



An  
Bord  
Pleanála

## Inspector's Report PL09.249272.

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|-------------------------------------|---|
| <b>Development</b>                  | Detached house with garage and septic tank. |
| <b>Location</b>                     | Belan Avenue, Moone, Co. Kildare.           |
| <b>Planning Authority</b>           | Kildare County Council.                     |
| <b>Planning Authority Reg. Ref.</b> | 16/1350.                                    |
| <b>Applicant</b>                    | Roy Condell.                                |
| <b>Type of Application</b>          | Permission.                                 |
| <b>Planning Authority Decision</b>  | Refusal.                                    |
| <b>Type of Appeal</b>               | First Party                                 |
| <b>Appellant</b>                    | Roy Condell.                                |
| <b>Observer</b>                     | None.                                       |
| <b>Date of Site Inspection</b>      | 15 <sup>th</sup> January 2018.              |
| <b>Inspector</b>                    | Philip Davis.                               |

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## 1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse permission for a 2 storey dwelling in a rural area south of the village of Moone. The reason for refusal relates to design and visual amenity.

## 2.0 Site Location and Description

### 2.1. *Moone*

The village of Moone is an historic settlement with a population of around 150 people in west Kildare, originally on a crossing point of the River Greese (or Griese), a tributary of the Barrow, which flows south from Dunlavin through the western foothills of the Wicklow Mountains. The village has two distinct parts, a small medieval settlement including a ruined castle, a fine Georgian house (Moone Abbey House) and church associated with St. Colmcille in addition to a large disused corn mill complex, with a linked binary linear settlement of more recent (19<sup>th</sup> Century) origin along what would have been the main turnpike road about 800 metres east of the older settlement. Most of the inhabitants of the village live in the newer half of the village. The two halves are intersected by the R446 (the former main Waterford Road), which runs through a cutting – the two halves are linked by an overpass. The M9 runs approximately 1.5 km to the west.

### 2.2. *Belan Avenue*

The appeal site is on Belan Avenue, a third class country road that runs directly between the old Moone Castle and the ruinous Belan House and demesne, about 2 km south-south-west of Moone. Its relatively straight alignment indicates that it was constructed or re-aligned as a formal avenue between the two castles or later stately homes. It runs more or less parallel to the valley of the Greese, with a slight parallel ridge running just west of the road descending in level to the south. There is a scattering of mostly quite large farm houses on the southern end of the Avenue.

### 2.3. *Appeal site*

The appeal site is located approximately 900 metres south of Moone Abbey House, on the western side of Belan Avenue. It is part of a much larger field in grazing use. The site has an area given as 0.783 hectares and is roughly rectangular in shape. It

rises distinctly in level to the west from Belan Avenue, with its western end close to a high point of the ridge overlooking the Greese River valley to the east. There is a ditch and high hedgerow on the northern side, and a hedgerow on the boundary with the road, the site is otherwise open to the larger field (part of the landholding). Open site assessment pits on the north-western corner of the site indicate that it overlies a broken shale/mudstone substrate.

To the **east** of the site is Belan Avenue, a third class country road, with farmland further east, dropping in level to the river some 250 metres from the site. The opposite valley side is forested with semi-mature mixed woodland. The R448 is just under 1 km to the east.

**North** of the site is a large field in pasture – older OS maps indicate that there was an extensive gravel pit on this site, now filled in – some ruinous structures associated with the pit are still visible. There is a dwelling some 250 metres north along this road. This is the only dwelling along the stretch between the site and the old village of Moone. There is a prominent ringfort 500 metres north-north-east of the site.

**West** of the site there are open fields for a kilometre, beyond which is another third class road with a scattering of dwellings and farm buildings. The M9 is just under 1.5 km west.

**South** of the site is pasture, with a pair of small dwellings 150 metres along the road. Opposite these dwellings is a large farm complex. There is a light scattering of dwellings and a B&B along Belan Avenue before the junction with another road, 1.5 km to the south.

### 3.0 Proposed Development

Construction of a two storey detached house, single storey domestic garage, septic tank and percolation area, recessed entrance and all associated site works.

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority refused for reasons relating to the Rural Design Guidelines in the Development plan (and policy RH9) – it is considered that by reason of its siting, bulk, scale, height, proportions and design it would not integrate into a rural area and would injure the visual amenity of the landscape and set an undesirable precedent for similar developments.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

There are two planning reports on file, the second one addressing further information submitted by the applicant. The key points of both reports are as follows:

- The first report stated that the site is sensitive in nature and the proposed design does not adequately address this sensitivity.
- It is considered that the applicant 'may' comply with the local need criteria in Chapter 4 of the CDP, but more information is needed.
- Further to the submission of a revised design, it was not considered that the concerns about its impact on the landscape were adequately addressed.
- It was considered that the applicant qualified under 'local needs' criteria.
- The revised designs submitted were not considered to address the core issues so refusal was recommended for visual impact reasons.

#### 4.2.2. Other Technical Reports

**Transportation and Public Safety Department:** No objections subject to 6 suggested conditions relating to the access and highway safety.

**Athy Municipal District – Roads Department:** No objection subject to conditions.

**Environment Section:** Site acceptable for septic tank. Further information required on details of the design.

**Water Services:** Acceptable subject to conditions.

An **Appropriate Assessment Screening** on file concluded that there were no significant potential effects, so no AA required.

#### 4.3. **Prescribed Bodies**

**Irish Water:** No objection.

#### 4.4. **Third Party Observations**

None on file.

### 5.0 **Planning History**

There is no record of previous applications or appeals on or directly adjoining the appeal site.

### 6.0 **Policy Context**

#### 6.1. **Development Plan**

The site is in open countryside without any specific designation. A number of policies apply, including those on housing, rural housing design, and landscape protection. Relevant extracts from the current Development Plan are attached in the appendix to this report.

#### 6.2. **Natural Heritage Designations**

There are no SAC's or SPA's within several kilometres of the site. The River Greese flows directly to the River Barrow, which is for much of its length a designated SAC - the River Barrow and River Nore SAC site code 002162.

### 7.0 **The Appeal**

#### 7.1. **Grounds of Appeal**

- It is stated that the applicant is a full time farmer who farms the land as his primary employment and the family have owned the lands for generations.

- It is submitted that the design is modest and appropriate for the area.
- It is argued that the planning authority did not take account of the natural screening on the site, most notably the mature hedgerow and the natural topography, which is submitted screens it from views from the south and west.
- It is argued that the planning authority used subjective judgements such as the use of 'pastiche' in their decision arbitrarily.
- It is submitted that the planning authority did not assess the site according to the criteria set out in section 14.4.2 of the Development Plan with regard to the ability of the local landscape to absorb development.
- Additional details including a visual impact assessment and a landscape plan are attached with the appeal submission.

## 7.2. **Planning Authority Response**

The planning authority state that they have no further comment and refer the Board to the internal reports on file.

## 8.0 **Assessment**

Having inspected the site and reviewed the file documents I consider that this appeal can be addressed under the following general headings:

- Principle of development (national and local policy)
- Landscape and visual impact
- Cultural heritage
- Public health
- Traffic safety
- Appropriate Assessment
- Other issues.

## 8.1. Principle of development

The site is in open countryside without a specific zoning or landscape designation. Moone is designated as a 'village' in the 2017-2022 Kildare County Development Plan, with a small area of residentially zoned land in the eastern part of the settlement. The Development Plan also designates the old village as an Architectural Conservation Area.

Within the Rural Housing Strategy in the 2007 CDP, the area around Moone is designated as 'Rural Housing Policy Zone 2' (Map 4.4). These areas are considered to be 'under pressure for development but with lower concentrations of population and lower levels of environmental sensitivity'. I would consider that this roughly equates to 'strong rural areas' under the 'Sustainable Rural Housing Guidelines'. The CDP sets out a number of criteria for exemptions to controls on such areas relating to local need.

The applicant is from a local family and farms the lands, and the planning authority state that they are satisfied that they fulfil the criteria as set out in the Plan. On the basis of the information submitted with the application, which includes plans showing the family landholding, I would concur that the applicant appears to qualify for an exemption and as such would be considered eligible for a rural one-off house in principle, subject to the general planning requirements set out elsewhere in the Plan.

## 8.2. Landscape and visual impact

The site is indemnified as being on the boundary of the 'Eastern Uplands' and 'Eastern Transition' zones (essentially, the Wicklow Mountains western foothills) in Map 14.1 (Landscape Character Areas) in the development plan. This area is considered as 'Medium Sensitivity'. In Map 14.2 it is on the transition between areas of high and medium sensitivity. The road is not on the list of scenic routes.

The overall landscape is attractive, with the shallow valley of the Greese the most prominent topographical feature. The old village of Moone is not visible from the site, but the vicinity has been kept relatively free of development, although the farmland is intensively worked and there are a number of large farm structures in the



area. The relatively few dwellings along Belan Avenue are generally either modest cottages close to the road side, or are larger houses in mature landscaped settings. The appeal site is on an elevated site between the Avenue and the top of the ridge overlooking the Greese. On the western side of the ridge, the land drops away gently providing for views over the plain of Kildare. There is a mature high hedge to the north, and a lower well-trimmed thorn hedge on the roadside boundary - elsewhere the landscape is open. The site is largely hidden from view from the road, but the necessity to open up the hedge to provide an access would make the dwelling very visible from the road and from the opposite side of the valley. This could over time be mitigated somewhat by appropriate landscaping, although of course this is limited by the need to maintain sight-lines for traffic safety.

The landscape is considered the Development Plan to be transitional between high to medium sensitivity, and I would consider this to be a reasonably accurate assessment. The area is not a core tourism area, but the High Cross and graveyard and other historic features of Moone is no doubt an attraction. The road is not a designated scenic route and is not on any lists for tourism trails for walking or cycling, although it would have some potential for both given its quiet nature away from the main roads on either side of the valley (the M9 and R448).

The Development Plan sets out quite detailed design guidance for new dwellings in Chapter 16 of the CDP. These Guidelines focus on both site selection, location within the site, and the scale, form and proportion of the design. The focus is on choosing the least obtrusive site, blending the house with the topography, avoiding prominent hillside locations, and using simple forms.

The proposed dwelling (as revised) is a two storey dwelling house of relatively plain and simple design and proportions. It was initially located at close to the highest part of the site, but the revised location is somewhat lower. It is still elevated relative to the road and is likely to break the skyline when viewed from the roadside.

The question, in regard to the principle of a dwelling on the landholding being established, is, I would consider, whether the design is appropriate in line with CDP guidelines and whether the overall location within the landholding the most suitable. This is of course quite a subjective judgement.

I would note that although the landscape does not have a specific designation and is subject to quite intensive agriculture, the overall quality is high, and it has a

significant cultural value. I would consider the choice of site, while understandable in relation to maximising the view from the house, is not the best one within the landholding, as it is both isolated from other developments to the south and is very visible. I would also consider that the design of the dwelling is not in accordance with the design guidance set out in the CDP.

I therefore concur with the general conclusion of the planning authority that the design of the proposed dwelling does not integrate appropriately and would seriously injure the visual amenity of the area.

### **8.3. Cultural heritage**

The overall landscape has significant cultural value as it appears to have been settled continually since the early medieval period, most likely due to the concurrence of rich farmland and the fast flowing river. Belan Avenue connects the historic village of Moone with a now largely disappeared 16<sup>th</sup> Century fortified house. There are scattered recorded ancient monuments between Moone and Belan, with the closest to the site being a large ringfort – although it may be a medieval manorial enclosure - 340 metres to the north. All other recorded ancient monuments and buildings on the NIAH list/protected structures are in excess of 500 metres from the site. The closest visible structure is an obelisk attributed to Richard Cassels (architect of Russborough House, Carton House and Powerscourt House) some 700 metres to the south. There is what appears to be some structures from a 19<sup>th</sup> century quarry (possibly an excavated esker) on the field to the north of the site – this quarry is now infilled. There are a series of structures related to Moone Mills along the river to the north.

There are no records of sites of historic interest on or immediately adjoining the site. The intensively worked nature of the lands makes it unlikely that any archaeological remains survive, so if the Board is minded to grant permission I do not recommend an archaeological monitoring condition or other conditions relating to the heritage of the area.

#### **8.4. Public health**

The proposed development includes a proprietary wastewater treatment system with percolation area. The original design placed it on the northern side of the site, with the revised proposal indicating it would be on the lower south-eastern corner of the site.

The site suitability assessment submitted with the application indicated that there is a thin top and subsoil overlay of about 1.2 metres over bedrock – the GSI indicates the rock is the Quinagh Formation of mudstone and siltstone. From my observation of the trial and percolation pits I would consider that the depth to bedrock is significantly less than one metre. The site overlies an aquifer categorised as ‘poor’ with ‘high vulnerability’, Groundwater Protection Response R1. There are a number of wells in the vicinity, but none very close. There is one watercourse to the south-west, but otherwise there are no obvious water bodies within 100 metres of the site, and there is no visual evidence of poor drainage.

While moving the proposed percolation area across the site is contrary to the guidelines in Annex C (C.2.2) of the EPA Guidance on such site assessments, and I am a little concerned at the apparently quite shallow subsoil, I am satisfied that the site is, by way of its size and its subsurface geology would be acceptable for a septic tank or proprietary wastewater treatment system in line with the published guidelines, although it may be that a raised percolation bed would be required.

#### **8.5. Traffic safety**

The road is relatively straight with moderately good sight alignments and seems very lightly trafficked, so I do not consider that there are traffic safety implications.

#### **8.6. Appropriate Assessment**

The planning authority screened the application and concluded that there were no significant effects. The only designated site in the vicinity is the River Barrow and River Nore SAC (site code 002162), an extensive riverine series of habitat with conservation interests primarily focused on waterside vegetation and freshwater vertebrates and invertebrates. The closest point of the designated habitat is some 3.5 kms to the south, but this is to an unconnected tributary of the Barrow. The

Greese is not designated, except where it meets the Barrow River about 8 km downstream to the south. The Greese River is an obvious pathway for pollution. At its closest, it is just under 250 metres from the appeal site. There is a gentle slope down to the river with no obvious surface or subsurface drains between the site and the river. Apart from the road, all the lands between the site and the river are intensively grazed – there is little vegetation buffering for run-off or pollution, but neither are there direct flow pathways for run-off.

Due to the relatively small scale of the works and the attenuation levels between the nearest point of the Greese to the site and to the designated riverine habitats, I consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site no. 002162, or any other European site, in view of the site's Conservation Objectives, and so a stage 2 AA is not therefore required.

#### **8.7. Other issues**

There is no evidence that the site is prone to flooding or that the development would impact on local flood catchments. If the Board is minded to grant permission, it would be subject to a S.48 development contribution according to the adopted Scheme.

#### **9.0 Recommendation**

I recommend that the Board uphold the decision of the planning authority to refuse planning permission for the dwelling for the reasons and considerations set out in the schedule below.

## 10.0 Reasons and Considerations

Having regard to Policy objective RH9 and Chapter 16 (Rural Design Guidelines) of the Kildare County Development Plan 2017-2013 it is considered that the proposed development, by way of its siting, design, scale and overall proportions would not integrate sensitively into this rural area, and would thus seriously injure the visual amenity of the rural landscape and would set an undesirable precedent for further such developments in the area. The proposed development would, therefore, be contrary to the proper and sustainable development of the area.

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Philip Davis  
Planning Inspector

23<sup>rd</sup> January 2018