



An
Bord
Pleanála

Inspector's Report ABP 303683-19.

Development	House, garage with associated site works and demolish part of existing protected structure (RPS Ref: Wcc1091, NIAH Ref 1570123) to achieve sightlines
Location	Coolcarney, Ballindaggin, Co. Wexford.
Planning Authority	Wexford Co. Council
Planning Authority Reg. Ref.	20181431
Applicant	Fiachra O'Connor
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Michael Murphy
Observers	None
Date of Site Inspection	9/5/19
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Coolcarney. Co. Wexford. It lies circa 600m to the west of the village of Ballindaggan. Ballindaggan lies to the east of the Blackstairs Mountains at the edge of the foothills.
- 1.2. The site with a stated area of c.0.3 hectares comprises the north-west corner of larger field. The site also includes the full extent of the laneway to the east to the junction with the L6138. The laneway (L61381) serves one existing dwelling and the surrounding agricultural lands.
- 1.3. The site lies on the 140m contour. It is currently in agricultural use. The northern and western boundaries are formed by mature hedgerow. The eastern and southern site boundaries are undefined.

2.0 Proposed Development

- 2.1. The proposed development comprises a two-storey dwelling with a floor area of 282 sq. metres on a site is 0.3ha. The overall height of house is 8.95m. A 54sq m garage is proposed with a ridge height 5.7m. It is proposed to locate a well to the south-eastern corner of the site and on-site waste water treatment system to the north-west of the dwelling.
- 2.2. It is proposed to upgrade the laneway (L61381) serving the site for circa 600m from the junction with the local road L6138. The proposed works entail new road surfacing and drainage.
- 2.3. It is proposed to demolish part of existing protected structure (RPS Ref: Wcc1091, NIAH Ref 1570123) comprising a shed to achieve sightlines to the north, and setback to the boundary to the south to achieve sightlines.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 12 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report dated 4/12/18 – Further information sought
 1. Provide photographic evidence and complete calculations associated with the P-tests.
 2. Provide colour photographs of the trial hole and submit percolation tests.
 3. Submit a revised drawing indicating the proposed polishing filter outside the testing area to prevent formation of any preferential flow paths within the percolation area.
 4. Submit colour copies of all classification maps submitted as part of the site characterisation.
- Report dated 14/1/19 – The Planning Authority were satisfied with the details submitted in response to the further information request in relation to the proposed on-site effluent treatment system. Furthermore, they were satisfied with the proposal to provide improved sightlines at the laneway and the proposals to upgrade the laneway. Permission was recommended.

3.2.2. Other Technical Reports

Senior Executive Scientist (Environment Section) – Report dated 4/1/19 – Grant of permission recommended.

Chief Fire Officer – Recommends compliance with fire safety regulations.

3.3. Prescribed Bodies

Department of Culture Heritage & the Gaeltacht – Grant of permission recommended subject to condition.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submission/observation in relation to the application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

PA Reg. Ref. 2016079 – Outline permission was refused for a dwelling on the site for the following reason;

1. It is considered by the Planning Authority that the development of a dwelling house at this location would give rise to a traffic hazard as the access road serving the site is substandard in terms of its width, surfacing and alignment. It is also considered that the right hand traffic turning movements that would be generated at the junction of the access road and the Class 2 Regional Road (R725) would constitute a traffic hazard due to inadequate sight distances being available. The proposed development would set a precedent for similar developments at this location and would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the Wexford County Development Plan 2013 to 2019. The plan sets out its rural housing policy in Chapter 4 as indicated on Map No. 6 the site at Coolcarney, Ballindaggin is located in an area which is identified as a Structurally Weak Area. The following objectives are of relevance:

5.1.2. 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 the development management standards laid down in Chapter 18.

5.1.3. Permitted development within Structurally Weak Areas under Table No. 12 provides for:

- Housing for people building permanent residences for their own use.

5.1.4. Objective RH09

To ensure that the rural houses are of high quality design and well sited in the landscape.

5.1.5. Section 17.7 of the Development Plan refers to Rural Design Guide

5.1.6. Protected Structure – (RPS No. WCC1909) and NIAH (Ref – 15701423) Coolcarney – House at Ballindaggan or Ballindaggin. It is rated of regional importance based on architectural and social considerations.

5.2. Sustainable Rural Housing Development Guidelines

5.2.1. The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns and Stronger Rural Areas which are defined as areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas.

5.2.2. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply. These include ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas’. It states that the first category includes sons and daughters of families living in rural areas who have grown up in rural areas and are seeking to build their first home near their family place of residence. With regard to persons working in rural areas it states:

“Such circumstances will normally encompass persons involved in full time farming, forestry, inland waterway or marine related occupations as well as part time occupations where the predominant occupations is farming/natural resource related.”

5.2.3. The subject site is located within an ‘Stronger Rural Areas’ as identified in Map 1: Indicative Outline of the NSS rural areas types in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

5.3. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.3.1. National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, the provision of single housing in the countryside will be subject to siting and design considerations, having regard to the viability of smaller towns and rural settlements

5.4. Natural Heritage Designations

5.4.1. The nearest Natura 2000 sites are;

- Blackstairs Mountains SAC (Site Code: 000770) is located 2.8km to the north-west.
- River Barrow and River Nore SAC (Site Code: 000781) is located 5.8km to the west.
- Slaney River Valley SAC (Site Code: 000781) is located 7.2km to the east.

5.5. EIA Screening

5.5.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive 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.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Michael Murphy. The main issues raised are as follows;

- The appellant submits, that the proposed development would generate additional traffic turning onto the local road the L6138 from the laneway the L61381 which would endanger public safety.
- It is noted that the laneway is heavily used by agricultural machinery and that it is recommended in the Design Manual for Roads and Bridges that a setback of 4.5m should be used to provide sightlines. It is stated that the setback distance provided is only 1.5m as detailed on drawing number 1.003.
- The appellant submits that the situation has not changed since the previous planning application Reg. Ref. 20160799, where the Planning Authority considered that the development of a dwelling at this location would give rise to a traffic hazard as the access road serving the site is substandard in terms of width, surfacing and alignment.
- The site is located in a rural area where there is no other housing. The site is considered exposed and elevated. If permission were granted it would create a precedent for other similar development at this location. The proposed development by virtue of its scale and location would appear visually prominent and impact upon the visual amenities and rural character of the area.
- The proposed removal of 50m of roadside boundary comprising natural planting and heritage stonewall would detrimentally impact the visual amenities and character of this rural area.
- It is proposed remove the building adjoining the protected structure (Wcc. Ref. 1091, NIAH Ref. 15701423) which is known to location of bats. The proposed removal of the building would endanger the breeding of the bats. The appellant strongly objects to the proposed demolition of the structure.
- It is stated that the applicant and his family are not from Ballindaggin and that he currently lives 4km from the site. The appellant raises the matter of whether the applicant would be willing to accept an occupancy condition.
- In relation to the proposed upgrading of the laneway the appellant queries the proposed surface water drainage details provided, he notes that the laneway

is prone to flooding and that no information was provided in relation to the maintenance and upkeep of the laneway.

6.2. Applicant Response

A response to the third party appeal has been submitted by the applicant Fiachra O'Connor. The main issues raised are as follows;

- In relation to issues raised by the appellant concerning the proposed vehicular access, the applicant disagrees that the laneway accesses onto a busy junction.
- It is submitted that the proposed amendments to the junction involving the removal of stone wall to the south of the junction would improve the visibility at the junction for traffic approaching from the west.
- Regarding the setback requirement to achieve sightlines at the junction, the Council's Road Engineer visited the site and met with the applicant to review the sightlines at the junction between the L61381 and L6138. During the meeting the extent of remedial works required to achieve the sightlines were agreed.
- The applicant states that he endeavoured to overcome the previous refusal on the site (Reg. Ref. 20160799) with proposals to improve sightlines and upgrade the laneway.
- The L61381 is a public road and not a private lane. The applicant refutes the suggestion that the proposal would result in traffic congestion. There is one dwelling on the lane and five landowners. The proposed removal of the existing outbuilding at the junction with the L6138 will widen the entrance and allow two vehicles to pass.
- It is noted that several houses have been constructed within 800m of the proposed site. It is stated that four dwellings were constructed at a similar elevation to the proposed development.
- The applicant disputes the appellant's assertion that the proposal would have a negative visual impact.

- The appellant stated that the provision of sightlines would require the removal of 50m of roadside boundary. The applicant states this is incorrect and that the length of roadside boundary to be removed is approximately 28m.
- The existing stonewall to be removed is in poor condition and structurally unstable.
- The appellant's statement that the building adjoining the protected structure is known as a bat habitat is without basis. The owner of the property confirmed there is no evidence of bats on his property.
- The proposed removal of the adjoining outbuilding has been assessed by the Department of Culture, Heritage and the Gaeltacht and they have no objection in principle to the proposed development.
- The applicant states that he was born and raised in Ballindaggin and attended the local national school. The applicant is currently living at his parent's home at Mohurry which is located 1.71km from the appeal site at Coolcarney. He returned home from Australia in 2016 and has been living at his family home since then. He is employed by a company based in Limerick as a civil engineer. Due to the nature of his work as a site agent he travels for work purposes.
- In relation to proposed drainage on the laneway, the drainage outlets will be provided at 100m centres and will be discharged to agricultural fields adjacent to the road.
- In relation to the matter of flooding, there is no evidence to suggest that the road is prone to flooding. The proposed upgrade works including drainage works and resurfacing along the road will improve the existing conditions of the road.
- The applicant states that he intends to maintain the section of the road between the existing dwelling house and the proposed site.

6.3. Planning Authority Response

- None received

6.4. Further Responses

- 6.4.1. A further submission has been received from Michael Murphy. The contents of the submission are noted, they do not raise any new material planning issues.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Rural housing policy
- Siting and design
- Vehicular access
- Appropriate Assessment

7.1. Rural Housing policy

- 7.1.1. With regard to compliance with rural housing policy the proposal should be in accordance with the provisions of the Sustainable Rural Housing Guidelines and the provisions of the Wexford County Development Plan 2013 – 2019, as it relates to settlement in rural areas. The appeal site is located in an area identified as a Stronger Rural Area on Map No.1 – Indicative Outline of NSS Rural Area Types in the Sustainable Rural Housing Guidelines.
- 7.1.2. Chapter 4 of the Wexford County Development Plan 2013 – 2019 sets out policy in relation to rural housing. The site at Coolcarney, Ballindaggin Co. Wexford is located within an area designated as being in Structurally Weak Area on Map 6 attached to the development plan. Objective RH05 refers to Structurally Weak Areas and it states that it is an objective of the Council 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 the development management standards laid down in Chapter 18. Table No. 12 of the development plan set out criteria for individual rural housing. In relation to Structurally Weak Areas' it states that generally housing for

people building permanent residences for their own use is permitted in principle. However, given that the site is located within a Stronger Rural Area as identified on Map No.1 in the Sustainable Rural Housing Guidelines, I consider that it is necessary to establish if the applicant has a rural generated housing need.

7.1.3. The applicant is Fiachra O'Connor. It is stated in the application form that he does not own a home and that he qualifies as first-time buyer and he would accept an occupancy condition. Details provided with the application and the appeal response state that Mr. O'Conner was born and raised in Ballindaggin and attended the local national school where his father was a teacher. As indicated on the map submitted with the appeal his family home located is located in the rural townland of Mohurry, it is situated circa 1.71km to the south-west of the appeal site. He is currently living at this parent's home at Mohurry. He is employed as a civil engineer by a company based in Limerick, however his place of work varies due to the nature of his work as a site agent.

7.1.4. On the basis of the information provided on file, I consider that the applicant Fiachra O'Connor has demonstrated that he has a housing need for the specific area. Therefore, I conclude that the applicants meet the qualification criteria to build a rural dwelling at this location in accordance with the provisions of the Development Plan and the provisions contained in the Rural Housing Guidelines.

7.2. Siting and Design

7.2.1. Concerns have been raised by the appellant regarding the potential visual impact of the proposed development. In response, the applicant disputes the appellant's contention that the proposal would have a negative visual impact.

7.2.2. Objective RH09 of the Development Plan requires that rural houses are of high quality design and well sited in the landscape. As set out in Section 14.4 of the Development Plan it is the Council's broad aim is to promote and enable appreciation of the county's landscapes and to minimise adverse visual impacts on these landscapes in the interests of the common good. The site is located within lowlands landscape character area, however it immediately adjoins the uplands landscape character area of the Blackstairs Mountains. Therefore, given the site context, I would consider it is a visually sensitive location.

- 7.2.3. The site is located at the 140m contour. It is elevated above the surrounding road network including the R745 situated to the west and north-west and the L6138 to the south-east. The proposed dwelling is two-storey with a floor area of 282sq m and ridge height of 8.95m
- 7.2.4. Having regard to the elevated nature of the site and the height and scale of the proposed two-storey dwelling and its siting in a prominent position, I consider that it would be highly visible from the R745 to the north-west and the L6138 to the south-east. Furthermore, I note that there are no other dwellings constructed along the southern aspect of this elevated laneway and that the proposal would create a precedent for other similar development.
- 7.2.5. Accordingly, I consider that the proposed development would form a highly visible and intrusive feature within the landscape and that it would seriously injure the visual amenities of this sensitive rural area.

7.3. Vehicular access

- 7.3.1. The vehicular access proposals entail the upgrade of the existing laneway (L61381) for over 600m from the site of the proposed dwelling to the junction of the laneway with the local road to the east (L6138). It is proposed to remove a section of the roadside boundary wall to the south of the junction and remove the shed adjoining the house to north of the junction to provide improved sightlines. The areas where the works are proposed are all within the site boundary.
- 7.3.2. The appellant has expressed concern that adequate sightlines can be achieved. He also raised the matter of the removal of the shed which adjoins the house which is a protected structure (RPS No. WCC1909) and NIAH (Ref – 15701423). In relation to the proposal to remove the shed, I note that the protected structure is a detached three-bay single-storey house with half-dormer attic. It dates from 1839 it is identified as an integral component of the vernacular heritage of Ballindagga and it is rated of regional importance based on architectural and social considerations.
- 7.3.3. The application was referred to the Department of Culture Heritage & the Gaeltacht in their report of the 21st of November 2018, they considered that the proposal is unlikely to have a significant impact on the character of the protected structure and a grant of permission was recommended subject to condition. Accordingly, I would

consider the principle of the removal of the shed adjoining the protected structure would be acceptable subject to the works being supervised and certified by an appropriately qualified competent professional.

- 7.3.4. The proposed removal of the shed would provide 30m sightline to the north. The proposed removal of the boundary wall to the south and setting back of the roadside boundary would provide 50m sightline to the south. Having inspected the site and viewed the location of the proposed entrance, given the location of the junction within the village and relative slower speeds that vehicles would be travelling, I am satisfied that an adequate sightline distance is available in both directions subject to the proposed setback of boundary wall and removal of the shed being carried out.
- 7.3.5. The applicant proposes to resurface the laneway the (L61381) and provided surface water drainage. This is a public road which serves one existing dwelling and the surrounding agricultural lands. As per the submissions on file, I note that the proposal to upgrade the laneway were previously agreed in principle with the Area Engineer. In relation to the maintenance and upkeep of the roadway, the applicant has confirmed that he will maintain the section of the road between the existing dwelling house and the proposed site. Accordingly, I consider the proposed access arrangements are acceptable.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and the distance from 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.

8.0 Recommendation

- 8.1. It is recommended that permission be refused permission for the reason set out below.

9.0 Reasons and Considerations

1. Having regard to the elevated nature of the site and the scale and height of the proposed two-storey dwelling, and it is considered that the proposed development could not be effectively assimilated into the landscape and would, therefore, form an incongruous and obtrusive feature in this rural area. The proposed development would, therefore, contravene the policy set out in the current Wexford County Development Plan and would seriously injure the visual amenities of the area. The proposed development would also set an undesirable precedent for further development of rural housing in this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

31st of May 2019