



An
Bord
Pleanála

Inspector's Report ABP-305741-19

Development	Construction of a dormer style house, detached domestic garage, septic tank, percolation area, entrance, and all ancillary site works.
Location	Ruan, Castleconnell, Co. Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	19/772
Applicant(s)	Michelle Quigley
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Michelle Quigley
Observer(s)	None
Date of Site Inspection	5 th December 2019
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.9 km to the south of Castleconnell in the townland of Ruan. This site lies between a local road to the west, which runs between Castleconnell and Lisnagry, and the rail line to the east, which runs between Castleconnell and Limerick City. Further to the west lies the River Shannon and further to the east lies the R445 and the M7. It is accessed via a farm gate off a minor local road, the L-5154-62, which forms a cross route between the said local road and the regional road via a level crossing.
- 1.2. The site is of regular shape and it extends over an area of 0.202 hectares. This site rises gently from the south, west, and north to a localised high point in the middle of its eastern boundary. Only the front boundary with the minor local road is enclosed at present, i.e. by means of hedging and fencing. The site forms part of a field, which is down to grass. This field adjoins another field to the north. Elsewhere, it is bound to the east and to the west by one-off dwelling houses, while on the other side of the said road there is a row of one-off dwelling houses.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a one-off dwelling house, which would comprise a single storey element with a first floor in the roof space above and a purely single storey element. Three-bed accommodation over a floor space of 207 sqm would be provided. The said two elements would be of rectangular form under a double-pitched roof. They would be linked by a subsidiary flat-roofed element. The major element would be finished in stone under a slated roof with zinc cladding to its box dormers. The minor element would be finished in plaster under a slated roof. An adjacent freestanding double garage would also be finished in stone under a slated roof.
- 2.2. The dwelling house and garage would be sited just inside the northern half of the site. The existing site access would be reused and formally laid out as a domestic entrance. This access would connect to a meandering driveway. The new boundaries would be denoted by means of hedging and fencing.

2.3. The dwelling house would be served by means of the public water mains. Foul water would be handled by means of a conventional septic tank and percolation area and surface water would discharge to soakaways.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was refused for the following reasons:

- The road serving the site is sub-standard in width, alignment, and surface condition and it has insufficient capacity to accommodate the additional traffic that would be generated by the proposal. Accordingly, it would contravene Objective IN 09 of the CDP.
- The site lies in an area of strong urban influence. In the absence of documentary evidence, the Planning Authority is not satisfied that the applicant meets the relevant provisions of Objective RS 01 of the CDP and so to accede to this proposal would materially contravene the objectives of this Plan with respect to rural settlement and it would militate against the preservation of the rural environment.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection, standard advice.
- Limerick City & County Council:
 - Engineering: Condition requested.

4.0 Planning History

Site

- Pre-application consultation (PP10720) occurred on 12th April 2019.

Adjacent site

- 10/1138: Dwelling house: Withdrawn.
- 12/0390: Dwelling house: Withdrawn.

5.0 Policy and Context

5.1. Development Plan

Under the Limerick County Development Plan 2010 – 2016 (CDP), the site is shown as lying within an area under strong urban influence for the purpose of the Rural Settlement Strategy. Applicants must therefore comply with Objective RS 01.

Under Objective IN 09, the CDP addresses sub-standard roads.

5.2. Natural Heritage Designations

Lower River Shannon SAC (002165)

5.3. EIA Screening

Under Items 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed, the need for a mandatory EIA arises. The proposal is for the development of a single dwelling house. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall so far below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant responds to the first reason for refusal as follows:

- The applicant undertook a topographical survey of the local road, which shows that this road is greater than 3m in width and the proposed site entrance would have uninterrupted sightlines along it.
- There is no Roads commentary on the file to support the Planning Authority's position.
- The portion of local road in question already serves 6 dwelling houses, the most recent of which was built under permitted application 17/376.
- Under the proposal, the roadside boundary would be set back, thereby improving sightlines for all road users.
- Existing residents raised no objection to the proposal.
- That a significant increase in traffic would be generated by the proposal, which is simply for a family home, is contested.
- Attention is drawn to the applicant's parents' home, which is 850m away from the site and her local place of work and rented accommodation and the local creche/school and clubs that her family attend. She states that there are no other sites in the locality and so her situation should be regarded as constituting exceptional circumstances. In this respect, she contests the fairness of the use of this phrase in Objective IN 09.

The applicant responds to the second reason for refusal as follows:

- The Planning Authority did not seek further information to make up any gaps in the documentary evidence needed to support her application.
- In addition to the originally submitted documentation, she has now included a copy of her birth certificate.
- Item (d) of Objective RS 01 is cited, i.e. "the application is being made by a local rural person(s) who for family and/or work reasons wish to live in the

local rural area in which they spent a substantial period of their lives (minimum 10 years).” The applicant states that she complies with this item, in the light of the following factors:

- She works in a local childcare facility that serves the surrounding rural area and she needs to reside close to this facility,
 - She is from the locality and wants for work and family reasons to reside therein, and
 - She and her children have always lived in the locality and they need to be near family members.
- A folio of her parents’ house is submitted to demonstrate that they have resided in their current property since 2003. (Before then she resided with them for the first 10 years of her life in the Castleconnell area).

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural Settlement Policy,
- (ii) Traffic and access,
- (iii) Visual amenity,

(iv) Water, and

(v) Stage 1 Screening for Appropriate Assessment.

(i) Rural Settlement Policy

7.2. Under the CDP, the site lies within a rural area that is deemed to be under strong urban influence. Thus, the applicant for the proposed dwelling house on this site must be able to demonstrate that she has a local need under Objective RS 01 of this Plan. The relevant criteria are as follows:

(a) The application is being made by a long-term landowner or his/her son or daughter, or

(b) The applicant is engaged in working the family farm and the house is for that persons own use, or

(c) The applicant is working in essential rural activities and for this reason needs to be accommodated near their place of work, or

(d) The application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they spent a substantial period of their lives (minimum 10 years).

7.3. National planning guidelines address the question of candidature for a new rural dwelling house most recently under National Policy Objective (NPO) 19 of the National Planning Framework (NPF), which states the following:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

7.4. The applicant has completed a supplementary application form. This form is amplified by her subsequent grounds of appeal. She cites criterion (d) of Objective RS 01 as the relevant one for her application. In this respect, she states that her family home is near to the site, i.e. Newgarden, Lisnagry, in which she resided between 2003 and 2013, prior to which she resided with them elsewhere in the Castleconnell area. She presently rents a property in Castleconnell, where she

works in a childcare facility that serves the surrounding rural area. Accordingly, she has always resided in this locality and she wishes to continue to do so: the subject site is the only one available for her to build upon.

- 7.5. Objective NPO 19 cites two core considerations that would justify the provision of a single dwelling house in a rural area such as the one in question, i.e. demonstrable economic or social need to live therein.
- While the applicant's place of work serves a rural hinterland, it is in Castleconnell and so it, doubtless, serves this town, too. I, therefore, do not consider that the applicant's employment can support her application.
 - The applicant has outlined her social circumstances. In this respect, my understanding of Objective NPO 19 is that it "raises the bar" by requiring that there be a demonstrable social need to live in a rural area. I consider that this test is not reflected in the provisions of the aforementioned criterion (d) and, as it is set out in the NPF, it takes precedence over the CDP.
- 7.6. In essence, the applicant's case appears to rest on the desirability of a dwelling house on the subject site, whereas, under Objective NPO, she would need to demonstrate the necessity of such residence. This Objective also refers to the need to have regard to the viability of smaller towns and rural settlements. In this respect, Castleconnell is one of a number of such smaller settlements in which housing is available and in which new housing could be provided.
- 7.7. I, thus, conclude that the applicant is not a candidate for a dwelling house on the site.

(ii) Traffic and access

- 7.8. The proposal would generate an increase in traffic along the minor local road that serves the site. This road is critiqued under the Planning Authority's first reason for its draft refusal. Thus, it is described as being sub-standard in width, alignment, and surface condition and the Authority concludes that it would have insufficient capacity to accommodate the additional traffic in prospect.
- 7.9. The aforementioned first reason cites the material contravention of the CDP's Objective IN 09, which states the following:

It is an objective of the Council to ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development will only be considered in exceptional circumstances. A presumption in favour of family members and long-term landowners will be considered in exceptional circumstances, where no alternative site is available, or where the only alternative access available is onto a strategic regional road as designated in the County Development Plan.

- 7.10. The applicant contests the applicability of Objective IN 09 to the road in question. She draws attention to a site survey of the portion of the L-5154-62, which passes the site. This survey indicates that the carriageway is consistently greater than 3m in width over this portion, i.e. between 3.035 and 4.322m. The applicant also contests that the proposed single dwelling house would generate significant additional traffic movements on this local road in a context wherein there are other existing dwelling houses accessed off it. She adds, too, that the proposed provision of a domestic entrance and accompanying sightlines would improve forward visibility for all road users.
- 7.11. Notwithstanding the foregoing paragraph, if Objective IN 09 is held to be applicable, then the applicant states that the “exceptional circumstances” clause should apply, insofar as there is no other site in the locality upon which she could build.
- 7.12. I note that Objective IN 09 refers to a number of characteristics of roads that can cause them to be considered to be “sub-standard”. In this respect, the applicant’s survey depicts only the western portion of the local road in question. While this portion comprises a single lane of varying width, it is supplemented by the setbacks to the dwelling houses on its southern side that function, in practise, as passing places. Beyond this portion, to the east, the road remains of single lane width, but it is of more pronounced variable horizontal and vertical alignment and it passes over a level crossing. Given these characteristics, I consider that Objective IN 09 is applicable.
- 7.13. I note, too, that whereas the traffic generated by the proposal may not lead to a 5% increase in traffic movements on the local road, i.e. the customary threshold of significance, insofar as it would establish an adverse precedent it could in conjunction with similar future proposals lead to such an increase.

- 7.14. The portion of the local road that passes the site is of straight horizontal alignment and so forward visibility along this portion is good. Within this context, the improvements cited by the applicant on foot of the proposal would make only a marginal contribution.
- 7.15. Objective IN 09 refers to “exceptional circumstances”. These are said to occur where no alternative sites are available to landowners or family members or where the only alternatives would entail access off more major roads. The applicant is not the landowner of the subject site and she is not related to the person who is. Thus, while she states that no other potential rural house plot is available to her in the locality, such non-availability is not linked to the other elements set out in the said Objective.
- 7.16. I conclude that the provisions of Objective IN 09 are applicable and so the addition of traffic movements generated by the proposal on the sub-standard L-5154-62 would be contrary to this Objective and good traffic management.

(iii) Visual amenity

- 7.17. Under Table 10.2 of the CDP, design guidelines for residential developments in rural areas are set out. Generally, the proposal would come within these guidelines.
- 7.18. The contemporary design of the proposed dwelling house and garage would, nevertheless, respect the vernacular. The visibility of these buildings from the adjacent local road would be assured by their siting on a slightly elevated portion of the site. The extent of such visibility would hinge on the degree of hedgerow loss along the site’s frontage, which may be necessary to secure the necessary sightlines at the proposed entrance. Such sightlines have not been made explicit on the submitted plans. During my site visit, I observed the presence of an appreciable verge along the said frontage and so hedgerow loss may, in practise, be limited, and, where unavoidable, it should be accompanied by replacement planting in a setback position.
- 7.19. The proposal would be compatible with the visual amenities of the area.

(iv) Water

- 7.20. The proposed dwelling house would be served by the public water mains. Irish Water raises no objection to the application.

- 7.21. With respect to foul water, the applicant has completed a site characterisation form, which, in the light of its favourable findings, recommends that a septic tank system and percolation area be installed. These items would be installed to the rear of the proposed dwelling house, i.e. in the northern portion of the site. As this portion slopes downwards in a northerly direction and the percolation area trenches would be laid across it, the distribution box from the septic tank would need to be up slope from the first of these trenches.
- 7.22. With respect to surface water, soakaways would be installed.
- 7.23. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.24. I conclude that the proposal raises no water issues.

(v) Stage 1 Screening for Appropriate Assessment

- 7.25. The site does not lie in any Natura 2000 site. While the Lower Shannon SAC lies 1 km to the north of this site, I am not aware of any source/pathway/receptor routes between it and this or any other Natura sites in the wider area.
- 7.26. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal 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. That permission be refused.

9.0 Reasons and Considerations

1. The site of the proposal is located within an "Area Under Strong Urban Influence" as set out in the Sustainable Rural Housing Guidelines. In addition, under National Policy Objective 19 of the National Planning Framework, it is national policy to facilitate the provision of single housing in the countryside, in areas under urban influence, based on the core consideration of demonstrable economic or social need to live in a rural area and having regard to siting and design criteria and the viability of smaller towns and rural settlements.

Having regard to the location of the subject site, within the catchment of Limerick City and its proximate to smaller settlements, and also having regard to the documentation submitted with the application, specifically, concerning (a) the applicants' work, which is not an agricultural based activity, and her place of employment in Castleconnell, and (b) the social circumstances of the applicant and her family, the Board is not satisfied that the applicants have demonstrated an economic and social need to live at this specific rural location, or that the applicant's housing need could not be satisfactorily met in a smaller town or settlement.

Accordingly, to permit this proposal, in these circumstances, would contravene National Policy Objective 19 of the National Planning Framework and so be contrary to the proper planning and sustainable development of the area.

2. Under Objective IN 09 of the Limerick County Development Plan 2010 – 2016, the local road, which would serve the developed site is, due to its single lane form and horizontal and vertical alignments, sub-standard. Accordingly, the introduction of additional traffic movements generated by the proposal, and the further additional traffic movements that may result from the adverse precedent that would be established by this proposal, would contravene the general prohibition upon additional traffic movements underlying this Objective. To accede to the proposal would thus be contrary to the principles of good traffic management and, as such, contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

4th February 2020