



An
Bord
Pleanála

Inspector's Report ABP-307513-20

Development	Permission for the construction of a fully serviced dwelling house and garage.
Location	Coolboy, Newbawn, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20191146
Applicant(s)	Daniel Fenlon & Kerry Treanor
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Richard & Joan Carter
Date of Site Inspection	26 th August 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises of an agricultural field located to the west of a local road in Coolboy, Newbawn, Co. Wexford. Newbawn, the nearest settlement, is located approximately 2.2 km to the north east of the subject site and New Ross is 12 km to the north west. As stated, the site is located adjacent to a local road that meanders in a south east direction from the R735 Regional Road. The area is characterised by extensive ribbon development of one-off houses on their own plots with surrounding lands in agricultural use.
- 1.2. The local road is very narrow where it adjoins this site, and the boundary consists of mature hedgerows. The stated site area is 0.3539 hectares, is rectangular in shape, is in agricultural use and is generally flat.
- 1.3. A pair of detached single-storey houses are located to the north of the subject site. These are accessed by way of a short stretch of road which will also provide access to the subject site. An agricultural access/ laneway is located to the south of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The construction of a detached two-storey house with a stated floor area of 261.48 sq m. The submitted floor plans indicate that this will be a five-bedroom house.
 - The construction of a detached garage with a stated floor area of 40 sq m.
 - New wastewater treatment system
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 12 no. conditions. The conditions are generally; I note that condition no. 2 requires the applicant to

enter into a Section 47 agreement that the subject permitted house be their primary permanent residence for a minimum of 5 years from first occupation.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Report reflects the decision to grant permission. The Planning Authority Case Officer was satisfied that the applicant (Kerry Treanor) was able to demonstrate that she complies with the requirements of the rural housing policy as set out in the Wexford County Development Plan 2013 – 2019 (as extended). The proposed house design was assessed as suitable in this location. Further information was sought in relation to the provision of a proposal for the upgrading of the laneway/ access road, to demonstrate that the applicant's had legal consent to use the private laneway and to provide surface water management details. Full details were provided in response and no significant alterations were made to the layout/ development.

3.2.2. **Other Technical Reports**

Senior Executive Scientist (Environment): No objection subject to conditions and same recommendation on receipt of further information.

Roads Report – New Ross Municipal District: On receipt of further information, no objection subject to conditions.

Chief Fire Officer: No objection subject to recommended conditions and same recommendation on receipt of further information.

3.2.3. **Prescribed Bodies Reports**

None.

3.2.4. **Objections/ Observations**

A letter of objection from R & J Carter was received, and the issues raised are similar to those that they have raised in the appeal. In summary the main issues related to:

- Concern about the use of a shared entrance and potential impact on existing access road during the construction phase of development. The objector has

maintained this roadway at their own expense and references measures required to drain surface water.

- The existing roads in the area are of a poor standard with no lighting, poorly maintained and is dangerous for pedestrians/ cyclists.
- Site reverted to agricultural use in recent years and the right of way should no longer apply.
- Original plans were for three bungalows, all to be four bedroom units.
- The house is out of character with the area and would give rise to overlooking.

4.0 Planning History

P.A. Ref. 20071838 refers to a September 2007 decision to grant permission for a fully serviced house at Coolboy, Co. Wexford. This is the same site as the appeal site and construction did not commence.

P.A. Ref. 20064546 refers to a January 2007 decision to refuse permission for a fully serviced house at Coolboy, Co. Wexford. A single reason for refusal was issued and stated:

'Inadequate information has been submitted on the flow and quality of the proposed outfall. The proposed development would therefore be prejudicial to public health'.

5.0 Policy and Context

5.1. Wexford County Development Plan 2013 – 2019 - Extended

- 5.1.1. The site is not zoned and is located within an area designated as a 'Stronger Rural Area'.
- 5.1.2. The following Sections of the Wexford County Development Plan 2013 – 2019 are relevant to this proposal:
 - Chapter 4 Housing – 4.3 Sustainable Rural Housing
 - 4.3.3 Sustainable Rural Housing Strategy

Objective RH03

To facilitate the development of individual houses in the open countryside in 'Stronger Rural Areas' in accordance with the criteria laid down in Table No. 12 and subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

Table 12 under 'Stronger Rural Area' allows for housing for 'local rural people' who are building permanent residences for their own use and who have a definable 'housing need' building in their 'local rural area' subject to the following:

'Local rural people' are defined as people who were born or have lived for a minimum period of five years in that 'local rural area'.

The Stronger Rural Area '..local rural area' is defined as within a 15km radius of where the applicant has lived or was living. Where the site is of a greater distance but the applicant can demonstrate significant ties with the area for example immediate family or long term landownership then these applications will be considered on their merits.

The 'local rural area' includes the countryside, Strong Villages, Smaller Villages and Rural settlements but excludes District towns, Larger Town, Towns and The Hub'.

- Chapter 14 Heritage – Landscape Character Assessment
- Chapter 17 Design – 17.7 Rural Design Guide
- Chapter 18 Development Management Standards
 - 18.8 Accessibility
 - 18.12 Rural Housing

Table No. 38 Site size/ dwelling floor area ratios

Dwelling Floor Area	Site Size Hectares
<200 m ²	0.2
200-300 m ²	0.3
>300 m ²	0.4

- 18.13 Other Residential Developments – 18.13.2 Domestic Garages/
Stores
- 18.29 Transport and specifically 18.29.3 – Sightlines
- 18.32 On-site Wastewater Treatment Facilities

5.2. National Guidance

Sustainable Rural Housing - Guidelines for Planning Authorities (DoEHLG, 2005).

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Richard & Joan Carter have submitted a third-party appeal against the decision of Wexford County Council to grant permission for a house on this site in Coolboy, Newbawn, Co. Wexford.

The following points are made in support of the appeal:

- The proposed development is contrary to the requirements of the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005) in that the proposed house would be for urban generated housing need. Although the applicant is from the local area, their work is not consistent with agricultural employment.
- The proposed development is over two km from the nearest urban settlement and the development would give rise to inappropriate, haphazard, uncoordinated, suburban type development in a rural location.
- The design and scale of development would be out of character with the established form of development in the area and would be contrary to the proper planning and sustainable development of the area. The house is more suitable in an urban location.

- The local road network is substandard, and the proposed development would give rise to traffic hazard as it contributes to excessive volumes of traffic on a county road.

6.2. Planning Authority Response

The Planning Authority have made the following comments and wish that they be taken into account:

- The applicant was born and raised in this area and demonstrates compliance with the Wexford County Rural Housing Policy and has demonstrated that they are from the area.
- The Planning Authority are satisfied that the applicant has a genuine need to live in this location.
- Permission was previously granted for a house on this site, access is available to the site and although there are a number of houses in the immediate area, it is not apparent that the development would in itself give rise to excessive suburban development.
- The Planning Authority consider that the proposed house design is acceptable and suitable conditions were recommended to ensure that the unit is adequately screened. There are a number of different house designs in use in the area, some of which are two storey, and which have a greater visual prominence than that proposed in the subject case.
- No concerns were raised in relation to traffic safety, though it is acknowledged that the local road is narrow and winding in parts. It is possible to achieve necessary sightlines at the entrance to the site.
- Request that The Board uphold the decision to grant permission for this development.

6.3. First Party Response

- None

7.0 Assessment

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of the Development
- Rural Housing Policy
- Wastewater Treatment and Water Supply
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Appropriate Assessment Screening

7.2. Nature of the Development

7.2.1. The proposed development consists of a detached single storey house, a detached garage, wastewater treatment system and all associated works including a new site entrance onto an existing laneway.

7.3. Rural Housing Policy

7.3.1. Section 18.12.1 of the Wexford County Development Plan 2013 – 2019 as extended, sets out the requirements for one-off rural housing in Co. Wexford.

In summary the following shall be complied with:

- The applicant shall comply with the rural housing criteria as set out in the Sustainable Rural Housing Strategy – Chapter 4.
- Should be able to support a wastewater treatment system and a water supply.
- Should be safe to access for vehicles etc.
- Should not support or give rise to ribbon development.
- Should not impact on natural or important cultural heritage areas.
- Should not impact on adjoining residential amenity.
- The site should not be vulnerable to flooding.
- The development should blend into the landscape.
- Surface water drainage to be accommodated on site.

Map no. 6 – ‘Rural Area Types’ in the Wexford County Development Plan indicates that the site is located within a ‘Stronger Rural Area’. Housing within this area has to demonstrate compliance with Table 12 of the county development plan and which requires full demonstration that an applicant was born or has lived a minimum of five years within the locality; the local area in this case is defined as being within a 15 km radius.

7.3.2. Kerry Treanor, one of the applicants, is from Kilbraney, Newbawn and which is within 1.5 km of the subject site. Daniel Fenlon, the other applicant, is from Newbawn village and which is within 2 km of the subject site. Both applicant’s and their children are currently living in Kilbraney, Newbawn and the children attend the local national school. A letter has been submitted in support from the Parish Priest of the Sacred Heart Church, Newbawn and a letter from the Department of Social and Family Affairs in relation to Child Benefit gives Kerry Treanor’s address as Kilbraney, Newbawn. The Planning Authority Case Officer is satisfied that they comply with the rural housing policy for the Stronger Rural Area.

7.3.3. I have considered the information in support of the application and I do not accept that sufficient documentation/ evidence has been provided to determine the applicants’ compliance with the rural housing policy. Whilst the applicants may be from the immediate area the submitted information is not sufficient to determine this. The supporting documentation in the form of a letter from the local Parish Priest and a letter from the Department of Social and Family Affairs only indicates where the applicants reside at present. Whilst they have demonstrated that they live within 15 km, the applicants have failed to demonstrate that they have lived in the local area for the minimum period of 5 years. In failing to do so, they do not demonstrate compliance with the rural housing policy in accordance with the Wexford County Development Plan 2013 – 2019 as extended.

7.4. Wastewater Treatment and Water Supply

7.4.1. It is proposed to install a wastewater treatment system which has capacity for seven persons. I note that the submitted site form references two double bedrooms and three single bedrooms which provides a population equivalent of seven persons; the

submitted plans indicate that all bedrooms can be doubles and the population equivalent would therefore be 10 persons. The submitted site plan indicates that the treatment system is located 17.5 m to the north west of the proposed house and I note that the percolation area is located to the east of the house. Table 6.1 of the 'EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances and the proposed development is compliant with these requirements, however the layout plan does not indicate the location of pipe connection to the treatment system and subsequently to the percolation area.

- 7.4.2. The site is located in an area identified with a "Moderate" vulnerability classification in the GSI Groundwater maps and is located within area defined "Poor" Aquifer category, representing a Groundwater Protection Response of R1 under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B2). There was no indication of ponding on the day of the site visit.
- 7.4.3. The trial hole had a depth of 2.2 m and the assessment submitted by the applicant indicates that clay/ small stones were encountered at this depth. The submitted site characterisation records a T-test value (Standard Method) of 39.97 min and a modified method T-test value of 65.48 min and in accordance with the Code of Practice, the site is suitable 'May be suitable for a secondary treatment system with a polishing filter at the depth of the T-test hole'. The P-test was not undertaken. The submitted report indicates that three separated trial holes were provided. The report has found that the soil has permeability, and a polishing bed will be required. A packaged wastewater treatment system and polishing filter is to be provided to serve this house. All required separation distances to houses, structures and other treatment systems are complied with.
- 7.4.4. From the submitted details in addition to the report of the Senior Executive Scientist (Environment), no concerns regarding the provision of a wastewater treatment system have been raised and the proposed development is unlikely to have a negative impact on the groundwater in the area or on watercourses subject to the provision of the wastewater treatment system as detailed in the application. Although the separated percolation and treatment system is unusual, the Local

Authority raised no concerns, and I am satisfied that a treatment system can be provided such that there are no negative impacts on public health or on the environment.

- 7.4.5. The report of the Senior Executive Scientist (Environment) does not raise any concerns in relation to the provision of a suitable water supply to serve this development.

7.5. Design and Impact on the Character of the Area

- 7.5.1. The proposed house is considered to be visually acceptable. The method of indicating the stone facing on the drawings results in this being a dominant feature which I am satisfied will not be the case. The proposed house is a two-storey unit (as confirmed by the provision of an attic space) providing for five bedrooms. Dormer type window are provided at first floor level to the front and rear elevations. Material finishes include stone and plaster with a nap finish. The proposed garage appears to be of a plaster with a nap finish and has a pitched roof similar to that of the house.
- 7.5.2. The front elevation is facing north west, and the proposed garage is located to the north east. The boundary of the site to consist of hedgerows, which are a distinctive feature of roadside boundaries in the area.
- 7.5.3. I do not foresee that the house will be visually dominant on the landscape. The house design is not out of character with the area as a number of different house designs were observed on the day of the site visit. The height at 7.8 m is not excessive and at 35 m from the public road, to the east, it is sufficiently set back from public view. The house size is acceptable in terms of Table no. 38 of the Wexford County Development Plan.

7.6. Impact on Residential Amenity

- 7.6.1. The proposed house provides for suitably sized rooms including storage provision to serve the future occupants. Four bedrooms are located on the first-floor level and a fifth is provided on the ground floor. The site has the benefit of generous space for private amenity use and similarly car parking can be adequately provided for on-site.
- 7.6.2. The issue of overshadowing leading to a loss of daylight does not arise and I do not foresee that overlooking will be significant as adequate separate distances are

proposed between the house, the boundary to the north and the existing house to the north east. Windows on the north east elevation are limited to serving an en-suite and toilet at ground floor level and none at first floor level. The orientation of the house on the site removes any other concerns regarding overlooking.

7.7. Access and Transportation

- 7.7.1. Vehicular/ pedestrian access is from the existing laneway serving two houses, to the north of the site. The Planning Authority reports did not raise any concerns in relation to access to traffic safety.
- 7.7.2. Concern was expressed about the impact of the development on the local road network. From the site visit it was evident that the local road network was not of a high quality, however traffic volumes were observed to be very low and in general as with all local roads, it will be local people using the road network and who will be familiar with the layout of the area.

7.8. Appropriate Assessment Screening – Stage 1

- 7.8.1. Having regard to the nature and scale of the proposed development and the provision of a suitable wastewater treatment system combined with the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the following reason and considerations as set out below.

9.0 Reason and Considerations

- 9.1. Having regard to the location of the site within a "Stronger Rural Area" as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Wexford County Development Plan 2013 – 2019 as

extended, it is considered that the applicants have not adequately demonstrated that they come within the scope of the housing need criteria as set out in the Guidelines and the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

5th October 2020