



An
Bord
Pleanála

Inspector's Report ABP-301593-18

Development	The development will consist of a new single storey dwelling house, detached garage, new entrance, landscaping, wastewater treatment system and percolation area and all associated site works and services
Location	Meehan, Coosan, Athlone, Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	17/7213
Applicant(s)	Colm and Cathy Moriarty
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Joe and Christine Temple
Observer(s)	None
Date of Site Inspection	4 th June 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.293 ha, is located in the townland of Meehan, c. 2km north of Athlone Town Centre in Co. Westmeath. Lough Ree is located c. 500m north and west of the appeal site.
- 1.2. The appeal site is located along a private cul-de-sac laneway on the northern side of the L-1477. The laneway features a number of detached single storey houses along it which surround the appeal site to all sides. The appeal site comprises flat undeveloped grassland, and it is currently bounded by a post and rail fence to the north, east and south, while the laneway delineates the western boundary.
- 1.3. There is a very high concentration of one-off rural houses in the area surrounding the appeal site.

2.0 Proposed Development

- 2.1. The proposed development consists of a single storey dwelling house, detached garage, new entrance, landscaping, waste water treatment system and percolation area and all associated site works.
- 2.2. The proposed house is contemporary in appearance and features extensive glazing and monopitch roofs. The finishes comprise nap plaster, areas of 'timber/fibre cement/timber/metal cladding' and dark grey single ply membrane to the roofs. The house would have four bedrooms and a stated gross floor space of 205 sq m. The proposed detached garage would be located c. 2m north of the house, and would have a stated gross floor space of 30 sq m.
- 2.3. The proposed wastewater treatment system would be located to the north of the house, with the percolation area to the north east. Soakpits are indicated to the north and south of the proposed house. It is proposed to plant the boundaries of the appeal site with native hedgerows, with additional native tree planting within the site. The entrance to the site would be on the western boundary, onto the laneway, with plastered entrance piers and gate and a curved gravel driveway.
- 2.4. The application was accompanied by, inter alia, an AA Screening Report, a letter of consent from the landowner and information relating to rural housing needs.

3.0 Planning Authority Decision

3.1. Decision

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

- C3: Landscaping scheme.
- C6: Section 47 agreement Re: occupation.
- C7: Requirements for parking and sightlines.

3.2. Planning Authority Reports

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

- Applicants are both from the Coosan area and attended Coosan National School. Based on information submitted, the applicants meet with local needs criteria.
- While there is no objection to the design per se, concern relates to the siting of the dwelling surrounded by eight residential units, all of which face onto the application site. The proposed design would not easily integrate within this open and built up area. Refusal recommended.
- Site does not lie within an area subject to flooding.
- Concern remains with regard to the density of existing development and waste water treatment systems in the vicinity. It is considered that the proposed development would be prejudicial to public health.

3.2.2. The Planning Officer recommended refusal in both her initial and final reports due to the excessive concentration of houses served by septic tanks and wastewater treatment systems, and the excessively prominent and obtrusive nature of the development, which would be contrary to Policy P-RH4.

3.2.3. The District Manager's reason for not accepting the Planning Officer's recommendation was that having regard to the nature of the low profile design, the location of the site within an existing cluster of housing and the AA Report, the

proposed development would not have any impact on the existing recreational amenity and the ecology of the area.

3.3. Other Technical Reports

3.3.1. Engineering: No objection, subject to conditions.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. Two third party observations were made by Joe and Christine Temple and Thomas Lynam, respectively. The issues raised in the Temple's observation were generally as per their appeal, as well as the following:

- Devaluation of property.
- Traffic impacts.
- Further sites in the area will be seeking planning permission.
- Other sites are for sale in Coosan.

4.0 Planning History

4.1. Appeal Site

4.1.1. I am not aware of any planning history on the appeal site.

4.2. Surrounding Area

4.2.1. I am not aware of any recent relevant 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. Westmeath County Development Plan 2014-2020

- 5.2.1. The appeal site is located within unzoned lands outside of the development boundary for Athlone.
- 5.2.2. The site is located within the 'Lough Ree/Shannon Corridor' in the Landscape Character Assessment. With regard to the Lough Ree map (Map Ref. 13), the site is outside of the designated High Amenity Area associated with the Lough and is not in the immediate vicinity of any 'listed views' or 'important amenity views'.
- 5.2.3. With regard to the Core Strategy Map, the appeal site is within the area designated as 'strong rural area under significant urban influence'. The following Policies are noted:
- **P-SRA1:** To accommodate demand from individuals for permanent residential development in strong rural areas who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.
 - **P-LHN1:** To permit residential development in areas outside of the development boundaries of the settlement hierarchy subject to the following circumstances:
 1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
 2. Members of farm families seeking to build on the family farm,

3. Landowners and members of landowners' families (landowner for this purpose being defined as persons who owned the land in question since the year 2000),
4. Persons employed locally whose employment would provide a service to the local community,
5. Persons who have personal, family or economic ties within the area, including returning emigrants.
6. Persons who wish to return to farming and who buy or inherit a substantial farm-holding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

- **P-LHN2:** To manage the development of one off rural housing in conjunction with the Rural Typology Map and Local Need criteria. Applicants must submit documentary evidence of compliance with the rural housing policy and comply with local need criteria.

5.2.4. Sections 9.7, 11.11 and 11.12 relate to wastewater treatment. Objective O-RH2 is to resist the clustering of septic tanks in areas of identified ground water vulnerability. Similarly, Policy P-WST6 is to strictly control development proposals, involving individual treatment systems, which would increase effluent loading within existing housing clusters located within areas of high groundwater vulnerability.

5.2.5. Section 11.14 of the Development Plan states that “the area on the periphery of Mullingar and Athlone are subject to significant development pressures”. Policies P-GRH1 to P-GRH8 are noted.

5.2.6. Section 14.4 sets out development management standards for new residential development in a rural area.

5.3. **Natural Heritage Designations**

5.3.1. The Lough Ree SPA (Site Code 004064) and the Lough Ree SAC (Site Code 000440), are located c. 450m and 500m north, respectively, of the appeal site. Lough Ree is also a pNHA.

5.3.2. There are also a number of bogs designated as SACs and pNHAs in the wider area, while the River Shannon to the south of Athlone includes the Middle River Shannon Callows SPA and the River Shannon Callows SAC.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted by Joe and Christine Temple. The issues raised can be summarised as follows:

- Proposal is backland development in a semi-suburban rural area, close to Lough Ree SAC and NHA.
- When appellant received planning permission for their house they were told by the Planning Authority that no more planning permissions could be allowed due to the very high concentration of septic tanks in the area. Appellants received permission due to family connections with the area.
- Backland development will radically alter the character of the area for the worse.
- Additional development will reduce the outlook and landscape amenity currently afforded to existing dwellings and result in noise and visual intrusion of traffic movements.
- Height and scale of proposed dwelling is out of character with existing development and contrary to Policy P-RH4 of the Development Plan and Rural Design Guidelines.
- Proposal will set a precedent for the eventual development of further sites in the area.
- Proposed development would exacerbate the density of unserviced development and septic tanks in an area of existing drainage sensitivity. Inadequate evaluation of the cumulative and individual impact of accommodating an additional septic tank.

- Inadequate consideration of alternatives, including the purchase of an open market house.
- Percolation area is along appellants' driveway and front garden and is shown on part of their site.
- Area is known as Coosan Lough because of numerous springs and rivers in the area. Springs and ponds appear after any heavy rain and land floods due to poor drainage.
- Proposed development fails to observe the objective of the Planning Authority to resist the clustering of septic tanks in area of identified ground water vulnerability. It is prejudicial to public health.
- Overlooking, pending maturation of new hedging.
- Security risk and overshadowing following maturation of new hedging.
- Site is surrounded on three sides by Lough Ree. The Objective is to prohibit housing developments which are urban-generated or speculative in designated Areas of High Amenity.
- It is the policy of the Planning Authority to restrict residential development not related to farming or forestry in defined water catchment areas of Lough Ree.
- Planning permission was refused for another proposed dwelling just across from this application.

6.2. Applicant Response

6.2.1. A response to the appeal was submitted on behalf of the applicant by Axis Architecture and can be summarised as follows:

- Site is not a backland development, but rather part of a cluster. This is preferential to more typical ribbon development. This is the last remaining site within the cluster and will complete the existing 'clachan' arrangement.
- Location of site surrounded by development negates any potential visual impact on the surrounding SAC and SPA.

- Design was revised following pre-planning discussions and is entirely consistent with the rural housing design guidelines and the policies and objectives of the Development Plan.
- Site has passed as capable of dealing with the treatment on site of wastewater. Separation distances from closest septic tank is in excess of EPA requirements. District Engineer recommended grant. No objections were received from statutory bodies.
- Ecologist confirmed that there is no significant effect on the environment caused by the proposed development.
- Percolation area is contained within site boundaries.
- House has been designed to avoid any impact on surrounding dwellings and to minimise its impact on residential amenity.
- Outlook from existing houses has been considered, and house is positioned to avoid overlooking. House is also single storey to remove potential for overlooking.
- Design is a non-imposing and sensitive solution and it will be screened with native species.
- Site is an infill site and as such is preferable to the open countryside.
- The high amenity designation is given to the lake and its surrounding beneficial lands. The appeal site is 500m from the lakeshore. Existing development screens the site from the lakeshore.
- Applicants are not aware of the planning refusal in the area referred to by the appellants.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Key Issues

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

- Compliance with rural housing policy.
- Rural development.
- Wastewater treatment.
- Residential amenity.
- Appropriate Assessment.

7.2. Compliance with Rural Housing Policy

7.3. The appeal site is located in an unzoned rural area known as Coosan, c. 2km north of Athlone Town Centre. The area has experienced a very high level of one-off rural housing development, to the extent that parts of the area have an almost suburban character. Under the Core Strategy map for the County, the area is within an area designated as being a 'strong rural area under significant urban influence'.

7.4. In such areas Policy P-SRA1 states that it is policy to accommodate demand from individuals who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

7.4.1. Policy P-LHN1 outlines the circumstances under which the Planning Authority will consider permitting residential development in areas outside of the development boundaries of the settlement hierarchy. This includes "persons who have personal, family or economic ties within the area...".

7.5. The applicants are stated to be currently renting a dwelling at Churchfields, Coosan, Athlone. Colm Moriarty is stated as being a professional golfer at Glasson Hotel and Golf Club, c. 5 miles from the appeal site, while Cathy Moriarty is stated as being a

teacher in Ballinasloe, c. 28 miles from the appeal site. A letter accompanying the application states that both Colm and Cathy Moriarty are from the area, that Mr Moriarty has family members living in the vicinity and that their son is enrolled in a local pre-school and national school. The letter also states that the appeal site is the only plot of land available to them to build on. I note in this regard that the appeal site is not currently in the ownership of the applicants and that a letter of consent has been submitted from the owner, Peter O'Callaghan.

7.6. Taking the information submitted with the application into account, I consider that the applicants have satisfied the relevant provisions of the Development Plan and have demonstrated that they are an intrinsic part of the rural community with personal and family ties within the area. However, while the applicants have 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.

7.7. Rural Development

- 7.7.1. As noted above, the appeal site is located within an area of very dense one-off housing on unserviced and unzoned lands c. 2km north of Athlone Town Centre. This pattern of development has extended along local roads with the houses generally located on small individual sites, which allied with the proximity to Athlone would appear to indicate that a considerable portion of the development in the vicinity is urban-generated.
- 7.7.2. The proposed development is variously described as an infill development (by the applicants) or a backlands development (by the appellants). Having regard to its location on a private cul-de-sac accessed from a local road, and to the rear of existing development, I do not consider that it would strictly constitute ribbon development within the definition set out in the Rural Housing Guidelines.
- 7.7.3. The appeal site is surrounded on all sides by existing residential development, with the houses to the west, north and east all facing toward the site and the applicants contends that the proposed development is part of a 'clachan' arrangement. Whilst the proposed development would form part of a cluster of housing, I do not consider

that it fits within the historic clachan pattern of development, and I instead consider that it constitutes random housing development in a rural area and that it would exacerbate the dense pattern of suburban-type development that is emerging in this unzoned rural area outside the Athlone Town boundary.

- 7.7.4. In conclusion, I consider that the proposed development would militate against the preservation of the rural environment and that, taken in conjunction with existing development in the vicinity, it would give rise to an excessive density of development in an unzoned rural area and I therefore recommend that planning permission be refused.

7.8. Wastewater Treatment

- 7.8.1. A Site Characterisation and Assessment Report was submitted with the application, which indicates that the soil in the area consists of tills derived from limestone (deep well drained mineral). The area is designated as a 'Regionally Important' (Rk) aquifer and is of 'Moderate' vulnerability. This results in a groundwater protection response of 'R1', "acceptable subject to normal good practice". A disused well was noted c. 20m north of the site, while 28 houses were identified within 250m of the appeal site. The direction of groundwater flow is indicated as being East-West, towards Lough Ree, which is c. 500m to the west.
- 7.8.2. The trial hole encountered clay to a depth of 0.5m, with sand to 0.9m and sandy gravel to the full 3m depth of the excavation. Neither bedrock nor the water table were encountered. With regard to percolation characteristics, a T value of 5.03 minutes/25mm was recorded, which meets the requirements of the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses. On foot of the test results, a packaged wastewater treatment system and polishing filter is proposed.
- 7.8.3. On the date of my site inspection, which was after a prolonged dry period, the ground was firm with no indication of poor drainage and the trial hole which had been left open appeared to be dry.
- 7.8.4. While the information submitted by the applicant demonstrates that the soil has adequate depth and good percolation characteristics and that the site is therefore suitable for the installation of a secondary wastewater treatment system discharging

to ground, I have serious concerns in relation to the concentration of individual septic tanks/wastewater treatment systems in the area. The applicant's site assessor has identified 28 houses within 250m of the appeal site, all of which are likely to have individual septic tanks/treatment systems due to the unavailability of the public wastewater system in the area. Beyond this 250m zone there are many more houses in the Coosan area which are likely to be served by individual systems. In my opinion the proposed development, taken in conjunction with the existing development in the vicinity, would result in an excessive concentration of houses served by individual septic tanks/wastewater treatment systems and would give rise to the potential for significant cumulative impacts on groundwater quality. Given both the proximity to Lough Ree and the direction of groundwater flow, which is towards the Lough, I consider that a potential cumulative impact to water quality in that waterbody also arises. Therefore, in the absence of any adequate information to the contrary, I am not satisfied that the proposed development would not be prejudicial to public health or the environment.

7.9. Residential Amenity

- 7.9.1. The appellants contend that the proposed development will radically alter the character of the area, reduce outlook and landscape amenity and result in noise, overlooking and overshadowing impacts.
- 7.9.2. Having regard to the separation distances with existing dwellings and the nature and scale of the proposed development, I am satisfied that no significant overlooking or overshadowing will arise. Similarly, I do not consider that any significant noise or traffic impacts will arise from the construction of one dwelling.
- 7.9.3. While the proposed house is contemporary in its design, I do not consider that it would be out of character with existing development in the vicinity, due to its single storey design and finishes which generally comprises nap plaster finish with feature cladding panels in limited areas. The floor-to-ceiling height proposed for parts of the house is considerable (c. 4.17m), however this is as a result of the proposed monopitch roof design, and the overall height of the house is similar to a more traditional pitched roof design. I consider the design of the proposed development to be generally acceptable and consider that it would provide a high quality residential unit.

7.9.4. However, while the design of the house is generally acceptable, I consider its siting and layout to be unacceptable, as outlined in Section 7.7 above.

7.10. **Appropriate Assessment**

7.10.1. The applicant submitted an Appropriate Assessment Screening Report, prepared by Axis Architecture, with their planning application. Following a request for further information, a second Appropriate Assessment Screening Report, prepared by Enviroview Consulting Services, was submitted.

7.10.2. The European Sites considered in the AA Screening Reports are the Lough Ree SPA (Site Code 004064) and the Lough Ree SAC (Site Code 000440), which are located c. 450m and 500m north, respectively, of the appeal site.

7.10.3. The qualifying interests of the SPA are as follows:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Whooper Swan (*Cygnus cygnus*) [A038]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Mallard (*Anas platyrhynchos*) [A053]
- Shoveler (*Anas clypeata*) [A056]
- Tufted Duck (*Aythya fuligula*) [A061]
- Common Scoter (*Melanitta nigra*) [A065]
- Goldeneye (*Bucephala clangula*) [A067]
- Coot (*Fulica atra*) [A125]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Lapwing (*Vanellus vanellus*) [A142]
- Common Tern (*Sterna hirundo*) [A193]
- Wetland and Waterbirds [A999]

7.10.4. The Conservation Objectives for the SPA are as follows:

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
- To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

7.10.5. The qualifying interests of the SAC are as follows:

- Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]
- Degraded raised bogs still capable of natural regeneration [7120]
- Alkaline fens [7230]
- Limestone pavements [8240]
- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
- Bog woodland [91D0]
- Lutra lutra (Otter) [1355]

7.10.6. The Conservation Objectives for the SAC are to maintain or restore the favourable conservation condition of the specified qualifying interests, which is defined by a list of attributes and targets.

7.10.7. Lough Ree is stated as having a 'Moderate' WFD status, with the River Shannon downstream of the Lough having a 'Poor' WFD status. I note that the Site Synopsis for the SAC states that "the main threat to the aquatic life in the lake comes from artificial enrichment of the waters by agricultural and domestic waste, and also by peat silt in suspension".

7.10.8. While the AA Screening Report states that there is no hydrological connectivity to Lough Ree, I note that the direction of groundwater flow is indicated as being towards the Lough and given the location of the appeal site I consider that there is a potential hydrological connection between it and the Lough.

7.10.9. Having regard to the scale and nature of the proposed development, I do not consider that, individually, it is likely to have a significant effect on the European sites. However, given the concentration of one-off housing served by individual septic tanks/wastewater treatment systems in the vicinity, I consider that the applicant has not adequately demonstrated that the proposed development in combination with other plans or projects would not be likely to have a significant effect on the European sites in view of their Conservation Objectives, noting that artificial enrichment of the waters is identified as the main threat to aquatic life in the lake.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons set out below.

9.0 Reasons and Considerations

1. Taken in conjunction with existing development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by individual septic tanks/wastewater treatment systems in the area. On the basis of the information submitted, the Board is not satisfied that the proposed development would not be prejudicial to public health or the environment.
3. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development in combination with other plans or projects would not be likely to have a significant effect on the Lough Ree SPA (Site Code 004064), the Lough Ree SAC (Site Code 000440), or any other

European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Niall Haverty
Planning Inspector

17th July 2018