



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309032-20

<b>Development</b>	House, entrance, proprietary effluent treatment system and polishing filter and all ancillary site works
<b>Location</b>	Clonllyn Glebe, Belmont, Birr, Co. Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	20/189
<b>Applicant(s)</b>	Niall & Linda Donaghy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Parties v Grant of Permission
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Gerard &amp; Sinead Dolan</li><li>2. Ignatius Devery</li><li>3. Ethna Dolan</li></ol>
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14.04.2021

**Inspector**

Anthony Kelly

## **1.0 Site Location and Description**

- 1.1. The site is located in a rural area approx. 3km north west of Ferbane in north west Co. Offaly.
- 1.2. The site is an 'L' shaped site with a relatively narrow area along the roadside which widens into a larger area approx. 100 metres into the site. Grounds levels on site are undulating. There is a hedge/tree line along the entire south eastern boundary of the site. There are no physical boundaries to the north eastern or north western boundaries though there is a tree line running inside of and parallel to much of the north western boundary.
- 1.3. The site has an area of 1.384 hectares.

## **2.0 Proposed Development**

- 2.1. Permission was sought for a house, garage, vehicular entrance and a proprietary effluent treatment system and polishing filter.
- 2.2. The proposed two-storey house had a floor area of 469.67sqm and a maximum height of approx. 7.3 metres. It had a contemporary design and was to be externally finished in natural stone and render with some cedar cladding and zinc. The proposed garage had a floor area of 48sqm and a height of approx. 3.8 metres. It was externally finished in render.
- 2.3. Further information was submitted in relation to, inter alia, compliance with the rural housing policy, repositioning of the house on site, a reduction in the floor area of the house and alterations to the design, omission of the garage, a contiguous elevation and responses to issues raised in the submissions received on the application. A 'Design Statement' prepared by MMA Architects (applicants' agent) accompanied the further information response.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was granted by Offaly County Council subject to 15 no. conditions including a seven year occupancy condition, external finishes, detail of the vehicular entrance and roadside boundary, Irish Water connection agreement, the wastewater treatment system, surface water disposal, construction practices, finished floor level, landscaping and development contributions.

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

- 3.2.1. Two Planning Reports form the basis of the planning authority's decision. The summary of the second report considers that the applicants sufficiently responded to the concerns raised by the planning authority in the further information request and the proposed development has been redesigned to address concerns. The Planner recommended permission be granted.

##### **3.2.2. Other Technical Reports**

**Area Engineer** – Condition recommended.

**Water Services** – No objection subject to conditions.

#### **3.3. Prescribed Bodies**

None.

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

- 3.4.1. Three observations were received from the same submitters of the grounds of appeal. The issues raised are largely covered by the grounds of appeal with the exception of the following:

- Erosion of farmland and the countryside, reduction in wildlife, places a demand on a water supply crucial to farming practices and is contrary to national and regional policies of concentrating urban development in urban areas.

- The house location is close to farmland and there are concerns about boundary treatment and security with uses which may not be compatible.
- Light pollution.
- Wastewater location has the potential to negatively impact the Dolan landholding.
- Concerns set out about the proposed house positioning, size, scale, design and finishes.
- Concerns about existing and proposed boundaries and landscaping.
- Rights-of-way.

## 4.0 Planning History

None.

## 5.0 Policy Context

### 5.1. Project Ireland 2040 National Planning Framework

- 5.1.1. National Policy Objective (NPO) 19 states it is an objective to 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.

### 5.2. Eastern & Midlands Regional Spatial & Economic Strategy 2019-2031 (RSES)

- 5.2.1. Section 4.2 (Settlement Strategy) – Support the sustainable growth of rural areas by promoting the revitalisation of rural towns and villages, including ready to go

regeneration projects coupled with investment where required in local employment and services and targeted rural housing policies, to be determined by local authorities.

5.2.2. Section 4.8 (Rural Places: Towns, Villages and the Countryside) states, inter alia in relation to housing, that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth.

5.2.3. Regional Policy Objectives (RPOs) for Rural Areas include RPO 4.77 and RPO 4.78 which, generally, support local authority development plans prioritising the regeneration of rural towns, villages and rural settlements. Policy RPO 4.80 reiterates NPO 19 where it states that, in Rural Areas Under Strong Urban Influence and Stronger Rural Areas, local authorities shall manage urban generated growth by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

### **5.3. Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

5.3.1. These guidelines are relevant to the planning application. Circular Letter SP 5/08 was issued after the publication of the guidelines.

### **5.4. Offaly County Development Plan 2014-2020**

5.4.1. Section 1.15.6 (Approach to Future Population Growth – Housing in the Open Countryside) states the settlement strategy recognises the tradition of rural living and the requirements of people connected with the rural area and/or with an identified need to reside in the open countryside. Housing policy in the open countryside is informed by the Sustainable Rural Housing Guidelines (2005) which provides that planning authorities distinguish between areas under strong urban influence, stronger rural areas and structurally weaker areas. The rural housing policy is specifically aimed at restricting what the guidelines refer to as ‘urban generated housing’ whilst prescribing that ‘rural generated housing’ which will be facilitated by way of policy. On Map 1.3 (Rural Area Types in County Offaly) the site is located in an area of ‘strong urban influence’. On Map 1.4 (Rural Housing Policy Map) the site is in a ‘pressure area’.

- 5.4.2. The rural housing policy is set out under Policy SSP-18. Within areas of the open countryside identified as a pressure area a positive presumption will be given towards a new single house for the permanent occupation of an applicant who falls within one of three separate categories set out. These categories are local rural persons, persons working fulltime or part time in rural areas or exceptional health circumstances.
- 5.4.3. Section 8.7 (Development Management Standards – Single Houses in the Countryside) is also relevant.

## **5.5. Draft Offaly County Development Plan 2021-2027**

- 5.5.1. The third stage public consultation on any significant amendments to the Draft Plan is expected in Summer 2021.

## **5.6. Natural Heritage Designations**

- 5.6.1. The closest natural heritage area is the Natura 2000 site Moyclare Bog SAC (and NHA) approx. 800 metres to the south west. Clonllyn Glebe Bog NHA is approx. 1.2km to the north. Ferbane Bog SAC (and NHA) is approx. 1.7km to the east.

## **5.7. EIA Screening**

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

# **6.0 The Appeal**

## **6.1. Grounds of Appeal**

Three grounds of appeal have been received from Gerard & Sinead Dolan, Moyclare, Belmont (owners of the adjacent house and farm to the south), Ignatius Devery,

Creggan, Ferbane (adjacent landowner) and Ethna Dolan, Glebe, Belmont (mother of Gerard Dolan and occupant of the adjacent house to the south). The main issues raised in the separate grounds of appeal are relatively similar in nature, so I have collectively summarised the three grounds of appeal as follows:

#### Compliance with Rural Housing Policy

- The applicants are not living with parents in Clonfanlough, Athlone, Co. Offaly as stated in the Supplementary Application Form. They live in Cloghan village. Mr. Donaghy's business and offices are part of the same building.
- The applicant(s) state they are a farmer, but relevant documentation is pending.
- The further information response states the applicants have purchased 75 acres of land of which 45 acres are in forestry, with an option to buy further land. This is incorrect. The total area of the landholding was 75.6 acres (30.6 hectares) prior to a site being sold. Subtracting the current site leaves approx. 29.4 hectares. Stamped Land Registry maps submitted with the further information response shows the site (A) with an area of approx. 1.2 hectares, 'B' with approx. 17.7 hectares and 'C' with approx. 11.6 hectares. It is not possible to purchase more lands as the original holding comprised 30.6 hectares which they state they have already purchased. However, the solicitor's letter clearly states the only property they have purchased is the approx. 1.2 hectare area, and Special Condition 6 states the applicants have only an option within certain dates to purchase the aforementioned lands. The Land Direct website shows an application is pending on one folio only, the site.
- The application should be considered only on the 1.236 hectares site and not the additional lands.
- No real functional need has been demonstrated to reside in this rural area. There is no farm or business.

#### Impact on Residential Amenity

- The house position is backland development. The repositioning of the house as part of the further information response was a token gesture on the 1.236 hectares site and is still located on almost the highest part of the site. It was



moved 4.03 metres to the northeast and 9.57 metres to the northwest, not 11.5 metres and 13 metres respectively, as stated.

- Permission should not have been granted because of its siting and size. The 402sqm floor area is generally three to four times larger than other properties in the area and matches nothing in the proximity. Existing hedge/trees are inadequate for screening. Some screening mentioned is not part of the applicants' property. It would be quite visible from Gerard & Sinead Dolan's property. The extract set out from Page 3 of the Offaly Rural Design Guidelines in relation to backland development is misinterpreted.
- It cannot be demonstrated to Gerard & Sinead Dolan that the development will not impact on the visual and residential amenity of their property. Alternative siting options on site have not really been explored.
- Impact on the visual and residential amenity of Ethna Dolan's house and property. The further information response comment relating to 22 metres separation distances in urban areas is of no relevance in a rural area.
- The applicants say there is no established building line. There are 45 no. houses on the road. Eight are down boreens with farmyards and land attached and are not visible from the public road. Six are down boreens with farmyards and land attached but are visible from the public road. 30 no. houses address the public road. The last house could be regarded as backland, but the owners also own the old farmhouse and surrounding land. 18 no. of the 30 no. houses have been built in the last twenty five years so the Council should also have requested this house address the public road.
- Boreens and laneways serve numerous purposes such as access to houses, access to land in different ownership, access to farmyards and access to boglands. The development is not comparable as it is a long private driveway to one large one-off house.

#### Roads & Traffic

- The 40.09 metres width of the roadside boundary does not appear to be correct (see 'Miscellaneous').

- A concern is expressed that unobstructed sightlines are not achievable. The frontage is narrow and, when the exact boundaries are taken into consideration, would result in the submitted sightline layout being inaccurate. A vehicle would be required to be well out onto the road to achieve a clear view.
- The road is narrow and entrance site is on a bend. The road can only accommodate a truck, bus or agricultural machinery traveling in one direction. Quarry trucks use the road on a regular basis.

### Miscellaneous

- Incorrect information or omitted information in the Supplementary Application Form.
- The Land Registry map for the site states an area of 1.236 hectares. However, the drawings and correspondence state a site area of 1.384 hectares. It appears that the red line boundary on the northwest side does not correspond to the Land Registry map. Gerard & Sinead Dolan's land abuts the public road and southeast side of the site. The red line here deviates significantly from the actual established boundary line as per OS map and they consider that a piece of their land has been included within the site layout. The 40.09 metres width of the roadside boundary would not be correct given the questionable position of the two red boundary lines.
- The purchase of the site prior to planning permission was contrary to pre-planning advice. The grant of permission could be regarded as an opportunity to use this model of approach. Agricultural land prices in the area would make for very cheap building sites and accelerate the erosion of agricultural land and the rural landscape, contrary to national and regional policies.
- Offaly County Council did not notify Ignatius Devery of the grant of permission.
- Changes to the original design are so significant that it should have been the subject of an additional newspaper notice to allow observers to comment on same.
- Submitted photographs are taken from long distance at advantageous angles.

## 6.2. Applicants' Response

The main points made can be summarised as follows:

- The house has been carefully sited in accordance with the Offaly Rural Design Guidelines and applied for in accordance with Linda Kelly's local rural generated housing need. Linda Kelly's background and family links to the area are set out. It is stated, inter alia, that the applicants had been living in Clonfanlough with Linda Kelly's parents but temporarily relocated into a small house in Cloghan in July 2020 until the vaccine is rolled out because Linda Kelly's parents are in the high risk for Covid 19.
- Linda Kelly complies with the rural housing policy of Offaly County Council because she was born and has lived in the area all her life. Relevant supporting documentation has been submitted with the application and applicants' response. The site is within 5km of her family home and the applicants have never owned a house in a rural area. The applicants comply with the provisions of the County Development Plan 2014-2020 and the Sustainable Rural Housing Guidelines for Planning Authorities (2005).
- Linda Kelly used to help with the farming at home. Niall Donaghy is from a farming background and intends, with the remaining agricultural lands that have been purchased, to rear pedigree cattle in a part-time capacity.
- The location of the house on site was based on the Offaly Design Guidelines. It offers only glimpses of the development from the public road. The house is larger than those along the road but, accordingly, the site is also larger, well screened and has an established backdrop. It avoids creating linear/ribbon development and blends into the landscape. The siting allows for better use of sunlight and shelter belts maximising elements of sustainable design. The Guidelines state that houses are 'generally best located as far back from a road as possible'. The driveway will only be visible from the entrance to the site because of established hedgerow and trees to either side of it and it is below road level. The site can absorb the development.
- The nearest appellant (Ethna Dolan) considers the development to be backland development. 'Backland' is undeveloped land behind a developed property. It

cannot be said the proposed house is 'behind' this appellant's property. There is 69.36 metres between the Dolan house and site boundary and 123.54 metres between the existing and proposed houses. The proposed house is not directly opposing the house, the Dolan farm complex is located between the sites and there is also a significant tree stand. There will be no visual impact on the Dolan house.

- The ground level of the public road varies between 55.08m and 55.84m whereas the proposed house finished floor level is 53m. The position of the house minimises visual impact and maximises residential amenity.
- There is no preclusion in the Plan or Guidelines in relation to large houses once the receiving environment has the capacity to absorb them. The house is a modern take on a traditional structure. The main plan follows that of the Guidelines with smaller elements added to break up the form. The planning authority does not seek every house to look like a traditional farmhouse and, in fact, embraces well-designed modernity. The proposed materials are basic to all rural areas in Ireland. The externally accessed garage, linked to the house to form a continuous form, helps create a 'cluster' style form common in rural areas. The simple roof form has no eaves or overhangs, deep cills give substantial pronunciation to the vertical windows. Plaster is muted to help blend into the landscape.
- Ethna Dolan's grounds of appeal cites concerns about the dominance of the view of the development from her house and the other appellants cite similar concerns in terms of visual impact and the incongruity of the house in the landscape. Having regard to the 8.2 metres height of the house at its highest point, the level of the public road, existing screening, the 123.54 metres distance to the nearest house, and the farm complex and established treeline between the site and nearest house the development will not give rise to overlooking or detract from the visual amenity of the area or from residential amenity.
- Light pollution will be negligible and noise pollution no more than any house. Headlights at night will not be moving in a south/south westerly direction and the treeline would break up any direct beams in any event.

- Sightlines are achievable and meet the requirements of the County Development Plan without requiring any works to third party lands. Access required by the forestry commission is via the existing agricultural access and does not affect the site in any way.
- The proposed wastewater treatment system accords with the EPA Code of Practice and conforms to the highest standard.
- A letter from MMA Architects (applicants' original agent) accompanies the grounds of appeal which refutes any suggestion that documents submitted were fraudulent or deliberately misleading. An additional layout plan, section drawing and Google Streetview images are submitted.
- A solicitor's letter dated 20.01.2021 also accompanies the grounds of appeal. This letter states that 'Our clients previously contracted to purchase other lands from the vendor and within that contract our clients were given the option to purchase the said forestry lands. We write to confirm and certify that the option has been triggered and confirm that we have written to the vendor's solicitor triggering the option to purchase the said lands'.

### **6.3. Planning Authority Response**

The planning authority respectfully requests the Board to support its decision.

### **6.4. Observations**

None.

### **6.5. Further Responses**

None sought.

## **7.0 Assessment**

The main issues are those raised in the grounds of appeal and the Planning Reports and I am satisfied that no other substantive issues arise. The issue of appropriate

assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with the Rural Housing Policy
- Site Layout and House Design
- Impact on Adjacent Amenity
- Roads & Sightlines
- Wastewater Treatment
- Appropriate Assessment

### **7.1. Compliance with the Rural Housing Policy**

- 7.1.1. Compliance with the Rural Housing Policy is a core consideration in applications for one-off houses in the rural area. The appellants have raised concerns in relation to the applicants' compliance.
- 7.1.2. The Council's Rural Housing Policy is set out in Chapter 1 (Core Strategy and Settlement Strategy) of the Offaly County Development Plan 2014-2020. The site is located within an area of Strong Urban Influence and is also in a designated Pressure Area. Policy SSP-18 (Rural Housing Policy – Local Need) states that within areas of the open countryside identified as a pressure area a positive presumption will be given towards a new single house for the permanent occupation of an applicant who falls within one of three separate categories set out. These categories are local rural persons, persons working fulltime or part time in rural areas or exceptional health circumstances.
- 7.1.3. The second category relates to Persons Working Fulltime or Part Time in Rural Areas, defined as persons who by the nature of their work have a functional need to reside permanently in the rural area, generally immediately adjacent to their place of work e.g. persons involved in full-time farming, forestry or horticulture as well as similar part-time occupations where it can be demonstrated that it is the predominant occupation and where the applicant does not, or has not, owned a house in the rural area. The applicants state that they do not and have not owned a house in the rural area. The applicant, Linda Kelly, is a social worker and the applicant Niall Donaghy is a public

loss assessor in Cloghan, a village approx. 6.5km south of the site. In the Supplementary Application Form received by the planning authority the applicants state, under Q.3 (a), that the 'applicant' is a farmer and documentation in relation to herd or flock numbers etc. is 'pending'. At planning application stage the applicants had only purchased the site subject of the application. No detail was provided to support the statement that the applicant(s) was a farmer, the land under their control comprised only the site area and there was no evidence of any farmyard. In the further information response it is stated that the applicants 'have purchased 75 acres of land of which 45 acres are currently in forestry'. It is also stated they have an option to purchase further lands. The response states they will work the farm part-time and 'Their purchase of the farm is strongest (sic) possible commitment they can make as a family to the area'. However, at the time of the further information response the only land the applicants actually owned was the site itself and there was only an option to purchase the additional lands extending to approx. 29.4 hectares. The applicant's response to the grounds of appeal contains a solicitor's letter stating that the option to purchase the additional land has now been triggered. I do not consider, having regard to the information on file, that the applicants comply with Category 2 (Persons Working Fulltime or Part-time in Rural Areas) of Policy SSP-18.

- 7.1.4. Notwithstanding, applicants only have to comply with one of the three categories, and I consider that it has been sufficiently demonstrated through appropriate documentation that the applicant Linda Donaghy has demonstrated compliance with Category 1 of SSP-18 of the Offaly County Development Plan 2014-2020 i.e. born within the local area and who is living or has lived there for a minimum of five years, the site is within 8km of the family home, has not owned a house in a rural area and has the need for a permanent dwelling.
- 7.1.5. However, national policy as expressed in NPO 19 of the National Development Plan, requires that, in rural areas under urban influence such as this site, the provision of single housing in the countryside is facilitated 'based on the core consideration of demonstrable economic or social need to live in a rural area ... having regard to the viability of smaller towns and rural settlements'. Similarly, the Eastern & Midlands RSES 2019-2031 contains similar provisions promoting the revitalisation of rural towns and villages. Policy RPO 4.80 reiterates NPO 19 by stating that, in Rural Areas Under Strong Urban Influence, local authorities shall ensure the provision of single houses in

the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements.

- 7.1.6. Having regard to the documentation on file, and in particular to the applicants' professions i.e. a social worker and a public loss assessor, I do not consider that either of these professions require a need to live in a rural area. While I acknowledge that Linda Donaghy has demonstrated that she has grown up in the area, I do not consider that this on its own is sufficient to require a house in a rural area under Strong Urban Influence given regional and national policy to support the revitalisation of smaller towns and rural settlements such as, in north west Offaly, Ferbane, Cloghan, Belmont or Shannonbridge and where no demonstrable social need has been established.
- 7.1.7. Therefore, I do not consider that the applicants comply with national or regional policy for housing in this rural area based on the core considerations of demonstrable economic or social need having regard to the viability of smaller towns and rural settlements.

## **7.2. Site Layout and House Design**

- 7.2.1. Issues relating to site layout and house design, in particular the location of the proposed house relative to existing houses and away from the public road, and the size and design of the proposed house itself, are issues of concern cited in the grounds of appeal.

### Site Layout

- 7.2.2. The site is 1.384 hectares in area. The site width close to the road is approx. 40 metres and this widens out considerably in the rear/north east area of the site. The proposed house is located in the south east area of the site at the end of an approx. 150 metres long gravel driveway. Ground levels on site are undulating but generally slope downwards away from the public road. A 'Landscape Masterplan' was submitted with the further information response showing additional planting proposed and 'meadow' areas. There is an existing hedgerow along much of the site boundary closest to the proposed driveway in the narrower area of the site with a tree line along the south west and south east site boundaries in the area of the site where the proposed house is located. There is also an existing stand of trees inside of and parallel to the proposed



north western boundary which would also help to screen the proposed development from the wider area. The proposed finished floor level of the house is 53.000 compared to the levels of the public road at the site entrance which range from 55.47 to 55.84. The road level decreases in a south east direction from the site entrance but, in my opinion, the area of the site where the house is to be located could not be considered as being prominent or in a localised high area. Existing treelines and vegetation would help reduce any visual impact of the proposed house from the public realm though it would be obvious that there is a house at this location given the vehicular entrance and driveway etc. and it is likely that the house would be at least sporadically visible, 'offering only glimpses of the development' according to the applicants' response to the grounds of appeal.

7.2.3. The applicants state that the site layout was based on the content of 'Designing Houses Creating Homes; A guide for applicants on the siting and design of new houses in the Offaly countryside' published by Offaly County Council. These Guidelines set out a number of considerations for site location. Creating linear or ribbon development should be avoided. However, I do not consider that ribbon development would be an issue had the house location been in the front part of the site. Pages 3 and 4 of the Guidelines encourage development in positions such as that proposed. For example:

- Aim to choose a site that will allow the house fit into and enhance the landscape – not detract from it.
- In order to maximise the enjoyment of new houses and to limit their visual impact, they are generally best located as far back from a road as possible.
- Building in a site behind the immediate road frontage is encouraged if it can be demonstrated that there will be no impact on the visual and residential amenities, current/future, in the area. (Further addressed in Section 7.3 of this Assessment).
- Identify and use the natural sheltering features of the site; folds in the land or contours, existing trees and hedges.

The proposed layout is consistent with these recommendations. For example, I consider the house location fits into the landscape, it is located well back from the road

(approx. 125 metres), the position is behind the immediate road frontage and it uses natural sheltering features such as the existing trees.

### House Design

The proposed house is two-storeys in height with a substantial footprint. As part of the further information response the original house proposed was altered and the house permitted by the planning authority has a floor area of 402sqm, including the car port, and a maximum height of approx. 8.4 metres. It is a large house though I consider it complies with the recommendation on Page 3 of the Council's design guide that 'The size of the house that you plan must be relative to the size of the site'. I consider the large site area can accommodate the house and it would not give rise to a concern of overdevelopment. Section 2 (Scale and Form) and Section 3 (Design) of the design guide provides comments in relation to house types. For example:

- Aim to get the form right and avoid one bulky structure. Break down into smaller elements and remember simple forms are best.
- Proportion is all important. It provides for a harmonious arrangement of the component parts.
- Look at how traditional farmyards created sheltered courtyards.
- A well designed two storey house on a suitable site can also fit in well into the landscape.
- The planning authority is not looking to achieve sameness in house type; bolder forms and modern designs on suitable sites are also welcome along with more traditional forms.
- Appropriate design in a rural context can be either traditional or a modern interpretation of same or a bolder modern or contemporary design if properly executed.

7.2.4. The applicants consider that the proposed house is a modern take on a traditional structure. They consider the main plan follows that of the guidelines with smaller elements added to break up the form. It consists of a simple two-storey form with subservient projections which are also simple in design and form. The proposed materials are basic to all rural areas in Ireland. The externally accessed garage, linked to the house to form a continuous form, helps create a 'cluster' style form common in

rural areas. The simple roof form has no eaves or overhangs, deep cills give substantial pronunciation to the vertical windows. Plaster is muted to help blend into the landscape.

- 7.2.5. Having regard to the floor plan and elevation drawings which illustrate a contemporary house type, I consider that the proposed house, in terms of scale, floor area and design, is, in principle, acceptable in terms of a one-off house in the rural area.

#### Conclusion

- 7.2.6. Having regard to the floor plan and elevation drawings submitted, the large site area to accommodate the proposed house, the hedgerows and tree lines along the site boundaries, the proposed landscaping layout and the content of the planning authority's 'Designing Houses Creating Homes; A guide for applicants on the siting and design of new houses in the Offaly countryside', I consider that the proposed development would be acceptable in principle in terms of site layout and house design.

### **7.3. Impact on Adjacent Amenity**

- 7.3.1. Impact on the amenity of adjoining landowners has been raised as a significant concern in the grounds of appeal, particularly in relation to the Dolan property to the south.
- 7.3.2. I do not consider that there would be any overlooking concern in a north west or north east direction from the proposed house given the distance of well over 200 metres to the only relevant house north west of the proposed house and the absence of any development to the north east which is largely agricultural/forestry land. I do not consider there would be any overlooking issue to the rear/south east of the house because of the minimum separation distance of approx. 24 metres to the site boundary and the absence of any houses in that direction. The Dolan house is approx. 120 metres south of the proposed house and, given the orientation of the proposed house footprint, there would be no direct overlooking of the existing house and farm buildings, notwithstanding the significant separation distance involved. Given the separation distances involved, the presence of mature trees on the site boundaries and the location of some farm buildings adjacent to the house, I do not consider that undue overlooking would occur to the property to the south such that it would have a significant adverse impact on the residential amenity of that property. Additional

planting is also proposed in the southern corner of the site. The location of a two-storey house to the rear of existing houses constructed closer to the road can result in undue overlooking. However, the proposed house is not directly to the rear of existing houses and would not result in direct overlooking. I do not consider the possibility of indirect overlooking would be significant.

- 7.3.3. Given the separation distances to site boundaries and the relatively limited scale of the proposed house no shadowing impact would occur to adjoining properties. The relative differences in finished floor levels between the existing and proposed houses has not been provided. Nonetheless the proposed house is at a lower finished floor level than the public road, is a significant distance from the adjacent house/property and has a height that is not unusual or excessive for a two-storey house. There is also significant natural vegetation coverage around the site boundaries. I do not consider any overbearing impact would occur.
- 7.3.4. Noise and light pollution have been referenced. However, this is a one-off house with standard noise and light issues likely to occur. I would not consider them significant in the context of the rural area.
- 7.3.5. Having regard to the foregoing, I do not consider that the proposed development would result in any significant adverse impact on the amenity of adjacent properties.

#### **7.4. Roads & Sightlines**

- 7.4.1. The grounds of appeal consider that unobstructed sightlines may not be achieved and refer to the condition of the local road.
- 7.4.2. The proposed site entrance, which is in the location of an existing agricultural entrance, is located on the outside of a gentle bend on the L-7010 local road. The road is approx. 4 metres wide and there are verges to both sides of the road in the vicinity. Sightlines of 90 metres to both sides of the entrance are shown. No evidence has been provided to support the claim that altering the boundary to what the appellants consider to be the correct roadside boundary width would affect sightlines. In addition, I have no concern about the nature of the local road at this location which is typical of rural roads. In relation to the proposed entrance, I consider that provision of a natural stone cobble apron at the entrance, as shown on the Landscape Masterplan drawing, would be inappropriate in this rural setting.

- 7.4.3. Having regard to the foregoing, I consider that adequate sightlines would be achieved and the road network in the vicinity is adequate to accommodate an additional house.

## **7.5. Wastewater Treatment**

- 7.5.1. It is proposed to install a packaged wastewater treatment system and polishing filter.
- 7.5.2. The site is in an area with a locally important aquifer of moderate vulnerability. Neither groundwater nor rock were encountered in the 2.8 metres deep trial hole. The topsoil was gravelly loam, silty sandy gravel with cobbles and small boulders were found between 0.2 metres and 1.5 metres, there was a narrow area of gravel and there was silty sandy gravel with cobbles and pebbles below 1.7 metres. Table B.2 (Response Matrix for On-Site Treatment Systems) of the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses identifies an R1 response category i.e. acceptable subject to normal good practice.
- 7.5.3. The T-test result was 41.44. A P-test was also carried out giving a result of 22.67. I consider the results to be consistent with the ground conditions observed on site. Though the trial hole and percolation test holes had been filled in the site comprises a grassed agricultural field with no indication of, for example, rushes or water ponding. Table 6.3 (Interpretation of Percolation Test Results) of the Code of Practice states that, based on the T-test result, the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater. Based on the P-test result, the site is suitable for a secondary treatment system with polishing filter.
- 7.5.4. The site, at 1.384 hectares, is relatively large and all separation distances set out in Table 6.1 (Minimum Separation Distances in Metres) are achieved. A 210sqm soil polishing filter is proposed which is consistent with Table 10.1 (Minimum Soil Polishing Filter Areas and Percolation Trench Lengths Required for a Five-Person House) for a five-bedroom house. However, this population equivalent (PE) was based on a five-bedroom house as per Item 1 (General Details) of the submitted Site Characterisation Form. In the original application there were four bedrooms plus an office/bedroom. In the further information response there were four bedrooms and a stand-alone office. Therefore the number of bedrooms is somewhat unclear but the further information response floor plan drawing indicates a four bedroom house which has a PE of 6 and therefore a reduction in the size of the polishing filter to 180sqm may be appropriate.

- 7.5.5. Notwithstanding, I consider the site can accommodate the proposed wastewater treatment system and soil polishing filter. I note the Water Services Section report of the planning authority indicated no objection subject to conditions.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

I recommend that the planning application be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. Having regard to the location of the site within an area identified as being under “strong urban influence” (Map 1.3 – Rural Area Types in County Offaly) and as a “pressure area” (Map 1.4 – Rural Housing Policy Map) in the current Offaly County Development Plan, to Regional Policy Objective RPO 4.80 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, and to National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of single houses in the countryside in areas under urban influence based on the core consideration of demonstrable economic or social need to live in a rural area, it is considered that the applicants do not come within the scope of the housing need criteria as set out for a house at this location. It is considered that the applicants have not sufficiently demonstrated an economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements and,

therefore, the proposed development does not comply with Regional Policy Objective 4.80 and National Policy Objective 19. In the absence of any identified locally-based need for the house, the proposed development would be contrary to regional and national housing policy and objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Anthony Kelly

Planning Inspector

18.05.2021