



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308777-20

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|-------------------------------------|--|
| <b>Development</b>                  | Construction of a detached 2-storey dwelling and garage. |
| <b>Location</b>                     | Duffs Farm, Termonfeckin, Co Louth                       |
| <b>Planning Authority</b>           | Louth County Council                                     |
| <b>Planning Authority Reg. Ref.</b> | 20/708   |
| <b>Applicant(s)</b>                 | Matthew McEvoy.  |
| <b>Type of Application</b>          | Planning Permission.                                     |
| <b>Planning Authority Decision</b>  | Refuse Permission.                                       |
| <b>Type of Appeal</b>               | First Party.   |
| <b>Appellant(s)</b>                 | Matthew McEvoy.  |
| <b>Observer(s)</b>                  | None.  |
| <b>Date of Site Inspection</b>      | 24 <sup>th</sup> February 2021.                          |
| <b>Inspector</b>                    | Elaine Sullivan.   |

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.509ha and forms part of a larger open field on the outskirts of Termonfeckin. The field is located to the north-east of the village and is on the western side of the R166, regional road, (Drogheda to Clogherhead). There is a vehicular access in place from the R166, which is defined by a stone pillar on the northern side.
- 1.2. Along the southern boundary, the field is defined by a wooden fence which flanks the entrance road to the residential development of the Paddocks. This boundary also defines the northern settlement boundary of Termonfeckin. The remaining boundaries of the wider field are rural in nature and comprise hedgerows and trees.
- 1.3. The development site is positioned to the centre of the field and would be set back from the road by approximately 135m with the western boundary formed by the existing hedgerow and planting. An access road would be required from the vehicular entrance, which would essentially divide the field in two. The topography of the field falls away to the west and has a lower level than the eastern boundary which is adjacent to the road.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the construction of a detached, 2-storey dwelling of 190m<sup>2</sup> located in an open field on the outskirts of Termonfeckin. The house would be contemporary in style and would be laid in two linear volumes on an east-west axis and connected by a single storey flat roof structure. It is proposed to finish the lower level of the house would in render and the pitched roof profiles of the upper levels would be clad with a zinc/metal finish. The central connecting room would have a dry-jointed fieldstone finish.
- 2.2. A garage/store building of 128m<sup>2</sup> would be constructed to the rear of the house and along the western boundary. This building would have a footprint of 12m x 12m, with a double pitched roof with a ridge height of 5.65m.
- 2.3. A new access road of c. 134m would be constructed from the existing vehicular entrance on the R166 to the new dwelling, which is positioned to the rear of the site. The existing hedgerows along the R166 would be retained and new boundaries to

the site would be formed with post and rail fencing and native species hedgerow. It is not clear if the access road would have any landscaping or how it would be defined. It is proposed to connect the house to the mains water and foul water systems which are 40m to the south of the site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

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

1. The proposed development is located within Development Zone 4 in the Louth County Development Plan 2015 -2021 where it is the objective of the Plan to provide for a greenbelt area around the urban centre of Drogheda and as such Policies SS19 and RD37 require applicants for one-off rural housing to demonstrate compliance with the Local Needs Qualifying Criteria. Having regard to the applicant's stated qualifying address which is within the settlement boundary of Termonfeckin, the applicant does not meet with the rural qualifying criteria for the one-off house in the greenbelt and as such, does not comply with the said policies of the Plan.
2. The proposed development would constitute haphazard development in a rural area close to Termonfeckin. The development would militate against the orderly development of Termonfeckin, would be contrary policies SS19 and RD37 of the Louth County Development Plan 2015-2021 and would, therefore be contrary to the proper planning and sustainable development of the area.
3. It is the policy of the Louth County Development Plan 2015-2021 (TC12) to ensure that the minimum visibility standards and dwell areas as outlined in Table 7.4 and Table 7.5 of the Louth County Development Plan 2015-2021 can be achieved at the junction of the vehicular entrance with the regional road R166. Based on the information submitted, the applicant has failed to demonstrate to the satisfaction of the Planning Authority that the visibility splays and dwell areas outlined in Table 7.4 and Table 7.5 can be achieved at the entrance of the site. As such the proposed development would materially contravene Policy TC12 of the Louth County Development Plan 2015-2021

and would endanger public safety by reason of traffic hazard and obstruction of road users.

4. On the basis of the information provided with the application and in the absence of an AA or Natura Impact Statement, the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Site Boyne Estuary designated as a Special Protection Area and Boyne Coast and Estuary and, Clogherhead Special Area of Conservation, or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.
5. The applicant has failed to demonstrate to the satisfaction of the Planning Authority that connection to the public watermain and public foul sewer and drain is achievable. The proposed development would therefore materially contravene Policy ENV17 and policies WS 10 — 14 of the Louth County Development Plan 2015-2021 and would be prejudicial to public health.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The recommendation to grant permission in the Planning Officer's report, (21<sup>st</sup> October 2020), reflects the decision of the Planning Authority. The report included the following;

- The site is located in Development Zone 4 of the Development Plan, which seeks to provide for a greenbelt around urban centres. In terms of applications for one-off houses in Development Zone 4, policy RD 37 applies and also refers to Section 2.19.1 for qualifying criteria.
- The applicant's family residence, which is also identified as his qualifying residency is located within a Level 3 Settlement as per the CDP. Section 2.19.2 states that the 'rural area' excludes those lands which lie within Level 1, 2, 3 and 4 settlements inclusive. Therefore, the applicant fails the first part of the policy test.

- The applicant states that his family home is at Duff's Farm, Termonfeckin. This confirms that the family/long-term residence is within a Level 3 settlement and therefore does not conform to the rural housing needs qualifying criteria outlined in section 2.19.1 of the SDP and is contrary to Policies SS 18 & 19 and RD 29 of the CDP.
- The proposed site is within 38-73m of the Termonfeckin settlement boundary and does not observe the clean break of a minimum of 300m between the boundary of an existing settlement and any permitted development along the adjoining roads as per policy SS54 of the CDP.
- This would represent haphazard development and would constitute ribbon development.
- The overall design of the dwelling conforms with the design parameters of Section 2.0 of the CDP. It would be of sufficient distance from the adjoining development at the Paddocks to prevent any detrimental impact on amenity in terms of overlooking, overshadowing, overbearing impact or loss of light.
- The landscaping plan has insufficient detail. A new post and rail fence with native hedgerow is proposed for the southern and eastern boundaries. Details of the planting for the northern boundary have not been supplied.
- The proposed garage is 128m<sup>2</sup> and is not subservient or domestic in scale and is not in accordance with Policy SS61 for domestic garages.
- Given the proximity of the site to the Clogherhead Head SAC, the Boyne Coast and Estuary SAC and the Boyne Estuary SPA, and the lack of information regarding connections to the public waste water/mains/public sewer/drains, the impact of the development on the European sites cannot be assessed.
- The proposal is contrary to Policy TC12 with regard to visibility standards. The applicant has failed to show the required visibility splays for the R166 Regional road, which are 3.0m x 125m x 0.6-1.05m and a gradient of 0% to 2% for at least 5m.

### 3.2.2. Other Technical Reports

Infrastructure Section – Further information is required. The applicant is requested to submit a revised proposal showing visibility of 125m x 3m x 1.05-0.6m in each direction.

Water Services – No report on file.

### 3.3. **Prescribed Bodies**

**Irish Water** – Further information is required including a detailed design regarding connection to both the public watermain and the public foul sewer. The proposed connection may require the applicant to access the network via third party lands. More details/wayleave information on this is also required.

### 3.4. **Third Party Observations**

None received.

## 4.0 **Planning History**

No planning history found specific to the site.

Towards the front of the field and adjacent to the R166;

**91/96** – Planning permission refused by An Bord Pleanála on the 8<sup>th</sup> November 1991 for the following reasons;

*The proposed development would constitute haphazard development in a rural area close to Termonfeckin. The development would militate against the orderly development of Termonfeckin and would, therefore, be contrary to the proper planning and development of the area.*

*The proposed development would endanger public safety by reason of a traffic hazard as the site is located along a busy Regional route at a point where the maximum speed limit applies and the traffic movements generated would interfere with the safety and free flow of traffic on the adjoining road.*

## 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.

#### 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.

### **2.19.2 – Definition of a Local Rural Area**

A local rural area is defined as, 'being a radius of six kilometres from the qualifying rural family residence. Where the qualifying area is reduced by reason of its location, for example, proximity to the coast, county boundaries or development zone boundaries, the six kilometre (6km) radius may be extended to include an area equivalent to the area lost'.

For the purposes of this definition it shall be the case that the rural area excludes those lands which lie within Level 1, 2, 3 and 4 Settlements inclusive.

### **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'.

**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.

#### **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.

It is approximately 1.2km to the north west of the Boyne Coast and Estuary SAC and approximately 3km from the Clogher Head SAC.

### **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 the appeal can be summarised as follows;

- The subject site has been in the McEvoy family for multiple generations and the land has been legally transferred from grandparent to grandson with the sole intention of constructing his permanent family home. The applicant's direct familial relations have farmed locally within the farmlands of Duff's Farm, Tobertoby and Meaghsland for generations.

- The subject site is located in Development Zone 4 and the applicant is applying for permission under Category 2 – local needs. The applicant's qualifying address is that of his parents, which is located in a cluster of dwellings along the rural road to the north-east of Termonfeckin village.
- The expansion of the village over the years eventually subsumed this ribbon development with a series of road openings servicing backland sites for residential development. However, the rural nature of these detached dwellings is clear from historic maps.
- It is argued that the qualifying address is originally part of the rural hinterland surrounding Termonfeckin. Strong local ties to the immediate rural area can also be demonstrated. A map has been submitted showing the locations of the applicants, grandparent's dwellings and land holdings to the north of the stie and within the Zone 4 area.
- Housing developments permitted during the economic boom of the noughties such as The Paddock and Rockabill Cove have altered the boundary lines of Termonfeckin Village with the consequence that the rural houses along the R166 route are now considered part of the Level 3 village of Termonfeckin. To that end the applicants qualifying address was within the rural area for a period of at least 10 years, and in reality, much longer.
- The applicant has intrinsic connections to the local rural area and has set up a business in the area that provides services to local landowners and agricultural activities. He is not a transient commuter but is generating local employment and contributing positively to support the future of the local community.
- The Planning Authority states that the proposal 'would constitute haphazard development in a rural area close to Termonfeckin'. This statement is disputed. The arterial routes into Termonfeckin village are typified by rural housing of this nature.
- The proposed site is not a 'green belt' in the pure sense of the term as the R166 is dotted with rural housing in a 'haphazard' formation, with further

development mooted for the R177 coast road between Termonfeckin and Clogherhead.

- The siting of the house, setback from the road edge and taking advantage of the existing historic entrance flanked by a stone pier, results in a visually unobtrusive, low-key building that will have minimal impact on the rural character of the immediate area.
- The dwelling also breaks from continuing an unsustainable pattern of ribbon development.
- In their schedule, the Planning Authority state that the development would materially contravene Policy TC12 of the LCDP and would endanger public safety by reason of traffic hazard and obstruction of road users. Whilst this may not have been adequately demonstrated in the original submission, the sightlines can be achieved as demonstrated in the appeal. This issue could have been addressed by way of further information and is not a reason for refusal.
- The site does not fall close to or within Table 5.1, Table 5.2 or Map 5.1 and 5.2 with regard to SAC and SPA respectively. Therefore, it was considered that the application did not contravene LCDP policies HER 3-6 and that an AA or NIS was required. During the relatively short period between the refusal and the appeal, there was not sufficient time to prepare a response to this and further clarity can be provided through the appeal.
- While approval from utility providers was not included with the original submission to the Planning Authority, the applicant has made initial enquiries with Irish Water and obtained drainage maps which indicates that more than adequate falls and invert levels exist to make a connection to the public water main and foul drainage subject to the Irish Water approval process.

## **6.2. Planning Authority Response**

A response from the Planning Authority was received on the 16<sup>th</sup> December 2020 and contains the following;

- The applicant does not comply with the rural housing qualifying criteria outlined in Section 2.19.2 and is therefore contrary to Policies SS 18, SS 19 and RD 29 of the Louth County Development Plan 2015-2021.
- The location of the site, its proximity to Termonfeckin and its visual linkage with it would result in haphazard development and would mar the distinction between the settlement and the rural area.
- Although a plan showing the required visibility splays has been submitted with the appeal, at the time of the application, it was not demonstrated how this could be achieved.
- Details were not provided at the time of the assessment to conclude on the Appropriate Assessment or that connections to the public mains and wastewater systems can be achieved. These details are required to comply with WS 10-14 and have not been supplied with the applicant's appeal statement.

### **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
- Local Need
- Other Issues
- Appropriate Assessment

## **7.2. Principle of Development**

The subject site is located outside the settlement boundary of Termonfeckin and within 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. The basis for assessing the qualifying criteria is assessed below. However, in my view the primary principle is the suitability of the site for development given its nature and location.

## **7.3. Siting and Design**

In my opinion the design and orientation of the dwelling has been well considered. The gross floor area of 190m<sup>2</sup> is in accordance with the maximum floor areas as set out in Table 2.9 of the CDP and is modest for the size of the site. However, the scale of the proposed garage/store at 128m<sup>2</sup> is excessive for an ancillary domestic building. Its distance from the house does not make it practical for a garage and, in my opinion, it would represent a poorly proportioned form within the landscape, which is not in accordance with the provisions of Policy SS 61. Should the Board be minded to grant permission for the development, the scale of the garage could be addressed through compliance with a planning condition.

Whilst the scale and design of the dwelling might be acceptable, the siting and positioning of the proposal leads to more fundamental issues regarding the proposal. In my opinion the location and positioning of the dwelling within the site would result in an overall negative impact on the character of the rural area.

The dwelling would be located approximately 70m to the north of the Paddocks development, which also forms the settlement boundary of Termonfeckin. In order to prevent ribbon development, policy SS 54 of the CDP seeks to 'preserve a clear break of a minimum of 300 metres between the boundary of existing settlements and any permitted development along adjoining roads'. In my opinion the location and proximity of the development to the settlement would represent an incremental

encroachment into the rural area beyond the defined boundary, and, as such is representative of ribbon development.

It is argued in the appeal that by positioning the house to the rear of the site where the level is lower, that the visual impact of the proposal would be lessened. Having visited the site, I am not convinced that the change in level would be sufficient to mitigate against the visual impact of the proposal. In order to access the dwelling a road of c. 135m would be required, which would essentially bisect the field. The drawings submitted do not include any landscaping proposals for the road and, given the open nature of the field, the road would be visually prominent within the field.

The house would be somewhat shielded by the landscaping proposed for the site boundaries. However, as the surrounding field is open in nature and devoid of any large landscaping features, the dwelling would be visually prominent within the field and its impact would be exacerbated by the long access road required. In my opinion the proposed development would result in a negative visual impact on the surrounding area and would permanently alter the character of the rural area.

#### **7.4. Local Need**

It is argued in the grounds of appeal that the applicant has intrinsic connections to the rural area as both grandparents are/were local landowners with other family members still working in agricultural activities in the area. He has also lived in the rural area for more than 10 years as the family home, (qualifying dwelling), was located in the rural hinterland before the expansion of Termonfeckin subsumed it into the village.

Whilst the family connections to the area are evident, development policy for rural housing in Category 2 is based on the period of time the applicant has resided in the area as well as the location of the family home rather than the demonstration of intrinsic connections.

The applicant's family home is approximately 100m to the south-east of the subject site as the crow flies and is within the settlement boundary of Termonfeckin. The different development patterns in the village are clear to see, with the more formalised residential development of the Paddocks, (granted permission in 2005,



PA Ref. 05/302), constructed to the rear of the applicant's family home, which is a detached one-off dwelling.

Notwithstanding the changing nature of the development within the village and its expansion since 2005, the settlement boundary for Termonfeckin has been defined in the CDP 2015-2021 and is formed by the northern boundary of the Paddocks development. Therefore, I am satisfied that the applicants family home, and qualifying residence, is located within the defined Settlement 3 zone and as such is not located in a rural area as defined in Section 2.19.2 of the CDP.

## **7.5. Other issues**

Additional issues that were raised by the Planning Authority include the insufficient information submitted with regard to the proposed connection to the mains water and foul water systems and also with regard to the sightlines for the vehicular access to the R166.

### **Connections to Services**

The appeal states that the while approval from the utility providers was not included with the planning application to the Planning Authority, the applicant had made initial enquiries to Irish Water and had obtained drainage maps that indicate more than adequate falls and invert levels to make a connection to the public watermain and public foul drainage subject to the Irish Water approvals process. Initial investigations by the applicant's engineer had also indicated positive findings that connections to the public mains could be achieved.

I note that the response from Irish Water in the Planning Observation Report states that a water and waste connection to the mains system could be feasible but that more information is required with regard to the detailed design of the connection. Whilst initial indications may be favourable, this cannot be confirmed until the applicant has carried out a detailed design of the system and engaged fully with the service provider. Therefore, I am not satisfied that the application has sufficient information to make an informed assessment regarding the proposed drainage and servicing of the site.

Drawings also indicate that a wayleave would be required over third-party lands to connect with the existing system and to provide the access road. Details of which has not been included and the applicant has not demonstrated that he has permission to carry out these works from a third party. In my opinion the proposal lacks sufficient details which are required in order to demonstrate that the development can be carried out.

I note that the planning authority's reason for refusal states that the proposed development materially contravenes Polies ENV 17, and WS 10-14 of the development plan. Policy ENV 17 requires that all permitted development taking place within an area served by a public wastewater treatment system connects to that system and Policies WS 10 -14 relate to the provision of surface water drainage. Whilst the applicant has not submitted sufficient information to demonstrate how the development is in accordance with this policy, in my opinion, it does not justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

### Sightlines

Concerns were also raised by the Planning Authority with regard to the level of detail submitted to demonstrate appropriate sightlines at the vehicular entrance to the site. This was addressed by the applicant in the appeal and Drawing 004/Rev A demonstrates that sight visibility lines in excess of 125m in both directions can be achieved from a 3m set-back from the road edge. I am satisfied that the applicant has demonstrated that the sight lines required by the CDP and as set out in Table 7.4 can be achieved safely.

I note that the planning authority's reason for refusal states that the proposed development materially contravenes Policy TC12 of the development plan. This policy requires that the visibility standards and vehicle dwell area requirements as set out in Tables 7.4 & 7.5 are applied. In my opinion the applicant has demonstrated that the compliance with Tables 7.4 & 7.5 can be achieved and as such the proposal does not materially contravene Policy TC 12. The Board should

not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

## **7.6. Appropriate Assessment**

The appeal site is neither within nor immediately abutting any designated European site. However, the site is approximately 1km to the northwest of the Boyne Coast and Estuary SAC. The Planning Authority had raised concerns regarding the lack of information regarding the potential impact of the development on the SAC in terms of its proposed water connections.

There is no direct connection between the SAC and the appeal site. The site is separated from the SAC by the R166, regional road, by agricultural fields beyond that and by residential development adjacent to Termonfeckin Beach.

Having regard to the minor nature of the development, the proposed connection to the mains water system, the absence of a pathway to and the separation distance to any European site, no Appropriate Assessment issues arise and it is considered that the proposed development would not 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 proposed development.

## **9.0 Reasons and Considerations**

1. The proposed development, by virtue of its location, on the outskirts of the designated settlement of Termonfeckin, and within Development Zone 4, which seeks to provide for a green belt around the urban centre of Drogheda, would result in an incremental encroachment of random rural development in the area, would contribute to ribbon development and 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 proper planning and sustainable development of the area.

2. It is considered that, by reason of its height and mass, the proposed two-storey house would be visually obtrusive in this open rural area and would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development of a detached, two-storey house, is located within Development Zone 4 in the Louth County Development Plan 2015-2021, the objective of which is to provide for a green belt around the urban centre of Drogheda and where rural housing need is guided by Policy SS 18. Having regard to the documentation submitted with the planning application and appeal, it is considered that the applicant does not qualify with the Local Needs Qualifying Criteria as set out in Section 2.19.1 of the Development Plan as the applicant's qualifying address is within a Settlement 3 area, which is excluded from the definition of a 'Local Rural Area'. The proposed development would, therefore, be contrary Policy SS 18 of the Louth County Development Plan 2015-2021 and would therefore be contrary to the proper planning and sustainable development of the area.
4. The applicant has not submitted sufficient information to demonstrate that a connection to the public watermain and foul sewer drain is achievable. Therefore, the proposal is not in accordance with the policies and objectives of the Louth Development Plan, and in particular with Policy ENV 17 and would be contrary to the proper planning and sustainable development of the area.

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Elaine Sullivan  
Planning Inspector

2<sup>nd</sup> March 2021