



An
Bord
Pleanála

Inspector's Report

ABP-307600-20

Development	Construction of a two-storey house and garage.
Location	Begrath, Monasterboice, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	20184
Applicant(s)	Andrew Mooney.
Type of Application	Permission.
Planning Authority Decision	To refuse.
Type of Appeal	First Party
Appellant(s)	Andrew Mooney.
Observer(s)	None.
Date of Site Inspection	7 th October 2020.
Inspector	Deirdre MacGabhann

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	6
5.3. EIA Screening	6
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
6.3. Observations/Further Responses.....	8
7.0 Assessment.....	8
7.3. Impact on Landscape/Visual Amenity	9
7.4. Traffic Safety/Sightlines	10
8.0 Appropriate Assessment.....	11
9.0 Recommendation.....	11
10.0 Reasons and Considerations	11

1.0 Site Location and Description

- 1.1. The 0.288ha appeal site lies c.3km south east of Collon and 5km to the north west of Drogheda, in the townland of Begrath, Monasterboice, County Louth. It is situated on a minor public road, east of the R168 which joins the M1 at junction 10 approximately 4km to the south east of the site.
- 1.2. The appeal site lies to the west of the public road and to the rear of an existing single storey residential dwelling. The existing dwelling lies in a small cluster of properties along the narrow public road. Access to it is via two gated entrances one to the north and one to the south of the property. Sightlines at both entrances are restricted due to roadside boundaries and the alignment of the public road.
- 1.3. The appeal site lies comprises part of a larger agricultural field that slopes sharply to the west/northwest. The topography of the appeal site itself is undulating, with a distinct mound to the south east of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey dwelling house, domestic garage (gross floor space 204sqm) and proprietary wastewater treatment system. Access to the site is via the southernmost driveway to the existing residential dwelling to the east of the appeal site. The dwelling will be cut into the site such that the roof level of the proposed two storey dwelling will be a maximum of 106.35, compared to a roof level of 108.01 of the existing single storey dwelling to the east of it. It is stated in the planning application that water supply will be from the public mains (the Site Assessment states that water supply will be from a new private well). Wastewater will be disposed of into the proposed proprietary wastewater treatment system which is situated to the south west of the proposed dwelling. The application includes a Site Characterisation and Site Suitability Assessment Report and a report on soakaway design.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 18th June 2020, the planning authority decided to refuse permission for the development on the following reasons (in summary):

- i. Inappropriate backland development, unduly dominant, impact on rural landscape, preservation of clear distinction between built up areas, precedent and
- ii. Inadequate provision of sightlines (75m x 0.6-1.05m x 3m).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 25th May 2020 – The report refers to the location and characteristics of the site, its planning history, relevant Development Plan policies and internal reports.

The report considers that the development is acceptable in terms of rural housing need, but considers that:

- i. The development has no road frontage, is proposed in an elevated landscape to the rear of 7 no. dwellings, requires the reduction of ground levels by up to 4m and access through the curtilage of an existing property and would, therefore represent inappropriate backland development.
- ii. The house type does not integrate effectively with the site, requiring cut and fill and whilst not visible from the public road would not accord with Policy SS 66.
- iii. The arrangements for shared access, with the proliferation of entrances in close proximity and removal of established hedgerows would seriously injure the amenities or depreciate the value of property in the vicinity.

3.2.2. The report refers to the outstanding matters raised in technical reports and considers that these could be addressed by FI. The report recommends refusing permission

for the development on the basis of landscape impact and traffic safety (inadequate provision of sightlines).

3.2.3. Other Technical Reports

- Infrastructure (1st April 2020) – Recommends further information, proof of permissions to use private driveway to access the site, revised sightlines to provide 73m visibility over 0.6-1.5m, set back 3m from the edge of the public road, necessary agreements from landowners and details on soil infiltration capacity.
- Environment (12th June 2020) – Recommends further information on proposed effluent treatment system, source of drinking water, ground water flow and location of percolation tests.

3.3. Prescribed Bodies

- Irish Water (13th March 2020) – No objections.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1. The following planning applications have been made in respect of the site:

- PA ref. 181075 – Proposed two storey dwelling, domestic garage and proprietary waste water treatment system. Incomplete.
- PA ref. 1988 - Proposed two storey dwelling, domestic garage and proprietary waste water treatment system. Deemed withdrawn.
- PA ref. 191086 - Proposed two storey dwelling, domestic garage and proprietary waste water treatment system. Incomplete.
- PA ref. 2051 - Proposed two storey dwelling, domestic garage and proprietary waste water treatment system. Incomplete.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site lies within Development Zone 4 of the Louth County Development Plan 2015-2021, the objective of which is to provide greenbelt around the urban centres of Dundalk, Drogheda and Ardee. Applicant's for rural housing are required to demonstrate a rural housing need in accordance with the settlement strategy set out in the Plan. Section 2.19.7 of the Plan sets out Development Management Assessment Criteria for One off Rural Housing. These include, under policy SS 26, to require that the design and siting of a proposed development does not detract from the rural character of the landscape or visual amenities of the area. In this regard, applicant's are required to demonstrate that the proposal is consistent with the document '*Building Sensitively and Sustainably in County Louth*' and the guidelines contained in section 2.20 of the Plan, Rural Housing Design and Siting Criteria, which amongst other things, require the appropriate setting of proposed development into the landscape (Policy SS 66).

5.2. Natural Heritage Designations

- 5.2.1. The appeal site lies c.2.5km to the south east of Mellifont Abbey Woods proposed Natural Heritage Area (site code 001464) and c.3km to the north west of King William's Glen pNHA and the River Boyne and River Blackwater Special Area of Conservation (site code 002299).

5.3. EIA Screening

- 5.3.1. The proposed development is of a type that constitutes an EIA project (involving construction works). However, it is a single dwelling with associated infrastructure and falls far short of the threshold for environmental impact assessment set out in Part 2 of the Schedule 5 of the Planning and Development Regulations 2001, as amended (Class 10 Infrastructure projects, construction of dwelling units). Further, the development is not situated on a sensitive site, will not use significant natural resources or give rise to significant environmental emissions. There is therefore no real likelihood of significant effects on the environment arising from the proposed

development and the need for environmental impact assessment can be excluded at preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Grounds of the first party appeal are:

Reason No. 1

- No significant issues identified at pre-planning meeting in respect of the previous planning application. Changes were made to design of dwelling in accordance with rural design guidelines. Further information was sought on infrastructure and environmental matters relating to access route, sightlines and well water. The time for submission elapsed due to delays in getting legal agreements for the visibility sightlines.
- Precedents set by other developments in the area which are not in keeping with the rural design guidelines (PA ref. 03/1887; 15/456; 06/1811; 06/1812/01/370 and 01/1193).
- The development has been designed using the rural design guidelines.
- The FFL of the property was set to reduce the overall impact on the surrounding landscape, particularly from the roadside. The site section shows the greatest cut and fill required. Elsewhere it is 0.5m.
- The issue of visual amenity was never raised in previous planning applications for the site. It would be possible to raise the FFL, while remaining below roof level of the roadside property to maintain minimal visual impact from the roadside.

Reason No. 2

- Access is proposed from an existing entrance. The adjoining property (owned by the applicant) has two entrances. It is proposed to use one of these. Existing boundaries will be set back to achieve the required sightlines. Two legal agreements from adjoining owners are attached. This would make use of surplus entrance, reducing the impact of the overall development on

the character and visual amenity of the area, and upgrade the existing entrance to make it safer. It would be necessary to remove a small number of driveway trees but only those essential to facilitate the access route.

6.2. **Planning Authority Response**

6.2.1. The planning authority make the following additional comments on the appeal:

- Applicant met previously with a different planning officer in respect of PA 19/88. Acknowledge that the issue of backland location was not raised in request for FI. However, applicant did not respond to FI and application was deemed withdrawn.
- Pre-planning advice is based on information available at the time and does not prejudice any subsequent planning application and/or bind the PA and/or prescribed bodies in the assessment of subsequent applications.
- Subject site has no road frontage. Site is clearly backland. Recommendation to refuse was endorsed by senior planning staff. FI in respect of other issues (sightlines) would not overcome this substantive issue.
- Each planning application is adjudicated on its own merits.

6.3. **Observations/Further Responses**

6.4. In August 2020 the Board sought documents from the planning authority (minutes of pre-planning meeting, local needs form, legal documents regarding right of way and Irish Water report). The documents which were submitted to the Board were copied to the applicant upon request.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file and inspected the site, I consider that the main issues in this appeal relate to:

- Impact on landscape/visual amenity.
- Traffic safety/sightlines.

7.2. In addition, I comment on the following matters raised by the appellant:

- Advice given under PA ref. 19/88. The planning application made previously for a dwelling on the appeal site was deemed withdrawn by the planning authority as the applicant did not respond to the request for further information in the statutory timescale. The applicant has stated his reasons for this, which are not unreasonable. However, it remains that the planning application was not determined, and no precedent has been established for the development of the site. As stated by the planning authority, pre-planning advice does not prejudice any subsequent assessment by either the planning authority or the Board.
- Precedents. I note the other planning applications referred to by the appellant. However, each planning application is determined on its site specific merits and the prevailing planning policy context at the time. Similarly, the proposed development must be adjudicated on, based on its site specific context and current planning policies.

7.3. Impact on Landscape/Visual Amenity

- 7.3.1. The appeal site lies in a rural area that is characterised by an undulating agricultural landscape, with one-off residential development along the public road network. The site lies on a minor road which ascends sharply from the R168 to the west of the site. This narrow road has small clusters of housing along its length, with most of the developments single storey.
- 7.3.2. The appeal site lies to the rear of an existing single storey dwelling. It comprises part of an agricultural field which falls steeply to the west/northwest. The site is undulating with a distinct mound to the south east of the site.
- 7.3.3. The proposed development would be cut into the site such that the roof level would be below that of the dwelling to the east of it. Cut would be up to 4m and contrary to the guidelines of the County Development Plan which require development to be sited within the natural topography of the landscape.
- 7.3.4. Due to the proposed elevation of the property, roadside dwellings and vegetation, I would accept that it would not be visible from the public road that passes the site. However, the development would extend the footprint and visibility of residential development into the steeply sloping hillside and be widely visible in the landscape.

This would be a departure from the current situation where dwellings are generally not visible when viewed from the public roads to the south, due to mature vegetation at the rear of dwellings and their low elevation (see photograph 12). I would accept that there is an exception to this pattern with the two storey dwelling to the north of the appeal site which is visible in photograph 10, however I do not consider that the character of the landscape has changed to such an extent that this pattern of development has become the norm or is acceptable in the context of the current policies of the County Development Plan.

- 7.3.5. The appellant proposes reducing the amount of cut and fill, whilst remaining below the roof level of the existing dwelling. This may be possible, and would reduce cut and fill requirements but it would not address the visual impact of the development or its encroachment into the rural landscape.
- 7.3.6. The appeal site lies in Development Zone 4. The specific objective of this policy is to provide for a greenbelt area around the urban centres of Drogheda. The proposed development would be, therefore, inconsistent with this objective as it would clearly extend urban development into a landscape which is currently rural in character and generally undeveloped.

7.4. Traffic Safety/Sightlines

- 7.4.1. In response to the appeal, the applicant has provided evidence of agreements with adjoining landowners to provide improved sightlines at the entrance to the appeal site. These would indicate that the required sightlines could be achieved at the entrance to the appeal site. However, I would be concerned that the provision of these sightlines would impinge on the amenity of the adjoining properties by reducing the depth of the front gardens and providing multiple entrances in short distance of each other. If the Board are minded to grant permission for the development, I consider that this matter (and those raised by Environment section) would therefore require more detailed consideration (there are no plans on file indicating the extent of works required).

8.0 Appropriate Assessment

- 8.1. Having regard to modest nature of the proposed development and its location removed from European sites, 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.

9.0 Recommendation

- 9.1. Having regard to the foregoing, I recommend that permission for the development be refused.

10.0 Reasons and Considerations

Having regard to the location of the appeal site on an elevated, backland site and the scale and form of the proposed development, it is considered the proposed development would seriously detract from the character of the landscape of the rural area in which it is located and conflict with the zoning objectives for the site which provide a greenbelt area around the urban centre of Drogheda. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Planning Inspector

22nd October 2020