



An
Bord
Pleanála

Inspector's Report

ABP-304861-19

Development	Additional 5th Single Storey Dwelling and alteration to site Layout on previously granted permission Ref. 081042, Ref. 14600165 and Ref. 18261
Location	Dysert, Ardmore County Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	19269
Applicant(s)	John Foley.
Type of Application	Permission
Planning Authority Decision	Refused
Type of Appeal	First Party
Appellant(s)	John Foley
Observer(s)	None
Date of Site Inspection	29 th of November 2019.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located within an elevated part of Ardmore, overlooking Ardmore Head and Ardmore Bay. It is located on the headland of Ardmore, elevated above the village. It is an exposed site, and it overlooks dwellings on the opposite side of the road.
- 1.2. The site is 0.95Ha, rectangular in shape, and there are 4No. two storey dwellings currently under construction on the site, all detached units of contemporary design, similar to the proposed dwelling on this appeal except it is a single storey.
- 1.3. Access to the site is off a narrow laneway located along the northern site boundary which adjoins the subject dwelling. The lane also serves a number of houses, it is a cul de sac. There are houses located along the main road addressing Ardmore Hill. The main road forms the eastern site boundary, it is a narrow road and is a cul de sac ending at Ardmore Head.
- 1.4. The site forms part of a cluster of dwellings, and the subject location for the additional dwelling is in the north east corner of the site, backing onto the local road. The north east corner is located at a lower ground level than the 4No. dwellings currently under construction on site (*the finished floor level of the proposed dwelling is stated to be 52.6m and the other 4No. dwellings have finished floor levels ranging from 56.5-58.8m*). There is a considerable drop in levels from the western to the eastern site boundaries. The roadside boundary is a sod and stone roadside boundary.
- 1.5. There is a single storey dwelling located alongside the southern site boundary.

2.0 Proposed Development

- 2.1. The proposed development consists of an additional fifth dwelling and alterations to site layout of previously permitted 08/1042, 14/600165 and 18/261 which was for 4No. dwellings, a sewage treatment plant and service road.
- 2.2. The proposed dwelling is single storey contemporary design, with a trolcal and zinc roof. It has 4No. bedrooms and an open plan living area.

2.3. The subject dwelling is proposed in the area that was designated for the sewage treatment plant to serve the 4No. dwellings, however the general area is now served by a foul sewer.

3.0 Planning Authority Decision

3.1. Decision

The proposal was refused by Waterford City and County Council for one reason:

The site is zoned Green Belt and is designated as an Area Under Pressure and Visually Vulnerable in the current Waterford County Development Plan 2011-2017, the applicant has failed to demonstrate a genuine and justifiable need for a rural house at this location. The proposed development is contrary to the relevant rural housing policies, Policies SS3 and SS4 and Greenbelt Policy SS9.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The report formed basis of the decision within a particular emphasis on the current Green Belt zoning associated with the site, and that local need is applicable, and the applicant has failed to demonstrate or comply with the development plan in this regard.

3.2.2. *Other Technical Reports*

There were no relevant internal reports.

3.3. Third Party Observations

There were no third-party submissions.

4.0 Planning History of Subject Site

4.1 *Planning Reference: 18261*

John Foley obtained planning permission to amend previously granted permissions 08/1042 and 14/600165 to include development of 4No. dwellings, revisions of design, reduction in floor areas, changes to external finishes.

4.2 ***Planning Reference: 14600165***

Permission for extension of duration of PL24.232127 for 4No. two storey dwellings

4.3 ***Planning Reference: 08/1042 (ABP PL24.232127)***

Permission to construct 4No. two storey dwellings to include an access road, wastewater treatment, and all site works.

5.0 **Policy Context**

5.1. **Development Plan**

Waterford County Development Plan 2011 as Varied

The subject site is zoned 'Green Belt' to provide for a green belt with a clear demarcation to the adjoining urban areas, to provide for the development of agriculture, and improve rural amenity and to restrict residential amenity to the provision of permanent dwellings for existing landowners and their immediate family members.

The subject site is situated within an 'Area Under Urban Pressure' .

The site is situated within a 'Visually Vulnerable', scenic classification in Scenic Landscape Evaluation as per Consultants Report 1999, which forms part of the County Development Plan 2011.

5.2. **Natural Heritage Designations**

The subject site is within:

- 0.1Km of Ardmore Head SAC
- 3.5Km south west of Helvick Head to Ballyquin SPA
- 7Km south east of Blackwater Estuary SPA
- 7Km south east of Blackwater River SAC
- 11.1Km north east of Ballymocoda SPA

5.3. EIA Screening

Having regard to the brownfield nature of the subject site, together with the scale of the proposed development, a single dwelling, 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

6.1.1 *Planning History*

The applicant purchased the site in 2004, and at that time the site was zoned **Residential**. In 2005 the applicant applied for planning permission for 8No. dwellings on the site, however the applicant did not proceed with the application due to shortcomings relating to public water and wastewater treatment.

The applicant then applied for 4No. dwellings on the site under planning reference, 08/1042 and the application included a waste water treatment system, which would be decommissioned when the towns sewage handling system was upgraded. The separation distances from the treatment system greatly reduced the number of dwellings permitted on the subject site.

The history files do not indicate there was any issue with density on the subject site.

6.1.2 *Development Plan 2005*

The site was zoned for residential development in the 2005 Waterford County Development plan. An interim treatment plant was granted on the site by the Board Under PL24.232127 (08/1042). A new public sewer and water mains now serve the development, further acknowledging the site's urban location. The planning authority had previously indicated that following the decommissioning and removal of treatment plant, and additional dwelling would be favourably considered on the subject site, leading to the current application for an additional dwelling on serviced lands.

The location of the subject dwelling is the lowest on the site, and it will be bounded by 3No. roads.

6.1.3 ***Development Plan 2011***

The site is located in the current development plan within a Green Belt designation. Having regard to the long planning history of the site, the established pattern of development in the area, I should be accepted the site is located within the built up area of Ardmore. The site does not contribute to the enhancement or protection of the green belt. The site will not provide for agriculture due to its location and size. The site makes no contribution to the protection or improvement of rural amenity. The granting of the permission will not contravene the zoning.

6.1.4 ***Design Intent***

The elevated nature of the site requires a sympathetic approach with minimal impact on the scenic amenity of the area and proximity to the sea. The proposed dwelling in terms of height and scale is appropriate as it is compatible with existing developments in the area and location on the edge of the village. As concluded in the previous case relating to the site by the Board, the proposal would not be visually obtrusive or unduly discordant in the landscape.

6.2. **Planning Authority Response**

The planning authority had no further comment.

7.0 **Assessment**

7.1. I intend examining this appeal under the following headings:

- Development Plan Policy
- Design and Layout
- Appropriate Assessment

7.2. **Development Plan Policy**

There were 4No. dwellings and a treatment system granted on the subject site in Ardmore in 2008 when the site was zoned for Residential development in the Waterford County Development Plan 2005. Since that parent permission was

granted under reference, *ABP PL24.232127*, the following material changes have occurred:

- A new development plan was adopted in 2011, whereby the site was zoned Green Belt. This Waterford County Development Plan 2001 as amended is the current development plan for the area. The Green Belt zoning is a current zoning on the site.
- In 2014, an Extension of the Duration of the *PL24.232127* was granted for the 4No. dwellings, access road, treatment plant, and incidental site works.
- Public infrastructure was augmented in area, and the site is now fully serviced by the foul sewer and public water, making the installation of an onsite wastewater treatment system unnecessary.
- Construction works are currently advanced on site for the 4No. two storey dwellings.

7.3. Under the provisions of the existing Waterford County Development Plan 2011, the site is zoned Green Belt with a stated objective to provide for a green belt area as a clear demarcation with the existing urban area, to provide for agriculture and to restrict residential development to the provision of permanent dwellings for existing landowners and their immediate family members. The subject site is situated within an Area Under Urban Pressure and according to the planning authority, the applicant needs to comply with the criteria set out in Section 4.10 of the Development Plan as regards Local Need, and the applicant has failed to demonstrate a genuine and justifiable need for a rural house at this location. Furthermore, the site is situated within a 'Visually Vulnerable, scenic classification in Scenic Landscape Evaluation as per Consultants Report 1999.

As the site has planning permission for 4No. dwellings which are currently under construction, it is difficult to comply with the Green Belt objective to provide a clear demarcation with the existing urban area. It is also not reasonable to refer to this site as agricultural because it is a permitted development and a building site for 4No. dwellings. Therefore, I do not consider the local needs is a relevant planning issue in this instance.

However, to increase the density on the subject site on the periphery of the town would be contrary to the underlying principle of the Green Belt zoning. I consider the permitted setback and layout of the 4No. dwellings from the local road creates a positive feature in the context of the Green Belt zoning, as it ensures a significant portion of the overall site remains undeveloped and 'green', as opposed to a built-up setting.

The site is located in an elevated part of Ardmore, and is only accessible by a cul de sac which leads to the scenic headland of Ardmore. Recently this cul de sac has come under considerable development pressure as evident by the new developments on the coastal side of road, blocking all the scenic views from the road. The further build-up of this area is discouraged by the current development plan by the Green Belt zoning and I consider this is reasonable, to preserve this vulnerable coastal landscape.

The current proposal is a speculative development of an additional dwelling that will back onto the local road, and create a more enclosed residential development. Having regard to the peripheral location, the pattern of linear development on the adjoining lands, and the noncompliance with the development plan zoning, I consider the planning authority's reason for refusal is reasonable and should be upheld by the Board.

7.4 Design and Layout

As stated, the additional dwelling comes on foot of the development now been served by the foul sewer and the proposal is for an additional dwelling on the site of the previously proposed treatment plant. The proposed house design is contemporary, low profile and in keeping with the design of the permitted dwellings on the site. Unfortunately, the house backs onto the road, the eastern elevation when viewed from the public road is more like a large portacabin than a dwellinghouse. I consider the siting and design of the dwelling will totally detract from the permitted scheme on the site which is for two storey contemporary dwellings that are setback from the road and address the road.

The permitted dwellings are also set back from row of houses to the east. The privacy of the new dwelling would be compromised given its elevated siting and backing onto properties in such close proximity to them. I note from the site sections

a berm is to be provided along the eastern site boundary, and another between the subject dwellings and House Type A currently under construction. I consider the mitigation measures to blend the dwelling into the site to be inappropriate for its sensitive location. I consider the 4No. dwellings to be a sufficient density for this location. The subject dwelling would be incongruous to the existing pattern of development in the area and represent a haphazard form of development. In my opinion, the omission of the treatment plant should benefit the permitted development in terms of the current zoning objective for the site, and should not be viewed as an opportunity to increase the density of the site, as it is zoned Green Belt and within a designated visually vulnerable scenic landscape.

The row of dwellings on the opposite site of the public road are located very close to the narrow public road serving the area. Given the topography of the site, and the sensitive location, I consider the location of the dwelling backing onto the junction of two narrow local roads, would be oppressive when viewed from the public road and existing dwellings given its proximity to the local road which is less than 10metres, in addition to the fact the site is positioned on a higher ground level than the public road.

7.5 Appropriate Assessment

Having regard to the nature and scale of development proposed together with the nature of the appeal, relating to an additional dwelling within an existing residential scheme, and to the nature of the receiving environment, which is a serviced edge of town location with a public sewer and a surface water sewerage system, 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. I recommend the Board uphold the planning authority's decision to refuse for the following reasons:

9.0 Reasons and Considerations

1. Having regard to the zoning objective for the subject site as Green Belt to provide for a clear physical demarcation to the adjoining urban area, to reduce urban sprawl, and to safeguard the potential expansion of settlements in the future, it is considered the proposed development, by reason of its layout, building line and design would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive coastal landscape of this area, which it is appropriate to preserve, and would therefore be contrary to the zoning objective for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of this corner site and the established pattern of development in the immediate vicinity, it is considered that the proposed development by reason of its layout, form and design would constitute a visually obtrusive development on the streetscape when viewed from the local road and adjoining properties and be out of character with development in the vicinity within a coastal area designated in the current development plan as Visually Vulnerable. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

10th of December 2019