



An
Bord
Pleanála

Inspector's Report
ABP 305132 -19

Development	Construction of house, detached garage, new wastewater treatment system.
Location	Skreen, Tara, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	AA190411
Applicant	Malachy Lavery
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellants	John and Natalie Sheridan
Observer(s)	None
Date of Site Inspection	08 th November 2019
Inspector	Brendan Coyne.

1.0 Site Location and Description

- 1.1. The site (0.43ha) is located on the eastern side of a local road, in the rural townland known as Skreen, c. 5km south-east of Navan town in County Meath. The site is irregular in shape, with the western section mostly rectangular and the eastern section mostly triangular. The western section is divided in two, with the most western part (the location of the proposed dwelling) comprising an overgrown field and the eastern part comprising an enclosed, sand surfaced horse training arena with a number of floodlights around its perimeter. The eastern section of the site contains an enclosed pen area. The ground condition of this section was water logged soil for the most part on the date of site inspection. A horse stable building is located immediately to the north of this area.
- 1.2. The site is accessed via an existing vehicular entrance, at its north-western corner. A driveway runs along the northern boundary, to provide access to the horse stables. The northern boundary is defined with a c. 1.2m high timber post and wire mesh fence. A part single storey / part 1.5 storey dwelling is located on lands adjoining the northern boundary. The southern elevation of this dwelling is staggered with a setback ranging from 0.8m to 2 metres from the northern boundary of the subject site. This dwelling has 6 no. window opes on its southern elevation, facing the driveway.
- 1.3. The site has a roadside frontage width of 30 metres and a total depth of 160 metres. The roadside boundary is defined with mature trees and hedgerow, and a ditch enclosed stream, flowing in a N/E to S/W direction. This stream flows from a ditch located behind the front boundary wall of the neighbouring dwelling to the north.
- 1.4. Mature trees and hedgerow define the eastern and southern boundaries of the site, for the most part. A single storey dwelling is located on lands adjoining the site to the south. The ground level of the site is relatively level, dropping from +114.5m O.D. at the eastern boundary to +113.5 O.D. at the western / roadside boundary. The surrounding area is characterised by agricultural land, dispersed rural one-off housing and agricultural buildings.

2.0 Proposed Development

2.1. Application as lodged on the 09th April 2019 - Permission sought for the following;

- Construction of a detached 1.5 storey 4-bedroom dwelling (251.7 sq.m.),
- Detached garage (73.8sq.m.),
- New proprietary sewage treatment system and percolation area,
- Associated site works.

2.2. Revised Proposal as submitted by way of Significant Further Information on the 4th July 2019.

- Revisions to the elevation of the proposed dwelling including;
 - Omission of the 3 no. two storey gable elements to the front elevation and their replacement with 3 no. dormer windows,
 - Omission of the first-floor window ope on the northern side elevation,
 - Provision of an additional (third) dormer window and 2 no. roof lights to the rear roof slope of the dwelling.
- A reduction in the height of the proposed dwelling by 800mm from 8m to 7.2m high.
- The existing riding school shall cease operation and the stable structure, floodlighting to the sand arena and horse walker shall be removed from site.

2.3. A copy of the revised public notice was submitted to the Planning Authority on the 8th July 2019.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted permission for the proposed development subject to 17 no. Conditions. Of these, a Condition of note is as follows;

C.1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 09/04/2019, 04/07/2019 and

08/07/2019 except as may otherwise be required in order to comply with the following conditions.

- C.2 The dwelling shall be constructed in accordance with the revised plans submitted to the Planning Authority on the 04/07/2019.
- C.3 Within 3 months of the grant of this permission, the riding school shall cease operation at this location. All floodlighting to the sand arena and the 'big brown shed' stable building and horse walker shall be permanently removed off-site as indicated in the documentation submitted to the Planning Authority on the 04/07/2019. Once the said works are complete, the Planning Authority shall be notified in writing together with photographic evidence of same.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Summary of issues raised in the initial planning report (29/05/2019) and the second planning report (31/07/2019).

- The application site is located in a rural area under strong urban influence. Based on the documentation submitted, the applicant has established a local housing need for the proposed dwelling and therefore complies with Meath County Council rural housing policy.
- The proposed development, by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on any Natura 2000 European Site.

3.2.3. Other Technical Reports

None recorded

4.0 Planning History

None for subject site.

5.0 Policy and Context

5.1. Development Plan

Meath County Development Plan 2013-2019 is the statutory plan for the area.

Section 2.7 Rural Areas

Map 10.1 The application site is situated within a 'rural area under strong urban influence'.

Section 10.3 Rural Area Types

Area 1 Rural Areas under Strong Urban Influence – Policies include:

RD POL1 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RD POL2 To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

RD POL3 To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

Section 10.2 Rural Settlement Strategy

Goal To ensure that rural generated housing needs are accommodated in the areas they arise, subject to satisfying good practice in relation to site location, access, drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process.

Section 10.5.1 **Development Assessment Criteria** - matters to be considered in assessing individual proposals for one-off rural housing.

Section 10.5.2 **Ribbon Development**

Section 10.5.3 **Occupancy Conditions**

RD POL 9 **Rural Residential Development: Design and Siting Considerations** - To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

NH POL 13 **Woodlands, Hedgerows and Trees** - To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.

RD POL 43 **One Off Houses: Sight Distances and Stopping Sight**

Section 10.19.2 **Groundwater Protection and the Planning System.** Policies include -

RD POL 44 To ensure that new development meets the highest standards in terms of environmental protection.

RD POL 45 To utilise a "Groundwater Protection Response Matrix" to assist in deciding the appropriateness of various categories of development to areas that have different levels of vulnerability in terms of groundwater contamination. This approach will support the proper input of information into planning decision-making processes.

Section 10.19.3 **Wastewater Disposal**

RD POL 46 To ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide

and maintain such facilities. Sites prone to extremely high water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided.

Chapter 11 Development Management Standards & Guidelines’.

Appendix 15 Rural Housing Design Guide

5.2. Other Relevant Government Guidelines

National Planning Framework – Project Ireland 2040

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

Rural Housing Policies and Local Need Criteria in Development Plans - Circular Letter SP/5/08

Development Management Guidelines (2007)

Code of Practice Wastewater Treatment Disposal Systems serving Single Houses (October 2009)

Implementation of new EPA Code of Practice on Waste Water Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10.

The Planning System and Flood Risk Management – Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009)

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011).

5.3. Natural Heritage Designations: The appeal site is located 6.5km to the south-east of the River Boyne and River Blackwater SPA and SAC (Site Codes: 004232 and 002299).

5.4. EIA Screening

5.5. 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

6.1.1. A third-party appeal was received from John and Nathalie Sheridan, who reside at Willow Cottage, which is the neighbouring house on lands adjoining the site to the north. The main grounds of appeal are summarised under the headings below;

6.1.2. ***Overshadowing / Overlooking:***

- All the windows of the appellant's home face the site of the proposed development. The proposal, by reason of its close proximity to the appellant's home, will adversely impact their residential amenity by way overshadowing / loss of light and overlooking.

6.1.3. ***Flood Risk:***

- The 6-inch pipe under the vehicular entrance bridge serving the subject site does not have the capacity for surface water flowing from the open ditch on the adjoining site to the north.
- The current surface water drainage ditch and bridge to the front of the subject site has resulted in flooding of neighbouring properties to the south and north.
- Photographs submitted (dated 10/08/2019) illustrate the following;
 - The 6ft deep ditch to the front of the appellants dwelling, showing the black mark of the high-water level (Photo No. 1).
 - The horse parade ring showing water held by the site (Photo No. 2).
 - The water filled ditch to the front of the appellant's dwelling (Photo No. 3).

- The water filled ditch to the front of the neighbouring dwelling to the south (Photo No.7).
- News article from the Meath Chronicle (dated 21st August 2008) detailing an incident of flooding on the road network in the Skreen area.

6.2. Applicant's Response

6.2.1. Val Casserly of Jova Planning Consultants, has responded on behalf of the applicant to the third-party grounds of appeal, addressed under the headings below;

6.2.2. *Overshadowing:*

- The applicant reduced the height of the proposed dwelling by 700mm to give an overall height of 7.2m, as recommended in the Rural Housing Design Guide. The reduction in the height will enhance light reaching adjacent dwellings.
- The proposed dwelling will be only 66mm higher than that of the appellant's dwelling.
- The proposal will maintain a separation distance of 7.6m from the appellants dwellings and 6.3m from their shared boundary.

6.2.3. *Overlooking:*

- The applicant proposes to protect the privacy of neighbouring dwellings by providing a dense screening belt of native hedging and trees along all site boundaries.
- The originally proposed window ope on the northern side elevation at first floor level has been omitted. As such overlooking of the neighbouring property to the north would not occur.

6.2.4. *Flooding:*

- As per the Planning Report of Meath County Council, the site is not located within the flood risk of the OPW PFRA Mapping / Strategic Flood Risk Assessment for County Meath.

- Any issues along this stretch of road are due to the non-maintenance of the existing open ditches.
- The applicant intends, when reconstructing the existing entrance, to resize the pipework of the entrance, as recommended by the on-site Certifier / Engineer.

6.3. **Planning Authority Response**

- The Planning Authority is satisfied that all matters raised in the grounds of appeal were considered in the assessment of the planning application.
- With regard the issue of overshadowing / loss of light, it is considered that that separation distance of 7.6 metres provided between the proposed dwelling and the neighbouring dwelling to the north would prevent overshadowing.
- The removal of the first-floor window opening on the northern side elevation of the proposal, would prevent overlooking of the neighbouring dwelling to the north.
- The site is not located in an identified flood zone.
- The proposed development is consistent with the policies and objectives of the Meath County Development Plan 2013 - 2019.

6.4. **Observations**

None

7.0 **Assessment**

7.1. The main issues for consideration, as raised in the Grounds of Appeal, are as follows;

- Overlooking
- Overshadowing
- Flood Risk

However, having reviewed the documentation submitted and having regard to relevant policy in the Meath County Development Plan and relevant Government Guidelines, and further to site inspection, I consider that other issues for consideration include the following;

- Wastewater Treatment
- Ribbon Development
- Screening for Appropriate Assessment

These are addressed below.

7.2. **Overlooking**

- 7.2.1. The appellants express concern that the proximity of the proposed dwelling to their dwelling (located on adjoining lands to the north) will result in overlooking and compromise the privacy of their dwelling.
- 7.2.2. In an attempt to address the issue of overlooking, the applicant submitted by way of further information, a revised proposal showing the omission of the first-floor window ope on the northern side elevation at first floor level. It is considered that the removal of this window ope would prevent overlooking of the appellants dwelling, from this first floor side elevation.
- 7.2.3. It was noted during site inspection that the side southern elevation of the neighbouring dwelling to the north is staggered, incorporating 6 no. window opes. This elevation maintains a setback of 0.8m – 2m from the common boundary, shared with the subject site. The side northern building line of the proposed dwelling would maintain a setback of 6.8 metres from the side northern common boundary and 7.6 metre from the southern side building line of the neighbouring dwelling to the north.
- 7.2.4. The vehicular access driveway serving the proposed dwelling runs along the northern boundary of the subject site. The current northern boundary is defined with a timer post and wire net fence, c. 1.2m high. The front building line of the proposed dwelling would be set back 22 metres from the edge of the public road and c. 10 metres behind the front building line of the neighbouring dwelling to the north.
- 7.2.5. In order to screen the proposed dwelling from the neighbouring dwelling to the north, the applicant states in the Landscape Plan submitted that it is proposed to provide hedge planting along the side common boundaries of the site. The height of such hedge planting is not stated. It is considered that, while such hedge planting would screen the proposed dwelling and prevent overlooking of the neighbouring dwellings to either side, I have concerns regarding the impact of such hedging on the residential

amenity of the neighbouring dwelling to the north, by way of overshadowing and loss of daylight. This is addressed in Section 7.3 below.

7.2.6. I recommend, therefore, that this ground of appeal should not be upheld.

7.3. **Overshadowing**

7.3.1. The appellants express concern that the proposed development would result in overshadowing and loss of light to their dwelling.

7.3.2. The applicant submitted by way of Further Information, a revised proposal showing a reduction in the roof ridge height of the proposed dwelling by 800mm from 8 metres to 7.2 metres high.

7.3.3. Having regard to a) the position and 10m setback of the proposed dwelling behind that of the neighbouring dwelling to the north, b) the 7.6m separation distance provided between both dwellings and c) the height of the proposed dwelling, it is my view that the proposed dwelling would not adversely impact on the residential amenity of the neighbouring dwelling to the north by way of overshadowing.

7.3.4. Notwithstanding the above, I have concerns with regards the impact of the proposed hedge planting along the northern boundary of the site on the neighbouring dwelling to the north. The Landscape Plan submitted details the provision of hedging along the northern and southern shared boundaries, with a variety to match that of the roadside boundary (detailed as *Crataegus monogyna* and *Acer Campestre*). The Landscape Plan states that the purpose of this planting is to strengthen the landscape structure of the site with screening from neighbouring properties.

7.3.5. Given a) the shallow separation distance of 0.8m to 2m from the staggered southern side building line of the neighbouring dwelling to the north and the common side boundary shared with the subject site and b) that there are 6 no. window opes on the southern side elevation of the neighbouring dwelling to the north, I have concerns that the provision of hedge planting along this boundary to screen the proposed dwelling, could grow to such a height that it would affect levels of daylight and sunlight reaching the neighbouring dwelling to the north, thereby affecting the residential amenity of the occupants of this dwelling. It is considered however, that this issue could be addressed with the provision of a screen boundary wall of sufficient height to

protect the privacy of the neighbouring dwelling to the north, while ensuring adequate levels of daylight and sunlight reach this dwelling.

7.3.6. I recommend, therefore, that this ground of appeal should also not be upheld.

7.4. Flood Risk

7.4.1. The appellants express concern that the 6-inch pipe under the vehicular entrance bridge serving the subject site does not have the capacity for surface water flowing from the open ditch on the adjoining site to the north. The appellants detail how the current surface water drainage ditch and bridge to the front of the subject site has resulted in flooding of neighbouring properties to both the north and south. Photographic evidence submitted details high water levels in the ditches to the front of the subject and neighbouring dwelling to the north as well as flooding within the horse training arena within the subject site.

7.4.2. In response to this issue, the applicant states that it is their intention to resize the pipework of the vehicular entrance bridge, as recommended by the on-site Certifier / Engineer when re-constructing the existing vehicular entrance.

7.4.3. The drainage drawings / documentation submitted do not provide any detail on the proposed resized pipework at the vehicular entrance bridge.

7.4.4. The Meath County Council Planning Report did not raise any concerns with regard this issue, noting that the site is not located within a flood risk area in the OPW PFRA Mapping / Strategic Flood Risk Assessment, carried out for the Meath County Development Plan 2013 - 2019. The nearest identified flood risk area is located 600 metres south of the subject site.

7.4.5. I carried out inspection of the site on the 8th November 2019, the morning after a day of exceptionally heavy rainfall, whereby County Meath was the subject of a yellow rainfall warning. During site inspection, I found that the ditches to the front of the subject site and adjoining sites to the north and south were free flowing with a low water level in each ditch. There was no evidence of flooding in the ditches to the front of the subject and adjoining sites. Notwithstanding this, having regard to the photographic evidence presented by the appellant, dated the 10/08/2019, showing high water levels in these ditches, and thereby the potential risk of flooding, it is

considered that it would be appropriate to attach a Condition to any grant of permission, requiring the applicant to submit for the written agreement of the Planning Authority a suitably detailed Flood Risk Assessment, undertaken by a suitably qualified hydrologist or other suitably competent professional, in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities DoEHLG and OPW (2009). Such assessment of flood risk should clearly demonstrate that proposed development would not create a flood risk, and measures required to achieve this set out in detail.

7.4.6. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.5. Waste Water Treatment

7.5.1. The proposed development provides for the provision of a new proprietary sewage treatment system and a 180sq.m. polishing filter system. The proprietary sewage treatment system would be located 22m to the rear / east of the proposed dwelling and the proposed polishing filter system would be located on the triangular eastern section of the site.

7.5.2. A Site Characterisation Report (SCR) has been submitted with the application. This has been prepared by Paul Martin, an EPA approved and indemnified assessor. The SCR details (interalia) the following;

- The soil in the area consists of limestone till 80% and grey brown podzolics well drained material.
- The Aquifer Category is designated as 'locally important' and is of 'low' vulnerability.
- The Ground Protection Response is 'R1' - classified as 'acceptable to normal good practice' in Annex B of the EPA Code of Practice 2009.
- There are 7 no. houses within 250m of the site, which are served by treatment systems or septic tanks and 2 no. wells are observed.
- There are no indicators of poor percolation.
- The ground water flow direction is north to south.

- Ground conditions were soft under foot at time of testing, following a wet weather spell.
- Separation distances from site boundaries are achievable in accordance with the EPA Code of Practice.
- No surface water ponding observed during dry period.
- No watercourses, streams or wells are located within a 250m radius of the site.
- Dry ditches are located along the northern and roadside boundaries.
- Potential suitability of the site: Good. The site may be suitable for a waste water treatment system and percolation area providing separation distances can be achieved as per the EPA Code of Practice.
- Potential Targets: Groundwater is the likely target at risk.
- The location of the proposed system within the site: The waste water treatment system and soil polishing filter are located to the east of the site to ensure minimum separation distances are achieved.
- The depth of the trial hole was 2.1m. This was located in the eastern section of the site, to the north of the proposed polishing filter.
- Photographs of the trial hole, T test and P test and surface features submitted.
- The depth from ground surface to water table was 2.1m. Date of examination – 17/01/2019.
- The trial hole encountered silt/clay topsoil to a depth of 0.7m and silt to a depth of 2m (base of hole).
- Depth from ground surface to bedrock is 2.1m.
- With regard percolation characteristics, a T value of 36.31min/25mm and a P value of 45.89min/25mm were recorded.

7.5.3. The SCR concludes that the site is suitable for discharge treated effluent to ground water via a proprietary treatment system.

7.5.4. The treatment system to be installed comprises a Streamline BAF System, to be installed as per the EPA Code of Practice 2009 and signed off by Paul Martin Site Assessor or a suitably qualified person.

- 7.5.5. The test holes were open on the date of inspection. As stated above, I carried out the site inspection on the 8th November 2019, the morning after a day of exceptionally heavy rainfall, whereby County Meath was the subject of a yellow rainfall warning.
- 7.5.6. A visual assessment found that the trial hole and both the P and T test holes were filled with water, suggesting the level of the high-water table, and the ground condition of the proposed polishing filter was waterlogged, with water ponding apparent.
- 7.5.7. Table 6.3 of the EPA Code of Practice for Waste Water Treatment Systems refers to Percolation Test Results and states that where the T-test is in excess of 90, the site is unsuitable for the discharge of treated effluent and that where the P-test is in excess of 3, the topsoil/subsoil is insufficient to provide satisfactory treatment.
- 7.5.8. Section 6.2.1 of the EPA Code of Practice for Waste Water Treatment Systems recommends that an on-site domestic wastewater treatment and disposal system should not be installed in seasonally waterlogged, boggy or frequently wetted areas.
- 7.5.9. Having regard to a) the poor percolation characteristics of the ground and the high-water table, as indicated by the trial and test holes hole excavated on the site and b) the waterlogged ground conditions of the proposed soil polishing filter, I am not satisfied that the site is suitable for the receipt and treatment of wastewater from the proposed proprietary sewage system and soil polishing filter. Such development would be contrary to the requirements of the EPA Code of Practice for Waste Water Treatment Systems. As such, it is my view that the site is unsuitable for the installation of a proprietary sewage system and soil polishing filter at this location. The proposed development would, therefore, be prejudicial to public health. For this reason, I recommend that the proposed development be refused permission.

7.6. Ribbon Development

- 7.6.1. There are 3 no. dwellings located on adjoining sites, to the north of the subject site and 1 no. dwelling on the adjoining site to the south. The proposed development would result in a 5th house in a row along a stretch of 125 metres of rural road.
- 7.6.2. The Planning Report did not address the issue of ribbon development in its assessment of the proposal.

- 7.6.1. It is considered that the proposed development would contribute to and result in the creation of road frontage type ribbon development along this stretch of rural road that would be suburban in nature and would detract from the character and visual amenity of the surrounding rural area. Such development would be contrary to the provisions of Section 10.5.2 of the County Development Plan which states that ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage. The creation of such ribbon development would also be contrary to the Sustainable Rural Planning Guidelines 2005 which recommends against the creation of ribbon development. For this reason, I recommend that the proposed development be refused permission.

7.7. Screening for Appropriate Assessment

- 7.7.1. The closest Natura 2000 sites to the appeal site are the River Boyne and River Blackwater SPA and SAC (Site Codes: 004232 and 002299) which are 6.5km to the north-west of the site. Taking into consideration the limited nature and scale of the proposed development, the north to south groundwater flow of the site and the distance of the site and absence of connectivity from the closest Natura 2000 site, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

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

It should be noted that the reasons cited refer to new issues in the appeal and require circulation to the parties, if the Board adopts this recommendation.

9.0 Reasons and Considerations

1. Having regard to observed waterlogged ground conditions and the high water table, the Board is not satisfied that the effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
2. It is the policy of the planning authority as set out in the current development Plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

27th November 2019