



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306447-20

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<b>Development</b>	Single storey dwelling, detached domestic garage, new domestic entrance, driveway, proprietary waste water treatment system and polishing filter, together with all associated site works
<b>Location</b>	Clonfane, Trim, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	TA190891
<b>Applicants</b>	Clare Mullen & Anthony Webster.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Anthony Coyne
<b>Date of Site Inspection</b>	25 March 2020
<b>Inspector</b>	Dolores McCague

## **1.0 Site Location and Description**

- 1.1.1. The site is located along local road L40131-0 at its junction with regional road R-154. The site is accessed from the local road. Ground level within the site rises from both roads and where it fronts the local road it includes a former quarry. The quarry has steeply sloping faces. Ground level in the area rises southwards. Ground level along the road also varies from 67.36 at the roadside corner to 71.58 at the southern end of the recently erected fence, from which the road continues to rise southwards. The site is roughly rectangular in shape with the long axis running parallel to the road. The site bounds the road for about half its length, with the remaining half being separated from the road by adjoining land which narrows northwards. A dwelling adjoins the southern boundary. It's associated grounds extends as a narrowing strip of land between the subject site and the public road almost as far north as the proposed access, to about mid point of the subject site. That dwelling is sited on higher ground than most of the subject site. There is an electricity distribution line running across the site and a utility pole located centrally within the site.
- 1.1.2. This site is given as 0.99 ha.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is the erection of a single storey dwelling to be served by a bored well water supply, the erection of a detached domestic garage, the creation of a new domestic entrance and driveway, and the provision of a proprietary waste water treatment system and polishing filter, together with all associated site work.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority decided to grant permission for the proposed development subject to 17 no. conditions, including:

3) Prior to the commencement of any other work on site, all existing electricity wires and utility wires traversing the site and associated poles and support structures shall be either placed underground within the site or suitably relocated to the satisfaction

of the planning authority. The applicant shall liaise directly with the relevant utility provider in relation to this issue. Compliance with this condition shall be subject to the prior written agreement of the planning authority.

4) The finished floor level of the proposed dwelling and the proposed garage shall be 70.00m relative to the near edge road level of 70.15m at the proposed entrance. The ridge level of the dwelling shall not exceed 76.15m. Prior to the commencement of any work on site, the applicant shall submit a revised site plan, scale 1:500 and revised elevation drawings which clearly show the reduced finished floor level of 70.00 metres and the reduced ridge level of 76.15 metres. Compliance with this condition shall be subject to the prior written agreement of the planning authority. No deviation from the above finished floor levels and ridge levels shall be permitted unless otherwise agreed in writing with the planning authority.

5) Prior to the commencement of any other work on site and within 3 months of the date of the final grant of this permission, the applicant shall present a revised dwelling design proposal to the planning authority for written agreement, The revised dwelling design proposal shall incorporate the following specific design changes:

The roof of the proposed rear return, on the north elevation, over the proposed master bedroom, corridor and associated ensuite and wardrobe, shall be stepped below that of the ridge of the remaining rear return. No deviation from the above finished floor levels and ridge levels shall be permitted unless otherwise agreed in writing with the planning authority. Compliance with this condition shall be subject to the prior written agreement of the planning authority.

6) a) Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall consist of timber fencing back planted with hedgerow or species native to the area.

b) Prior to occupation of the subject dwelling the applicant shall implement the proposed landscaping scheme received by the Planning Authority on 01/11/2019. The applicant shall inform the planning authority in writing, prior to the occupation of the dwelling house that the landscaping scheme has been implemented.

c) the planting shall commence no later than the first planting season following commencement of development...

15) development contribution of €4,950 towards roads.

16) development contribution of €3,600 towards social infrastructure.

17) development contribution of €450 towards surface water.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

3.2.2. There are two planning reports on the file; the first recommending a request for further information, includes:

- The application site is situated within a rural area under Low Development Pressure. Relevant policies RD POL 6 and RD POL 7.
- The application site is situated within a rural area under Strong Urban Influence.
- According to the local needs form the applicant is seeking permission as a person who has spent a substantial period living in this rural area as a member of the established rural community. A list of documents provided with the application is referred to.
- The proposed development, if permitted, would be the 5<sup>th</sup> dwelling along a 250m stretch of road and the 6<sup>th</sup> along a 300m stretch.
- The Sustainable Rural Housing Guidelines for Planning Authorities is cited.
- It is understood that the applicant's homeplace is located on the opposite side of the R154 approx. 73m to the east of the subject site.
- There is concern that the dwelling may be excessively long at 22.5m and somewhat prominent when viewed from the R154. The applicant should be requested to justify this element of the design by way of a photomontage from the R154 north, a section looking south, a detailed landscaping plan which illustrates proposals to retain and augment existing hedgerow, particularly along the R154, and relocation of the proposed garage to the southern side of the site.
- Re access – the Transportation Department has raised no objection, subject to conditions.
- The Environment Department has raised no objection, subject to conditions.

- Recommending FI on three points, which issued 27/8/2019.

### 3.3. Other Technical Reports

3.4. Environment Section – no objection subject to conditions.

3.5. Transportation - no objection subject to conditions.

- Sightlines of 90m to the south and 75m to the north as far as the junction with the R-154 from a setback of 2.4m, have been shown on the site layout plan. The applicant has demonstrated sightlines of 90m to the south and has given appropriate information to satisfy that sightlines will not be affected by an existing newly constructed fence. Sightlines of 75m to the junction with the R-154 to the north are available. This is considered acceptable given that the speed of traffic coming off the junction will be low.

- The applicant proposes to close two existing accesses to the lands and to use the new recessed entrance only. The applicant also proposes to set back the boundary along the L-40131 at the north west of the property which would improve visibility at the junction. This would also help to facilitate any future junction improvement scheme.

- Conditions:

Remove and set back the roadside boundary along the L-40131 as shown on the site layout plan. The new boundary hedge should be a minimum of 3m from the road edge.

The entrance piers should be set back a minimum of 3m from the road edge.

The entrance gates shall be recessed at least 7m from the edge of the road to allow a vehicle pull in fully off the road prior to opening the gate.

### 3.6. Further Information Request

3.6.1. FI issued on three points, 27/8/2019:

- 1) Regarding design of the dwelling with associated rear annexes, the proposed side, north elevation has an overall length of 22.5m. There is a concern that this length is excessive and may need to be reduced in order to address potential visual prominence; and requesting:

a section

a photomontage from the R154

relocation of the proposed garage

2) Proposals for landscaping

3) Re third party submission – inviting responses.

3.6.2. The response to the further information request, received 1/11/2019, includes:

Proposing a reduced building length; 1.6m reduction to that previously proposed.

The ridge height has been further reduced to 76.85m.

The split level plan responds to the contours of the site.

Dense screening is proposed along the eastern site boundary.

Retention and augmentation of the existing established hedgerow along the R154.

A section is provided which includes proposals for landscaping and proposals to retain and augment existing hedgerow.

Revised drawings show boundary treatment and relocation of garage.

Responding to the third party submission – it refers to a withdrawn application regarding which there is no comment. Other issues are addressed in an attached submission, including reference to the erection of a fence along a previously unfenced road verge by the appellant, since the application was lodged.

### 3.7. Further Reports

3.7.1. The second planning report deals in some detail with visual impact, noting the reduction in length by 1.6m; that the earlier, withdrawn, house design was for a 2 storey dwelling; that the previous ffl (finished floor level) was 71.3m and the ridge level 78.33m, the current proposed ffl is 70.7 and ridge level 76.85: a ffl reduction of 600mm and of ridge level 1.68m; the proposed garage has been relocated and has a proposed ffl of 70.00m; the road level, intersection of the R154 and the local road, is estimated to be 67m (OD) which means the ffl is 3.7m higher, although set back over 45m from the near edge of the R154; the near side road level at the entrance, off the minor road is 70.15m, which means that the proposed ffl of 70.7m is 550mm above the road level; the appellant dwelling has a ridge level of 78.89m relative to an

approximate road level of 71.61m; the proposed ridge level of 78.89 is 2.04m below that of the adjacent dwelling and 6.7m above road level at the entrance (70.15).

- 3.7.2. Further amendments are recommended:
- 3.7.3. A further reduction of 700mm in the finished floor level from 70.7m to 70m, consistent with the proposed ffl of the relocated garage.
- 3.7.4. A revised northern elevation which shows a step in the roof level of the rear return serving to break up the overall length of the dwelling.
- 3.7.5. Full implementation of the proposed landscaping plan to the satisfaction of the planning authority.
- 3.7.6. Limiting the subject site to 1 dwelling.
- 3.7.7. Relocating/ undergrounding of existing electricity poles and wires traversing the site.
- 3.7.8. The subject site is in an area of low development pressure, per development plan policy, no occupancy condition should be attached.
- 3.7.9. Recommending permission, which issued.

### 3.8. **Third Party Observations**

- 3.8.1. Third party observations on the file have been read and noted.

## 4.0 **Planning History**

TA181156 application for permission for dwelling withdrawn 08/05/2019.

To south

TA110152 permission for refurbishment and alteration to existing dwelling refused for reason:

The proposed extension design as submitted would be contrary to Section 10.1.4.5 of the current Meath County Development Plan which aims to promote high quality design for house extensions which respect and appropriately integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc. the proposed development would be visually obtrusive and

detrimental to the visual amenities of this area and would be contrary to the proper planning and sustainable development of the area.

TA110467 permission for construction of a storey and a half replacement dwelling etc granted.

To east

KA140336 permission for retention of alterations to the dwelling design granted planning permission under ref TA/50037.

TA50037 permission to demolish existing house and construct a two storey house, granted (2005).

## **5.0 Policy Context**

### **5.1. Development Plan**

RD POL 9 To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

While new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient. A building on an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. New planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development. Similarly a new building that relies on significant earth works, such as mounding or cut and fill for integration will be generally unacceptable.

### **5.2. Natural Heritage Designations**

- 5.2.1. The nearest Natura sites are River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232), located c1.4km to the west.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the limited nature and scale of the proposed development and 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. Anthony Coyne B Eng, has submitted this third party appeal. The grounds include:

- Loss of residential amenity.
- Traffic hazard.
- The design and character is not compliant with Meath's Rural Design Guide, Appendix 15 to the plan.
- The seven developments to the south have a similar character and relationship to neighbouring developments, and an established building line.
- Appellant's new home is on an existing farm holding with traditional farm buildings and on different levels. Designed to Meath's Rural Design Guide respecting established building line and area character.
- Drawing no 18032 002A states that the deviation from the existing established building line is due to the location and proximity of the existing redundant quarry works on the L40131. The result is that the development will:
  - Detrimentally impact the amenity of their development being sited in backlands;
  - Bears no relationship with character of neighbouring properties;
  - Does not adhere to Meath's Rural Design Guide.
- The development will result in loss of private residential amenity, contrary to policy RD Pol 9.
- The existing quarry raises design challenges, but it should not be a determining factor which would result in loss of amenity to their established development.

- Screen planting – the design incorporates minimal screen planting, this will not mitigate the impact. Citing section 10.7 of the CDP - While new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient. A building on an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. New planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development. Similarly a new building that relies on significant earth works, such as mounding or cut and fill for integration will be generally unacceptable.
- The decision does not take account of the irregular shape and topography of their established development.
- They see the value of the Rural Design Guide and would have expected development to fully adhere to it.
- Traffic Hazard – the sight distances and stopping sight distance are not in compliance with the current TII road geometry standards; from knowledge of the road and in his professional capacity working on behalf of Local authority Roads Departments and private practice traffic engineering consultancies.
- The local road is particularly narrow at the entrance and there is a steep decline to the R154. The L40131 is a heavily trafficked local road. The design speed of 80kph is regularly exceeded.
- The drawing 18032 006A identifies the entrance located on a sharp decline. It is also close to a curve.
- Drawing 18032 006A identifies sight lines. The red dashed line, vertical sight distance, is from the driver's eye level and is obstructed by the profile of the L40131 approximately 27m from the entrance. Vertical sight distance is significantly below the 90m required. This together with the narrow road would create a significant traffic hazard.
- Drawing 18032 006A identifies safe stopping distance for vehicles approaching the new entrance. Which due to the road profile is 41m. An unobstructed envelop of vision is not achievable due to the profile, and a safe stopping distance, in accordance with current TII road geometry standards,

would not be available for drivers approaching this new entrance. The traffic hazard for vehicles approaching this new entrance is significantly higher than depicted. The planning drawing is amended by using driver sightlines to demonstrate that at 71.61m the entrance is in a blind spot.

## 6.2. Applicant Response

6.2.1. Declan Brassil & Company Ltd has submitted a response on behalf of the applicant to grounds of appeal which includes:

- The applicants have satisfied the rural housing need requirements of S 10.4 of the development plan and this is not contested in the appeal. The applicants have lived at The Togher, Clonfane for the past 18 years and currently reside at the family home. They intend to move into their own residence having never owned a property. The proposed dwelling is located 73m west of the existing family home and will allow the applicants to continue living and working in the area. They have demonstrated a functional economic and social requirement for housing in the area. The principle is accepted.
- Design guide/building line and impact on residential amenities – the development has been designed in accordance with the Rural Design Guide. It is single storey, works with the topography and integrates with the landscape.
- The site rises from north to south dropping towards the west where historical localised extraction once occurred. The finished floor level is lowered into the landscape. Siting and floor level have had regard to the level of existing screening. Existing hedgerows are retained and replaced where setback requirements necessitated their removal. Design and materials follow guidelines: elongated windows, L shaped plan breaking the building into a number of elements, orientation to maximise solar gain, appropriate relationship with the roads and respecting adjoining properties.
- Re building line and residential amenity, due to the distance and screening the issue of residential amenity does not arise.

- The building line along the L40131 is disjointed. No visual or landscape amenity arises. Per Sec 3.1 of the Rural Design Guide front facing elevations parallel to the road are poor design. The building has been designed to maximise solar gain. The building is consistent with Sec 3.1 of the Rural Design Guide.
- The site is not backland development and due to its size, while it will result in six properties within c350m, it is not ribbon development.
- Re traffic safety, traffic flow surveys were conducted over a four day period and found the L40131 to be lightly trafficked, average hourly flow 15 northbound and 17 southbound between 7am and 7pm, the design speed is 60km/hr. Average speed at the proposed entrance was 50km/hr no recent accidents were identified. The Trafficwise report concludes that the proposed development will not give rise to traffic hazard and this conclusion is consistent with the assessment of the Transportation Department of Meath County Council.

6.2.2. A report prepared by 'Trafficwise' is attached which includes;

- Details of traffic volumes were recorded over a four day period Tue 4<sup>th</sup> Feb to Fri 7<sup>th</sup> Feb 2020, on a straight section of road approx. 30m south of the proposed access. Average hourly flow 15 northbound and 17 southbound between 7am and 7pm. Average weekly flow in the morning peak hour is 35 vehicles 20 northbound and 15 southbound. Traffic flows are low.
- Per DMRB, the principle design parameter is the design speed and that determines what visibility sightline criteria are suitable. The design speed is the 85<sup>th</sup> percentile wet weather recorded speed. Conditions were dry during the survey. The 85<sup>th</sup> percentile speed for northbound traffic is 62km/hr and for southbound 58km/hr - the design speed is 60km/hr and sightline required is 90m. This is the sightline provided at the proposed access.
- Drawing no 18032-006A 'Proposed Road Sections' submitted as the applicant's response to the RFI shows sightlines in both directions measured from the standard observer height of 1.05m at the site access.

- The appellant alludes to a traffic incident and mentions a specific date. Trim Garda Station have confirmed having no record of an incident on the day in question at the location.
- The RSA database records one collision on the R154, a single goods vehicle which resulted in one minor casualty.
- Extracts from TII DN-GEO-03060 Figure 5.16b Visibility Standards with a Curved Single Carriageway Major Road, which corresponds with TD 41-42/09 Figure 7/2, are given. They provide a Figure 2.3 which shows the sightline as a cord connecting the two ends of the sight distance.
- DN-GEO-03060 Table 5.4 provides standards for the measurement of the 'x' distance, for regional and local lightly trafficked roads 2.0m is required; and from an observer height of 1.05m to an object height of 1.05m, (Section 5.6.3.1 of DN-GEO-03060).
- The achievement of the 90m sight distance to an object height of 1.05m to the north is achieved. Visibility in the vertical plane is not interrupted. A vehicle approaching from the north at 90m can see a vehicle emerging from the driveway.
- The recently erected fences do not interrupt the sightline.
- Section 2.8 of the appeal is based upon indecipherable figures/plans that show measurements that do not accord with the standard measurement, are not comparable to the technical scaled drawings submitted by the applicant, and do not accord with the observable and measurable situation on the ground, as referenced in the Trafficwise document.

### 6.3. Planning Authority Response

6.3.1. The planning authority has responded to the grounds of appeal which includes:

- The planning authority is satisfied that all matters raised in the ground of appeal were considered in the assessment of the planning application. In relation to the alleged loss of private amenity the proposed dwelling is located approx. 76m from the appellants dwelling and site and will be subject to a comprehensive landscaping scheme and it is not accepted that the development would impact on private amenity.

- Re traffic hazard the Board will note this issue was part of the planning reports appraisal and will note the contents of the report from the Transportation Department which recommends permission.

#### 6.4. Further Responses

- 6.4.1. The appellant has responded to the applicant's response to the grounds of appeal, which includes:

##### Residential amenity

- The response does not take account of the irregular shape of their development.
- Fig 2 does not accurately reflect the relationship with their dwelling.
- The development does not comply with the Rural Design Guide.
- It will be the seventh, not sixth property.
- Section 1 of the applicant's response, which states that hedgerows will be retained except where setback was requested by the transportation section does not accord with condition 6(a).

##### Traffic Hazard

- Appellant challenges use of TII publication. Planning policy and development management are functions of the planning authority. Meath County Council RD POL 43 is the appropriate standard, which is quoted.
- The traffic count would equate to 174,356 which is a heavily trafficked local road.
- A traditional speed camera data does not form part of report to support indication of speed from ATC system; the speed bins do not identify the traffic type; mean speed calculations include extremely slow traffic, which in normal practice would be excluded.
- Mean northbound traffic speed, shown higher than southbound, would not be as witnessed.
- Appellant's previous comments regarding road safety have been misquoted. The submission elaborates.
- The method for selecting design speed is incorrect.

- The traffic report submitted does not include any road design calculation for safe stopping distance and does not show the entrance to be in compliance with RD POL 43.
- Envelop of vision is set out in both NRA and TII publications. Appellant has shown that there is a significant blind spot which falls below the envelop of vision. Photographs 2.2 and 2.1 do not correspond vis a vis observer height.
- The 'x' distance of 2m is not the required 2.4m.
- A relaxation to 2m would normally only be given where there are no other deficiencies. The 2m 'x' distance would result in a vehicle protruding onto the narrow road.
- Distance 'y' 90m at object height 0.6m, is prescribed in the NRA document.
- Photograph 2.1 is not taken from 2.4m 'x' distance. No flag pole height evidence was provided.
- Photographs, using a cone and staff to indicate 1.05m heights, from the site to 90m southward, are supplied. The vertical sightline is obstructed by the steep profile of the L40131. This is not a suitable location for a new development access.
- The response refers to the works carried out to their property, (provision of roadside fence), which was to safeguard the appellant's children.

## 7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, rural housing need, sightlines, residential amenity and visual impact and the following assessment is dealt with under these headings.

### 7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

### **7.3. Rural Housing Need**

- 7.3.1. The applicant has demonstrated a rural housing need and this is not contested in the grounds of appeal. The planner's report recommends that an occupancy condition should not be attached since the site is in an area of low development pressure. The Board may consider the attachment of such a condition appropriate.

### **7.4. Sightlines**

- 7.4.1. The grounds of appeal raises concerns in relation to the available sightlines; that the sight distances and stopping sight distance are not in compliance with the current TII road geometry standards. It states that the L40131 is a heavily trafficked local road; the design speed of 80kph is regularly exceeded; vertical sight distance, from the driver's eye level is obstructed by the profile of the L40131 approximately 27m from the entrance; due to the road profile stopping distance for vehicles approaching the new entrance is 41m. An unobstructed envelop of vision is not achievable due to the profile, and a safe stopping distance, in accordance with current TII road geometry standards, would not be available for drivers approaching this new entrance; the entrance is in a blind spot.
- 7.4.2. The applicant's response to the grounds of appeal, includes the results of a traffic survey. It demonstrates that the local road from which access will be taken has low traffic speeds and low traffic volumes, and requires sightlines of 2m x 90m.
- 7.4.3. The submission from Trafficwise refers to the achievement of the 90m sight distance to an object height of 1.05m to the north and that a vehicle approaching from the north can, at 90m, see a vehicle emerging from the driveway, such that visibility in the vertical plane is not interrupted.
- 7.4.4. Drawing no 18032-006A 'Proposed Road Sections' submitted as the applicant's response to the further information request shows that the sightline available to the north is 75m and to the south 90m. The Transportation report notes the available sightline to the north as far as the junction with the R-154, of 75m. The report states that the sightline of 75m to the junction with the R-154 is considered acceptable given that the speed of traffic coming off the junction will be low.



- 7.4.5. In a response to the applicant's response to the grounds of appeal, the appellant questions the relaxation of the 'x' distance from the standard 2.4m to 2m and reiterates that the road profile prevents 90m view in the horizontal plane at 1.05m above ground, but it does not state the actual extent of the view.
- 7.4.6. The planning authority have responded to the grounds of appeal stating that traffic safety was addressed in the planning reports on the file, and also in the report of the Transportation Section.
- 7.4.7. The Board will note that the photograph of the southward sightline provided by Trafficwise has an insert photo which shows the flag magnified. It is virtually impossible to see the flag with the naked eye in the other picture. It is worth noting that the flag pole appears to be located fairly centrally in the roadway. In the appellant's submission no magnified photo insert is provided and it would be very hard to identify the top of a cone at that distance. It is also worth noting that the cone appears to have been placed at the edge of the road. The reason for the discrepancies in the evidence presented by the parties is not otherwise apparent.
- 7.4.8. In responding to the applicant's response to the grounds of appeal, the appellant disagrees with the use of the TII standards although their use in the grounds of appeal is also noted. In my opinion the use of the most up to date standards is appropriate.
- 7.4.9. In my opinion the Board has sufficient information available on this file in relation to traffic safety. I am satisfied that the proposed access will be provided with adequate sightlines in the horizontal and vertical planes and that traffic safety should not be a reason to refuse permission.

## 7.5. Residential Amenity

- 7.5.1. The grounds of appeal raises concerns regarding detrimental impact on the amenity of their development being sited in a backland situation, and that the development would result in loss of private residential amenity, contrary to policy RD Pol 9. It states that due to the deviation from the existing established building line it will bear no relationship with character of neighbouring properties and does not adhere to Meath's Rural Design Guide.

- 7.5.2. The applicant's response to the grounds of appeal, states that the development is single storey, works with the topography and integrates with the landscape; siting and floor level have had regard to the level of existing screening; existing hedgerows are retained and replaced where setback requirements necessitated their removal; there is an appropriate relationship with the roads and with respecting adjoining properties; and that due to the distance and screening the issue of residential amenity does not arise.
- 7.5.3. The appellant's dwelling on the adjoining land is located very close to the common boundary and this may give rise to concern that there would be any change from the current use of the subject site as agricultural land/disused quarry.
- 7.5.4. Drawing no. 18032-002A shows that the proposed dwelling is located over 76m from the adjacent dwelling. The ground level of the site rises to the south and the siting and design of the proposed dwelling is such that there will be no impact on the residential amenities of the adjoining dwelling from the proposed dwelling.
- 7.5.5. The proposed development is set farther from the road than the adjacent dwelling but it is so far removed from that dwelling and the site is so well screened that it is not immediately viewed in relation to the adjacent dwelling.
- 7.5.6. The proposed development has considerable road frontage along both the local road and the regional road. Although part of the site is separated from the road by a narrow triangular portion of adjoining ground, of decreasing width northwards, it could not be described as backland development. Part, at least, of the narrow strip of the land associated with the appellant's dwelling, between the subject site and the road, has limited utility value due to its narrow width.

## 7.6. Visual Impact

- 7.6.1. The grounds of appeal raises concerns in relation to visual impact, that it will bear no relationship to the character of neighbouring properties and does not adhere to Meath's Rural Design Guide.
- 7.6.2. The applicant's response to the grounds of appeal, states that the development has been designed in accordance with the Rural Design Guide; and points out that the finished floor level is lowered into the landscape; and the design and materials follow

the guidelines: elongated windows, L shaped plan breaking the building into a number of elements, and point to its orientation to maximise solar gain.

- 7.6.3. There is less natural screening available from sections of the regional road. The planning authority had some concerns regarding the potential visual impact of the proposed development, particularly as viewed from the regional road, since the site is elevated and somewhat prominent as viewed from this direction and they raised those concerns in the further information request. The further information request referred to the design of the dwelling with associated rear annexes, the proposed north elevation overall length of 22.5m, and stated their concern that this length was excessive and may need to be reduced in order to address potential visual prominence.
- 7.6.4. The design before the Board has been arrived at through a longer process. The planner's report states that the earlier withdrawn house design was for a 2 storey dwelling. In the previous withdrawn application the ffl was 71.3m and the ridge level 78.33m, the subject development proposes a ffl of 70.7 and ridge level 76.85, a reduction of 600mm in the ffl and of 1.68m in the ridge level. In response to the further information request the dwelling was redesigned with a reduction in length of 1.6m from an overall length from 22500mm to 20900mm by reducing the bedroom wing from 13000mm to 11300mm, and with a width increase from 5700mm to 6200mm in the living area wing, giving a slight floor area reduction from 226.1 sq m to 225.80 sq m.
- 7.6.5. The relocation of the proposed garage also reduces the overall visual impact as viewed from the regional road.
- 7.6.6. The planning authority's decision requires a further reduction in ffl of 700mm from 70.7m to 70m, (consistent with the proposed ffl of the relocated garage), and a revised northern elevation which shows a step in the roof level of the rear return, to break up the overall length of the dwelling. These alterations, which are set out in conditions 4 and 5 of the planning authority's decision, have not been appealed by the applicant.
- 7.6.7. In addition to the building design and location, a detailed landscaping plan is proposed to supplement existing vegetation within the site.

7.6.8. In my opinion the proposed development, if implemented in accordance with the conditions as drafted, would not impact adversely on the visual amenities of the area.

## 8.0 Recommendation

8.1.1. In accordance with the foregoing I recommend that planning permission should be granted in accordance with the following conditions and for the following reasons and considerations.

## 9.0 Reasons and Considerations

The site of the proposed development is located in a rural area where the applicant has an established rural housing need and where, subject to the conditions set out hereunder, the proposed dwelling would not give rise to undue impact on the residential amenities of adjoining property or on the visual amenities of the area and would not constitute a traffic hazard; the proposed development would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 1 day of November 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The finished floor level of the proposed dwelling and the proposed garage shall be 70.00m relative to the near edge road level of 70.15m at the proposed entrance. The ridge level of the dwelling shall not exceed 76.15m. Prior to the commencement of any work on site, the applicant shall submit a revised site plan, scale 1:500 which clearly shows the reduced finished floor level of 70.00 metres. Compliance with this condition shall be subject to the prior written agreement of the planning authority. No deviation from the above finished floor levels and ridge levels shall be permitted unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
3.	<p>Prior to the commencement of any other work on site and within 3 months of the date of the final grant of this permission, the applicant shall present a revised dwelling design proposal to the planning authority for written agreement. The revised dwelling design proposal shall incorporate the following specific design changes:</p> <p>The roof of the proposed rear return, on the north elevation, over the proposed master bedroom, corridor and associated en-suite and wardrobe, shall be stepped below that of the ridge of the remaining rear return.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
4.	<p>Prior to the commencement of any other work on site, all existing electricity wires and utility wires traversing the site and associated poles and support structures shall be either placed underground within the site or suitably relocated to the satisfaction of the planning authority. The applicant shall liaise directly with the relevant utility provider in relation to this issue. Compliance with this condition shall be subject to the prior written agreement of the planning authority.</p>

	<p><b>Reason:</b> In the interest of safety.</p>
5.	<p>a) Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall include hedgerow planting with species native to the area.</p> <p>b) Prior to occupation of the subject dwelling the applicant shall implement the proposed landscaping scheme received by the Planning Authority on 01/11/2019. The applicant shall inform the planning authority in writing, prior to the occupation of the dwelling house that the landscaping scheme has been implemented.</p> <p>c) The planting shall commence no later than the first planting season following commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
6	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>
7	<p>a) The external finish and design detail of the dwelling shall be as shown on the plans submitted on 01/11/2019 unless otherwise agreed in writing with the planning authority. The use of brick or reconstituted stone shall not be permitted.</p> <p>b) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8	<p>Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network shall be implemented to the satisfaction of the planning authority and accidental soiling shall be immediately cleared up.</p> <p><b>Reason:</b> In the interest of traffic safety and convenience, and to protect the amenities of the area.</p>
9	<p>Any damage to the public road shall be made good to the satisfaction of the planning authority.</p>

	<p><b>Reason:</b> In the interest of traffic safety and convenience, and to protect the amenities of the area.</p>
10	<p>a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
11	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>



prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Planning Inspector

14 April 2020

Appendices

Appendix 1 Photographs

Appendix 2 Meath County Development Plan 2013-2019, extract.