



An
Bord
Pleanála

Inspector's Report PL17.248631

Development	Construction of house, garage, proprietary wastewater treatment system and percolation area and all associated site works.
Location	Balgeeth, Ardcaith, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA/170001
Applicant	Kiera Byrne
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Robert Gogan
Observer(s)	None
Date of Site Inspection	18 th August 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.75ha, is located in the townland of Balgeeth, c. 0.65km north west of Ardcaith, which is a rural node, or 'Graig', in east Meath, c. 2.2km from the border with County Dublin. The appeal site is located on the southern side of a narrow local road which connects the R152 Regional Road to Ardcaith village. The site is located in a gently undulating and somewhat elevated rural area with expansive views to the north.
- 1.2. The appeal site is irregularly shaped and forms part of a larger field. It is bounded by a hedgerow and the local road to the north, a hedgerow and trees to the east, while the western and southern boundaries are currently undefined. The site has a road frontage of c. 80m and is relatively level, with a gentle rise from west to east. The appeal site mainly comprises undeveloped grassland as well as the foundations for a previously permitted dwelling and related areas of hardstanding. The remainder of the field within which the site is located was planted with crops on the date of my site inspection.
- 1.3. There are no dwellings immediately adjacent to the site, with the nearest dwellings being located c. 170m to the west and c. 200m to the south west, respectively.

2.0 Proposed Development

- 2.1. The description of the proposed development, as amended on foot of a request for further information, is as follows:
 - Retention and use of the foundations and rising walls granted under Planning Reference Number 00/4204.
 - Construction of a new detached 2 storey dwelling.
 - Construction of a new garage.
 - New proprietary wastewater treatment system & percolation area.
 - New entrance to site.
 - All associated site works.

- 2.2. The proposed house is centrally located within the site with a north-south orientation (front elevation facing north). It is a two storey structure with a ridge height of 7.96m and a stated floor area of 303 sq m with the main living accommodation at ground floor and four bedrooms and a nursery/study at first floor level. The house features two storey projecting gable elements to the front and rear elevations and a single storey living area projection on the western side elevation. The finishes comprise a mix of render and natural stone to the walls, natural slate roof and timber/aluminium windows. A detached single storey garage with a stated floor area of 40.8 sq m is proposed to the east of the house, and features a render finish with natural slate pitched roof.
- 2.3. The proposed house and garage will be accessed by a gravel driveway, with an extensive gravel area to the north of the house and a patio area to the south of the house. A wastewater treatment system and raised soil polishing filter is proposed to the north of the house. A soak pit is proposed to the west of the house to cater for surface water runoff, with a well proposed to the south east of the house.
- 2.4. On foot of a request for further information, it is also proposed to remove existing hedgerows across the full road frontage of the site and for a distance of 70m to the west of the entrance proposed to improve sightlines, and to provide a 10m x 2m area to the east of the entrance to provide a vehicle pull-in point. A replacement hedgerow set-back 3m from the road edge is proposed, with additional hedgerow planting to the western and southern site boundaries and landscaping within the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Meath County Council decided to grant planning permission, and the following summarised conditions are noted:

- C2: Existing hedgerow for the full frontage of the site and for 70m to the west of the proposed entrance shall be removed and set back in order to achieve adequate sightlines.
- C8: Seven-year occupancy condition.

- C14: Development contribution of €6,050 towards public roads expenditure in the area of the Authority.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Application site is located in a rural area under strong urban influence. Applicant has demonstrated a local need in compliance with the policy of the CDP.
- Roads section is satisfied with proposal on revised site layout plan to remove hedgerow along the full frontage of the site and 70 metres to the west and provide a pull-in area. This will be of benefit to all road users.
- There are no dwellings immediately adjacent to the site and therefore it is not considered that the proposed dwelling would impact on any residential amenities.
- The proposed dwelling will be located 50 metres from the public roadway and will not be highly visible.
- There are a number of two storey buildings in the area and the previously permitted house was of similar height and design.
- Design approach and siting is generally in accordance with the Meath Rural Design Guide.
- P-values and T-values are in compliance with EPA Code of Practice.
- Proposed development by itself or in combination with other plans and development in the vicinity would not be likely to have a significant effect on European sites. Therefore, a Stage 2 Appropriate Assessment is not required.

3.3. Other Technical Reports

- None.

3.4. **Prescribed Bodies**

- None.

3.5. **Third Party Observations**

- None.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. **Reg. Ref. SA/70183**

Planning application lodged by Seamus Byrne for retention of work carried out on the construction of a house under expired permission Reg. Ref. 00/4204 and for completion of development with alterations to the plans and elevations. Planning permission was **refused** in November 2007 for two reasons, which can be summarised as follows:

1. The site is located in a rural area outside any designated settlement and in a Rural Area under Strong Urban Influence. It is the policy of the CDP to restrict housing in this area to those who are intrinsically part of the rural community and the applicant has not established a rural generated housing need for a dwelling at this location.
2. Having regard to the suburban style of the proposed dwelling, it would have an adverse impact on the visual amenity of the area, would be contrary to Section 10.3.1.1 of the CDP and would set an undesirable precedent.

4.1.2. **Reg. Ref. 00/4204**

Planning permission **granted** in 2001 to Seamus Byrne for construction of two storey dormer style dwelling, domestic garage, septic tank, percolation area and new entrance to site.

4.2. **Surrounding Area**

- 4.2.1. I am not aware of any relevant recent planning history in the surrounding area.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines for Planning Authorities 2005

- 5.1.1. The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

5.2. Meath County Development Plan 2013-2019

- 5.2.1. The appeal site is located on unzoned lands, in an area designated as being a “rural area under strong urban influence” in the Development Plan. Policies RD POL1, RD POL 2 and RD POL 3 all relate to this type of rural area and seek to facilitate the housing requirements of the rural community subject to normal planning criteria, while directing urban-generated housing to zoned lands in towns and villages.
- 5.2.2. Section 10.4 sets out the criteria under which applicants can demonstrate their local housing need. In this regard, persons local to an area are considered to include “persons who have spent substantial periods of their lives, living in rural area as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”.
- 5.2.3. Section 10.5.1 sets out the ‘Development Assessment Criteria’ which the Planning Authority will take into account. This includes housing need as defined in Section 10.4, local circumstances, suitability of the site, the degree to which the proposal represents infill development and the history of development on the original landholding. Where there is history of speculative sale of sites, permission may be refused. Policy RD POL 7 is to attach a seven-year occupancy condition to all individual one-off rural dwellings.

5.2.4. Section 10.7 sets out design and siting considerations for rural residential development and includes Policy RD POL 9, which requires all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One third party appeal was made by Mr Robert Gogan. The grounds of appeal can be summarised as follows:

- Applicant's father owns some 130 acres in the area. There are more suitable sites for the erection of a dwelling within the family holding.
- Applicant proposes constructing a dwelling on previously constructed foundations and appellant contends that this is the rationale for the site selection.
- Proposed site is located on a county road linking Micknanstown and Ardcath Village which is in very poor condition. Condition of road has continued to deteriorate since application was lodged.
- Contribution of €6,000 is totally inadequate for the repair of the road and there is no guarantee that the contribution would be spent on the road in question.
- Previous application on the site was refused (Reg. Ref. SA/70183) and there is minimal change in the current application.
- Planner's report makes reference to the development location as Fennor, not Balgeeth. Applicant has a local need in the Great Fennor area, not in the Balgeeth area.
- Applicant is a nurse/midwife and only helps out on the farm in her spare time. The extent of her involvement in agriculture does not warrant special consideration.
- A site close to the family home would be more appropriate than one remote from the family home and in keeping with local needs policy.

- In order to achieve the required sightline, the applicant proposes removing a considerable length of hedgerow. Development Plan seeks to retain as much of the existing hedgerows and trees as possible, and proposed development is contrary to this.
- Width of the road is such that there is no space for two vehicles to pass and 'pull-ins' are few and far between.
- Development Plan requires a 90m sightline in both directions, yet it would appear that 70m at a 2m setback is acceptable. The minimum set back in NRA DMRB is 2.4m and it would appear that the Council are allowing a reduction in both sightlines and set backs.
- Current construction on site is not at a sufficiently advanced stage to justify granting this application.
- Two storey dwelling is not in keeping with the general house type in the area which is a bungalow and does not respect the traditional build form.
- In her report on application Reg. Reg. 00/4204, the Planning Officer commented that having regard to the size of the land holding and the number of dwellings already constructed, any further grant of permission would not accord with the proper planning and development of the area.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- All matters outlined in the appeal were considered in the course of assessment of the planning application.
- Roads Section were satisfied with the proposed development from a roads perspective.
- Applicant has demonstrated compliance with local needs policy.
- House design complies with Meath Rural Design Guidelines.
- New native hedgerow will be planted 3 metres from the road edge.
- Board is asked to uphold the decision to grant permission.

6.3. Observations

- None.

6.4. Applicants' Response to Appeal

6.4.1. The applicants' response to the appeal can be summarised as follows:

- Appeal is invalid as appellant does not live in stated address of Micknanstown, Ardcath, Garristown, Co. Meath.
- Foundations and footings present on site are not unauthorised, in accordance with section 40 of the PDA, and do not require retention permission.
- Proposed development is an appropriate use of a brownfield site and the principle of a house on this site has been established.
- Applicant is a lifelong member of the rural community and complies with Sustainable Rural Housing Guidelines and CDP requirements. Documentary evidence included with response to appeal.
- Appeal site is the only site available to the applicant, as her father does not wish to interfere with other farm lands.
- Surrounding area has not been the subject of significant rural housing and the rural character of the area is retained.
- The applicant's father has never sold a site, and there have been no sites taken from the farm.
- Undulating nature of the site and the surrounding area coupled with existing hedgerows ensures that the appeal site will not be visible from outside the site with the exception of the field entrances on Copper Lane and Micknanstown Road. The proposed development will therefore not impact on the visual amenity of the area.
- Local road is on the programme of works for upgrading in 2018 and it is likely that this upgrade will be carried out before the house is completed.
- The presence of existing foundations is a strong rationale for the development as this is a brownfield site where permission has previously been granted.

- The previous application in 2007 was made by the applicant's parents who no longer had a rural housing need since inheriting the house of her deceased grandparents.
- Appellant's reference to rural housing need within particular townlands is unsubstantiated, as they are all part of the same parish to which the applicant belongs. The site is 1.4km from the family home and is the only site available to the applicant.
- The appellant's references to the applicant's extent of involvement in the family farm is irrelevant as she qualifies under the CDP and Guidelines. There is no requirement for her to be engaged in full-time agriculture, however she does work in her time off on the farm.
- Level of traffic utilising local road is minimal, and proposed development will utilise existing entrance permitted under Reg. Ref. 00/4204. Roads section had no objection to proposed development.
- Existing hedgerow to be removed to provide appropriate sightlines is of poor quality.
- Planning Officer's comments in 2000 are irrelevant as they predated the 2004 Sustainable Rural Housing Guidelines.
- Applicant's father or grandfather never sold any sites from the landholding. Apart from applicant's family home, the only other houses built on the landholding were the applicant's uncles houses.
- Design of house accords with Meath Rural Design Guidelines and will not have any visual impact on the surrounding area.

7.0 **Assessment**

7.1. I consider that the key issues in determining the appeal are as follows:

- Compliance with Rural Housing Policy.
- Access and Traffic.
- Visual Impact.

- Wastewater management.
- Appropriate Assessment

7.2. Compliance with Rural Housing Policy

- 7.2.1. The appellant contends that the applicant has a local need in the Great Fennor area, not in the Balgeeth area, that the extent of her involvement in agriculture does not warrant special consideration and that a site close to the family home would be more appropriate than one remote from the family home and in keeping with local needs policy.
- 7.2.2. The appeal site is located in a “rural area under strong urban influence” and the Development Plan states that it is the policy of the Planning Authority to facilitate the housing requirements of the rural community subject to normal planning criteria, while directing urban-generated housing to zoned lands in towns and villages.
- 7.2.3. Section 10.4 sets out the various criteria under which applicants can demonstrate their local housing need. In this regard, persons local to an area are considered to include “persons who have spent substantial periods of their lives, living in rural area as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”.
- 7.2.4. It appears from the significant amount of documentation submitted with the planning application and the response to the appeal that the applicant has strong and long-term family ties to the area, has resided in the family home for her entire life, does not own any other property and is involved in various local sports and community activities. The applicant is stated to be a nurse and works in Beaumont Hospital, Dublin 9, a stated distance of 18 miles from the appeal site. The applicant also states that she helps out on the family home on her time off.
- 7.2.5. The family landholding of 130 acres, as indicated in the drawing submitted as further information, is relatively fragmented, with the applicant’s family home being located c. 1.2km north of the appeal site. The landholding is spread across a number of townlands, and I do not support the appellant’s contention that local need is tied to the townland within which the family home is located.

- 7.2.6. The applicant's response to the appeal states that there was a lack of alternative sites on the family landholding due to its use for growing silage and cereals to feed the dairy farm's 150 cattle, which are housed year-around due to the lack of sufficient grazing land around the farmyard. The applicant also contends that the presence of existing foundations and footings on the appeal site make it a brownfield site which is suitable for development.
- 7.2.7. Taking the information submitted with the application into account, I consider that the applicant has satisfied the relevant provisions of the Development Plan and has demonstrated that she is an intrinsic part of the rural community with a rural generated housing need. In terms of the principle of development, I also consider that the use of existing foundations and footings would be preferable to building on undisturbed agricultural lands. However, while the applicant has demonstrated compliance with the Development Plan requirements for rural generated housing need, I note that as stated in both the Development Plan and the Rural Housing Guidelines for Planning Authorities, the acceptability of any individual housing proposal is subject to compliance with good planning practice.

7.3. **Visual Impact**

- 7.3.1. The appeal site is located on the boundary between two landscape character areas identified in the Landscape Character Assessment for County Meath. These are the Central Lowlands LCA (high landscape value and medium sensitivity) and the Bellewstown Hills LCA (very high landscape value and medium sensitivity). Both LCA's are stated as having a 'medium' capacity for one-off housing. Nevertheless, I consider that the appeal site is a somewhat elevated and sensitive site with limited capacity to absorb development.
- 7.3.2. The proposed house would be centrally located within the site, well set back from the public road and with additional tree planting. However, in order to accommodate increased sightlines, the proposed development includes the removal of c. 80 metres of hedgerow along the roadside boundary and the removal of a further 70 metres of hedgerow and trees to the west of the site. While it is proposed to plant a new hedgerow with a three metre set-back, I consider that the loss of such an extent of mature hedgerow to accommodate a single house is excessive, detrimental to the rural character of the area and is indicative of a more fundamental issue with the

siting of the site entrance as addressed in section 7.4 below. I note that Policy RD POL 9 of the Meath County Development Plan 2013-2019 requires all applications for rural houses to comply with the Meath Rural House Design Guide, which in turn seeks to “avoid the removal of large sections of hedgerow.”

- 7.3.3. In addition, the scale, height and massing of the proposed house is also significant, and having inspected the site I consider that it would break the skyline when viewed from numerous locations in the vicinity and wider area, and that the proposed planting would not be sufficient to adequately screen the development.
- 7.3.4. In conclusion, having regard to the extent of well-established original hedgerow that would be removed to facilitate sightlines, and the excessive scale and massing of the proposed house, I recommend that the Board refuse planning permission on the grounds that the proposed development would fail to be adequately absorbed and integrated into the landscape, would form a discordant and intrusive feature on the landscape as a result, would have an adverse impact on the visual amenities of the area and would militate against the preservation of the rural environment.

7.4. Access and Traffic

- 7.4.1. The local road to the north of the appeal site from which the proposed house would be accessed is narrow and has poor horizontal alignment, which serves to significantly reduce sightlines in a number of locations along its length. The road is also in extremely poor condition in terms of both its surface and its structure, with extensive pot holing and failure of the road edge. In approaching the site from the west off the R152 on the date of my site inspection I found portions of the local road to be almost impassable due to its condition, to the extent that I considered it advisable to return to the R152 and approach the site from the north. The appellant has also raised the poor condition of the road in his appeal. In response the applicant has accepted the poor condition of the road but notes both that a development contribution is payable towards roads infrastructure and that the road in question is included in the Local Authority’s programme of works for upgrading in 2018. The appellant contends in this regard that the development contributions imposed by the Planning Authority are inadequate and will go towards roads infrastructure in the area and will not necessarily be utilised for the road in question.

- 7.4.2. While I note from the letter submitted by the applicant that the Local Authority is intending to repair or upgrade the local road, I also note that the letter states that the programme will be based on available funding. There is therefore no guarantee that the road will be upgraded in the short-term. Having regard to its current condition, I consider the road to be substandard and I further consider that to grant permission for an additional house on this road would be inappropriate until such time as the road is upgraded to a reasonable standard.
- 7.4.3. With regard to sightlines, as noted in Section 7.3 above the sightlines currently available at the site entrance are inadequate and the applicant is proposing to remove 150 metres of hedgerows to improve the available sightlines. However, even with the removal of this extent of hedgerow, the achievable sightlines are indicated as being 70 metres in each direction. RD POL 43 of the CDP states that it is the Policy of Meath County Council to ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside. I note that the NRA document TD 41-42/09 has been replaced by TII publication DN-GEO-03060, 'Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions)'. This publication indicates that sight distances of 90m are required for a road with a design speed of 60 km/h, increasing to 120m for a design speed of 85 km/h. As a local road that doesn't appear to have a special reduced limit, the speed limit on the road in question would be 80 km/h and I therefore consider the proposed sightlines of 70m in each direction to be inadequate and contrary to Policy RD POL 43 of the Development Plan.
- 7.4.4. In conclusion therefore, while I concur with the applicant that the road experiences low traffic volumes, it is currently a substandard road that in my opinion is not suitable for additional residential development in its current condition. In addition, the existing and proposed sightlines at the site entrance are inadequate and I therefore recommend that the Board should refuse planning permission for the proposed development on the grounds that the road serving the site in question is substandard in terms of condition, width and alignment and that the proposed development would result in a traffic hazard.

7.5. Wastewater Management

- 7.5.1. Section 2.0 of the Site Characterisation Form submitted with the application indicates that the aquifer category is 'Poor', while its vulnerability is 'Extreme'. This results in a groundwater protection response of R2, indicating that a wastewater treatment system is acceptable subject to normal good practice but that where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths are met.
- 7.5.2. On my site inspection the ground was firm underfoot with no evidence of poor drainage. The trial hole encountered weathered bedrock at a depth of 0.7m, with solid bedrock at a depth of 1.1m. The overlying soil consists of silt/clay. The T-test result was 46.11 min/25mm and the P-test result was 39.67 min/25mm. Having regard to the EPA Code of Practice for Wastewater Treatment Systems for Single Houses, I am satisfied that these test results demonstrate that the site is suitable for a secondary treatment system with a raised soil polishing filter to provide the required depth of subsoil above bedrock.

7.6. Other Issues

7.6.1. Validity of Appeal

The applicant has queried the validity of the appeal, contending that the appellant's stated address of 'Micknanstown, Ardcath, Garristown, Co. Meath' is incorrect and that he instead resides in Hilltown, Bellewstown, Drogheda. I note that the appeal submitted by the appellant included the letter of acknowledgment issued to him by the Planning Authority and that said letter is addressed to 'Micknanstown, Garristown, Co. Meath'. On that basis, I am satisfied for the purposes of this assessment that the appeal is valid.

7.7. Appropriate Assessment

- 7.7.1. The nearest designated Natura 2000 Sites are the River Boyne and River Blackwater SPA and SAC (Site Codes 004232 and 002299, respectively) which are c. 10km to the north of the appeal site and the River Nanny Estuary and Shore SPA (Site Code 004158) which is c. 11.5km to the east. There are no direct hydrological,

hydrogeological or other links between the appeal site and these designated European Sites. Furthermore, based on the evidence presented I am satisfied that any wastewater discharged from the site will be appropriately attenuated prior to reaching water bodies. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and the distances to the nearest European sites, I am satisfied that 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 that planning permission should be REFUSED for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is located within a 'Rural Area under Strong Urban Influence' as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Meath Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the extent of mature hedgerow that would be removed to facilitate sightlines to serve the proposed development, together with its elevated positioning and overall height, scale and massing, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located on a minor rural road which is seriously substandard in terms of its surface condition, width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard road at a point where sightlines are restricted in both directions.

Niall Haverty
Planning Inspector

4th September 2017