



An
Bord
Pleanála

Inspector's Report ABP-306468-20.

Development	Construction of a single storey dwelling house, garage, wastewater treatment system, new entrance, boundary works together with all associated works and services.
Location	Kearntown, Drumconrath, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	KA181430.
Applicants	Sean McMahon & Sandra Carolan.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellants	Jackie O'Brien.
Observer(s)	None.
Date of Site Inspection	14 th day of March, 2020.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular triangular shaped appeal site, has a stated area of 0.43ha (1.07acres) and it is located in the Townland of 'Kearntown', c2.3km to the north east of Drumconrath and c5.8km to the west of the centre of Ardee as the bird would fly, in rural County Meath.
- 1.2. At the time of inspection, the site and the larger field it forms part of was in use as a grazing land for sheep. It is bound to south by a single storey detached dwelling that would appear to date to c1970s. The boundary between the two is mixed including comprising of a low solid wall and some non-native screen planting. The northern elevation of this dwelling contains a window that has unobscured views into the area of the field in which contains the site. Immediately to the south of this dwelling house there is a detached dormer dwelling. The two have a similar setback from the local road which runs alongside their western site boundaries.
- 1.3. Running alongside the northern boundary of the field in which the site is situated. This watercourse in the immediate vicinity of the site runs in a north-east and south-west direction following the contours of the drumlin landscape that characterises this locality. This watercourse is a tributary of the River Dee. Aligning with this watercourse are a number of mature trees of qualitative merit and beyond this watercourse to the immediate north of the field in which the site is situated is grazing land for horses which forms part of a small parcel of land that also includes a detached dwelling house, stables, outbuildings and other equine amenities. The dwelling house in this equine farmstead has a similar alignment to the previously referred to dwellings that are situated to the south of the site.
- 1.4. The ground levels of the site rise gently and steadily from the adjoining local road that runs alongside the western boundary of the site and the field in which the site is situated. The ground levels fall on the opposite side of the local road and these lands also consist of grazing land. Access to the site is via an agricultural gate located on the western boundary of the site.
- 1.5. Photographs taken during my inspection of the site and its setting are attached.

2.0 Proposed Development

2.1. Planning permission is sought for the construction of a single storey 3-bedroom dwelling house with a stated gross floor space of 227.1m²; a detached garage with a stated gross floor space of 47.45m²; a wastewater treatment system and percolation area; new entrance and associated roadside boundary works; together with all associated works and services. The initial application was accompanied by the following documentation:

- Covering Letter.
- Local Needs Form.
- Letter of Consent from Landowner.
- Site Assessment Report.
- Site Characterisation Form.
- Sundry documentation in support of the applicants, in particular, applicant Sean McMahon, having a need for a dwelling house at this particular rural location.

2.2. On the 29th day of October, 2019, the applicants submitted their further information response to the Planning Authority. New public notices were requested by the Planning Authority on the 5th day of November, 2019 and were provided by the applicants on the 22nd day of November, 2019. The applicant's further information response was accompanied by the following documentation:

- A letter from ATC – Building Surveying & Engineering Consultancy.
- Flood Risk Assessment.
- BRE Digest 365 Assessment.
- Revised drawings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **grant** planning permission subject to 15 no. mainly standard in nature conditions. Of note are:

- Condition No. 2(a): Requires a Section 47 agreement to be entered into.
- Condition No. 3(a): Requires a 10m maintenance strip to be retained.
- Condition No. 3(b): Sets the FFL of the dwelling at 100.00.
- Condition No. 6: Sets the gradient of the access road.
- Condition No. 9: Requires that existing trees and hedgerows be maintained.

3.1.2. I also note that this grant of planning permission is accompanied by 9 separate advisory notes.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **final Planning Officer's report** concluded with a recommendation to grant planning permission subject to conditions having considered that the applicants further information response was in general deemed to be acceptable and addressed the concerns raised in their further information request.

The **initial Planning Officers report** concluded with a request for further information on the following matters:

- Item No. 1: Revised entrance details and relocation of the access lane sought.
- Item No. 2: Revised Site Location Maps requested with these to include all lands required for the proposed development in red including visibility splays.
- Item No. 3: A Flood Risk Assessment was sought.
- Item No. 4: Clarity sought on surface water drainage.
- Item No. 5: Response to the 3rd Party submission was requested.

3.2.2. **Other Technical Reports**

- **Environment:** No objection, subject to conditions.
- **Water Services:** No objection subject to safeguards of the proposed development including permeable paving into the proposed driveway and that all works comply

with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments.

- **Transportation:** Report responding to the initial application only.

3.3. **Prescribed Bodies**

- **OPW:** No objection.

3.4. **Third Party Observations**

- 3.4.1. The appellant submitted an observation to the initial application submitted as well as the applicant's further information response. These raised similar issues to those raised in their appeal submission to the Board; but they also raise an additional issue of privacy and adverse visual amenity impacts on the setting of their property. No other 3rd Party submissions were received during the Planning Authority's determination of this application.

4.0 **Planning History**

4.1. **Site and Setting**

- 4.1.1. No recent planning history. Notwithstanding, I note a previous application was made by one of the applicant's family members on this appeal site which was withdrawn prior to a determination being made (Note: P.A. Reg. Ref. No. 130636).

5.0 **Policy & Context**

5.1. **National Planning Policy Provisions**

- National Planning Framework – Project Ireland 2040;
- Sustainable Rural Housing Guidelines for Planning Authorities, (2005);
- Code of Practice Wastewater Treatment Disposal Systems serving Single Houses; (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).

5.2. Development Plan

- 5.2.1. The Meath County Development Plan, 2013 to 2019, is the applicable plan for the area. Under this plan the site is identified in Map 10.1 of the Development Plan as forming part of a rural area “*under strong urban influence*” (Area 1).
- 5.2.2. Section 2.7 of the Development Plan in relation to such areas states that: “*this area exhibits the characteristics of proximity to the immediate environs or close commuting catchment of Dublin, with a rapidly rising population and evidence of considerable pressure for development of housing due to proximity to such areas. This area includes the commuter belt and peri-urban areas of the county, and the areas that are experiencing the most development pressure for one-off rural housing. These areas act as attractive residential locations for the inflow of migrants into the county*”. It also includes the following policies for such areas:
- RD POL 1: 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 POL 2: 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 POL 3: To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development. It also seeks to maintain the identity of these urban centres.
- 5.2.3. Section 10.5.1 of the Development Plan sets out the assessment criteria for proposals for one-off rural housing.
- 5.2.4. Section 10.5.2 of the Development Plan deals with the matter of ribbon development.
- 5.2.5. Policy RD POL 9 of the Development Plan requires all applications for rural houses to comply with the ‘Meath Rural House Design Guide’.

- 5.2.6. Policy NH POL 13 of the Development Plan seeks to encourage the retention of hedgerows and other distinctive boundary treatments in rural areas.
- 5.2.7. Section 10.19.2 of the Development Plan deals with groundwater protection.
- 5.2.8. RD POL 46 of the Development seeks to ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided.
- 5.2.9. Appendix 15 of the Development Plan sets out the Meath Rural House Design Guide.

5.3. Natural Heritage Designations

- 5.3.1. With a 15km radius there is one Natura 2000 site: The Special Protection Areas - Stabannon-Braganstown (Site Code: 004091)/ This is located c10.6km to the north east of the appeal site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature, scale and extent of the proposed development, the fact that the site is not in nor is in close proximity to any Natura 2000 site, the absence of any connectivity to any sensitive location due to the lateral separation between the site and the nearest Natura 2000 site, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development and 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. The grounds of this 3rd Party Appeal can be summarised as follows:
 - The appeal is made by the adjoining landowner to the immediate north of the agricultural field in which the appeal site is situated. It is indicated that their plot of land includes a dwelling, horse stable, sand manage and rotary horse exercise machine. It is further indicated that the appellant keeps, trains and breeds sports horses which are of substantial economic importance to her and her family.

- Concern is raised that the applicants have failed to demonstrate compliance with the Meath Rural House Design Guide; i.e. Section 2.1.3 which deals with the matter of sightlines and requires that a setback distance needs to be increased to 4.5m in the case of a combined residential and agricultural entrance. On this matter it is indicated that the site forms part of a field for which there is no other access but the one currently serving it onto the local road network.
- The sightline issues are compounded by the narrow road frontage with the applicants failing to demonstrate that they can provide sufficient lands to provide sightlines to meet the sightline setback of 4.5m.
- The proposed development will contribute towards an extended pattern of ribbon development emerging on this access road. It is contended that, if permitted, it would become the 10th house in a distance of 450m on one side of the road.
- The appellants property and outbuildings date back to the 1920s.
- The proposed building does not conform with the established building lines.
- The building design does not conform with the Meath's Rural Design Guide.
- The suitability of the site for the proposed development is questioned on a flooding perspective as the site is at risk from Fluvial flooding.
- Even though flood maps indicate that the lands should not flood in a one to 1000-year event, lands similarly classified to the north flooded in 2019.
- The impact of climate change can not be forecasted over the life of the proposed building.
- The suitability of the proposed sewage disposal regime is questioned.
- The possibility of pollution arising from seepage of sewage is a real possibility at this location.
- Water levels in the vicinity are contended to rise significantly in the adjacent watercourse without extra ordinary rains.
- This application fails to indicate the proposed house relative to the existing stables and equine training area. This concern is furthered heightened having regard to horses being recognised as being flight animals.

- The proposed development would result in adverse nuisance to their equine facility.
- There are other more suitable sites that could accommodate this proposed development on the landholding.
- The lands in which the site is located have been subject to artificial drainage which has impacted and increased the amount of flood water discharged downstream of the lower reaches of the River Dee.
- Procedural concerns are raised in terms of the Planning Authority's handling of this application.
- The applicants flood risk report disregards the impact of the combined River Dee – River Garra floodplain.
- The applicants have not demonstrated a need to reside in this rural area nor have they demonstrated their place of employment over the last 5-years.
- The appellant seeks that the Planning Authority's decision is overturned.

6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- The concerns raised by the appellant have been taken into consideration by the Planning Authority prior to their determination of this application.
- Reference is made to the Planner's Report who considered that the design of the dwelling is representative of traditional rural forms.
- The Planning Authority's Transportation Department raised no objection to the proposed development.
- The contention that the proposed development would give rise to ribbon development is not correct.
- The contention of the accuracy of the assessment provided by the applicants on the matter of flooding is subjective and it is not based on any factual interpretation of the criteria used in the DoEHLG/OPW publication 'The Planning System and

Flood Risk Management, Guidelines for Planning Authorities' and the Councils Mapinfo flood mapping for this locality.

- Following the further information request the applicant revised the technical assessment for the site.
- The Site Characterisation Report was prepared by an Indemnified and EPA approved site assessor and Condition No. 10 provides sufficient assurance that no public health impacts would arise.
- The local need of the applicant is established by his significant involvement in agriculture and his continued growth as well as development of his agricultural enterprise.
- The site chosen is the optimum location for the successful management of the farm as it is contended that the applicants father intends on providing a viable farm unit to them.
- There is an existing mature hedgerow between the applicant's site and the appellants property as well as the 10m wide OPW maintenance strip.
- The proposed dwelling would be located over 85m from the appellants dwelling.
- There is no evidence to support that the proposed development will result in a nuisance.
- The applicant supports and cares for his parents who are now in their 70s.
- The SSFRA determined that the site was not at flood risk and that the construction of the development would not cause flooding of any adjoining properties.
- There is no evidence to suggest that the proposed development would negatively impact on the appellants equine activities and the applicant is equally entitled to sustain a livelihood from his farm enterprise.
- The applicant is willing to accept the occupancy clause imposed under the grant of permission.
- All reasonable measures have been in the design and layout to have due regard to the residential amenity of the appellant.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority's response can be summarised as follows:

- The issues raised by the appellant have been addressed in the Planners reports dated the 29th day of January, 2020, and the 13th day of December, 2019.
- The applicant is a *bona fide* farmer and has a demonstratable social and economic need to live at this rural site on family lands.
- The Board is requested to uphold the decision of the Planning Authority.

7.0 **Assessment**

7.1. **Overview**

7.1.1. I consider the key planning issues relating to the assessment of this appeal case are:

- Principle of Proposed Development.
- Design and Visual Amenity Impact.
- Drainage.
- Flooding.
- Residential Amenity Impact.
- Access.
- Other Issues Arising.

7.1.2. For clarity I note that my assessment below is based on the proposed development as revised by way of the applicants further information response as this puts forward qualitative improvements to the proposed development sought alongside provides additional clarity on significant matters of environmental concern that were raised by the Planning Authority in their further information request.

7.1.3. The matter of 'Appropriate Assessment' also needs examination.

7.2. **Principle of the Proposed Development**

7.2.1. The appeal site is located in an area that lies outside of a designated settlement and in an area defined as being under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005.

- 7.2.2. This is likely due to a number of locational factors including but not limited to its proximity to a number of large urban areas, in particular Dublin city, but also the strong urban structures present in Navan, Ardee, Dundalk and Drogheda, for example, together with the sites close proximity to a number of principal national transportation corridors including the N2 and M1 corridors with the site also being within easy reach of Dublin Airport.
- 7.2.3. The National Planning Framework states that the *“Irish countryside is, and will continue to be, a living and lived in landscape focusing on the requirements of rural economies and rural communities, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities”*.
- 7.2.4. It also recognises that there is a continuing need for housing provision for people to live and work in the countryside and it indicates that careful planning is required to manage the demand in our most accessible countryside around cities and towns.
- 7.2.5. In this regard it advocates focusing on the elements required to support the sustainable growth of rural economies and rural communities.
- 7.2.6. It goes on to state that: *“it will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns”*, with this being subject to site, and design considerations.
- 7.2.7. In keeping with this National Policy Objective 19 states inter alia: *“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 areas and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”*.
- In addition, National Policy Objective 3a sets out an objective to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.

- 7.2.8. In relation to the local planning policy provisions Chapter 10 of the Meath County Development Plan, 2013 to 2019, sets out the planning policy approach for rural development with it setting out its key strategic objectives as including RUR DEV SO 6 which seeks: *“to protect and enhance the visual qualities of rural areas through sensitive design”*.
- 7.2.9. It also includes strategic policies such as RUR DEV SP 1 under which the Planning Authority advocates a tailored approach to rural housing in order to distinguish between rural generated and urban generated housing alongside recognising the individual rural area types.
- 7.2.10. In relation to rural area types, the site is located in ‘Area 1’, an area that the Development Plan recognises is under ‘Strong Urban Influence’.
- 7.2.11. The relevant policies for this area include policies RD POL 1 which seeks to ensure that individual house developments satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to normal planning considerations; RD POL 2 which essentially seeks to direct urban generated housing to towns and villages in the area of the Development Plan; and, RD POL 3 which seeks: *“to protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development”*; alongside: *“maintaining the identity of these urban centres”*. In a manner consistent with national planning policy provisions there is a general presumption against the principle of such developments on un-serviced lands outside of settlements.
- 7.2.12. Based on an examination of the documentation on file, it would appear that one of the appellants, i.e. Sean McMahon, has a particular intrinsic link to this local area of ‘Kearntown’ due to it being the townland containing his parent’s home where he contends he resides and also containing the family farm. From the local needs form provided the other applicant, Sandra Carolan, would appear to have links to the townland of Clontail, which is a townland c9.5km to the south west of the site and whose place of employment is indicated to be in Greenore, Co. Louth, which is c52km to the north east of the site. I consider that this lateral separation between the two places and the site does not demonstrate any intrinsic links to the locality in which the site itself is based. I also note in relation to the applicant Sandra Carolan that no

substantive evidence has been provided to support that she has resided in Clontail for the past 5 years or otherwise.

- 7.2.13. The suite of supporting information for the proposed dwelling house at this particular rural locality relates to Sean McMahon and in relation to occupation it is indicated that he is a 'farmer' who works for a named person in Ardee, for which publicly available information does appear to support that whilst this person appears to have a beef and tillage farm his principal commercial activity relates to the operation of a contracting crimping, dry rolling, ploughing, sowing, hedge-cutting and the like business in wide geographical location from the base of his operation in Stickillen, Ardee, Co. Louth which is c10km from the site. Based on the size of the said persons farm and his other agricultural commercial operations it is unclear based on the size of this said persons farm whether or not the applicant is solely engaged in working on their farm or on the various machines which are contracted out to certain agricultural machined based works. I therefore would accept that it is probable that this applicant is working in agriculturally based industry; however, in saying this there is no concrete demonstration of the same in the documentation provided.
- 7.2.14. The applicant has not provided any substantive links to being active through to having any responsibility for the day to day management of his family's farm. In addition, he has demonstrated no economic or substantive other link to the family's farming activities at this location nor has he demonstrated that he is engaged in his own right in any other tangible rural based activities or enterprise that would necessitate a dwelling at this location or indeed any of the other land units that make up what appears to be size wise a modest family landholding itself. There is a contention in the documentation provided that this applicant may in time be provided by a viable unit within the family landholding itself. This is not backed up with anything concrete to support that his is a genuine likelihood nor is any further clarity given on this matter and whether or not that would necessitate proximity itself or include the family farmyard complex c300m to the north of the site.
- 7.2.15. Further, he has not substantiated in the documentation provided that in terms of place of residence for the past 5 years that he has actually resided in their family home of Kearntown. This is purported to be the case and that he has lived there since 1989 but this is not demonstrated in the supporting documentation provided.

- 7.2.16. Moreover, there is nothing to substantiate that he is required to provide help for his parents either in terms of the running of the farm through to them requiring any special health care issues that require to have this applicant living close at hand or that his work commitments are such that in either event that this forms a large part of his everyday priorities.
- 7.2.17. I raise concern that the documentation submitted with this application does not demonstrate by way of substantive evidence that either applicant, meet the requirements for a dwelling house at this location based on current local through to national planning policy provisions. The contentions that suggest that this particular applicant is a *bone fide* agricultural worker in the family's farm is not supported by the information provided on any level. The provision of a viable farming unit within the family's fragmented and not expansive landholding does not appear to be evidentially supported as a genuine likelihood through to genuine probability. In addition, this landholding now contains multiple one off dwellings for other members of his family.
- 7.2.18. In my view it is questionable the sustainability of having multiple one-off dwellings permitted within modest family landholding in the recent decade, *albeit* being fragmented in its physical form, in an area under strong urban pressure.
- 7.2.19. From examination of the planning history in the immediate area and as confirmed in the documentation submitted with this application it is a certainty that a minimum of three of Sean McMahon's siblings have obtained planning permission on the family landholding. These are Padraig McMahon under P.A. Reg. Ref. No. KA110517; Peter McMahon under P.A. Reg. Ref. No. KA120294; and, Sinead McMahon under P.A. Reg. Ref. No. KA140119. In relation to the family landholding I question the economic imperative of another dwelling house to be permitted where there is no demonstrable imperative economic or social need as opposed to desire to live in a locality. Whilst I accept that Sean McMahon has strong family links to this particular rural locality, I consider that having a genuine need and a desire are two separate scenarios. With this type of development at this location requiring a genuine economic and/or social need to be demonstrated.
- 7.2.20. An applicant's desire for such developments in the absence of a genuine demonstrated economic through to social need should not out weigh that of the common good in safeguarding of the countryside that is a valuable, limited and

precious resource on which we all depend. I also consider that this locality has limited capacity to absorb this type of development and its limited capacity should be in my view safeguarded for those who may genuinely have a need for such development in future but more important protecting land available for agricultural and rural bases enterprises.

7.2.21. The provision of further one-off dwellings with no demonstrable economic and/or social need is not in my view consistent with channelling such developments to serviced land within the footprints of existing settlements.

7.2.22. Based on the above considerations, to permit the proposed development sought under this application would be contrary to policy RD POL 1 of the Meath County Development Plan, 2013, through to National Policy Objective 19 of the National Planning Framework – Project Ireland, 2040, and would therefore be contrary to proper planning and sustainable development of the area.

7.3. **Design of the Proposed Development and Visual Amenity Impact**

7.3.1. The Planning Authority in this case were satisfied that the proposed development accorded with Meath's Rural Design Guide in terms of its overall design. Whilst I consider that the design of the proposed development, in particular, the dwelling house and garage, are of particular architectural merit and that the resolution itself is one that is a mismatch of styles being neither traditional or contemporary in terms of its characteristics and physical attributes. Notwithstanding, I consider, if permitted, it would have limited adverse visual impact on the amenity of its setting and improvements could be achieved through ensuring qualitative palette of materials through to a more qualitative roadside through to landscaping response. I base this conclusion on the following considerations:

- 1) The triangular shape of the site with its narrowest point and most restricted in length boundary adjoins the local road. At this point this site boundary and the appeal site to the east of it at its narrowest point measures c9m to the rear of the site. The site steadily widens out from this point to where it meets the easternmost boundary which has a stated length of 89.7m. This together with the drumlin undulating topography of the landscape, the built and natural features that are positioned in its immediate proximity. Particularly to the north and south of it. Alongside the said restricted in width roadside boundary with

the road at this point having a relatively straight alignment as it journeys through this locality with a north east and south west alignment would result in only limited localised views of the proposed detached dwelling and garage. In addition, the irregular triangular shape of the field, with the site narrowing towards the roadside edge, provides meaningful opportunities to provide robust and effective screening of the dwelling forward of its front building line.

- 2) The site benefits from an existing mature boundary that bounds the larger field in which the site is located. Of particular relevance to the site and the proposed development is the northern boundary whose indigenous hedgerow includes a number of mature and qualitative trees. The notable trees are largely confined to the westernmost portion of the northern boundary on the opposite side of an adjoining watercourse. Whilst the hedgerow and trees present are predominantly native deciduous species, they do offer a level of robust screening of the site and the larger field the site forms part of when one is journeying along the local road from which access is dependent upon in a southerly direction. Whilst I acknowledge that these trees are outside of the site area itself and the applicants control they do provide a qualitative backdrop that should be similarly reinforced within the northern portions of the site so that overtime within the confines of the site robust screening would be present should these trees be lost.
- 3) The proposed scheme includes planting along the southern side of the 10m maintenance strip. It is indicated that this would consist of native hedgerow and trees. No further clarity is provided by way of a detailed planting scheme. Notwithstanding, should the Board be minded to grant permission it would be appropriate that a landscaping scheme be required by way of condition and this condition could if the Board deem it would lessen the visual impact of the proposed development on its setting require a more qualitative landscaping response to a site where a dwelling house is proposed to be sited upon the higher ground levels within the site.
- 4) The single storey built form is not inconsistent with the residential built forms in this locality. Having inspected the site and its setting I note that the dwelling house adjoining the appeal site to the south is a single storey bungalow and adjoining it to the south is a dormer dwelling. To the north of the site there is a

mixture of single through to two storey built forms. Further with a finished floor level of 100 as I note is required under Condition No. 3(b) of the Planning Authority's notification to grant permission and as suggested in the revised suite of drawings submitted with this application the proposed dwelling would only be marginally higher than the neighbouring dwelling to the south of it. This dwelling has a stated finished floor level of 99.856. Altogether with the factors indicated previously, I consider that the single storey built form proposed would not be out of character or overbearing in its setting and it would be more readily absorbed than a dormer and/or two storey dwelling having regard to the topography of the site and its setting.

- 5) The position of the proposed dwelling house does not result in ribbon development as defined under the local through to national planning provisions. For example, I note that Appendix 4 of the Guidelines on Sustainable Rural Housing and Section 10.5.2 of the County Development Plan, defines ribbon development by way of example as 5 or more houses on one side of the road within a road frontage of 250m. This would not arise in this situation and in my view the concern in this locality is more the proliferation of one-off dwelling houses together with their lack of any tangible connectivity to the functioning of such rural localities through to their propensity to be characterised by their linear placement addressing rural roads through to the often suburban and lack of context dwelling types.
- 6) In relation to the front building line of the dwelling house proposed, I note that it does not conform with the setbacks that characterise dwellings within its immediate vicinity. Notwithstanding, I consider that in general rural areas traditionally did have a rigid uniformity and homogeneity in terms of the placement of residential structures. Subject to demonstrating a sensitivity in the design resolution to achieving a qualitative outcome that has minimal adverse impact on the amenities of its setting, including any established residential amenities where this is applicable, I consider this is not a stumbling block in terms of the proposed development put forward in this application.

7.3.2. Outside of the previous concerns raised in terms of the proliferation of this type of development in this rural location which is under strong urban influence I consider that

the other that there are no other substantive visual amenity impact grounds to refuse the proposed development sought in this application.

7.4. Drainage

- 7.4.1. According to the documentation submitted with this application a wastewater treatment system and percolation area are proposed. The accompanying Site Characterisation Report indicates that the soil type in the area consists of till derived chiefly from limestone, with bedrock consisting of Dinantian Lower Impure Limestone. The aquifer category is 'Poor' and vulnerability is 'Moderate'. The groundwater protection response is 'R1', i.e. the soil conditions are acceptable subject to normal good working practice with the area served by a group water scheme. It further indicates that the peripheral stream should be considered when deciding the position of the proposed percolation area and that there are no other receptors such as springs at extreme risk of contamination.
- 7.4.2. In relation to the On-Site Assessment it indicates that there is a slight fall of ground surface towards the stream in a north east direction and that the ground conditions appear to display very good drainage alongside the absence of peripheral drains is a good indicator of free draining soils.
- 7.4.3. In relation to the placement of the proposed percolation area it indicates that this is to be located where it can meet the minimum separation requirements from potential targets at risk in accordance with Code of Practice 2009 and ground water protection responses for on-site systems for single houses. It again recognises that the potential target at risk is the peripheral stream and that care should be taken to maintain adequate separation distances.
- 7.4.4. The trial holes encountered gravelly loam to a depth of 0.5m BLG, overlaying gravel, gravelly sand with clay encountered below 0.7m BLG through to a mixture of clayey sand to a depth of 1.1m BLG with sand, gravel and boulders present below 1.1m BLG to where the trial hole terminated at 2.1m BLG.
- 7.4.5. In relation to the percolation characteristics a T-value of 23.28 and P-Test of 33.67 recorded and that analysis of the trial hole profile shows stratification during deposition with the more relevant layer being the gravel layer at 0.5M BLG as it indicates that this is the generally the depth at which effluent is discharged to ground. This report

concludes that the site is suitable for a septic tank system and percolation area with discharge to ground water.

- 7.4.6. I consider that the test results recorded indicate that the site is suitable for the same in a manner that accords with the 'EPA Code of Practice on Wastewater Treatment and Disposal Systems Serving Single Houses', and that there is no evidence on which to substantiate that this would not be the case or that this component of the proposed development has the potential to be prejudicial to public health. I therefore raise no substantive concerns on the matter of drainage subject to standard conditions for these matters should the Board be minded to grant permission.

7.5. **Flooding**

- 7.5.1. As part of the applicants further information response a Flood Risk Assessment was carried out which I note was deemed to be satisfactory to the Planning Authority and together with the revised technical assessment of the site which increased the contributing catchment area, included a more detailed topographical study of the site and its setting, together with including the implications of including the 10m maintenance strip along the watercourse that bounds the northern boundary of the larger field in which the appeal site and limiting access to this to the OPW and for access to the agricultural land behind the revised site boundaries that resulted on foot of this assessment that they were satisfied that the proposed development, if permitted, would not remove the potential for floodplain storage in this area and that it would not have negative impact, in terms of flood risk, on the local drainage network, on properties in the vicinity, on the surrounding environment and human health.
- 7.5.2. I note that this Assessment concluded that having regard to all relevant sources of information on flooding including that available from the OPW and the Council's data on the same that the site is located on 'Flood Zone C' land as is the proposed entrance from which the dwelling would gain and benefit from public road network access that a justification test is not required. It further concludes that the site is acceptable from a flood risk perspective based on the assessment carried out.
- 7.5.3. I also can find no evidence to support that the site itself and in particular the location of the dwelling house, the driveway that would serve it, the entrance proposed onto the local road and the adjoining stretch of local road has been subject to flooding. This is not to say that in the wider locality and in the immediate vicinity of the watercourse

that runs alongside the northern boundary of the site that this is also the case as it would appear that there is evidence of flooding on neighbouring land and I did observe ponding at ground levels as well as high water in drainage ditches in the vicinity of the site during my inspection of the site and its setting.

- 7.5.4. I also note that the Flood Risk Assessment provided was based on a conservative approach and also made a 20% allowance for climate change in its calculations.
- 7.5.5. Whilst I am cognisant that the proposed development would comprise 'highly vulnerable development' within the context of the Planning System and Flood Risk Management Guideline for Planning Authorities, 2009, and having regard to the flood extent maps, I accept the Flood Risk Assessments findings that the location of the proposed development would be within Flood Zone C.
- 7.5.6. Having regard to the vulnerability matrix contained in Table 3.2 of the Guidelines, the proposal therefore represents appropriate development in terms of flood risk. The FRA submitted with the planning application comes to the same conclusion, however it also recommends a minimum finished ground floor level of 300mm greater than 26.12mOD to cater for 1 in 1000 year flood flows as during such an event it predicts that the flood flows of the river water levels is predicted to reach 26.12mOD. As such the additional 300mm above this level would satisfy the freeboard requirements as per the said Flood Risk Management Guidelines. I note that the assessment concluded that the road elevations at the front of the site is greater than the maximum calculated floor level and therefore the local road is not deemed to be at risk of flooding during an extreme event.
- 7.5.7. In this case I concur with the Planning Authority in that I am satisfied that the applicant has demonstrated that the proposed development is not at significant risk of fluvial, pluvial or coastal flooding, and that it will not result in an increased risk of flooding elsewhere in the vicinity of the proposed development.

7.6. Residential Amenity Impact

- 7.6.1. In relation to the proposed development and the potential for it to give rise in residential amenity impact on properties in its vicinity I consider that the insertion of a dwelling at this location would I acknowledge change the context and the setting for the properties to the north and south of it.

- 7.6.2. However, I consider that the potential for adverse and/or significant impact is limited to a reduction in privacy for these properties. In particular, the property to the immediate south of the site. I observed that it has a window located on its northern side elevation which is positioned c5m to the south of the southern boundary of the site, the proposed driveway and proposed front garden area that would serve the proposed dwelling.
- 7.6.3. I am cognisant that the proposed design resolution does not propose to include any measures that would block the views from this window out over the site from this window and proposes to leave the existing boundaries *in situ*.
- 7.6.4. I note that no objections were raised by way of the occupants of this property during the course of the determination of this application to date.
- 7.6.5. I consider that the provision of some level of screening in the form of individual standard trees on the southern grass verge that bounds the driveway would help to ensure that an appropriate level of privacy is maintained between the proposed dwelling and this adjoining existing dwelling whilst still allowing the window on the northern elevation of this neighbouring home to gain light and air for the interior space it serves.
- 7.6.6. In addition, such a provision potentially could lessen the perception of overlooking that could arise from the use of the proposed driveway and the amenity space provision to the front of the proposed dwelling from the internal space that the said window serves due to the current openness of the boundary at this point and also into this property's rear private amenity.
- 7.6.7. I note at the time of inspection it was not possible to ascertain the robustness and quality of the existing hedgerow to the rear of this adjoining property as well as along the easternmost end of its northern boundary. Equally the provision of further tree planting along the southern boundary could also further safeguard the established amenities of the adjoining property to the north. However, there is a more significant lateral separation distance between the two.
- 7.6.8. Outside of this concern which I consider could be amply dealt with by way of requiring a site context appropriate landscaping scheme I am satisfied that the proposed development, if permitted, would not give rise to any undue residential amenity impact on properties in the vicinity.

7.7. Access

- 7.7.1. The Planning Authority is satisfied that the necessary sightlines can be achieved and maintained by the appellants for the proposed dwelling and access to the maintenance strip through which access would be achieved to the parcel of agricultural land that the site forms part. Notwithstanding, I concur with the appellant in this situation that the documentation submitted does not demonstrate that the required sightlines in either direction for a road that has a speed limit of 80kmph can be achieved on the road for which a separate access is proposed to serve the dwelling house and also to provide access to the maintenance strip/agricultural land to the rear of the site.
- 7.7.2. I also concur that the entrance as proposed conflicts with the Meath Rural Design Guide minimum criteria for such a development (Note: Section 2.1.3) in relation to this matter and that Section 15.10.1 of the Development Plan requires such applications to comply with the provision of this Guide.
- 7.7.3. I am not satisfied based on the information submitted with this application both the original application and that in the further information response that the required sightlines can be achieved for the entrance serving the dwelling house or indeed for the additional entrance proposed to serve the maintenance strip and the agricultural land. Whilst in terms of the latter the journeys generated to the same are likely to be less the repositioned entrance in the form proposed still has the capacity to result in conflict with other road users which I consider to not be acceptable.
- 7.7.4. I am also not convinced that the applicant can achieve the required sightlines to serve an entrance to a dwelling house at this location as there are obstructions present in either direction in the immediate vicinity of it which are outside of the applicants legal control with no indication that consents have been obtained for any modifications to ensure that the sightlines can be modified alongside be maintained in the long term by the applicant or any other party in the future who the ownership of the dwelling house may change to.
- 7.7.5. Based on the above considerations, if permitted, the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a modest in width local road that contains no hard shoulder at a point where sightlines are restricted in both

directions. As such the proposed development would be contrary to the proper planning and sustainable development of the area.

7.8. Other Matters Arising

7.8.1. **Potable Water Supply:** A potable water supply is available subject to connection running along the roadside boundary of the site. There are no capacity, connection or other concerns apparent or raised on file.

7.8.2. **Nuisance:** The concerns of the appellant in relation to the potential adverse impacts that could arise from the proposed development should planning permission be granted. I acknowledge that the appellants concerns extend to her equine business that operates alongside her residence on the adjoining lands to the north of the subject site.

I consider that the potential for nuisances has been somewhat lessened by the revised layout that includes the provision of 10m maintenance strip together with the relocation of the buildings on the appeal site on foot of the revisions made responding to the Planning Authority's further information request.

In addition, I consider subject to standard safeguards during the construction phases including but not limited to restrictions in hours, noise, dust and the like I consider that the potential for impact would be a short term impact and it should not be excessive given the nature, scale and extent of development proposed.

Moreover, I am not inclined to consider that the occupation of the dwelling house would give rise to any significant excessive nuisance over and above that one would normally expect in this rural locations which includes the husbandry of the land, contains a number of other residential properties within the immediate vicinity through to the presence of a local road that despite its restricted width I observed catered for a consistent volume of various types of traffic, particularly traffic journeying in a southerly direction.

7.8.3. **Procedural:** The appellant raises procedural concerns in relation to the Planning Authority's handling of the subject application with particular concerns raised in relation to the time provided for responses to be received for 3rd Party submissions and the information provided to the Planning Authority for the assessment of the proposed development.

On these matters I firstly note that I consider that the information on file and as revised by the further information request are adequate for the Board to make a determination of this case.

I secondly note that concerns raised in relation to the Planning Authority's procedural handling of this application that the Board does not have an ombudsman type role to deal with such matters and for clarity its role is restricted to a *de novo* consideration of the proposed development sought under this application only. As such these concerns should be addressed to the Planning Authority for them to address as they see fit.

8.0 Screening for Appropriate Assessment

- 8.1.1. As set out in Section 5.3 of this report above the closest and only Natura 2000 site within a 15km radius of the appeal site is the Special Protection Areas; Stabannon-Braganstown (Site Code: 004091). This is located c10.6km to the north east of the appeal site and I note that its generic conservation objective is to maintain or restore the favourable conservation condition of the Greylag Goose (*Anser Anser*) (Bird Code A043).
- 8.1.2. Having regard to the modest nature, scale and extent of the proposed development, the significant lateral separation distance between the site and the said Natura 2000 site; the lack of any evidence that would support connectivity between the two, the demonstrated capacity of the soils on site to accommodate surface water runoff and wastewater treatment within its confines in a manner that accords with best practice, 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.

9.0 Recommendation

- 9.1. I recommend that planning permission be refused.

10.0 Reasons and Considerations

1. Having regard to the proliferation of one-off housing in this rural location, to the number of similar development permitted within the family landholding, the location

of the site within an area designated an 'Area under Strong Urban Influence' in Meath County Development Plan, 2013 to 2019, to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities and to the National Policy Objectives of the National Planning Framework, which seek to manage the growth of areas that are under strong urban influence to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that either applicants come within the scope of the housing need criteria as set out in the relevant local through to national planning policy provisions.

The proposed development, in the absence of any identified locally based economic through to social need for a dwelling house at this location, would contribute to the encroachment of random rural development in an area of open countryside where there is a proliferation of such building types and it would militate against the preservation of the rural environment through to the efficient and sustainable provision of public services and infrastructure.

The proposed development would, thus, be contrary to the policies set out in the National Planning Framework and the Development Plan for this type of development, in particular National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of housing based on the core consideration of demonstrable economic or social need to live in a rural area. To permit the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a local road at a point where sightlines are restricted in both directions and the maximum posted speed limit applies.

Patricia-Marie Young
Planning Inspector - 30th day of April, 2020.