



An
Bord
Pleanála

Inspector's Report

ABP-307055-20

Development	Construction of a house, all ancillary site works and services
Location	Killina, Rahan, Co Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	20/24
Applicant	Geraldine Mulligan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal of Permission
Appellant	Geraldine Mulligan
Observer(s)	None
Date of Site Inspection	30.06.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located within the settlement of Killina, approx. 6km west of Tullamore, in central Co. Offaly.
- 1.2. The settlement mainly comprises some detached houses, a post-primary school and a church. The site is a greenfield site and comprises a fenced-off part of a larger field in the western area of the settlement. The boundary with the adjacent dormer house to the south west comprises a block wall. The site has frontage onto two different local roads. The proposed vehicular entrance is to the west of the site and there is also a narrow area accessing the local road to the south where there is a footpath. There is an existing vehicular entrance gate at this location, but it does not appear to be in regular use. Ground levels on site slope down in a south west – north east direction. The closest houses are south of the site. ESB lines traverse the site.
- 1.3. The site has a stated area of 0.216 hectares.

2.0 Proposed Development

- 2.1. The application is for permission for a house, effluent treatment system and percolation area.
- 2.2. The proposed house has a stated floor area of 82.2sqm with an indicated height of 4.138 metres. The house is externally finished in timber with a metal roof.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse the application for the following reason.

1. Policy SSP-15(i) of the Offaly County Development Plan 2014-2020 requires that development in Sraids, such as that proposed, have regard to and help to maintain the form and character of the Sráid concerned; developments are required to be high in quality, appropriate in scale and designed in a style

suitable for its location and context. It is considered that the proposed development having regard to its form and finish would be contrary to Policy SSP15, as the proposed development would be out of character with existing development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. The Planners Report is the basis of the planning authority decision. The report concludes that the proposed house is not in keeping with the established vernacular of the area and fails to meet the development objectives set out in the County Development Plan for single houses in the sráids.

3.2.2. **Other Technical Reports**

Area Engineer – Further information recommended in relation to sightlines.

Water Services – No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water – No objection. Observations provided.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

4.1. None relevant.

5.0 Policy Context

5.1. Offaly County Development Plan 2014-2020

5.1.1. In the settlement hierarchy Killina is designated as a 'Sráid'. A sráid is a very small, embryonic rural settlement of mainly housing but with some services. They evolved as a measure to act as an alternative to piecemeal development, provide alternatives for rural housing and to address rural depopulation and decline. Residential development appropriate in scale and character will be encouraged within the development envelope.

5.1.2. Sráids are specifically referenced in Policies SSP 15 and SSP 16 of Section 1.16 (Settlement Strategy Policies). Policy SSP 15 contains 12 no. subsections. Among the subsections are (a) which indicates that sráids can be promoted as limited opportunities for housing for urban dwellers who would not satisfy 'local need criteria' but who aspire to live in a rural environment, (f) which envisages primarily single-house developments and (h) which states sites should be a minimum half acre in size. Subsection (i) is specifically referenced in the planning authority reason for refusal. This states;

Policy SSP-15(i) – It is Council policy to ensure that developments have regard to and help to maintain the form and character of the Sráid concerned. The resulting development shall be high in quality, appropriate in scale and designed in a style suitable for its location and context. In particular,

- a) Proposed new access roads through previously undeveloped lands should be designed to create a 'rural' rather than an 'urban' impression. Roads which open up significant tracts of land relative to the existing size of the settlement should be designed by a suitably qualified professional with strong Landscape Architecture and design input.
- b) Boundary treatments, footpaths and lighting should reflect the rural character of the Sráid.
- c) Where a Sráid (or part of) is characterised by interesting building layouts, plans and designs, these should be retained and complemented, rather than replacement with more 'standardised' development styles to ensure a varied

character is maintained and to avoid typically suburban standardised developments.

- 5.1.3. A 'Sráid Plan' for Killina is contained within 'Volume 2: Settlement Plans'. Priorities include consolidation of development within the development envelope, to develop Killina in a coherent manner and to encourage further services to serve the wider population catchment. While it is a specific objective to provide for new development within the sráid envelope, development and design objectives are the promotion of small-scale, high quality, low-density development and new development should be based upon a consideration of the area's rural character. The site is part of a larger field within the development envelope identified as Objective 1 on the Killina Sraid Plan. It states these lands may only be developed to accommodate low density, clustered style development commensurate with the size and scale of the village set around an amenity focal point and that satisfactory access will have to be achieved.

5.2. Natural Heritage Designations

- 5.3. The closest Natura 2000 site is Charleville Wood SAC approx. 3.5km to the east. The closest heritage area is Grand Canal pNHA approx. 250 metres to the north.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made can be summarised as follows:

- The proposed house is small in scale and simple in design in keeping with the majority of existing houses and overall context of the sráid. The development is of a high-quality design. The external timber finish can be painted in a pastel shade in keeping with the rural setting.
- The house will achieve an A2 NZeb rating. 70% of construction materials are renewable.
- The external finish is cued for the external finish of the school extension. It is closer to the design considerations of the development plan than approved development in the area.
- It is extremely unreasonable that the application was refused without giving the applicant a chance to deal with aspects of the development the Council was concerned about by way of further information.
- The site is being purchased from a family member. It is located in a sráid and the house type is economically affordable.
- Very few houses have been constructed within sráids in the lifetime of the concept. Only one has been built in Killina. This is directly across from the site and is out of character with other houses by way of scale and design (P.A. Reg. Ref. 07/744 / ABP Reg. Ref. PL 19.227245 and P.A. Reg. Ref. 18/153 refer). Adjacent to that house the planning authority relaxed their understanding of SSP15-(i) to grant a very large house under P.A. Reg. Ref. 17/453.
- The Council permitted a modular, timber frame structure house in Banagher (P.A. Reg. Ref. 19/264).
- The Killina community has diminished considerably over the years. It is important to encourage development and to increase demographics which would help existing services and services that have closed to possibly re-open.
- The development does not contravene any of the subsections of Policy SSP-15.
- A photographic survey of houses in the vicinity has been submitted with the grounds of appeal as well as elevation drawings illustrating a painted timber finish.

6.2. **Planning Authority Response**

6.2.1. The planning authority respectfully requests the Board upholds its decision.

6.3. **Observations**

None.

7.0 **Assessment**

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Siting and Design
- Wastewater Treatment
- Appropriate Assessment

7.1. **Principle of Development**

7.1.1. The site is located within the development boundary of Killina which is designated as a sráid. Low density residential development is encouraged within these areas and compliance with the rural housing policy is not necessary. In principle, I consider the provision of a single house on a 0.216-hectare site is acceptable in principle.

7.2. **Siting and Design**

7.2.1. The site is a greenfield site and is fenced off from a larger field. The ground levels on site slope down in a north easterly direction. The proposed house footprint is located in the highest area of the site though this height is not excessive in the context of adjacent development. The development is of low density and is located within the development envelope of Killina.

- 7.2.2. The planning authority's Area Engineer report recommended further information in relation to sightlines. The speed limit at the proposed entrance location is 50kph. I consider that sightlines in a north westerly direction slightly in excess of 100 metres can be achieved as a result of the open space area on the opposite side of the local road. I consider that a similar sightline distance to the south can be achieved. The proposed entrance is located between an existing agricultural entrance and an existing residential entrance. Having regard to the site location within the sráid, the applicable speed limit and the sightlines available I consider the site and house location to be acceptable and no traffic hazard would result.
- 7.2.3. The proposed house is a modular house with a painted timber exterior and a metal roof. The planning application was refused by the planning authority because the form and finish of this structure would be contrary to Policy SSP-15 of the County Development Plan 2014-2020.
- 7.2.4. Policy SSP-15 of the County Development Plan 2014-2020 relates specifically to sráids and includes subsection (i) which requires that development has regard to and helps to maintain the form and character of the sráid with high quality development, appropriate in scale and designed in a style suitable for its location and context. With reference to this policy, and having considered the type of development within the sráid, I consider that the provision of a timber clad modular house would not be consistent with existing development at this location and would comprise a visually incongruous development. The Killina Sráid Plan states that it is an objective to promote high quality design.
- 7.2.5. The grounds of appeal refer to other development. While each planning application is considered on its own merits, the planning report for P.A. Reg. Ref. 19/264, for a timber clad house which does not appear to be of modular construction, noted that the site was located in the open countryside, had an area of 0.7348 hectares which allowed for significant landscaping, was 81 metres from the roadside boundary and the topography of the site fell from front to rear. This is a different context to the site subject of the appeal. The existing and permitted houses on the opposite side of the local road are large houses on large sites with contemporary designs. In its decision under PL 19.227245, the Board noted the large scale of the houses and the architectural style would constitute a significant departure from existing development but, given the limited amount of development proposed, the quality of design and unexceptional

nature of existing residential development in the vicinity, they were considered to be acceptable.

- 7.2.6. In conclusion, while the proposed provision of a house within this sráid is acceptable in principle I consider that a timber clad modular house would not comprise a high quality development, would be out of character with the existing type of development in the vicinity, would result in a visually incongruous development and would be contrary to the provisions of Policy SSP-15 of the County Development Plan 2014-2020 and the Killina Sráid Plan.

7.3. **Wastewater Treatment**

- 7.3.1. The site is in an area where there is a locally important aquifer with high vulnerability. Neither bedrock nor the water table was encountered in the 2.1 metres deep trial hole. Soil conditions are mainly sandy and gravelly silt with some boulders and cobbles. Table B2 (Response Matrix for On-Site Treatment Systems) of the EPA 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses' indicates an R1 response category i.e. acceptable subject to normal good practice.
- 7.3.2. The T-test result was 16.64 minutes which indicates that the site is suitable for a septic tank system or a secondary treatment system discharging to groundwater. A P-test was also carried out and this gave a result of 17.11 minutes. Though the trial hole and percolation test holes were not available for inspection I consider the results are consistent with the ground conditions observed on my site inspection.
- 7.3.3. I consider the separation distances set out in Table 6.1 (Minimum Separation Distances in Metres) of the Code of Practice are achieved. There does not appear to be any well in the vicinity as there is a public water supply available. It is proposed to install a septic tank system discharging to groundwater which is compliant with the T-test results. The proposed percolation area is adequately sized.
- 7.3.4. I consider that the proposed wastewater treatment is acceptable and there would be no public health issue as a result of the proposed development. I also note the planning authority Water Services Section indicated no objection subject to standard conditions.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, remote from and with no hydrological pathway to any European site, 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.

8.0 Recommendation

- 8.1. I recommend that the planning application be refused for the following reason and consideration.

9.0 Reasons and Considerations

1. Policy SSP-15 of the Offaly County Development Plan 2014-2020 refers to development within Sráids. Policy SSP-15(i) states, inter alia, that it is Council policy to ensure that developments have regard to and help maintain the form and character of the sráid, with high quality development appropriate in scale and design. The site is located within the development envelope of Killina sráid where it is an objective that high quality development be provided. The proposed development comprises a timber clad modular house. It is considered that the proposed development would be contrary to Policy SSP-15 of the Offaly County Development Plan 2014-2020 and an objective of the Killina Sráid Plan also contained within the County Development Plan 2014-2020, would be out of character with existing development in the area, would comprise a visually incongruous development within the sráid and would be contrary to the proper planning and sustainable development of the area.

Anthony Kelly
Planning Inspector
20.07.2020