



An  
Bord  
Pleanála

## Inspector's Report ABP-302712-18

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<b>Development</b>	Construction of new detached four-bedroom family dwelling, new detached single storey pitched roof garage, new site entrance from public road, new septic tank and all associated site works.
<b>Location</b>	Carnes Road, Bellewstown, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	AA180652
<b>Applicant(s)</b>	Pamela Howard
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brendan & Carol Rogers
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 November 2018
<b>Inspector</b>	Una Crosse

## **1.0 Site Location and Description**

1.1. The site which has an area of 0.32 hectares is located approximately 1km from Bellewstown Racecourse on the Carnes Road opposite its junction with the Ongenstown Road. The site falls in gradient by c. 6 metres from the rear of the site to the public road boundary. The site is adjoined to the west by a number of one-off dwellings and to the east by a narrow strip of land which accommodates a belt of mature trees which address the Mullagh Road located to the east of the site. There are further dwellings located to the east of this road and to the south of the site addressing the opposite side of the Carnes Road.

## **2.0 Proposed Development**

2.1. The proposal comprises the construction of a detached dwellinghouse which has an area of c.250 sq.m which is part single storey and part two-storey and laid out in two parallel blocks connected by a central single storey glazed hallway. The front block is a storey and a half and the rear element is single storey. A detached single storey pitched roof garage is also proposed to the east and rear of the front building line. An entrance is proposed from the public road to the east of the road boundary. It is proposed to service the proposed dwelling by way of a wastewater treatment system and polishing filter to the south west of the dwelling and a well proposed to the northwest of the site. A soakaway is proposed to the north of the dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted permission for the proposed development subject to 17 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The first report outlines policy provisions, submissions and the key planning issues which are considered to be AA; planning policy; design, layout and siting; access and water services.

- Screening for AA concludes proposal would not be likely to have a significant effect on a European Site and a Stage 2 AA is not required.
- Noted applicants compliance with local housing need is based on the criteria related to persons who have spent substantial period of their lives living in rural areas and who do not possess a dwelling with the applicant residing at her parents' home. It is considered further information on this matter is required.
- Design of the dwelling considered acceptable;
- Sightlines at entrance required;
- Wastewater treatment system proposed acceptable;

Further Information was sought on the following matters:

- Compliance with rural housing policy;
- Revised site layout plan showing removal of roadside boundary and letter of consent from owner of lands to east to cut back growth overhanging the boundary wall;

Report in Response to Further Information notes:

- Applicant has demonstrated her links to the area;
- Revised layout plan submitted with roadside boundary set back by 3m and letter of consent from landowner to the east with Transportation Section satisfied with the Response.
- Report concludes that applicant meets the local need criteria.
- Development contributions outlined.
- Permission recommended and approved.

### **3.2.2. Other Technical Reports**

- Report from Transportation Section notes that boundary hedge will have to be removed and set back to facilitate sightlines with sightlines to east impeded by

boundary overgrowth with no objection subject to these matters being addressed.

Report in response to further information request satisfied subject to conditions.

- Report from Environment Section had no objections subject to Conditions.

### 3.3. **Prescribed Bodies**

No responses requested.

### 3.4. **Third Party Observations**

One received as per the grounds of appeal below.

## 4.0 **Planning History**

### 4.1. **On Site**

**Ref. 99/1895** – permission granted for a bungalow to Richard Howard. Not implemented.

### 4.2. **Sites to West**

**SA/130662** – permission granted for a dwellinghouse to Ian Howard. Implemented.

**SA/130245** – permission granted to Richard Howard for a 2-storey dwelling – Implemented.

## 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. Development Plan

The Meath County Development Plan 2013-2019 is the relevant Plan with the site located in an area under strong urban influence. The key challenge for such areas is stated to be facilitating the housing requirements of the rural community while directing urban generated housing development to areas zoned for new housing in towns and villages in the area of the development plan. 5.2.2. The following Policies relate to this type of rural area:

**RD POL 1:** To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

**RD POL 2:** To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

**RD POL 3:** To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

**Section 10.4** sets out the criteria under which applicants can demonstrate their local housing need. It states that the “Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related to employment where the applicant can clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. It is also considered that persons taking over the ownership and running of family farms and/or the sons and daughters of farmers would be considered within this category of local need. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be farming / natural resource related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.”

For persons not engaged in significant agricultural or rural resource related occupations, the Development Plan states that persons local to an area are considered to include “persons who have spent substantial periods of their lives, living in rural area as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”.

Section 10.5.1 sets out the ‘Development Assessment Criteria’ which the Planning Authority will take into account. This includes housing need as defined in Section 10.4, local circumstances, suitability of the site, the degree to which the proposal represents infill development and the history of development on the original landholding. Where there is history of speculative sale of sites, permission may be refused.

Section 10.5.2 sets out the Planning Authority’s criteria for determining whether a development proposal will exacerbate ribbon development, which is defined as a “high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage”. In assessing whether a given proposal will exacerbate such ribbon development, the Planning Authority will consider: the type of rural area; the circumstances of the applicant; the degree to which the proposal might be considered infill development; and the degree to which the proposal would cause existing ribbon development to be extended or coalesce.

Section 10.7 sets out design and siting considerations for rural residential development and includes Policy RD POL 9, which requires all applications for rural houses to comply with the ‘Meath Rural House Design Guide’.

### **5.3. Natural Heritage Designations**

None in vicinity of site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- House is too big and imposing and is out of character with the area with most houses comprising cottages or bungalows;
- House will overlook our property to the front and rear taking away privacy;
- Concern about the septic tank and effect on our water supply;
- Impact of concrete for foundations of such a big house with less surface area for draining and may mean property will flood as rain already gathering at front of house and side door;
- Oppose removal of hedgerow and wall in front of our house.

### 6.2. Applicant Response

The Applicants response is summarised as follows:

- Fully engaged with Local Authority during process;
- House smaller in area to many existing in vicinity, positioning of house in keeping with building line, avoids need for excavation given stepped plan with layout reducing the size of the road facing volume;
- Design is bespoke for the site and not preconceived design forced upon a site, materials are carefully considered with no current advice advocating bungalow design;
- Proposal would have a view into the front garden of the appellants property which is not unusual in the case of front gardens of any dwelling on same side of the road with the view reciprocated;
- Unclear how overlooking of rear of property would occur as appellants house is oriented parallel with proposed and appellants house blocking any such views;
- Dwelling designed with primary living spaces to the rear of the house;
- Conditions outlined in respect of the proposed wastewater treatment system;

- New surface water drainage system will only serve to improve the drainage infrastructure in the immediate vicinity of the proposed dwelling;
- Permission was not sought for removal of hedgerow but rather conditioned as a road safety measures;

### 6.3. **Planning Authority Response**

The Planning Authority response is summarised as follows:

- House type in keeping with design of adjacent dwelling and complies with Rural House Design Guide;
- Site assessed in accordance with EPA Code of Practice 2009 and Environment Section satisfied;
- Soakaway proposed to deal with surface water;
- Proposal situated 46m from appellants dwelling;
- Hedge in front of applicant's site has to be removed to cater for an access and to achieve sightlines and is within applicants site and ownership;
- No wall at this location.

### 6.4. **Observations**

No observations on file

## 7.0 **Assessment**

### 7.1. **Introduction**

The main issues arising in the consideration of this appeal are as follows:

- Compliance with Rural Housing Policy
- House Design
- Residential Amenity
- Wastewater Treatment
- Surface Water Management



- Removal of hedgerow
- Appropriate Assessment

## **7.2. Compliance with Rural Housing Policy**

- 7.2.1. The appeal site is located in a “rural area under strong urban influence” and the Development Plan states that it is the policy of the Planning Authority to facilitate the housing requirements of the rural community subject to normal planning criteria, while directing urban-generated housing to zoned lands in towns and villages.
- 7.2.2. Section 10.4 sets out the various criteria under which applicants can demonstrate their local housing need. In this regard, persons local to an area are considered to include “persons who have spent substantial periods of their lives, living in rural area as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”. It appears from the documentation submitted with the planning application and the response to the appeal that the applicant has strong and long-term family ties to the area, has and is residing in the family home, does not own any other property and has a letter of support from a religious person in the community.
- 7.2.3. Taking the information submitted with the application and the reports from the Planning Authority into account, I consider that the applicant has satisfied the relevant provisions of the Development Plan and has demonstrated that she is an intrinsic part of the rural community with a rural generated housing need. In terms of the principle of development. In relation to ribbon development while the proposal would comprise an extension of an existing ribbon of houses, the site comprises the last site between the existing property to the west and the Mullagh Road with the belt of trees to the east creating a natural buffer and boundary. In this regard I do not consider that the proposal would be contrary to the policy in this regard.

## **7.3. House Design.**

- 7.3.1. I note the appellant’s grounds of appeal in respect of the house design which they state is too big and imposing and is out of character with the area with most houses comprising cottages or bungalows. However I would suggest to the Board that the mass of the house has been appropriately broken up by way of creating two parallel

but connected blocks with a less dominant structure than those adjoining. The design of the house is specifically considered for the site rather than, as the applicant notes, imposing a preconceived design on the site. The design responds to the specific site characteristics of this site and is well considered. Furthermore, the existing trees to the east of the site create a natural buffer within which the proposal can be absorbed visually into the landscape.

#### **7.4. Residential Amenity**

- 7.4.1. The appellants state that the house will overlook their property to the front and rear taking away their privacy. The subject site is located to the east of an existing property with substantial separation distances of in excess of 40m between opposing side elevations. The building lines of the proposed and the existing property to the west are aligned. There is no evidence to suggest that there would be any impact on the residential amenity of the property to the west of the subject site given the separation distances and the limited number of window openings along the proposed western elevation which includes one first floor bedroom window. To the east, the subject site is separated from the dwelling to the east by a local road with a substantial separation distance. Equally dwellings to the south of the site on the opposite side of the public road are located at a significant distance from the proposed dwelling. I do not consider that there is any impact on the residential amenity of existing properties in the area.

#### **7.5. Wastewater Treatment**

- 7.5.1. Concern about the septic tank and effect on our water supply has been expressed without any detail as to how impacts may arise on same. The site suitability assessment provides that the tests undertaken resulted in a T value of 12 and a P value of 18 with bedrock encountered at approximately 1m BGL. It is noted that the invert level of the proposed sand polishing filter is 600mm above bedrock. The site assessment presented recommends that a packaged wastewater treatment system and polishing filter is proposed. The proposal as outlined meets the requirements of the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses in circumstances where a secondary treatment system with a polishing filter is proposed. I would note that the Environment Section of Meath County Council were satisfied with the proposal as outlined. On the basis of the

information submitted by the applicant as part of the Site Characterisation Report, I am satisfied that the appeal site is suitable for the installation of a secondary wastewater treatment system discharging to a sand polishing filter.

## **7.6. Surface Water Management**

- 7.6.1. I would suggest that the concerns expressed by the appellant about the impact of concrete for foundations of such a big house, which they believe would result in less surface area for draining which may mean their property will flood as rain already gathering at front of house and side door, are unfounded. The footprint of the proposed house is a small element of the site area. Surface water is proposed to be managed on site to drain to a proposed soakaway on site to the north of the proposed dwelling. I consider that there is no evidence that the development of the subject site would impact on surface water drainage within the environs of the site.

## **7.7. Removal of hedgerow**

- 7.7.1. The appellants state that they oppose the removal of hedgerow and the wall in front of their house. I would note that the applicant was requested to set back the site boundary addressing the public road by 3m which would necessitate the removal of the boundary but there is no evidence that any wall would be removed. This hedgerow in questions is within the applicant's site and therefore third party consent is not required. Consent was requested for the maintenance of boundary treatment to the east of the site to ensure adequate sightlines are provided and this has been documented. I do not consider, therefore, that this is a matter of material consideration.

## **7.8. Appropriate Assessment**

- 7.8.1. The closest Natura 2000 site to the appeal site is the River Nanny Estuary and Shore (Site Code 004158) which is located c.7.95km to the east. The River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299) is located c. 8km to the north.
- 7.8.2. Having regard to the nature and scale of the proposed development, the characteristics of the appeal site and the separation distance from any European sites, I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects

would not be likely to have a significant effect on any European sites and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## 8.0 Recommendation

- 8.1.1. I recommend that planning permission should be granted subject to the conditions outlined below.

## 9.0 Reasons and Considerations

Having regard to the nature and design of the proposed development, to the developer's compliance with the rural housing policy as set out in the Meath County Development Plan 2013-2019 and to the improvements to the site sightlines proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and would not constitute a traffic hazard and would be acceptable in terms of house design. 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, as amended by the further plans and particulars submitted on the 18th day of June, 2018 and on the 27th day of August, 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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3 Prior to commencement of development, the existing hedgerow for the full frontage of the site shall be removed and set back as indicated on the site layout plan submitted to the planning authority on the 27th day of August, 2018 in order to achieve adequate sightlines.

**Reason:** In the interest of traffic safety and orderly development

4 (a) Landscaping shall be carried out in accordance with the site layout plan submitted to the planning authority on the 18th day of June, 2018 and on the 27th day of August, 2018.

(b) Planting shall commence no later than the first planting season

following commencement of development on site. 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:** To protect the visual amenity and natural heritage of the area.

5 (a) The external finish of the dwelling shall be natural stone, napped plaster or dash unless otherwise agreed in writing with the planning authority. The use of reconstituted stone or brick shall not be permitted.

(b) The roof of the dwelling shall be dark brown, dark grey, blue/black or other colour agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

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 18th day of June, 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 Environmental Protection Agency document.

**Reason:** In the interest of public health.

7. 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 the 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.

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Una Crosse  
Senior Planning Inspector

November 2018