



An
Bord
Pleanála

Inspector's Report ABP-301948-18

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| Development | House, entrance and associated site works. |
| Location | Raheenduff, Adamstown, New Ross, Co. Wexford. |
| Planning Authority | Wexford County Council. |
| Planning Authority Reg. Ref. | 20180182. |
| Applicant | Gerry Connors. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant with conditions. |
| Type of Appeal | Third Party. |
| Appellant | Paul Murphy. |
| Observers | None. |
| Date of Site Inspection | 26 th September 2018. |
| Inspector | Dáire Mc Devitt. |

1.0 Site Location and Description

- 1.1.** The appeal site is located in the rural townland of Raheenduff, c.16km southeast of New Ross and c.1km north of the village of Adamstown in County Wexford. It is sited on the eastern side of the L81153 (known as Raheenduff lane) off the R735.
- 1.2.** The area is predominantly rural in character with scattered housing. A single storey house to the north, taken from the northern corner of the larger field, forms the corner of the R735 and the L81153. A two storey house forms the other corner at the junction. Houses in the general area are of varying designs, styles and scale.
- 1.3.** The site, with a stated area of c.0.21 hectares, is taken from a larger field in the applicant's brother's ownership. The site has been fenced off with post and wire fencing forming its northern and eastern boundaries. The western boundary, along the L81153, consists of an embankment with mature hedgerow. To the south it is bounded by agricultural lands with mature vegetation forming the boundary.
- 1.4.** The landholding (field), from which the site is taken, is bounded by the R735 to the north, with its only access off the R735. The current proposal is seeking to open an access off the minor county road (L81153).
- 1.5.** The levels of the field (landholding) rise slightly from north to south away from the R735. The site itself is relatively flat. There are no direct views into the site from the L81153. There are views of the site from the access point along the R735.

2.0 Proposed Development

- 2.1.** The proposed development consists of:

 - A dormer dwelling with a gfa of c. 125.1sq.m and a height of c.6.5m
 - A new entrance off the public road (L81153) and the trimming back of the existing roadside boundary to achieve sightlines.

- Private effluent treatment system and private well.

The application includes a Site Characterisation Form.

A yellow site notice submitted with the application was deemed valid by the Planning Authority.

3.0 Planning Authority Decision

Grant permission subject to **8** standard conditions.

3.1. Planning Authority Reports

3.1.1. Planning Reports

The Area Planners report formed the basis of the Planning Authority's decision. Issues relating to the proposed effluent disposal system, surface water and details relating to external finishes of the house were addressed through further information and a recommendation to grant was made.

Other notes of point include:

No Concerns were raised from a traffic perspective in terms of sightlines or the capacity/quality of the road network.

The overall scale, height and design of the house is considered acceptable. The Area Planner concluded that the site, located within the lowlands, could accommodate the proposed house and with appropriate screening it would not be visually obtrusive when viewed for the regional road.

3.1.2. Other Technical Reports

Senior Executive Scientist (Environment). No objection following further information submitted relating to the levels of the invert of the trench.

Municipal Engineer. No comments on file.

Chief Fire Officer. General guidance on fire regulation requirements.

3.2. Prescribed Bodies

None.

3.3. Third Party Observations

A submission was received by the current appellant. This generally reflects the grounds of appeal and is dealt with in more detail in the relevant section of this report.

4.0 Planning History

Application site:

Planning Authority Reference No. 99/0466 (An Bord Pleanála Reference No. PL.26.117458) refers to a 2000 application for Dermot & Siobhan Hayes for a house on the site that was refused permission for two reasons relating to 1) random housing in a rural areas lacking certain public services and community facilities and served by a poor road network and 2) The mass, scale and height would create a prominent feature due to the elevated nature of the site which would injure the visual and rural amenities of the area.

Planning Authority Reference No. 20010912 refers to a 2001 application for Shane Cahill for a house on the site that was refused permission for two reasons similar to PL.26.117458.

House in the northern corner of the field (Landholding):

Planning Authority Reference No. 20013007 refers to a 2002 grant of permission for a house to Shane Cahill.

Other:

The most recent file on the Council's Planning Register for a grant of permission for a house in the vicinity, off the L81553, is **Planning Authority Reference No. 20160518** (July 2017) for Ann Marie Cummins.

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019

Section 4.3.3.2 refers to the different rural types in the county. The site is located within a Structurally Weak Area.

The relevant objectives are:

Objective RH05 To facilitate the development of individual houses in the open countryside in 'Structurally Weak Areas' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and to development management standards laid down in chapter 18.

Table 12 sets out the Criteria for Individual Rural Housing. For houses in Structurally Weak Areas the criteria is: ***Housing for people building permanent residences for their own use.***

Objective RH06 To facilitate and where possible stimulate or provide the development of housing, economic development, services and infrastructure in the villages in 'Structurally Weak Areas' to sustain and renew populations and services in these areas, subject to normal planning and environmental criteria and the development management standards laid down in chapter 18.

Section 17.7 refers to the Rural Design Guide. This includes guidance on boundary treatment (17.7.1), sustainability (17.7.2), design brief (17.7.3), site appraisal (17.7.4) and sketch design (17.7.5).

Section 17.7.1 refers to boundary treatment. This sets out that when creating an opening the existing front boundary should be retained where possible, and aim to be respectful to the existing landscape and habitats. Where it is

necessary to remove roadside boundaries these should be replaced with natural hedgerows and avoid replacing indigenous boundaries with insubstantial fencing, blockwork, walls or post and wire fencing.

Heritage:

Objective NH07 refers to the protection of hedgerows from damage and/or degradation and work to prevent the disruption of the connectivity of the hedgerows of the county.

Landscape Character Area: Lowlands, this area generally comprises undulating lands and relates to extensive areas of the county. This landscape has characteristics which provide it with a higher capacity to absorb development without causing significant visual intrusion.

General Development Management Standards.

Section 18.12.2 refers to siting and design requirements for single rural houses, these include criteria in relation to site size, siting, access, effluent treatment, landscaping etc, that should apply. In general the siting of the house should reflect the position of adjoining developments and should avoid adverse impacts on neighbouring properties from overlooking and undue overshadowing and visual impacts.

Section 18.29.3 refers to the siting and design of access/egress points and sets out, amongst other things that:

- Sightlines of a minimum of 65m is required for county/local roads outside the 50kph or 60kph speed limit.
- The Council will not permit proposed access/egress points where the position of the access/egress and the achievement of the necessary sightlines entail the undue loss of existing roadside boundary hedgerow

or trees where there is an alternative access point possible and where such natural features cannot be replaced.

Section 18.32 refers to on site wastewater treatment facilities.

5.2 Sustainable Rural Housing Guidelines (2005)

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures.

To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

The application site is in an area identified as being structurally weak.

5.3 National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government (2018)

Section 5.3 refers to Planning for the further growth and development of rural areas.

In support of the overall pattern of rural and small town development in Ireland, the Framework seeks to protect areas that are under strong urban influence from unsustainable over-development on the one hand, and to encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other, while sustaining vibrant rural communities.

Objective 15 Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of

areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

Objective 19 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e within the commuter catchment of cities and large towns and centres of employment and elsewhere.

- In rural areas (not under urban influence), facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.4 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. A third party appeal by Paul Murphy, P.O Box 102, Whitemill Industrial Estate, Wexford. The grounds of appeal can be summarised as follows:

The two reasons for refusal under PL.26.117458 still apply:

- 1. The proposed development would constitute random housing development in a rural area lacking certain public services and community facilities and served by a poor road network. The proposed development would, therefore, give rise to demands for the uneconomic provision of public services and community facilities where these are not proposed and would be contrary to the proper planning and development of the area.*
- 2. The proposed development, located in an elevated position uphill of a Regional Road would, by reason of its mass, scale and height create a prominent feature which would seriously injure the visual and rural amenities of the area and would mitigate against the preservation of the*

rural environment of the area. The proposed development would, therefore, be contrary to the proper planning and development of the area.

In addition, the sightlines at the proposed entrance is not giving the full 65m on the lane as the site entrance is elevated and on a hill. Photograph included to illustrate this.

The house refused permission in 2000 was a bungalow. The current proposal is for a dormer which would be very imposing on the landscape as it can be seen from the main road.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issue of appropriate assessment screening and environmental impact assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Traffic.
- Design & Siting.
- Appropriate Assessment.

- Environmental Impact Assessment

7.1. Traffic

7.1.1 The appellant has referred to An Bord Pleanála's reasons for refusal under PL.26.117458 (2000). These referred to the development of a house at this location would constitute random rural housing in area served by a poor road network.

7.1.2 Notwithstanding the planning history attached to the site, the current application before the Board is assessed in terms of current national guidance and local policies and objectives for rural development and in particular development in structurally weak areas. In my view, the current proposal, in this instance, would not constitute random rural housing given the context of the site and the presence of houses in close proximity to the north. The siting of the house at the southern section of the landholding, while removed from the existing house to the north, is not considered random. Furthermore, the siting of a house in the southern section of the landholding is more appropriate from an access point of view in terms of separations distance from the junction with the Regional road.

7.1.3 In my view, given the location of the site and the nature of the local road network which is characterised by minor county roads serving the rural area between the R735 to the north and the N25 c.7km to the south. I consider the modest increase in traffic movements generated by a single house at this location would not result in an increase in traffic movements that would interfere with the free flow of traffic along the L81153 or at the junction of the L81153 with the R735 and would not have a detrimental impact on the carrying capacity and quality of the local road network. Therefore, in this instance, the principle of opening a new entrance off the L81153 is considered acceptable subject to compliance with the requisite development management standards for access off county roads.

7.1.4 Section 18.29.3 of the County Development Plan sets out that a minimum of 65m sightlines is required for new vehicular entrances off county roads. The

L81153 is a narrow county road with grass growth in the middle. I note that sightlines can be achieved at the proposed entrance by the trimming back of the roadside hedge at either side of the entrance for the length of the site. I consider the removal of small section of the existing roadside boundary to accommodate an access point and the trimming back of the roadside boundary, where required, acceptable. In my view, the entrance would generally comply with the standards as set out in Section 18.29.3 of the County Development Plan and would not detract from the rural character of the area.

7.1.5 Section 17.7.1 of the Development Plan refers to boundary treatment for rural houses and clearly sets out that when creating an opening the existing front boundary should be retained where possible with an overarching aim that development be respectful of the existing landscape and habitats. Objective NH07 of the County Development Plan refers to the need to protect hedgerows from damage and/or degradation. As noted in section 7.1.4 above, the applicant in this instance proposes to trim back the hedge at either side of the new entrance, not remove it. I consider this acceptable and in compliance with Objective NH07 and Section 17.7.1 of the County Development Plan. I am satisfied that specifics relating to boundary treatment can be dealt with by condition in the event the Board considers granting permission.

7.2 Design & Siting

7.2.1 Section 17.7 of the County Development Plan refers to the rural design guide and section 18.12.2 includes development management standards for individual rural houses, including design and siting requirements. The applicant is seeking permission for a dormer house with an overall gfa of c. 125.1sq.m and a height of c. 6.5m. The houses in the immediate vicinity are a mix of single storey and two storey.

7.2.2 There are long views of the site at present from the access point into the landholding off the R735 as the site is exposed and forms part of this larger field. At present post and wire fence marks out the applicant site's northern and

eastern boundaries which are set back c.170m from the R735. The roadside boundary of the landholding along the regional road consists of mature hedge and given the gradual slope upwards towards the site, I do not consider the site prominent and exposed vis a vis the R735. In my opinion, the siting of the house is considered acceptable, it uses the existing roadside (L81153) and field boundaries, which shall be augmented, to screen the proposal from the south and west. Landscaping is proposed along the northern and eastern boundaries which will screen the proposal from the R735. I consider this acceptable. Furthermore, overtime with the maturing of the site boundaries and landscaping, the impact of the house on the surrounding area would be further reduced. I am of the opinion that the proposal represents an acceptable design approach that reasonably addresses the rural character of the area. Boundary treatment can be further augmented with landscaping if the Board is of a mind to grant permission.

7.2.3 Overall, I consider the design and siting of the house acceptable. It would not be visually obtrusive or form a prominent incongruous feature when viewed from the R735. It accords with the rural design guide set out in section 17.7 and is broadly in compliance with the requirements set out in section 18.12.2 of the County Development Plan.

7.3 Appropriate Assessment.

7.3.1 Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude, 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 a European Site.

7.4 Environmental Impact Assessment

7.4.1 Having regard to the nature and scale the development which consists of single house in a rural location, 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.

8.0 Recommendation

I recommend that permission be granted subject to conditions and for the reasons and considerations as set out below

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to its design, would not seriously injure the rural character of the area or the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. 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.

Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The external walls of the house shall be finished in neutral colour such as grey or off-white. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the character of the area.

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

colour of the roof.

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) Contoured drawings to scale of not less than 1:500 showing –
 - (i) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the northern and eastern boundary
 - (ii) Tree shelter belts of at least two rows shall be planted along the site boundaries. The trees shall consist of native or naturalised species and varieties and shall be protected from grazing animals by stock-proof fencing. Any trees 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 species, unless otherwise agreed in writing with the planning authority.
 - (iii) any hard landscaping works, including car parking, driveway, enclosed areas and lighting, specifying surfacing materials
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established
 - (d) A timescale for implementation which shall provide for the planting of to be completed before the dwelling is first made available for occupation

Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Species to be used shall not include either cupressocyparis x leylandii or grisellinia.

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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. The existing trees and hedgerow along the front boundary shall be retained and maintained. The proposed front boundary treatment, its exact height and location, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. 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.

Dáire McDevitt
Planning Inspector
3rd October 2018