



An
Bord
Pleanála

Inspector's Report ABP-308589-20

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| Development | Construction of single storey dwelling with detached garage. |
| Location | Castlecoo Hill, Almondstown Clogherhead, Co Louth |
| Planning Authority | Louth County Council |
| Planning Authority Reg. Ref. | 20/641 |
| Applicant(s) | Elizabeth McCloskey. |
| Type of Application | Planning Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party |
| Appellant(s) | Elizabeth McCloskey. |
| Observer(s) | None. |
| Date of Site Inspection | 24 th February 2021. |
| Inspector | Elaine Sullivan |

1.0 Site Location and Description

- 1.1. The subject site is located approximately 1.7km to the west of Clogherhead Village. It has a stated area of 0.463ha and is positioned on the western side of the L-6281-0 Local Road. The portion of the site to be developed forms part of a wider site, which has a combined area of 0.8975ha. It is irregular in shape with a triangular section directly abutting the road to the south. This part of the site contains a 2-storey dwelling, which is the applicant's family home.
- 1.2. The northern section of the site is separated from the house by a hedge and a wire fence beyond that. It is set back from the public road by c. 50-60m with an open field to the east between the site and the road. Boundaries to the north and west comprise native hedgerows with a post and wire fence along the eastern boundary to the field.
- 1.3. The surrounding area is rural in character with numerous one-off houses in place along the road. A more concentrated pattern of ribbon development is evident to the north of the site with more a more dispersed pattern to the south. The site is elevated and rises to the west with the western boundary approximately 15m higher than the level of the road. From the site there are clear views across the land to the sea.

2.0 Proposed Development

- 2.1. Planning permission is sought for a new three-bedroom, single storey, detached dwelling of 195m² along with a detached domestic garage of 50m². The dwelling would be constructed to the north-west of an existing dwelling (family home) and both houses would share a vehicular entrance. It would be contemporary in design and would comprise two distinct volumes arranged at angles to each other and connected by a simple flat roof connection. The buildings would be clad in blackened timber and the garage would be positioned to the north-east of the dwelling.
- 2.2. The proposed dwelling would be set back from the public road by approximately 60m metres and would be c. 12 metres above the level of the public road. It would be separated from the dwelling to the south by 27m.

- 2.3. A new access road would be constructed along the northern and eastern boundary of the site with and would provide access to both dwellings. The existing driveway to the east of the original house would be removed. Alterations to the entrance would be carried out to improve sightlines and would involve the relocation of the existing wall and pier to the south of the entrance to set it back by 1.25m.
- 2.4. The dwelling would connect to the mains water supply and would be serviced by a new proprietary waste-water treatment system and percolation filter. Additional landscaping is proposed throughout the site.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the Planning Authority for the following reason;

1. The proposed development, by reason of its elevated location and distance back from the public road would constitute inappropriate backland development which would result in an intrusive encroachment of physical development into this open rural landscape due to its unduly prominent location on the landscape. To permit the development would militate against the preservation of the rural environment and would set an undesirable precedent for other similar inappropriate development in the vicinity in this rural area. As such, development would be contrary to the siting criteria and rural zoning objectives pertaining to the site as set out in the Louth County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area. Such development would be contrary to the objective and policy SS 26 requirements of the Louth Development Plan 2015-2021 which requires that the siting of a proposed dwelling is such that it does not detract from the rural character of the landscape or the visual amenities of 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. Planning Reports

The report of the Planning Officer dated the 5th October 2020 informed the decision of the Planning Authority and contained the following;

- The site is located within Development Zone 4, the objective of which is to provide for a green belt area around the urban centres of Dundalk, Drogheda and Ardee.
- On the basis of the information submitted, the applicant does not own a house and has successfully demonstrated that they meet the local needs qualifying criteria as set out in Category 2 of Development Zone 4 and is in compliance with Policies SS 18, SS 19 and RD 29 of the LCDP.
- The subject site is located c. 52 metres from the edge of the public road and at an elevated location. Access to the site would be shared with the existing dwelling/ family home to the south but would require the construction of an access road of approximately 100m in length through the front garden of the house.
- The extent of the works required to access what is considered to be a backland site, would detract from the rural character of the landscape and the visual amenities of the surrounding area.
- Whilst the proposed dwelling and garage might not be visible from the public road due to the extensive and mature boundaries, the site itself is elevated and open and the proposed development would be visible from the surrounding area.
- This would result in an undesirable form of backland development which would result in an intrusive encroachment of physical development in the open rural landscape. Such development would militate against the preservation of the rural environment and the construction of the proposed dwelling and garage, together with the extent of the works required to facilitate an access road, would detract from the rural character of the landscape and the visual amenities of the surrounding area.

- Therefore the proposal is contrary to Policy SS 26, 'to require that the design and siting of the proposed dwelling is such that it does not detract from the rural character of the landscape or the visual amenities of the area'.

3.2.2. Other Technical Reports

- Infrastructure Section – Recommendation to grant permission with conditions.
- Environmental Compliance Section – Recommendation to grant permission with conditions.

3.3. Prescribed Bodies

Irish Water – No report on file or online. The Planning Officer's report notes that a report dated the 17th September 2020 had no objection to the proposal.

3.4. Third Party Observations

No third-party observations were submitted.

4.0 Planning History

No planning history for the subject site.

5.0 Policy Context

5.1. Louth County Development Plan 2015-2021

The subject site is located within Development Zone 4, the objective of which is 'To provide for a greenbelt area around the urban centres of Dundalk, Drogheda and Ardee'. (Map 3.1, LCDP),

The following policies and objectives are relevant to the appeal;

Policy RD 37 - To permit limited one-off housing*, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes), institutional and educational facilities, leisure and recreation related projects and renewable energy schemes. *Refer to Section 2.19.1 for Qualifying Criteria.

Policy SS 18 – To permit rural generated housing in order to support and sustain existing rural communities and to restrict urban generated housing in order to protect the visual amenities and resources of the countryside, subject to the local needs qualifying criteria as set out in Section 2.19.1.

Policy SS 19 - To require that applicants for one-off rural housing demonstrate compliance with the Local Needs Qualifying Criteria relevant to the respective Development Zone as set out in Section 2.19.1.

2.19.1 – Local Needs

Applicants for one-off rural housing will be required to demonstrate compliance with the following criteria relevant to Development Zone 4;

- Applicant(s) is the son/daughter of a qualifying landowner. The applicant must demonstrate a rural housing need and show that they do not already own a house or have not owned a house within the rural area of the county for a minimum of 5 years prior to making an application,
- That the applicant is actively and significantly involved in agriculture and that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation.
- That the applicant is actively and significantly involved in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors or rural based enterprise, that the nature of the activity is sufficient to support full time or significant part time occupation and that the applicant can demonstrate a specific functional need to live at the site of their work.
- That the applicant is providing care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able-bodied person residing with them.

2.19.7 Development Management Assessment Criteria for One-Off Rural Housing;

In addition to compliance with the above rural housing policy, the Council will have regard, inter alia, to the following considerations in assessing all applications for one-off rural houses:

- The cumulative visual impact and pattern of development of existing houses and permissions granted in the vicinity of the site,
- The cumulative visual impact, pattern of development and number of houses developed and granted permission on the landholding,
- The quality and capacity of the road network serving the site,
- Breaking the skyline and visual impact,
- Existing hedgerows and trees which would be affected by the proposed development,
- Use of materials which are traditional and indigenous to the area as far as practical, Impact on farming practice and rural based activities,
- Traffic safety,
- Impact on natural resources and landscapes,
- Siting of house, how house fits into the landscape and avails of existing natural shelter,
- Site suitability in terms of drainage and compliance with EPA guidelines,
- Suitable landscaping proposals,
- Orientation so as to maximise heat and light from the sun,
- Sustainable energy uses,
- Flood risk considerations where apparent,
- Regard to applicable policies in the Chapter 7 'Transport'.

2.19.12 - Ribbon Development

Ribbon development does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at

angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

Policy SS 26 - To require that the design and siting of the proposed dwelling is such that it does not detract from the rural character of the landscape or the visual amenities of the area. In this regard, applicants will be 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.

Policy SS 51 - To require that new dwellings and or extensions to existing dwellings within Development Zone 1-6 inclusive shall comply with the minimum site size area and maximum cumulative gross floor areas as outlined hereunder in Table 2.9.

Policy SS 59 - To require that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic by demonstrating compliance with the appropriate visibility and traffic safety standards as set down in Section 7.3.6 of the Plan.

Policy SS 60 - To require that new accesses are located so as to minimise the impact on existing roadside boundaries.

2.19.16 – Domestic Garages/Outbuildings

Policy SS 61 - To accommodate new detached domestic garages and detached domestic outbuildings in the countryside only where the visual impact of the resultant additional building on the site is one where:

- The design is coherent and the form is appropriate to the context of the existing dwelling,
- The structure is separate from the house and sited in such a manner as to reduce visual impact,
- The structure is visually subservient in terms of size, scale and bulk to the dwelling that it will serve,
- The structure does not result in a poorly proportioned or intrusive form of building in the landscape,
- The structure does not undermine the dominance of the landscape through an unacceptable cumulative level of domestic related development at the site,

- The structure is used for purposes incidental to the enjoyment of the dwelling and not for any other purposes.

Chapter 7 - Transport – Sightlines in Table 7.4 – Chapter 7

Table 7.4 sets out the Minimum Visibility Standards for vehicular entrances.

5.2. National Guidance

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities, (DEHLG 2005).

The guidelines seek to promote a sustainable approach to rural housing by identifying different rural areas and promoting planning policies that distinguish between urban and rural generated housing and thus avoid inappropriate development.

The subject site is located in an area that is identified as being under strong urban influence in the Sustainable Rural Housing Guidelines.

5.2.2. National Planning Framework - 2040;

National Policy Objective 19 - 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 housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. Natural Heritage Designations

No designations apply to the subject site.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows;

- The appellant has submitted a revised design to be considered as an alternative to the original proposal should that be preferable to the Board. However, the appellant notes that the original proposal is their preferred option.
- The revised design has removed the detached single-storey garage to the north-west of the building in order to reduce the overall footprint of the buildings.
- A set of photomontages and accompanying report was prepared and submitted with the appeal to demonstrate the visual impact of the proposal.
- The Planning Authority raised no specific concern regarding the 'prominent' nature of the site in its pre-planning assessment and indicated that the dwelling could be permissible subject to appropriate design within the rural context.
- The proposed development is appropriate in the context of the applicable zoning objective and associated guidance for rural development.
- It has been designed in accordance with the guidance set out in Section 2.20.1 of the CDP and would have no undue impact on the visual amenity of the area and/or the rural environment.

- Whilst the subject site is prominent in the immediate vicinity, it is only visible when viewed from privately owned lands to the north, south and west of the site. The proposed single storey dwelling would be located in excess of 109m from the nearest private dwelling outside the application site and as such would have an imperceptible impact on existing residential amenity.
- The elevated position of the site has been considered in the design and the dwelling has been bedded into the existing slope and the massing has been broken into three distinct forms.
- Existing boundary treatments will be maintained, and the parking area screened from view. The width of the dwelling would be in excess of the 18m for a single storey dwelling but the gable depth of 6m is below the maximum of 9m allowed, as per Section 2.20.4 and the elevations are simple in form. The floor area of the dwelling would be 195m² and is below the maximum of 220m² as allowed in Policy SS 51.
- A simple palette of materials has been chosen to be in keeping with the existing pattern of development of more modern dwellings in this area. The existing natural hedgerows along the northern, western and southern boundaries, albeit with a new access driveway provided to the south. The eastern boundary would be formed by ornamental planting.
- The house has been designed to comply with the Development Management Assessment Criteria set out in Section 2.19.17 of the CDP.

6.2. Planning Authority Response

A response from the Planning Authority was received on the 1st December 2020 and included the following comments;

- The pre-planning response dated the 12th July 2019 is acknowledged. Pre-planning advice is given based on information available at the time and does not prejudice any subsequent applicant and/or bind the planning authority and/or prescribed bodies in assessment of any application received on foot of pre-planning consultation.

- The purpose of pre-planning is to advise the applicant of relevant policies. Site inspections are not carried out and as such a full assessment of the proposal cannot be undertaken. Accordingly, on foot of a site inspection carried out on the 5th October 2020, it was considered that the site was not suitable given its elevated and prominent nature and its set-back from the public road.
- The report of the Planning Officer noted that the roadside boundary was being retained and the house would not be visible from the public road which it would access onto. However, it would appear that the agricultural land to the front of the subject site and directly abutting the public road is not within the ownership of the applicant and as such the applicant has no control over this boundary.
- It remains the assessment that the proposed development, by reason of its location would constitute inappropriate backland development and would be contrary to Policy SS 26, which requires that the design and siting of the proposed dwelling is such that it does not detract from the rural character of the landscape or the visual amenities of the area’.

6.3. **Observations**

- None received.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Siting and Design
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

The subject site is located within an area designated as Development Zone 4, the objective of which is to provide for a greenbelt area around the urban areas of Dundalk, Drogheda and Ardee. Within this zone, the settlement policy, (RD 37), allows for limited one-off housing where the Qualifying Criteria is set out under Section 2.19.1. The applicant is applying for planning permission based on the criteria outlined in Category 2 of Development Zone 4; where the applicant has lived for a minimum of 10 years in the local rural area and can demonstrate a housing need.

In order to demonstrate compliance with Section 2.19.1, the applicant has submitted a range of information demonstrating ties to the area, including a birth certificate, school records, map showing the qualifying residence, (family home), and a declaration stating that they have not owned a home in the local area. The applicant is currently living in the family home, which is located to the south of the development site. Based on the information submitted, I am satisfied that the applicant qualifies for local housing need as per the requirements of Section 2.19.1 of the CDP. However, in my view the primary principle in relation to the proposal is the suitability of the site for development given its nature and location.

7.3. Siting and Design

The Planning Authority's reason for refusal is based on the grounds that the elevated nature of the site, combined with its distance back from the road would constitute inappropriate backland development. It was also noted that to permit the development would set an undesirable precedent for similar development that would militate against the preservation of the rural area and the designated greenbelt.

Having visited the site and considered the application details, I am satisfied that the development proposal constitutes backland development. The site is located to the side and rear of an existing dwelling. It does not have an independent access and it is set back from the public road by approximately 60m. It is also separated from the public road by a field which is not within the ownership of the applicant.

In response to the shape of the site and its characteristics, the proposed dwelling would be positioned behind the existing house to the south and would also be set behind the rear building line of the housing to the north. In my opinion the proposed development would represent an undesirable encroachment of development into the rural area, which is not supported by the greenbelt zoning for the site.

I would also have some concern regarding the level of intervention required to develop the site and to integrate the dwelling into landscape. Given the topography of the site the development would require a reduction in levels towards the back of the site as well as significant levelling off towards the centre. This level of intervention is contrary to the guidance on siting of residential dwellings as set out within Section 2.20 of the Louth County Development Plan which seeks to naturally set developments within a landscape.

A new access road of c. 55m in length is shown to the front of the dwelling and along the eastern boundary. This arrangement seems excessive in my opinion and is not in accordance with the advice contained in Section 2.20 of the CDP which advised that driveways be positioned to the side or rear. If the Board were minded to grant permission for the development, I would recommend that this element be reviewed.

In terms of design, the dwelling itself is well considered and the simple, contemporary form and materials would help to blend the building into the landscape. The size of the house is in accordance with the requirements of the CDP as set out in Policy SS 51 and the scale and design of the garage is in accordance with Policy SS 61 regarding domestic garages. I note that the appellant has put forward an option to remove the garage as part of the appeal. In my opinion this would not make a substantial difference to the impact of the overall proposal.

As noted above, the dwelling would be somewhat recessed into the slope of the site, but the finished floor level would still be 12m above the level of the road and the ridge level would be 18m above. The roadside boundary to the front of the house is currently formed by dense native hedgerow and as such the proposed development would not be visible from the public road directly to the front of the site or from the approach from the south.

To the north of the site the road level is lower and the hedgerow is more dispersed. Therefore, it would be possible to obtain views of the house from certain points on

the public road on the approach from the north. I note the photomontage submitted with the appeal that shows prospective views from the wider area. The most prominent views of the site would be from the public road travelling south and from Viewpoint 6, Callystown Road.

Whilst the finished proposal would not be overtly visible from the immediate vicinity, I would have a concern regarding the incremental encroachment of the development into the rural area and the level of intervention required to facilitate the development. I consider that, if permitted, the development, could potentially set a precedent for similar type applications for backland development in this area and would militate against the preservation of the rural environment, which would be contrary to the greenbelt zoning objectives pertaining to the site. I therefore consider that planning permission should be refused on this basis.

7.4. Other Issues

Drainage

It is proposed to connect the dwelling to the existing mains water supply. The wastewater would be treated onsite by installing a BAF Waste-Water Treatment unit and percolation system comprising a 15m² Sand Polishing Filter. Surface water run-off would be diverted to two separate soakaways, located to the north and south-east of the dwelling. A third soakaway would be installed to the north of the site entrance to the site to cater for the surface water run-off at that location. Additional measures such as water butts and permeable paving would be used to reduce run-off.

Having assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2010), I am satisfied that the results are in accordance with EPA guidance and that the system proposed will be adequate. I note that the Planning Authority had no objection to the wastewater treatment system proposed.

A map submitted with the Wastewater Treatment System Site Suitability Assessment Report shows the approximate location of wells and wastewater treatment systems within 250m of the site and percolation area. As the existing pattern of residential

development in proximity to the site is dispersed and rural in nature, each site is served by individual wastewater treatment systems. Whilst it is not addressed in the application, I would have some concerns regarding the cumulative impact of individual on-site waste-water treatment systems in the area and the potential for a public health hazard.

Access

It is proposed to use the existing gated entrance to the site to accommodate both dwellings. The existing driveway is at an angle to the gate and turns south at the site entrance which requires a sharp turn left when approaching from the south. Under the proposal, the driveway would be repositioned to the north but the turn at the entrance would remain.

In order to improve the sightlines from the site it is proposed to move the location of the southern pier and wall inward by approximately 1.25m and to clear any vegetation at this location. A report on the existing and proposed sightlines was prepared by Barrett Mahony Consulting Engineers and was submitted with the application. The report states that at present a line of sight can currently be achieved from a point measured 2.5m in from the road edge to a ranging rod set 75m away and at a height of 1m in both directions. However, the development plan ideally calls for a 3m setback. The proposed works to move the southern gate pillar will further improve the sightline to the south and would allow for a setback of 3m within the site. With these changes, the required sightline of 75m will be comfortably achieved. Furthermore, a distance of 90m could be achieved with some minor modification of a mound of earth at the road edge, approximately 30-40m south of the entrance.

Having reviewed the information submitted and visited the site, I am satisfied that the sightlines required under Table 7.4 and 7.4 of the CDP can be achieved and that the proposal would not result in a traffic hazard.

7.5. Appropriate Assessment

- 7.6. Having regard to the nature and scale of the proposed development and the separation distance to the nearest 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 planning permission be refused for the development.

9.0 Reasons and Considerations

The proposed development for a detached dwelling on an elevated site to the rear of existing residential properties would constitute a random and incongruous backland development and would result in an incremental encroachment of random rural development in an area designated as Development Zone 4, which seeks to provide for a green belt around the urban centre of Drogheda. The proposed development would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would therefore be contrary to the green belt zoning and to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

4th March 2021