



An
Bord
Pleanála

Inspector's Report ABP-304460-19

Development	Construction of a bungalow type dwelling house.
Location	Ballytoohey, Tarmonbarry, Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	19/115
Applicant(s)	David Cassidy
Type of Application	Permission
Planning Authority Decision	Refuse permission (2 no. reasons)
Type of Appeal	First Party
Appellant	David Cassidy
Date of Site Inspection	03/07/2019
Inspector	Conor McGrath

1.0 Site Location and Description

- 1.1. The appeal site is located at Ballytoohey, Co. Roscommon approx. 1.4km north of Tarmonbarry. The site has a stated area of 0.49ha, however, the area measured from the plans is approximately 0.12ha. The site is currently overgrown and comprises part of a larger field which extends to the west and northwest. To the east is a development of 5 no. detached single-storey houses, *Shannon Valley*, which at time of inspection appeared to be vacant / partially occupied. To the north of the appeal site is a detached bungalow.
- 1.2. The site is accessed from county road L1416 running north from Tarmonbarry, via a narrow tertiary road (L14168). The county road has been the subject of extensive ribbon development and the rural 80kph limit applies at the junction with the access road. This access road is a cul-de-sac serving 7 no. individual dwellings, farmyards and the Shannon Valley development.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached single-storey house as a continuation of the adjoining housing scheme. The design is similar to houses in that scheme and access is proposed from the existing cul-de-sac turning area therein. It is proposed to connect to an existing foul sewer which is pumped to the public wastewater treatment plant in Tarmonbarry. Connections to existing mains water and the existing surface water network are also proposed.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the following reasons:

1. The development would constitute undesirable backland, piecemeal development in a rural area contrary to the provisions of the development plan.
2. Impact on the residential amenities of the dwelling to the north and creation of an undesirable precedent for residential development in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report reflects the decision of the planning authority and notes the following points in particular:

- The site is located in a “Category C Area – areas in need of regeneration” and the status of the applicant is not a material consideration.
- The site does not comprise part of the adjoining residential development and should be assessed as an individual rural site.
- The amenities of the dwelling to the north would be compromised.

4.0 Planning History

PA ref. 04/2417: Permission granted to Noel Cassidy for the adjoining development of 5 no. houses, including pumping station and rising main to connect to the existing public wastewater treatment system in Tarmonbarry. Conditions included:

26. The upgrade of the public road (full length of road L14168 to site access) prior to occupation of any dwellings. Details to be agreed.
27. Special contribution of €42,000 in respect of the upgrade of public roads and sewerage treatment systems.

PA ref. 10/587: Outline planning permission refused to Noel Cassidy for a nursing home and associated works to the immediate west and northwest of the subject appeal site. The refusal was based on inadequate residential amenities and inadequate road infrastructure creating a traffic hazard.

PA ref 99/548 and 02/794: Permission granted for the house to the north of the appeal site. The subsequent permission for change of house type on the site was granted to Noel Cassidy and Sons Developers. That application site included the subject appeal site.

PA ref. 18/246: Permission granted to David Cassidy for construction of a house on the site to the west of the subject appeal site, including connection to existing foul sewer.

5.0 Policy Context

5.1. Development Plan

5.1.1. Roscommon County Development Plan 2014 - 2020

Chapter 5 Housing notes that the Council will adopt a positive attitude to individual rural housing in areas recognised as structurally weak, under no significant urban influence and subject to low development pressure.

Chapter 5.11 identifies this as an Area in Need of Regeneration – North Roscommon (Category C).

These areas have only moderate and localised urban influences and pressure for urban generated housing development is typically lower. Individual housing development is facilitated in principle, in respect of rural generated housing need as well as urban generated housing development on a site specific basis.

Section 9.8 sets out rural residential design considerations.

Section 9.11 notes that backland development will not normally be permitted on residential sites in suburban or rural situations as it may result in inappropriate and disorderly development and can have an adverse effect on the residential amenity of adjoining properties. Backland development can be favourably considered where certain criteria are satisfied, however.

5.2. National Policy

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities

The appeal site is located in an area defined as a Structurally Weak Rural area, which areas exhibit characteristics such as persistent and significant population

decline as well as a weaker economic structure. The guidelines identify Development Plan objectives for Structurally Weak Areas, including:

- Reference the need to accommodate any demand for permanent residential development as it arises subject to good practice:
- Identify development areas where appropriately located and designed development will be both encouraged and accommodated,
- Link to other policies aimed at enhancing development potential and availability of indigenous employment in weaker areas and monitor the operation of settlement policies to avoid excessive levels of inappropriately located development.

5.3. **Natural Heritage Designations**

There are no designated sites in the immediate vicinity of the appeal site. The closest sites are located to the east of the Shannon, approx. 1.7km from the site at the closest point, as follows:

- Ballykenny-Fisherstown Bog SPA
- Lough Forbes Complex SAC & pNHA

5.4. **EIA Screening**

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

The first party make the following points in their appeal against the decision to refuse permission for the proposed development:

- The dwelling will be a natural extension of the adjoining housing estate with connection to mains services therein.
- Appropriate conditions relating to service connections may be attached.
- The same applicant was granted permission for a house to the west of the appeal site under PA ref. 18/246, within the same landholding.
- The site can be landscaped to reduce impact on adjoining residential amenities.
- There were no objections from third parties / neighbours to the proposal.

7.0 Assessment

7.1. It is proposed to consider the appeal under the following broad headings:

- Rural Housing Policy
- Design and Layout
- Roads and Traffic
- Drainage

7.2. Rural Housing Policy

7.2.1. The appeal site is located in an unzoned, rural area approx. 1.5km north of Tarmonbarry. There is a pattern of extensive ribbon development between the appeal site and the settlement. The site is served by tertiary road L14168, which serves a number of existing houses and has become more developed, suburban in character. This is particularly evident in the form and layout of the adjoining housing development. I note that this housing scheme appears to be either vacant or subject to very low intensity occupancy and that the first party have also been granted planning permission on an adjacent site to the west for a further detached dwelling

under PA ref. 18/246. I would therefore question the requirement or justification for further residential development at this location.

- 7.2.2. No rural housing need has been demonstrated in this instance. The Sustainable Rural Housing Guidelines identify this as a Structurally Weak Rural Area, while the Roscommon County Development plan defines this area as Category C - in Need of Regeneration. The plan indicates that urban generated housing development can be considered on a site specific basis in this location.
- 7.2.3. While housing may be open for consideration, it remains subject to the principles of proper planning and sustainable development. There is no demonstrated need for housing in this area which has experienced relatively significant levels of one-off housing development, remote from community services and facilities. I consider that the continued urbanisation of this rural area in the manner proposed would lead to demands for the provision of further public services and facilities and set a precedent for further similar unsustainable development in this area.

7.3. Design and Layout

- 7.3.1. The proposed development is designed as an extension to the adjacent suburban estate to the east. Access is proposed off the existing cul-de-sac and the design of the proposed dwelling would conform with that development. The dwelling is to connect to mains services and as such the area of the site and private amenity space is adequate.
- 7.3.2. The proposed dwelling is located to the south / rear of an existing bungalow owned by a third party. Separation between dwellings is approximately 28m and the proposed dwelling is oriented to the northeast, toward the end of the cul-de-sac. Backland development is not generally permissible in the county development plan, however, the proposed development comprises an extension of an existing housing scheme and would not necessarily constitute uncoordinated, disorderly development. Direct overlooking of the adjoining property to the north could be addressed through boundary treatment, however, there would be an impact on the rural character and aspect of that property. I consider that urban development of the nature proposed in this location would be inappropriate due to the further erosion of, and negative impact on, the rural amenities and character of this area.

7.4. Roads and Traffic

- 7.4.1. The proposed house is to be accessed through the adjoining housing development and these arrangements do not raise particular concerns from the point of view of traffic safety and convenience.
- 7.4.2. The county road connecting this area to Tarmonbarry (L1416) is generally of good quality in terms of width and alignment. The 80kph rural speed limit applies at the junction with the L14168 tertiary road. Sightlines at this junction are generally adequate.
- 7.4.3. The tertiary access road is very narrow on the approach to the junction, however, where the carriageway width is approx. 3.5m - 4m. Some widening works have been undertaken along this road as part of PA ref. 04/2417, or on an ad hoc basis through the setting back of the roadside boundary of detached houses. The road surface varies along the road as the carriageway surface has not been extended consistently into these set-back areas. In parts, the set-back areas are provided with a hardcore finish and the road does not facilitate two-way movements along its length.
- 7.4.4. Notwithstanding previous widening works, I do not consider that the road is suitable or has capacity to carry additional traffic movements particularly on the approach to the junction with L1416. The proposed development would therefore create a potential traffic hazard and would set an inappropriate precedent for further development in this location. This would constitute a new issue in the consideration of this case.

7.5. Water and Drainage

- 7.5.1. It is proposed to connect the site to existing services provided as part of the adjoining development under PA ref. 04/2417, including wastewater which connects via a rising main to the wastewater treatment plant in Tarmonbarry. There are no internal planning authority reports on the file with regard to the drainage aspects of the development, confirming the capacity and satisfactory operation or otherwise, of the pumping station and foul sewer connection. It is understood that the pumping station and rising main have not been taken in charge and remain in private

ownership and management. Permission was granted under PA ref. 18/246 for a dwelling with a connection to this sewer, however. The 2014 County Development Plan indicates that there is sufficient capacity in the treatment plant in Tarmonbarry. Surface water is to connect to the network in the adjoining development also. The plans submitted in respect of PA ref. 04/2417 indicate that this network discharges to an existing roadside drain to the east of the estate entrance. The capacity of this drain to accommodate additional run-off is not assessed in the application and best practise would indicate that the subject development should manage run-off sustainably within the confines of that site.

8.0 Appropriate Assessment – Screening

8.1. The proposed development is located within a rural area but is proposed to connect to mains wastewater services. It is bounded by existing residential development and there are no European sites in the immediate vicinity of the appeal site. The closest sites are located to the east of the Shannon, approx. 1.7km from the site at the closest point, as follows:

- Ballykenny-Fisherstown Bog SPA (004101)
- Lough Forbes Complex SAC (001818).

There is no direct connections between the subject site and these European Sites.

8.2. Having regard to the nature and scale of the proposed development and separation from the nearest European site, 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 European Site No.'s 004101 or 001818, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

- 9.1. I recommend that permission be refused in this instance for the reasons and considerations as set out below

10.0 Reasons and Considerations

1. Taken in conjunction with existing and permitted development in the area, the proposed development would give rise an excessive density of unsustainable suburban-type development in a rural area, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities, and would set a precedent for a pattern of further similar unsustainable development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located on a minor road which is substandard in terms of width and surface condition. The traffic generated by the proposed development, and the precedent it would set for further similar development along this road would endanger public safety by reason of traffic hazard and obstruction of road users.

[New Issue]

Conor McGrath
Senior Planning Inspector

22/07/2019