



An
Bord
Pleanála

Inspector's Report ABP-302000-18

Development	House, garage, well and effluent treatment system, new entrance and all associated site works.
Location	Three Mile Water, Wicklow, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1523
Applicant(s)	Fionnuala Malone
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Fionnuala Malone
Observer(s)	None
Date of Site Inspection	6 th November 2018
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located in a rural area 5km to the south of Wicklow town and 2.5km to the north of Brittas Bay, in the footslopes of Cullen Hill. The subject site comprises agricultural land and has an area of 0.5 hectares.
- 1.2. The site is elevated and exposed and the only existing field boundary is the roadside boundary. There is no development directly adjoining the site. Development in the area mainly consists of scattered rural dwellings. A landscaping business is located on lands opposite the site. The lands opposite the site slope down from the road and are on much lower ground.

2.0 Proposed Development

- 2.1. The proposed development is for a dwelling with a garage and a new proprietary wastewater treatment system in addition to a private well. The proposed dwelling is generally single storey with a mezzanine floor.
- 2.2. A landscape impact assessment was submitted with the application.
- 2.3. Unsolicited further information was submitted to the PA dated the 11th day of April 2018. The information included a drawing showing sightlines of 60m and proposals for drainage and additional details in relation to compliance with the rural housing policy.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for two reasons relating to visual impact and traffic safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first report (07/02/18) noted that the site was visible to the north and east. It was considered that the proposal represented an unnecessary dwelling at this

location which would have a detrimental impact on the visual amenities of the area and would set an undesirable precedent for similar type proposals in the area. It was considered that the 60m sightlines shown were inadequate.

- A second report (15/5/18) considered that the site was quite elevated in relation to surrounding lands and is visible to the north and east. The planner did not have any concerns in relation to the design of the dwelling but considered that the site was not suitable to accommodate a dwelling. It was noted that the site was for sale and that it was not a necessary farm dwelling.

Other Technical Reports

- EHO - No objection subject to conditions.
- Area Engineer – Concerns regarding sightlines and drainage.

3.3. **Prescribed Bodies**

No comments on file.

3.4. **Third Party Observations**

None.

4.0 Planning History

PA Reg. Ref. 11/4029/ ABP PL 27.239351

Permission refused by PA and by ABP on appeal for dwelling on this site for two reasons relating to rural housing policy and visual impact.

PA Reg. Ref. 10/2750

Application withdrawn following recommendation by planner to refuse permission for a split level dwelling at this location.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is Wicklow County Development Plan 2016-2022. Relevant policies include:

Section 4.3.6: Relates to the *Design of New Developments* and it is stated that all new housing including rural housing shall achieve the highest quality of layout and design.

Appendix 2: Sets out guidelines regarding single rural house design.

Housing in the Open Countryside Policy HD23: 16 criteria are set out which relate to the circumstances that will be considered regarding residential development in the countryside. The most relevant is no. 1:

“A permanent native resident seeking to build a house for his/her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total including permanent native residents of levels 8 and 9 or resided in the rural area for at least 10 years in total prior to the application for planning permission.”

The Plan sets out 10 levels of settlement and the subject site is located in Level 10 – The Rural Area. It is stated in the plan regarding Level 10 areas that:

“Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focussed on ensuring that the scenic value, heritage value and/or environmental/ecological/conservation quality of the area is protected.”

Appendix 5: Landscape Assessment: The subject site is located in an area designated as Corridor Area East.

5.2. Natural Heritage Designations

5.2.1. There are two Natura 2000 sites within 10km of the site as follows:

- The Magherabeg Dune systems SAC (site code 001766) on the coast c. 750m to the east.
- Buckroney Brittas Dunes and Fen SAC (site code 000729) c. 3km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The proposed dwelling will not injure the landscape in this location. A landscape impact assessment together with mitigation measures are attached to the appeal.
- A revised site layout is attached to the appeal which shows that sightlines of 90m are available.
- Wicklow County Council have accepted that the applicant meets the criteria of HD23 for Housing in the Open Countryside in the County Development Plan.
- The applicant would be willing to accept a condition to construct boundaries and planting before the commencement of development.

6.2. **Planning Authority Response**

- No response submitted.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. Having inspected the site and reviewed the file documents, I consider the main issues can be addressed under the following headings:

- Rural Housing Policy
- Design and Visual Impact
- Traffic Safety

7.2. **Rural Housing Policy**

7.2.1. The application site is in an area designated as a strong rural area under urban influence. The Sustainable Rural Housing Guidelines advise that houses in such areas may be provided to meet the housing needs of the local rural community, but that urban generated housing should be directed to zoned and serviced lands within settlements.

7.2.2. The policy in the Wicklow County Development Plan 2016 - 2022 is to discourage rural housing, especially when relatively close to towns and residentially zoned lands. The exemptions are set out in detail in policy HD23, essentially allowing for people with strong local connections with a demonstrated need to live in the area.

7.2.3. The applicant has submitted copious documentation which details her connections with the area. A solicitor's letter is included which outlines that she has never owned a dwelling. She works as a dental hygienist in two practices in Arklow and Greystones. She has lived in the area since she was 4 years old and currently lives in her parent's house a stated distance of 3.3km from the site.

7.2.4. I am satisfied that the applicant has demonstrated that she would fall within the criteria set out in HD23 of the Development Plan.

7.3. Design and Visual Impact

- 7.3.1. The site is located in the lower slopes of Cullen Hill, a locally prominent landmark. The site slopes up from the public road. It is proposed to construct the dwelling towards the back of the site c. 40m from the road and c. 4m higher than the level of the road.
- 7.3.2. There are no existing boundaries on the eastern, western and southern boundaries. It would appear from documentation submitted with the application and appeal, that the landholding has been divided into three at this location. The applicant is purchasing the site from Ms. Sarah Maguire. A letter submitted with the application states: 'The site appears to be 'floating' in the field however the plot of land between my site, and the western boundary of the field is gifted to another family member. The land to the east of the site remains a single agricultural field. No boundary was provided around the site so the farmer could continue to use the land until such a time as either myself or a successful purchaser could proceed to build a home on it.'
- 7.3.3. The appeal documentation states that the applicant would be willing to accept a condition attached to the grant of permission that a comprehensive planting schedule for the site would be submitted to the local authority for approval, and the boundaries and planting constructed before construction of the dwelling starts.
- 7.3.4. The site is located in Corridor Area East on Figure 4.11 of the Landscape Category Map in the Development Plan. The site is located within an area of low-medium sensitivity.
- 7.3.5. I note that a previous refusal by ABP under PL 27.239351 raised concerns in relation to the elevated and exposed location of the site as follows: visible over a wide area to the north and east, the absence of existing boundaries and the significant time it would take to establish boundaries, the slope of the site and the level of the proposed dwelling in relation to the road, the proposed driveway which the Inspector considered would scar the landscape. The Inspector concluded that 'with regard to the elevated and exposed location of the site, the proposed development would have

a significant adverse visual impact over a wide area.’ The planner has also raised concerns in relation to the visual impact from the north and east.

- 7.3.6. I share the concerns raised by both the Inspector and the Planning Authority. I note that the proposed dwelling is located c. 40m from the roadway whereas the previous dwelling was proposed c. 20m from the roadside. The impact of the proposed driveway would be significantly worse than the previous refusal on the site in my view. I have concerns in relation to the openness of the site and its exposed and elevated nature. The principles of good siting outlined in the Design Guidelines for New Homes in Rural Wicklow advise that houses located in the middle of site/ fields, distant from boundaries will not be considered acceptable – houses should be ‘tucked into’ existing field boundaries. I consider that the dwelling itself is relatively modest and simple in design and I have no objection to the design. I note that the Planning Authority did not raise any issues with regard to design.
- 7.3.7. However, I do have concerns in relation to the elevated and exposed nature of the site. The applicant has failed to demonstrate that the proposed development would not be detrimental to the visual amenities of the area or be contrary to the Design Guidance for Rural Homes in County Wicklow. In addition, I would note that the location of the proposed dwelling on the upper level of the site would mean that it would be highly visible when viewed from the north and east.

7.4. Traffic Safety

- 7.4.1. I note that in both the documentation submitted with the planning application and the unsolicited further information, drawings were submitted which demonstrated sight distances of 60m at the site entrance. The second reason for refusal by the Planning Authority considered that it has not been demonstrated to the satisfaction of the Planning Authority that adequate sight distances can be achieved.
- 7.4.2. Drawing No. 1704-PL10 submitted with the appeal indicated sight distances of 90m both sides of the proposed entrance. Having inspected the site, I am satisfied that this can be achieved as indicated on the drawing. As such, I am satisfied that the second reason for refusal by the Planning Authority has been addressed and that the visibility standards are sufficient to facilitate traffic without concerns regarding the potential to create a traffic hazard.

7.5. Appropriate Assessment

- 7.5.1. The Magherabeg Dunes SAC (Site Code 000729) is the closest Natura 2000 site to the site, a distance of c. 750m to the east. The planner's report notes that a small stream to the rear of the site is linked to same. The site itself drains northwards in the roadside boundary ditch with the wastewater treatment system designed in accordance with the EPA Code of Practice discharging to the ground. It considered that the proposed development would not give rise to any adverse impacts on the qualifying interests and conservation objectives of any Natura 2000 sites.
- 7.5.2. Having regard to the nature and scale of the proposed development, a one off house in a rural area, and the distance to the nearest European site, 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.

7.6. Environmental Impact Assessment

- 7.6.1. Having regard to the minor nature and scale of the proposed development and the location of the site some distance from any sensitive locations or features, 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

- 8.1. I recommend a refusal based on the following reason:

9.0 Reasons and Considerations

Having regard to the open and exposed nature of the site and the elevated position of the proposed dwelling, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location which would seriously injure the visual amenities of the area. The proposed dwelling would fail to be adequately absorbed and integrated into the landscape and would be contrary to the principles of good siting set out in the Design Guidelines for New Homes in Rural

Wicklow as set out in Appendix 2 of the Wicklow County Council Development Plan 2016-2022, and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector
6th of December 2018