



An
Bord
Pleanála

Inspector's Report ABP-304974-19

Development	Dwelling house, detached domestic garage, new entrance, boundary walls, piers and fencing, proprietary wastewater treatment unit and percolation area and all ancillary works
Location	Molly, Aughnacliffe,, Co. Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	18/156
Applicant(s)	PJ Sexton.
Type of Application	Permission.
Planning Authority Decision	To refuse.
Type of Appeal	First
Appellant(s)	PJ Sexton.
Observer(s)	None
Date of Site Inspection	23 rd October 2019
Inspector	Deirdre MacGabhann

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Longford County Development Plan 2015 to 2021.....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response.....	9
6.3. Observations/Further	9
7.0 Assessment.....	10
7.2. Traffic Hazard.....	10
7.3. Rural Housing Need.....	11
7.4. Landscape and Visual Effects.....	12
8.0 Appropriate Assessment.....	13
9.0 Recommendation.....	13
10.0 Reasons and Considerations	13

1.0 Site Location and Description

- 1.1. The 0.357ha appeal site is situated c.13km north east of Longford town and c.4km north east of Ballinalee, in the townland of Molly, Aughnaclyffe, County Longford. It lies on an elevated site in the rural area to the south west of Lough Gowna. To the east of the site is a county road that runs from Ballinalee to the west of Lough Gowna.
- 1.2. The site comprises the southern half of an agricultural field, which is bounded on three sides by mature hedgerows. The field is elevated above the adjoining public road and rises sharply away from it. Approximately 60m to the north of the appeal site is a cross roads (Molly Cross) and c. 40m to the south of the site is a ridge in the public road (at the proposed entrance to the site). On the site itself, temporary structures were in place on the site and these could be seen, in part, from the public road to the south east (see photographs).

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information submitted on the 4th June 2019, comprises the construction of a single storey dwelling, detached domestic garage, new entrance, boundary walls, piers and fencing, proprietary wastewater treatment unit and percolation area. The development is situated to the rear, west, of the site and will be cut into it to a FFL of +177.15. This compares to the existing contour traversing the site at the location of the proposed dwelling at +179 and the road level as it passes the site at c.+171). Maximum ridge height is 5.097m.
- 2.2. Access to the site is from the public road with the entrance located to the south east of the dwelling at the approximate location of the ridge in the public road. This lies outside of the 'blue line' indicated in the application drawings and consent from the adjoining landowner is on file (submitted with response to further information). Sightlines of 90m in each direction are proposed, with the removal of the roadside hedgerow, as required to achieve these. Additional planting is proposed within the site, and to replace the roadside hedgerow.

2.3. Water supply is via a new connection to the public water main and surface water will be discharged via a stormwater drain to a surface watercourse running alongside the public road to the east of the site. The planning application includes a visual assessment of the proposed dwelling from the surrounding area (Drawing No. F12-004) and a Site Assessment which demonstrates that the site is suitable for a septic tank system.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 27th June 2019 the planning authority decided to refuse permission for the development for four reasons:

- i. Inability to achieve sightlines and therefore traffic hazard (Policy ROADS 2, Section 5.1.1.1, CDP).
- ii. Inadequate demonstration of rural housing need (Policy HOU RUR 3, Section 3.2.2.1, CDP).
- iii. Impact on scenic view FS 6 (Policy LCA3, CDP).
- iv. Impact on visual amenity and landscape and the precedent this would set for similar development (Policy LCA 1, CDP).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 24th August 2018 - The planning authority's report refers to the planning history of the site and its location on an elevated site, outside of but close to the Broadzone for Lough Gowna and along Full Scenic Route No. 6. It refers to the information submitted in respect of the application to address the previous reasons for refusal (see below). It is accepted that the applicant has demonstrated adequate connection to the area in order to satisfy Policy CS12 and HOU RUR 3 of the County Development Plan. However, having regard to the Area Engineer's report (below) it is considered that the required sightlines are not achievable. Further, despite the indicated mitigation

measures (redesign of dwelling, within a landscaped site and with the use of screen along the southern boundary of the site) it is considered that the development would have a detrimental impact on the landscape and interfere with Full Scenic Route No. 6. The report recommends further information requesting that the applicant identify an alternative site within the landholding which is less elevated and less exposed.

- 21st June 2019 – Acknowledges that the applicant has submitted a revised site layout, additional planting and new entrance location but considers that the request for further information has not been adequately addressed i.e. the applicant has not indicated an alternative site for the dwelling within the landholding and having regard to the location of the development at a prominent elevated location, the development would be visually obtrusive and have a detrimental impact on the visual amenity of the surrounding landscape (Northern Uplands Landscape Character Area and Scenic Route). It also states that the removal of the existing hedgerow along the entire site boundary, in order to achieve the required sightlines, at the location and on a Scenic Route is not permissible and the proposed sightlines cannot be achieved. The report recommends refusing permission for the development.

3.2.2. Other Technical Reports

- Area Engineer (1st August 2018) – Application is a repeat of history file. Sight lines cannot be achieved to the south due to a crest in the road c.40m to the south of the proposed entrance (based on NRA TD9/11, eye height of 1.05m and object height 0.5m). The local road is relatively highly trafficked route with high speed approach from the south. No verge on the development side of the site which creates an additional hazard for pedestrians (development will result in additional pedestrian movements in the vicinity of the entrance). Recommends relocating the proposed development to the south, with a view to having the entrance at the crest in the hill and removal of hedge and setback of utility poles for a distance of 100m on either side of the proposed entrance, for pedestrian safety. In the absence of further information recommends refusing permission. Recommends conditions in respect of surface water disposal (principally to prevent discharge onto the public road).

- Area Engineer (12th June 2019) – Recommends conditions to be attached to a permission including setback along the full site frontage and an additional setback of hedges etc. as far as the agricultural entrance to the south of the newly proposed entrance (or more if necessary to achieve sightlines of at least 90m).

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- 3.4.1. There is acknowledgement of representations by three Councillors in connection with the application on file but no specific comments on the proposed development.

4.0 Planning History

- 4.1. Under PA ref. 18/50 planning permission refused for a single storey dwelling on the appeal site on the grounds that (i) adequate sight lines could not be achieved at the entrance to the site, (ii) inadequate demonstration of rural housing need at the sensitive location and (iii) impact on protected view.

5.0 Policy Context

5.1. Longford County Development Plan 2015 to 2021

- 5.1.1. The appeal site lies in a rural area of County Longford and within the Northern Uplands, Landscape Character Area 2 (Annex 4 of the Plan). Landscape sensitivity is classified as Medium to High and the Plan states that many of the important views listed in the Plan are located in this landscape unit. Threats include encroachment on protected views by dwelling units and the 'Policy Response' includes to protect views and prospects. Policy LCA 1 of the current County Development Plan refers to development located within or adjacent to a sensitive landscape and states that development that would have a detrimental impact on the landscape will not be permitted.

- 5.1.2. Policy LCA 3 affords protection to views and prospects illustrated in Appendix 6 of the Plan. Views are divided into full and intermittent in order to differentiate areas where scenic views may be partial or absent along a particular route. The appeal site lies along 'Full Views 6', just outside of the 'broad zone'. Broad zones are afforded protection in Policy ILW 9 of the Plan and refer to the environs of lakes, rivers and canals in the County.
- 5.1.3. Policies in respect of rural housing are set out in section 3.2.2 of the Plan. These include Policy HOU RUR 3 which provides a presumption against extensive urban generated commuter development, ribbon development, development which is not used as a primary residence and speculative development outside designated settlements. Applicants for developments in rural areas are required to submit a statement indicating their bona fides, including the reason for the location of the dwelling in the locality, connection to the locality, place of employment and ability to provide services to sustain the development without impact on road safety, water quality, public health, views and prospects, landscape, environmental integrity and amenity.
- 5.1.4. In Section 5.1.1.1 the Plan sets out general policies and objectives for roads, including, in ROADS 2, *'to provide a road network which is safe and efficient for all road users, cognisant of the requirement of all traffic, including motorised vehicles, pedestrians and cyclists'*.

5.2. **Natural Heritage Designations**

- 5.2.1. Lough Gowna pNHA (site code 000992) lies 2.5km to the north east of the appeal site. Otherwise the site is >10km from sites of nature conservation interest (see attachments).

5.3. **EIA Screening**

- 5.3.1. The proposed development is of a type that constitutes an EIA project (involving construction works and demolition). However, it is very modest in scale and is not a type of development likely to give rise to significant environmental effects to warrant environmental impact assessment (Class 10, Part 2, Schedule 5, P&D Regulations, 2001 (as amended)).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party's grounds of appeal are:

- i. Traffic hazard. The relocation of the proposed entrance to the crest of the hill, proposed as part of the further information response, provides for the achievement of full and appropriate sightlines in both directions from the appeal site. The provision of a verge along the road frontage at this location (as per the requirements of the Area Engineer's report) would incorporate a significant measures of planning gain and would provide an improved situation for all road users (including pedestrians and cyclists) at this location.
- ii. Rural housing need. The local authority has accepted the applicant's local needs bone fides, being native to the area. The applicant has a rural housing need at the proposed location, on his family's historical and generational farm holding.
- iii. Landscape and visual effects. The applicant is happy to reinstate a hedgerow along the public road prior to removing the existing hedgerow and subsequent commencement of development. The installation of the new hedgerow would completely screen out views of the development from the public road. The development when complete, will have no impact on views from Full Scenic Route No. 6 and will therefore not contravene policies of the County Development Plan which protect such views. Whilst elevated, the site is screened from the public road and will remain so with the proposed replacement hedgerow. The house has also been designed to ensure that there are no short range or long-range views of it. A structure has been erected on site to demonstrate this point.
- iv. Precedent. Any application for planning permission is site specific and no planning application can, therefore, set a precedent for other development.

6.2. Planning Authority Response

- Sightlines/removal of hedgerow – In order to achieve adequate sightlines, the Area Engineer requires the removal of the existing hedgerow along the entire frontage of the site. Given the sensitive location of the site and its location on a full scenic route, removal of the hedgerow is not desirable or acceptable. The removal of the road side hedge and creation of a verge at this location is not a planning gain but a planning loss. Sightlines therefore cannot be achieved.
- Local needs – The planning authority considered that the applicant had adequately indicated his connection to the area in order to satisfy its local need policies. It requested further information to identify an alternative site within the land holding which would be at a less elevated and exposed location. The applicant has not identified an alternative site. It is understood that an alternative site to the rear of the landholding was rejected on the grounds that it had no view.
- Visual impact – The appeal site is at a significant height above the existing road along the protected scenic route (FSR no. 6). The site is one of the higher points overlooking, both to and from, Lough Gowna and is therefore very sensitive and exposed. The planning authority disagree with the applicant and consider that the development will have a negligible impact on the scenic view. Existing structures at this location are clearly visible on the submitted visual impact assessment when leaves are in leaf. The proposed structure will add to the visual clutter and further degrade the protected view at this sensitive location and it will be difficult to guarantee the survival of landscaping over the lifetime of the proposed development.

6.3. Observations/Further

None.

7.0 Assessment

7.1. Having regard to the information on file and my inspection of the appeal site, I consider that the key matters for this relate to:

- Traffic hazard.
- Rural housing need.
- Landscape and visual effects.

7.2. Traffic Hazard

7.2.1. The appeal site lies on a minor county road that rises to a ridge at the approximate location of the proposed access to the site. Existing roadside boundaries are tight and on the northern side of the road, where the development is proposed, a mature hedge runs alongside the road. At the time of site inspection, there was frequent traffic on the road and traffic speeds were towards the upper end of the speed limit.

7.2.2. In his report of the 1st August 2018, the Area Engineer refers to NRA TD 9/11. This technical document, Design Manual for Roads and Bridges, Volume 6, section1, provides standards for single and dual carriageway roads in rural and urban areas. A rural road is defined as a road outside of built up areas including a single carriageway with a mandatory speed limit of 80km/h. A maximum design speed of 85km/h is set out for roads where the speed limit is 80km/h and a reduced design speed of 70km/h for speed limits of 60km/hr. For a design speed of 70km/hr, a Desirable Minimum stopping distance of 120m is set out in the Manual and distance of 90m and 70m for one step and two steps below desirable minimum. The three-tier hierarchy provides flexibility in the application of the Desirable Minimum standards which can be applied to *'a range of situations where the strict application of Desirable Minimum standards would lead to disproportionately high construction costs or severe environmental impacts upon people, properties or landscapes. Designs with at least Desirable Minimum standards will produce a high standard of road safety and should be the initial objective. However, the level of service may remain generally satisfactory and a road may not become unsafe where these values are reduced. This second tier of the hierarchy is termed a Relaxation'*.

- 7.2.3. In his report, the Area Engineer recommends a design speed of 70kph for the road. Given the observed speeds this does not seem unreasonable. In response, the applicant proposes 90m sightlines in each direction at the entrance to the development. I note that these can be achieved to the north, with removal of part of the existing boundary hedgerow. To the south, 90m sightlines are also proposed. However, to achieve these (and in particular the setback to adjust for the curve in the public road (see photograph 3), a substantial section of the roadside boundary would have to be removed. In this regard, the Area Engineer in his final report on the proposed development recommends a grant of permission subject to conditions which include removal of existing fence line/boundary adjacent to the public road for the full length of the site frontage and additional setback of hedges (by at least 3m) as a minimum to the agricultural entrance to the south of the proposed entrance (c.40m) or more if deemed necessary to achieve the sightlines.
- 7.2.4. Having regard to the above, I would accept in principle that with the removal of existing roadside vegetation, the necessary sightlines could be achieved at the entrance to the appeal site. However, the removal of these and the consequential widening of the public road would have a visual and landscape consequences. This matter is discussed below.

7.3. **Rural Housing Need**

- 7.3.1. Having regard to the information on file, I would accept the appellant's view and the planning authority's determination that the applicant has a bona fide rural housing need. However, as stated by the planning authority, the applicant has not demonstrated the need for a dwelling on the particular site, in the context of the wider landholding. Given the landscape and visual issues which arise as a consequence of the proposed development, I consider that this matter needs to be addressed by the applicant but is not one which justifies refusing planning permission on the grounds that rural housing need has been inadequately demonstrated.

7.4. Landscape and Visual Effects

- 7.4.1. The appeal site lies in a rural landscape to the south west of Lough Gowna, Northern Uplands LCA 2, and alongside a protected view (Full Views 6). Landscape sensitivity is classified as Medium to High, with threats including encroachment on protected views by dwelling units. Policies of the County Development Plan seek to restrict development which would have a detrimental impact on landscape and to protect views and prospects listed in the Plan.
- 7.4.2. The appeal site is not visible from the public road as it passes the site, or the public road to the north of it. However, at greater distance, for example from the public road to the east of it, and in the wider environment it is visible and forms part of the pastoral agricultural landscape (see photographs and applicants visual impact drawings received with submission).
- 7.4.3. The proposed dwelling is situated on the most elevated area of the appeal site. It is a single storey structure and the applicant proposes cutting it into the site and providing additional planting within the site in order to reduce its visibility and integrate it into the landscape. In order to provide access to the site, as stated above, a substantial part of the existing roadside boundary will have to be removed (with replanting is proposed) and road widening will be required. Further, a long driveway is proposed connecting the access to the dwelling.
- 7.4.4. Whilst I recognise that the applicant has sought to minimise the visual effects of the development, including replacement planting in advance of commencement, I nonetheless consider that the addition of the dwelling unit on the elevated site, within the sensitive elevated landscape, will add to the visual clutter within the rural landscape when viewed locally and from the wider landscape. Such an effect would further erode the character of the landscape and would be in direct conflict with Policy LCA 1 of the County Development Plan which seeks to '*protect and enhance the County's landscape, by ensuring that development retains, protects and where necessary, enhances the appearance and character of the existing local landscape*'.
- 7.4.5. Similarly, in order to provide safe access to the proposed dwelling, the removal of established hedgerows (albeit with replanting behind the proposed sightline) and local road widening is required. These impacts together with the proposed domestic entrance and long driveway will have a substantial impact on the character of the

protected road and views available from it, again in conflict with Policy LCA 3 of the Plan which seeks to preserve views and prospects along its length.

- 7.4.6. Having regard to the foregoing, I would consider, therefore, that to grant permission for a development with such landscape and visual effects would be inappropriate and would establish an inappropriate precedent.

8.0 Appropriate Assessment

- 8.1. Having regard to location of the proposed development, substantially removed from any European site, and its modest scale, 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.

9.0 Recommendation

- 9.1. I recommend that permission for the proposed development be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its extensive driveway, the removal of the established hedgerow and widening of the local road, it is considered that the proposed development would:

- i. Form a discordant and obtrusive feature on the sensitive landscape,
- ii. Seriously interfere with a protected view,
- iii. Conflict with policies LCA 1 and LCA 3 of the Longford County Development Plan 2015 to 2021, and
- iv. Set an undesirable precedent for similar development.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, for the reasons stated above, the proposed sightlines cannot be achieved and therefore that the proposed development would endanger public safety by reason of traffic hazard because of the additional

traffic turning movements the development would generate on the public road at a point where sightlines are restricted.

Deirdre MacGabhann

Planning Inspector

12th November 2019