



An
Bord
Pleanála

Inspector's Report ABP-301317-18

Development	Construction of house, garage, sewerage treatment facilities and all associated works.
Location	Lisdornan, Julianstown, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB/171195
Applicant(s)	Ronan and Sarah Brennan.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Brian Calvey.
Observer(s)	None.
Date of Site Inspection	18 th September 2018
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

1.1. The 0.4ha appeal site is situated c. 3km to the south west of Julianstown, in the townland of Lisdornan, Co. Meath. The site is separated from the village of Julianstown by the M1. The site is situated on a county road, the L-5618-16, and it comprises part of a larger agricultural field. The agricultural field gently falls away from the public road and towards its eastern and western boundaries. Alongside the public road, fronting the agricultural field are mature trees. To the east of the appeal site is a dormer style dwelling, the appellant's residential property.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information submitted on the 7th February 2018, comprises a two storey dwelling with detached domestic garage (241sqm and 48sqm respectively), entrance, sewerage treatment facilities and all ancillary site works.
- 2.2. The T-shaped property is set back from the public road and shares a building line with the existing property to the east of the site. The dwelling has a ridge height of 7.58m and is cut marginally into the site to provide a FFL of 76.551 and a ridge level of 83.981 (FFL of the adjoining property to the east is 74.750). In the eastern elevation of the property, facing the appellant's site, are windows at first floor serving a landing and an en-suite bathroom. A single storey garage (ridge height 5m) lies to the east of the proposed dwelling, c.5.8m from the boundary with the appellant's property.
- 2.3. Water supply is proposed from a private well, to the north west of the dwelling, surface water will be discharged into a watercourse (to the north of the appeal site), and foul water will be discharged via an effluent treatment system to the north east of the dwelling. Sightlines of 90m in each direction are proposed at the entrance to the site.
- 2.4. The application is accompanied by the following;

- Information on the applicant's rural housing need. This indicates that the applicant has spent considerable period in the vicinity of the appeal site, including attendance at national school and on-going membership of the local GAA club.
- A Site Characterisation Form. This indicates good site drainage with capacity to accommodate an effluent treatment system and constructed percolation area.
- A Tree Survey and Landscape Plan – This indicates how trees along the front boundary of the site will be retained (except to provide access to the site) and how the remaining site boundaries will be landscaped (to include a native hedgerow).

2.5. The site is separated from the property to the east of it by a strip of land. The landowner has stated that this is to be purchased by the owners of the property to the east of the appeal site, in the event that permission for the subject development is granted.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 5th March 2018 the planning authority decided to grant permission for the development, subject to 19 no. conditions. All are standard and include for instance, an occupancy condition, entrance details, external finishes, landscaping, discharges from the site, construction methodology and development contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 4th December 2017 – This report summarises the planning history of the adjoining site (none for appeal site), relevant planning policy, submissions/observations and pre-planning consultations. It considers the merits of the application under a number of headings including planning policy, rural housing need, design, layout and siting of the development, access, water services, appropriate assessment and flood risk assessment. It

recommends further information in respect of design and layout (to reduce its impact on the adjoining dwelling), land ownership and rural housing need, survey of trees in proximity to the site, sightlines and suitability of site for number of double bedrooms shown.

- 5th March 2018 – The report refers to the response the request for further information and considers that the applicant has adequately addressed the matters raised, including the risk of overshadowing and overlooking of the existing property to the east. It recommends that permission be granted for the proposed development, subject to conditions.

3.2.2. Other Technical Reports/Reports by Prescribed Bodies.

- None.

3.3. Third Party Observations

3.3.1. On file in one submission on the proposed development from the appellants, the owners of the property to the east of the appeal site. It is made on the following grounds:

- Impact of loss of trees along the main road (at the site frontage) on high value landscape area (Bellewstown Hills). Tree survey should be undertaken and mature trees should be retained.
- Revised drawings should be submitted to indicate cross sections and site levels (including any requirement for excavation).
- A shadow study should be carried out (risk of overshadowing and the development being overbearing on the adjoining property).
- Inappropriate bulk/scale (19m deep).
- Overlooking from windows in the eastern elevation of development on the adjoining property.

4.0 Planning History

- None for the appeal site.

- Under PA ref. SA/140071 permission was granted for the dwelling to the east of the appeal site.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. The government's Sustainable Rural Housing Guidelines for Planning Authorities (2005) require the planning system to facilitate people who are part of the rural community, including in areas under strong urban influence, subject to satisfying normal planning considerations relating to design and siting. Section 3.2.2 of the policy document sets out guidelines on defining rural generated housing need (see attachments).

5.2. Meath County Development Plan 2013 to 2019

- 5.2.1. The appeal site lies in a rural area that is identified as under Strong Urban Influence and within the 'Bellewstown Hills' landscape character area. This landscape is of very high landscape character value and of moderate sensitivity to development.
- 5.2.2. Rural housing policies are set out in Chapter 10 of the current County Development Plan. The overall goal for rural housing is to ensure that rural generated housing needs are accommodated in the areas they arise, subject to good practice in site location, access, drainage and design (goal and strategic policy RUR DEV SP 2). Urban generated rural housing needs are directed to built-up areas or land identified through the development plan process. Within rural areas under Strong Urban Influence, policies RD POL 1 to RD POL 3 apply. These include that individual housing developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which the development is proposed. Section 10.4 of the Plan sets out criteria for applicants to demonstrate their rural housing need.
- 5.2.3. Section 10.5 of the Plan sets out criteria for the assessment of applications for rural housing in all area types and section 10.7, design and siting considerations for rural residential development. Policy RD POL 9 requires all applications for development to comply with the Meath Rural Design Guide (Appendix 15).

5.2.4. To the north east of the appeal site (c.300m) is a motte. This is listed by the National Monuments Service (ME028-013) as circular, flat-topped and grass-covered mound with some trees defined by the remains of a fosse (ditch/moat).

5.3. **Natural Heritage Designations**

5.3.1. The nearest site of nature conservation interest lies c.4km to the north east of the appeal site and comprises Laytown Dunes/Nanny Estuary proposed Natural Heritage Area (site code 000554) and the River Nanny and Shore Special Protection Area (site code 004158).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The appeal is made by the owners of the property to the east of the appeal site.

Grounds are that the development:

- Is located on an elevated site and would be visually dominant and obtrusive. The appellant's have reduced the impact of their development by constructing a storey and a half property. The applicant has ignored the pattern of development in the area. The proposed dwelling is forward of the existing property which exacerbates its visual impact.
- Would be visually incongruous, due to its scale, bulk, mass and scale, would have an impact on the visual amenity of the area. The two storey, 15.8m elevation which faces the appellant's property would be bulky, visually dominant and overbearing.
- Is not consistent with the Meath Rural Design Guidelines. The development is sited at the centre of a large field, does not take advantage of any mature boundaries. In contrast the existing property has been sited in the corner of the field, does not interfere with agricultural practices or break up the field. There is no specific rural housing need for the applicants to live on this specific site in the middle of this field.

- Gives rise to overlooking of the adjoining property (difference in levels) and would impact on privacy and amenity. FFL of proposed dwelling is 76.551. FFL of appellant's property is 74.25, which would give rise to overlooking from the ground floor windows.
- Would give rise to overshadowing (evening sun).
- Would result in the loss of mature trees (in the middle of a row of mature trees), which would have a serious negative impact on rural amenity. Question the site specific need to build in the middle of the field (contrary to Meath Rural Design Guidelines – siting).

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- The issues raised by the appellant were considered in the assessment of the application by the planning authority.

6.4. Observations/Further Responses

- None.

7.0 Assessment

7.1. From my inspection of the appeal site and the documents on file, the key issues for this appeal relate to, and can be confined to, the matters raised by the appellant:

- Loss of trees.
- Landscape and visual impact.
- Consistency with Rural Design Guide.
- Impact on residential amenity.
- Rural housing need

7.2. Loss of trees.

7.2.1. The appeal site is bounded by a mature treeline. These make a significant contribution to the local landscape character and the setting/context for the proposed development. The appellant raises concerns regarding the potential landscape and visual effects of tree loss associated with the development of the site. However, I draw the Board's attention to the Tree Survey and Report (January 2018) on file and the Landscape Plan (Drawing no. 018-01) which indicate retention of mature trees along the roadside frontage, except for limited felling at the proposed entrance to the site. The retention of these trees is an important factor in my assessment of the proposed development and, if the Board are minded to grant permission for the development, I consider that this should be required by condition.

7.3. Landscape and visual impact.

7.3.1. The Bellewstown Hills are described, in the Landscape Character Assessment, as a large remote area of steeply rolling hills to the south east of Duleek, which is intensively managed with well wooded hedgerows. Built development consists of scattered detached dwellings in the countryside and ribbon development along rural roads.

7.3.2. The appeal site lies in the north east of the landscape character area on an upland site with wide views to the north and east. The Landscape Character Assessment recommends consolidating existing developments rather than ribbon development and careful siting of development away from prominent ridgelines.

7.3.3. The proposed development is situated in a large open agricultural field. The creation of a residential site within the field will erode its open character. However, the proposed development is situated alongside an existing one, i.e. it is not isolated within the field, and the effect of the proposed development within the agricultural field will be negated by this. In addition, the site is (i) visually separated from the public road by substantial mature roadside vegetation, reducing the visibility of the proposed development from the public road and its landscape impact, and (ii) whilst in an upland location, and part of a flat open field, the site is not sited on a prominent ridge and the development will not be seen against the skyline.

- 7.3.4. With regard to ribbon development, the County Development Plan and the government's guidelines on Sustainable Rural Housing define, by way of example, ribbon development as more than 5 dwellings along a 250m stretch of the public road. The proposed development will create two contiguous dwellings on the public road, falling below the current definition of ribbon development. In addition, as stated above, there is substantial roadside vegetation which screens the existing property and which would screen the proposed development, reducing the visibility of the roadside development.
- 7.3.5. Having regard to the above, and the additional proposals for landscaping of site boundaries which will further integrate the development in to the landscape, I do not consider that the proposed development would be visually dominant or obtrusive, or therefore have a significant visual impact or significant impact on landscape character.

7.4. Consistency with Rural Design Guide.

- 7.4.1. The Rural Design Guide sets out guidelines on rural housing in County Meath, for example, from orientation and site layout to building design. The Guide recommends positioning a dwelling on a site having regard to existing shelter, topography and vegetation and design which draws from traditional forms of development and good design practice.
- 7.4.2. The proposed dwelling is situated close to an existing property and behind mature trees alongside the public road (not the centre of the field), and is not inconsistent with the guidelines in this regard. Further, the design of the two storey dwelling generally follows the guidelines. It has a strong, simple form, with design references to traditional houses, for example, the single room plan, roof pitch, eaves and gutter details and materials. Further, as suggested by the Design Guide, the height of the property has regard to its context, i.e. it is within the visual frame of substantial mature trees alongside the county road.
- 7.4.3. Having regard to the above, I consider that the design of the development is consistent with the principle requirements of the Rural Design Guide and is acceptable in this regard.

7.5. Impact on residential amenity.

- 7.5.1. The proposed dwelling is situated c.29m back from the edge of the public road, similar to the setback of the adjoining property. However, the appeal site is more elevated than the site to the east of it and the finished floor level of the development will be c.1.8m above the FFL of the adjoining property.
- 7.5.2. There are no windows in the first floor elevation of the proposed dwelling, serving habitable rooms, looking east towards the appellant's property. At ground floor, there are windows in the snug, kitchen and toilet which face east. However, some of these windows will be separated from the appeal site by the proposed domestic garage (kitchen window and downstairs toilet). The remaining, east facing windows will be c.39m from the appellant's landholding and c.55m from the appellant's property. Whilst I would accept that the proposed development is on a more elevated site and does result in a higher FFL to the existing property, at this separation distance and with the proposed vegetation along the eastern boundary of the appeal site, I do not consider that significant overlooking will arise as a consequence of the development.
- 7.5.3. The long side of the proposed property will face the appeal site. This eastern elevation is 19.1m long but it includes a 3.15m single storey snug, reducing the length of the two storey component to 15.8m. Further, this elevation will be separated from the appeal site by the proposed single storey garage and the planning authority proposes (in condition no. 5) that the natural stone finish on the lower portion of the southern and western elevation of the dwelling, and smooth render finish above, be continued along the entire eastern elevation. This treatment seems reasonable and it, together with the location of the garage will fragment the mass of the eastern elevation, when viewed from the appellant's property.
- 7.5.4. Given these features and, in particular, the distance of the proposed eastern elevation from the applicant's site (c.38m) and the applicant's property (c.55m) and the proposals for additional boundary landscaping, I do not consider that the proposed dwelling would be overbearing or detract from the visual or residential amenity of the appellant's property. Given the substantial separation distance between the proposed property and the existing dwelling, no substantial overshadowing of the appellant's property is likely to arise.

7.6. Rural housing need

- 7.6.1. The applicant has submitted documentation to the planning authority to demonstrate his links to the local area, including that he has spent substantial periods of his life living in the locality (Claristown, c.1.8km to the north east of the appeal site) and attendance at National School in Julianstown. The planning authority has accepted the *bone fides* of the material submitted to them and there is no information to contradict this on the file. I would infer, therefore, that the applicant has demonstrated a rural housing need in compliance with policies of the current County Development Plan.

8.0 Appropriate Assessment

- 8.1. The proposed development is modest in scale and is over 3km from the nearest Natura 2000 sites, River Nanny Estuary and Shore SPA. Surface watercourses in the vicinity of the site, ultimately discharge into the River Nanny providing a connection to the SPA.
- 8.2. It is stated in the application documentation that surface water will be discharged to an existing water course. The location of this is not indicated. Further, it is not clear from the information on file, how this discharge will occur e.g. via infiltration to ground or by pipe. Should the Board grant permission for the development, this matter can be dealt with in detail by condition. Notwithstanding this, given the modest nature of the development, the absence of significant pollution arising on site and the distance of it from the SPA, significant effects on the conservation interests of the SPA are unlikely.
- 8.3. Wastewater from the proposed development is indicated to be discharged via a proprietary effluent treatment system. The Site Characterisation Report indicates soils are capable of dealing with wastewater arising and no contaminated waters should discharge from the site.
- 8.4. Having regard to the above, 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.

9.0 Screening for Environmental Impact Assessment

9.1. Having regard to the modest nature the proposed development (a single dwelling), the capacity of the soils on site to accommodate wastewater and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1. Having regard to the above, I recommend that permission for the development be granted subject to conditions.

11.0 Reasons and Considerations

Having regard to:

- i. the location of the proposed development, alongside an existing residential dwelling and to the rear of substantial and mature roadside vegetation,
- ii. the detailed design and configuration of the proposed development and proposed arrangements for landscaping which include retention of mature roadside vegetation and planting along external boundaries,
- iii. the substantial distance of the proposed development from the adjoining property,

It is considered that the applicant has demonstrated a rural housing need and that the proposed development is consistent with the policies and objectives of the Meath County Development Plan 2013 to 2019, including the Rural Design Guide, would not seriously injure the landscape character or visual amenity of the area or detract from the residential amenity of property in the vicinity of the site, by way of being overbearing or giving rise to overshadowing or overlooking. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 plans and particulars submitted on the 7th day of February 2018, 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. (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. Prior to commencement of development, 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 in the interest of the proper planning and sustainable development of the area.

3. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement, detailed arrangements for the provision of 90m sightlines in each direction at a setback of 2.4m from the edge of the public road to the nearside road edge. Sightlines shall be maintained in perpetuity.

Reason: In the interest of visual amenity and traffic safety.

4. Prior to the commencement of development, samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority. The natural stone finish illustrated on the lower portion of the southern and western elevation of the dwelling and smooth plaster render finish on the upper portion of the development shall continue along the entire eastern elevation. A smooth plaster finish may be applied to the 'snug' only. All toilets/ensuite/bathroom windows shall consist of obscure glass.

Reason: In the interest of visual and residential amenity.

5.
 - (a) The site shall be landscaped, in accordance with details submitted to planning authority (Landscape Plan, Drawing No. 018-001) on the 7th day of February 2018. Only trees identified for removal in the Landscape Plan and Tree Survey Report Sheet shall be felled to provide the entrance to the development and proper maintenance of the tree line.
 - (b) Measures set out in the Arboricultural Method Statement, submitted to the planning authority on the 7th day of February 2018 and in the Tree Survey Report, shall be implemented prior to and during construction.
 - (c) Works shall be overseen and implemented by a suitably qualified horticulturist/arborist/arboriculturist.
 - (d) Any plants which die, are removed or become seriously damaged or

diseased, within a 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 the interest of visual amenity and to protect landscape character.

6. a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 7th February 2018 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) 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 and that the polishing filter is constructed in accordance with the standards set out

in the EPA document.

Reason: In the interest of public health.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-carriageway parking facilities, maintenance and repair of the public road in respect of any damage caused and off-site disposal of waste arising.

Reason: In the interests of public safety and residential amenity.

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

Reason: In the interest of traffic safety.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. 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 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.

Deirdre MacGabhann

Senior Planning Inspector

2nd October 2018