



An
Bord
Pleanála

Inspector's Report ABP-302932-18

Development	Construction of a house, garage, septic tank and all associated site works.
Location	Listillion, Letterkenny, Co Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	1851269
Applicant(s)	Maria Morning Callan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Maria Morning Callan
Observer(s)	None
Date of Site Inspection	17 th December 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Listillion approximately 4.5km south-east of Letterkenny, Co. Donegal. The surrounding rural area is characterised by agricultural lands and forestry plantations, with ribbon development prevalent along roads.
- 1.2. The site is located on a local road running parallel to the N13. The road is aligned for the most part on both sides by detached dwellings. There is a forestry plantation on the western side of the road and the topography of the land generally falls to the east towards the river valley.
- 1.3. The stated area of the site is 0.4112 hectare. The rectangular site forms part of a wider agricultural field. The frontage along the local road measures c. 47m and site levels fall from west to east by approximately 13m over a distance of 100m. There are adjacent dwellings to the west, south and east of the site. An overhead electricity line traverses the site from north to south.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of the following:
 - 2-storey house (226 sq.m.);
 - Detached garage (58 sq.m.);
 - Septic tank and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Donegal County Council issued notification of decision to refuse permission for a single reason relating to the creation of an undesirable extension and coalescence of a disorderly pattern of ribbon development, which would be contrary to the provisions of Development Plan Policy RH-P-2.

3.2. Planning Authority Reports

3.2.1. The recommendation to refuse permission in the Planner's Report reflects the decision of the Planning Authority. The main points raised in the assessment of the proposal are as follows:

- Application supported by bone fides confirming applicant's rural housing need. Principle of development is acceptable.
- Balanced and reasonable approach is required to the future development of this area and other similar areas located on the fringes of Letterkenny.
- Serious spatial concerns arise regarding the development of the subject site.
- Further expansion/ coalescence of these localised suburban patterns of development will detract from the rural character/ amenity of the area.
- Proposal will further erode the physical, geographical and visual break between the adjoining areas of suburban development.
- Emergent development pattern is characteristic of 'ribbon development' – development would be the 9th dwelling within 250m and would significantly erode the c. 150m separation distance between the adjoining dwellings to the north and south.
- Subject site could visually accommodate the overall scale, mass and design of the dwelling proposed.
- 160m visibility splays available in both directions.

3.2.2. There were no objections subject to conditions from the Irish Water, the EHO and the Roads Department.

4.0 Planning History

4.1. No planning history on the appeal site.

5.0 Policy Context

5.1. County Donegal Development Plan, 2018-2024

- 5.1.1. The appeal site is located within a rural 'area under strong urban influence'. Section 6.3 of the Development Plan includes policies and objectives for rural housing.
- 5.1.2. *'Building a Rural House in Rural Donegal - A Location, Siting and Design Guide'* is set out in Part B, Appendix 4. Other development guidelines and technical standards are included in Part B, Appendix 3.
- 5.1.3. The site is approximately 1.9km south of the Letterkenny & Environs plan boundary.

5.2. Natural Heritage Designations

- 5.2.1. The Lough Swilly SAC is approximately 3km north of the appeal site and the Lough Swilly SPA is 3.3km north.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against the Council's decision was submitted on behalf of the applicant. The grounds of appeal and main points raised in this submission are summarised as follows:
 - Applicant relies on family for child minding and other support and wants to remain in the area where she was raised.
 - Applicant has demonstrated a genuine need for a dwelling under Policy RH-P-5.
 - Pattern of concentrated development is already well established in this area – there are 40 dwellings within a 500m radius.
 - 17 houses have been built in a linear fashion directly south of the application site and 9 more on the opposite side – restrictions on ribbon development have never been applied in this area.

- Site is bounded by existing dwellings on three of four sides and could reasonably be considered an infill site.
- A flexible approach to this application could have been taken and a grant of permission justified (Development Plan Chapter 6 – Ribbon Development).
- Rural character of the area has been largely eroded and there seems little point trying to preserve a single large field surrounded by existing dwellings and a major road.

6.2. Planning Authority Response

- 6.2.1. It is stated that all matters raised in the first party appeal have previously been addressed in the Planner's Report.

7.0 Assessment

- 7.1. I consider that the key issues in determining this appeal are as follows:

- Rural housing need;
- Visual impact;
- Wastewater treatment and disposal; and
- Appropriate Assessment

7.2. Rural Housing Need

- 7.2.1. The appeal site is located in a rural "area under strong urban influence". Policy RH-P-5 states that the Council will "...consider proposals for new one-off rural housing within Areas Under Strong Urban Influence from prospective applicants that have demonstrated a genuine need for a new dwelling house and who can provide evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including RH-P-1 and RH-P-2. New holiday home development will not be permitted in these areas."

- 7.2.2. The Development Plan recognises that it is necessary to manage the extent of development in “areas under strong urban influence”, whilst facilitating applicants with a genuine “rural generated housing need”. Those with a genuine rural generated housing need could be described as persons who are an intrinsic part of the rural community or persons who work full-time or part-time in rural areas.
- 7.2.3. It is stated within planning application documentation that the applicant has been living all her life in Listillion. This is confirmed by a public representative. The Planning Authority is satisfied that the applicant has an intrinsic link to the area and therefore meets the relevant rural housing needs criteria.

7.3. **Visual Impact**

- 7.3.1. When considering the acceptability of a rural housing proposal, Policy RH-P-2 of the Development Plan states that the creation or expansion of a suburban pattern of development or the creation or addition to ribbon development shall be avoided. Ribbon development is defined as generally five houses on any one side of a 250m road frontage.
- 7.3.2. The Council’s reason for refusal states that the proposed development would create and result in an undesirable extension and coalescence of a disorderly pattern of ribbon development, and the further expansion of the adjoining suburban patterns of development.
- 7.3.3. The proposed dwelling will be the 11th along a 340m continual frontage at this location. There are nine dwellings within the 250m road frontage immediately to the south of the appeal site and there is little doubt that the proposal would contribute further to ribbon development along this local road.
- 7.3.4. The appellant submits that restrictions on ribbon development have never been applied in this area and that a flexible approach to this application could have been taken. It is considered that the rural character of the area has been largely eroded and there seems little point trying to preserve a single large field surrounded by existing dwellings and a major road. It is stated in the Development Plan that the Planning Authority shall take a balanced and reasonable view of the interpretation of ribbon development taking account of local circumstances, the context of the site and development pressures.

- 7.3.5. In my opinion there is no justification for this pattern of development. The fact that ribbon development already occurs at this location is not an appropriate reason to exacerbate the problem. Essentially, this application is for another suburban style dwelling in this rural area located 4.5km from Letterkenny town centre. Notwithstanding the built up nature of the surroundings, it is still a rural area outside any settlement boundary and an additional dwelling at this location will contribute further to the excessive density of inappropriately located dwellings. I would therefore be of opinion that the proposed development would expand the suburban pattern of development in this rural area and militate against the preservation of the rural environment.
- 7.3.6. I would also have concerns regarding the steeply sloping nature of the site and the necessary earth works that may be required to facilitate the dwelling within this site. It should be noted that the site is within an Area of High Scenic Amenity.

7.4. **Wastewater Treatment and Disposal**

- 7.4.1. It is proposed to serve the site with a septic tank draining to a percolation area located down-gradient and to the east of the proposed dwelling. Water supply will be from public mains. The Site Suitability Report submitted with the planning application notes that the aquifer is poor and groundwater vulnerability is high. The water table or bedrock were not encountered within the 2.1m trial hole excavated on site. The 'T' test recorded a value of 35.
- 7.4.2. I would have some concern that the area where the septic tank and percolation area is proposed slopes quite steeply from south-west to north-east. The contours on the site plan show a height difference of circa 4.5m from one side of the proposed percolation area to the other. There is a presence of rushes further down-gradient from the proposed percolation area which is an indicator of wet conditions notwithstanding the fact that there was no water table present in the trial hole.
- 7.4.3. My main concern, however, in this case is the number of dwellings in this immediate area served by septic tanks. There are approximately 50 dwellings within a 500m radius. It is stated in the EPA's Code of Practice that *"the density of dwellings and associated treatment systems may impact on the groundwater because of the*

cumulative loading, particularly of nitrate. This should be taken into account especially where the vulnerability of the groundwater is high or extreme.”

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the following reasons and considerations.

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 dwellings in a rural area, which would militate against the preservation of the rural environment. Furthermore, the proposed development would contribute towards undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the high groundwater vulnerability at this location, it is considered that the proposed development, taken in conjunction with existing development in the vicinity, would result in an excessive concentration of development served by individual wastewater treatment systems, and would constitute an unacceptable risk of groundwater pollution connected with the

disposal of wastewater. The proposed development would, therefore, be prejudicial to environmental and public health.

Donal Donnelly
Planning Inspector

20th December 2018