In the interest of public health.

4. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tiles shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

5. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

6.

(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 13th day of March, 2017, 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.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of 2 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 interest of visual amenity.

8. The developer shall pay to the planning authority a financial contribution 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, as amended. 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Colin McBride
Planning Inspector

29th August 2017