



An
Bord
Pleanála

Inspector's Report ABP-309273-21

Development	Construction of two storey dwelling, domestic garage, effluent treatment system and associate site works.
Location	Taylorstown, Cloonown, Athlone, Co Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	20272
Applicants	Cathal Shine & Jennifer Higgins
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	John and Bernadette Roche
Observer	None
Date of Site Inspection	22 nd April 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The appeal site measures 0.325ha and forms part of a larger agricultural field located along a single lane tertiary gravelled road, approximately 45m off the local road (L2035) in the rural townland of Taylorstown, Cloonown, approximately 5km southwest of Athlone town. The gravelled local road in turn provides access to Carrickynaghtan and Garrynagawna Bog to the site's northeast.
- 1.2. The site is relatively flat and is located at approximately the same level as the road (10.00m) rising slightly by 0.3m at the proposed location of the dwelling house and then falling again to 9.4m to the rear of the site (north-eastern corner). The front (south-eastern) boundary of the site has an existing low ditch in place with post and wire fencing delineating this boundary. The remainder of the site is open and forms part of a larger agricultural field. The surrounding area is characterised by agricultural fields on mainly flat land, interspersed with commercial forestry and sparsely populated one-off housing and farmsteads that generally front onto the local road network. The nearest dwelling is a single storey bungalow located approx. 105 metres to the southeast of the proposed site boundary. Another dormer type dwelling house is located along the gravelled tertiary road approximately 145m to the northeast. A large network of field drains is evident in the area, though none are present on the current site. The closest drain is located on the eastern side of the adjoining local road which runs along the site's eastern boundary. The Carrickynaghtan Bog Natural Heritage Area (NHA) is located c.170m north east of the proposed site.

2.0 Proposed Development

- 2.1. The proposed development for which permission is sought, would comprise the following:
 - The construction of a four-bedroom, two-storey house measuring a stated 280sq.m, with a ridge height of 8.1m and a detached garage measuring c.39sq.m.
 - New entrance off local road; and

- The installation of a proprietary effluent treatment system and percolation area, connection to public mains water supply and all associated groundworks and landscaping.

2.2. In addition to the standard documentation and drawings, the planning application was accompanied by a site suitability assessment report addressing the proposed on-site disposal of effluent. Correspondence and documentation addressing '*rural-generated housing need*' was also subsequently supplemented in response to the Planning Authority's further information request. Clarification of further information was also received which included a letter of consent from the landowner demonstrating that a right of way is available along the gravelled road to provide access to the site and that same right of way will be provided with the sale of the site subject to planning permission being obtained.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development, subject to 16 conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The initial report of the planning authority (dated 4th September 2020) noted the following:

- The site is located in Category Area B – Areas under Urban Influence, as set out in Section 5.11 of the County Development Plan.
- Section 5.11.4 of the plan sets out that only rural generated housing will be acceptable in principle in the area of the subject site.
- House design, siting and visual impact are considered acceptable.
- Sightlines are satisfactory.
- Wastewater - tertiary treatment system on site is considered satisfactory.

- No flooding history noted on site.

Further Information request

- Further information was required in order to substantiate how the applicant complies with the rural generated housing need as set out in Table 5.3 of the CDP.
- Further information was required in relation to the location of surface water soakpits.
- Further information required in relation to the gravelled road which provides access to the site. Evidence of written consent from the relevant landowner required as this gravelled road does not appear to be public.

3.2.3. Following receipt of further information, the Planning Officer in their second report (dated 5th October 2020) stated:

- They were satisfied that a specific local housing need exists based on the information submitted which included statements and bills dating back to 2015, addressed to the family home, which according to the submitted location map is located c. 3.2km to the south east of the subject site.
- The submitted revised layout map illustrating the proposed surface water soak pits is satisfactory.

Clarification of Further Information

- The applicant stated that there was no registered owner of the gravelled access road, however there are registered rights of way for access to land and bog for local landowners. The planning authority determined this response insufficient and requested Clarification of Further information in the form of documentary evidence to demonstrate that the site has a registered right of way indicated in yellow on a revised site location map.

3.2.4. Clarification of Further Information was received which included a map showing the right of way to the site outlined in yellow and was accompanied by a solicitor's letter confirming that the landowner has agreed that this right of way over lands will be provided with the sale of the site, which is being sold subject to planning. The planning authority were satisfied with same response and the recommendation

within the report of the Planning Officer (dated 17th December 2020) reflects the decision of the planning authority to grant permission.

3.2.5. Other Technical Reports

- Environment Section, Roscommon County Council (RCC) – Acknowledged high water table on site, however it was subsequently clarified via a phone conversation on 3rd September 2020 that the wastewater system proposed for the site which is a tertiary system will treat and dispose of waste water in accordance with the EPA COP 2009. No objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no response received.

3.4. Third Party Observations

- 3.4.1. During consideration of the application by the planning authority, an observation was received from the residents of the house to the south east of the appeal site. The issues raised in this observation are similar to those raised in the grounds of appeal and they are collectively summarised below under the heading 'Grounds of Appeal'.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Preplanning discussions regarding the development of a house on the appeal site were held between representatives of the planning authority and the applicants on 7th November 2019 (under planning authority reference no. 3485). I am not aware of any other planning applications relating to this site.

4.2. Surrounding Sites

- 4.2.1. Reflective of the character of the area, planning applications for development in the immediate area relate to one-off housing and agricultural development. There are no applications in the immediate area of the site.

5.0 Policy Context

5.1. National Guidelines

5.1.1. The following national guidance documents are considered relevant to this appeal:

National Planning Framework (NPF) – Project Ireland 2040 (2018)

5.1.2. Page 74 of the NPF states that it will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations

5.1.3. National Policy Objective (NPO) 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.*

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.1.4. The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) rural areas under strong urban influence (close to large cities and towns, rapidly rising population, pressure for housing and infrastructure).

5.1.5. The current appeal site is located within a 'rural area under strong urban influence' as defined above and is located within 5km of Athlone town.

5.1.6. The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns.

- Section 3.2.3 examines Rural Generated Housing
- Section 3.3.3 deals with 'Siting and Design'.

The appeal site is located in an 'area under strong urban influence', as set out under Section 5.2 below. In these areas the guidelines advise that the housing needs of the local rural community should be facilitated, but that urban generated housing demand should be met on zoned and serviced land within settlements.

EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)

- 5.1.7. This code of practice provides guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses (p.e. less than or equal to 10).

5.2. Roscommon County Development Plan 2014-2020 (as varied)

- 5.2.1. The policies and objectives of the Roscommon County Development Plan 2014-2020 (as varied) are relevant.
- 5.2.2. Of particular relevance to the current appeal are the following sections and policies:
 - **Section 5.11.3** – Guiding the Appropriate Location of Housing Development in the Countryside
 - **Section 5.11.4** – Rural Policy Areas – Table 5.4 Policies and Suitability Criteria for Rural Area Types
 - **Policy 5.29** which states “*prospective applicants seeking new housing development in the countryside shall be required to meet the suitability criteria set out in Table 5.4 of this Plan, for the rural housing policy category area (see map 7), within which the development site is situate.*”
 - **Policy 5.30** is also relevant and states “*Ensure that rural-generated housing need is accommodated in the area in which it arises subject to the definitions and categories identified in Section 5.11.3 and 5.11.4 above and subject to satisfying good planning practice in relation to site location, access and drainage, and design requirements*”.
- 5.2.3. The Board should note that there appears to be discrepancies in the Plan with regard to map numbering, Map 7 which can be found in Chapter 3 of the Plan refers

to 'Areas of Economic Activity in County Roscommon', what Policy 5.29 would appear to refer to is actually Map No. 12 'Rural Housing Policy'.

5.2.4. The appeal site is situated outside the development boundaries of Athlone town and according to Map No. 11 of the CDP the site is located in a Category B 'Areas Under Urban Influence'.

5.2.5. The Development Plan states that **Category B – Areas Under Urban Influence** - constitutes the south Roscommon countryside which is also strongly influenced by the settlements of Roscommon Town and Athlone. These areas are categorised by strong pressure for urban generated housing development as well as locally generated housing development. In this context it is considered that these areas be reserved for individual housing development which meets the rural generated housing need criteria set out in the 'Definition of Urban & Rural Generated Housing Need' outlined under Table 5.3.

5.2.6. Table 5.3 is split into 4 qualifying criteria for which the applicant is required to match one. In summary the table refers to:

a. People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin...

or

b. People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years...

or

c. People employed locally whose work provides a service to the local community or people whose work is intrinsically linked to rural areas such as teachers in rural schools.

or

d. People with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years or by the existence in this community of long established ties with immediate family members.

5.2.7. According to Table 5.4 of the Development Plan qualifying persons within this Category B are those referred to in categories (a), (b), (c) and (d) in Table 5.3. Table 5.4 sets out policies and suitability criteria for rural area types. In relation to Category B, it is stated

- To accommodate substantiated rural-generated housing need subject to good practice. New development should be clustered with existing family dwelling or farm buildings, except where inappropriate due to traffic safety, environmental considerations etc.
- To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community subject to compliance with normal planning criteria...
- To reinforce the existing network of towns, villages and other settlements in the rural areas.

5.2.8. The following other sections of the County Development Plan are also relevant in assessing the proposed development on the appeal site:

- Section 7.6 – Landscape Protection;
- Section 9.2 – Wastewater Treatment – All Development Types
- Section 9.38 – Additional Development Management Standards (Traffic Safety & Sight Line Visibility);
- Section 9.5 - Rural Siting and Design;
- Section 9.8 - Rural Residential Considerations.

5.3. Natural Heritage Designations

5.3.1. The nearest designated site is the Carrickynaghtan Bog NHA (Site Code 001623) which is located c. 120m east of the site. The River Shannon Callows Special Area of Conservation (SAC) (Site Code 000216) and the Middle Shannon Callows Special Protection Areas (SPA) (Site Code 004096) is located c.2.5km north east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. In conjunction with their third-party observation, the appellants' grounds of appeal, can be collectively summarised as follows:

- The proposed dwelling house by virtue of its design and windows to the front of the dwelling house will overlook the appellants property. The proposed dwelling house faces south east towards the western end of the appellants single storey dwelling which contains two modest sized windows into their living space, therefore their privacy will be impacted.
- In addition, the proposed large two storey dwelling overlooks the rear yard, garden, lawn and garage of the appellants' house.
- Consideration would not appear to have been given to existing building lines or the predominant single storey type housing sites parallel to the Cloonown Road.
- The orientation and height of the proposed development would limit the potential development of the appellants' property in the future subject to the planning.
- A survey completed by MCF Building Consultants states that the distance from the appellants' house to the proposed site boundary is 99 metres, with the proposed new dwelling set back by an additional 25 metres from the middle of the gravelled roadway.
- The ridge height of the proposed dwelling is shown at 8100mm above ground floor level with the ground floor shown at 600mm above the existing gravelled roadway (benchmark shown at 100.00mm). The appellants' existing bungalow has a floor level at 101.784. The proposed ground floor of the proposed dwelling at 100.6 and ridge height of 8100mm will give a total height of 108.700m, which is 8.7m above the gravelled road level, which will be 6916mm above the ground floor level of the appellants bungalow.
- The proposed two storey house which contains a 2000mm wide window on the first floor, plus a 900mm wide window in the landing area and a 1000mm

by c. 2300mm deep window in the stair area and a rooflight on the front façade, all overlook the appellants property. The level of these first-floor windows will give a line of vision at 4925mm over the road level, which is far in excess of the 1500mm high deciduous hedge which adjoins the gravelled side road and provides a boundary to the appellants' lands.

- Additional traffic from the proposed dwelling will add to traffic congestion, with increased domestic traffic egressing onto the public Cloonown 4 metre wide road. The Cloonown road caters for up to 60 dwellings (predominantly single storey), plus additional traffic during times of flooding when diversions are in place from Athlone town.

6.2. Applicant Response

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows:

- The proposed dwelling house is 130m away from the appellants gable wall and far in excess of the required separation distance. This is also a greater distance than claimed by the appellants.
- The appellants concerns in relation to having gables facing the public road or the private lane is not justified as there are a variety of house designs within the vicinity. These house designs include two storey designs which dismisses the appellants claims that two storey dwellings are out of character with local houses.
- It was suggested at the pre-planning meeting that the height of the dwelling should be reduced from 8.1 metres to 8 metres to comply with the Rural Housing Guidelines issued by Roscommon County Council, this revision will be made when workings are complete.
- The existing mature hedging between the proposed site's access road (gravelled road) and the appellants' property has been recently cut down to a level where it further exposes their property (photos attached of before and after).
- The proposed first-floor level at 3 metres above finished floor level will not overlook the appellants' property or result in loss of privacy.

- The proposed site will be properly landscaped as required by the Local Authority and as indicated on the site layout plan. There will then be 3 hedges between the appellants' house and the proposed dwelling.
- The existing service road to the proposed site serves one other dormer type dwelling approx. 140 metres on from the appeal site. The road is capable of taking the additional traffic of 2 cars associated with the applicants and the proposed site set back of 4 metres for the full width of the site will provide passing area for other traffic using the road. Therefore, the development would not cause traffic congestion or the need for traffic to reverse out onto the Cloonown Road.
- The applicants currently use the Cloonown Road each day on their commute from the Shine residence and therefore no additional traffic above that which already occurs will be on this route as a result of the proposed development.
- The surface road was recently resurfaced by Roscommon County Council and is in good condition.
- The flooding referred to by the appellants on the main road east of Cloonown to Athlone is not relevant to the proposed development as the Cloonown Road is well capable of taking additional traffic if required.
- It is acknowledged that the appellants property extends to the edge of the gravel road serving the proposed site and could be developed in the future subject to planning permission. However, based on the appellants' concerns regarding privacy, a suggestion of future development in this closer field would indicate a closer invasion of the appellants privacy as that field is then directly connected to the appellants house.
- There were previous discussions between the applicant and the appellants about purchasing a site from the appellants, however this deal was not agreed or finalised and the applicant had to look elsewhere.
- The applicants have intrinsic links to the area and will contribute to the local economy and community.

6.3. Planning Authority Response

- None.

6.4. Observations

- None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, following an inspection of the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Rural Housing Policy – New Issue
- Design and Impact on Neighbouring Residential Amenities
- Water Supply and Wastewater Treatment
- Access and Traffic Safety
- Appropriate Assessment

7.2. Rural Housing Policy – New Issue

7.2.1. Development Plan policy under Table 5.4 seeks '*to accommodate substantiated rural-generated housing need subject to good practice*'. In this regard '*applicants are required to provide documented evidence in support of claims for Rural-Generated Local Housing Need*'. I note that the planning authority initially questioned the details submitted by the applicants in support of their rural-generated housing need and their compliance with the requirements listed under Table 5.3 of the development plan. In response to same evidence of utility bills, insurance and motor tax documents dating back to 2015 were submitted in connection with Cathal Shine (applicant), all addressed to his current address at Newtown East, Cloonown, where he currently resides with his parents. His parents' dwelling house is located a distance of approximately 3.35km east of the proposed site, as illustrated on the site location map and extract from land registry map submitted to the planning authority in response to further information. The planning authority subsequently accepted

this information and were satisfied that a site-specific local housing need existed. Although not specifically stated by the planning authority from my interpretation of Table 5.3 it would appear that the applicant (Cathal Shine) presented the further information in an attempt to satisfy category 'd' of Table 5.3 i.e. *'having lived in this community for a minimum period of five years or by the existence in this community of long established ties with immediate family members'*.

- 7.2.2. The information submitted in response to the planning authority's further information request also details that both applicants are permanent residents in their respective family home and have not lived in any other place apart from attending college and returning each weekend. I note that an address for Jennifer Higgins is given at Fairymount, Castlerea, in north Co. Roscommon.
- 7.2.3. I note that as part of the 'supplementary planning application' originally submitted with the application, that the applicants state they are engaged in a rural based activity or have a demonstratable need to live in the local rural area, however from the evidence submitted this would only appear to relate to the applicants membership of the local GAA club and local soccer club. In addition, I note that the address given on this supplementary application form, for the work places of both applicants is Kinnegad, Co. Westmeath which is a distance of over 75km from the proposed site.
- 7.2.4. Therefore, I consider that there is a basis to question if a sufficient case has been made regarding the applicants compliance with the rural generated local housing need policy of the development plan by reference to the National Planning Framework (NPF). The site is located within a 'Rural Area Under Strong Urban Influence'. In providing for rural housing in rural areas under urban influence, NPO19 of the NPF confirms that the provision of single housing in the countryside should be facilitated 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, having regard to the viability of smaller towns and settlements. While it is clear that the applicant (Cathal Shine) has family connections and a history of residency and schooling in the Cloonown area, I consider the nature of employment more properly defines the need as being urban generated. Both applicants respective work places are noted as Kinnegad in the submitted supplementary planning application form and therefore they are not tied to the local area surrounding the appeal site for work purposes.

Taking this into account the applicants in these circumstances in my view do not strictly comply with the definition of rural-generated housing need.

7.2.5. I accept that the family ties, schooling and membership of the local GAA and soccer clubs are social connections and may be interpreted as constituting a housing need and indeed the Board may lean towards this, there are nevertheless other factors to consider. The NPF is quite clear that the siting and design must also accord with good planning practice and that development must be considered within the wider strategic framework. For example, NPO 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

7.2.6. I would also refer the Board in particular to Section 6.6 of the NPF which identifies the issues associated with dispersed and fragmented character of the location of housing in Ireland, which has led to people living further away from their jobs and often being at a sizeable remove from important services such as education. I also note NPO 33 which aims to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. As noted previously the applicants respective workplaces are located over 75km away in Kinnegad, Co. Westmeath and in my view, this length of a commute is unsustainable from a climate action perspective and does not support the low/no carbon future envisaged by the NPF or the Government's Climate Action Plan. The NPF also sets out key objectives for housing including the recognition that housing *'be located in our smaller towns, villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.'* In this case the National Planning Framework objective of managing the growth of areas that are under strong urban influence to avoid over-development would essentially be undermined.

7.2.7. I would consider that the provision of a house, at this location, would run contrary to the Sustainable Rural Housing Guidelines for Planning Authorities, as the applicants 'rural' housing need is open to question and moreover, is within an area of the county that is under significant development pressure for one-off housing, i.e. an Area Under Strong Urban Influence, close to Athlone town. The applicants needs

could be met within this nearby town or within a settlement closer to their respective work places. However, I acknowledge further information may clarify social needs in more detail and as this is a new issue in the context of the appeal, the Board may wish to seek the views of the parties in this regard.

7.3. Design and Impact on Neighbouring Residential Amenities

- 7.3.1. Section 9.5 of the Development Plan provides guidance on rural siting and design and states that Development proposals in the countryside must be integrated into their rural setting and must satisfy high standards of location, siting and design considering design issues such as scale, massing, orientation, choice of materials and landscaping. In addition the development plan states that the design of a proposal should reflect its setting, including the topography, the scale, height and character of existing building in its vicinity and that buildings form integrity with adjacent developments, especially in the case of residential developments in the countryside which must be considered.
- 7.3.2. The grounds of appeal assert that the proposed development will result in overlooking of the appellants' property to the east and would impact on the visual amenities of the rural area. The appeal site is located in an area of generally flat landscape to the west of the River Shannon, and in my view the subject surrounding area does not have superior visual qualities. I note that there are a variety of house designs within the immediate area of the appeal site, including a dormer dwelling house located approx. 150m north east of the appeal site. This aforementioned house faces onto the gravelled tertiary road at a similar angle to that proposed for applicants dwelling house.
- 7.3.3. I note that the applicants' agent in response to the appeal has stated under point no.6 that it was suggested at the pre-planning meeting with the planning authority that the height of the proposed dwelling be reduced to 8 metres to comply with the Rural House Guidelines of Roscommon County Council. I can find no record of this agreed height under the pre-planning consultation notes which were received from the planning authority or reference to same 8 metre height under Chapter 9 of the development plan. Section 9.5 of the Development Plan states that '*The design of a proposal should reflect its setting, including the topography, the scale, height and character of existing building in its vicinity*'. The proposed ridge height of the dwelling

at 8.1m would be significantly above the established ridge heights of existing dwellings within the surrounding area. In addition, the scale of the dwelling house would also exceed those in the vicinity. Given the relative flat nature of the landscape in the area I would consider that a dwelling of a lower ridge height would integrate more sympathetically into the surrounding area, and in accordance with the development plan reflect more closely the character of other nearby buildings. The lower ridge height in combination with the proposed landscaping on site in my opinion would therefore alleviate any significant visual impacts from the bulk and design of the dwelling house on the local landscape. Therefore, if the Board are minded to grant permission I would suggest that a condition is attached requiring the ridge height of the dwelling be reduced to 7.5 metres.

- 7.3.4. While I acknowledge the appellants concerns regarding the windows on the front elevation of the proposed dwelling, which face south east towards the appellants single storey dwelling house, given the separation distance of 130m from the proposed front elevation of the dwelling house, to the side elevation of the appellants' house, I do not consider the concerns in relation to overlooking are justified. An ample separation distance is provided, and I note that there are currently two existing hedgerows which provide additional screening between the current site and the appellants' house. I also note that the applicants propose landscaping to the front and sides of the dwelling, which include for all trees to be 'half standard size' when planted, therefore again adding to the screening of the development.
- 7.3.5. The appellants have also raised concerns regarding the building line angle of the proposed dwelling, stating that this is an issue given its orientation towards their dwelling house. Again given the separation distance of the proposed dwelling to the appellants' house I do not see this as a significant issue. Also as previously mentioned a similar building line has already been established by the dormer dwelling located approximately 140m northeast of the proposed site.
- 7.3.6. The appellants also raise issue with the possible impact that the proposed development may have on their ability in the future to develop their adjoining lands to the west of their bungalow. In my opinion this possible development is speculative in nature and it is not for the Board to adjudicate on such matters. Any future developments in the area will be considered on their own merits under the relevant policy in place at the time.

- 7.3.7. Therefore, in summary, I am satisfied that the layout, design and siting of the proposed dwelling and garage, would generally accord with rural building principles of the development plan provided that the ridge height is reduced as outlined, and in my opinion the proposed development would then not have an undue impact on the visual amenities of the area or cause any undue overlooking or overbearing impacts on other properties in the immediate area.

7.4. Access and Traffic Safety

- 7.4.1. The site is to be accessed via an existing gravel road which serves another dormer dwelling house to the north east of the appeal site and was originally a registered right of way for access to the land in the area and the Carrickynaghtan and Garrynagwna bogs for turf cutting purposes. The applicant's agent states that Roscommon County Council recently resurfaced the road, from the local road to the entrance of the neighbouring dwelling to the northeast. The applicant in response to the planning authority's request for clarification of further information submitted a land registry compliant map and an agreement from the landowner (David Shine) confirming agreement of right of way along the private lane leading southward from the public road to the site, subject to the sale of the site to the applicants.
- 7.4.2. Section 9.5.1 of the development plan states that new access arrangements serving rural developments (of all types) and the associated necessity to provide adequate sight lines in the interests of traffic safety requires careful consideration. In the case of the current application I am satisfied that adequate sightlines of 90 metres, in accordance with Section 9.38 of the development plan can be provided in both directions from the proposed entrance. In addition, I note that the applicant proposes to provide a 3 metre set back from the public road for the entire width of the site to provide a passing area for other traffic that may be using the road, thus alleviating any traffic congestion issues.
- 7.4.3. As regards the issue of road safety highlighted by the appellants', I note that the public road is lightly trafficked and the additional traffic arising from the proposed development is not likely to give rise to any traffic hazard.

7.5. Water Supply, Surface Water Drainage and Wastewater Treatment

- 7.5.1. In relation to water supply the applicant is proposing to utilise a mains water supply, the planning authority note that this mains water supply runs along the public road

circa 40m from the site. I note that no report has been received on file from Irish Water and that agreement from same provider will be required for this connection prior to any development on site commencing.

- 7.5.2. I also note that the planning authority previously raised a query in relation to the disposal of surface water on site. A revised site layout plan was submitted in response to the planning authority's further information request which shows 6 no. surface water soakpits proposed on site. I consider these measures sufficient to deal with surface water on site and note that no historical flood risk exists on the site.
- 7.5.3. In relation to wastewater, a Proprietary Wastewater Treatment Plant and Percolation Area (Polishing Filter) is proposed, to be constructed in accordance with EPA Guidelines. The accompanying site suitability assessment indicates the site is over a locally important aquifer, with vulnerability classified as moderate. The groundwater protection response is R1. The EPA Code of Practice (CoP) indicates that for sites which fall within the R(1) response category an on-site system is acceptable subject to normal good practice. The nearest watercourse, which is a field drain is located approximately 70m to the west of the proposed percolation area. Geographic Survey Ireland map data records the site as having 'cut over raised peat' sediments.
- 7.5.4. The depth of the trial hole excavated was 2m, with the depth from ground surface to the water table noted at 1.4m. Peaty soils were observed to a depth of 400mm, below which silty gravel, shale and small stones were observed to a depth of 900mm, beyond this clay loam spoils were noted below which gravel and small boulders give way to the water table at 1.4m. At the time of site inspection there was water visible in the trial hole and the soil type evident within the trial pit displayed moderate permeability characteristics.
- 7.5.5. The site characterisation records a T-test value of 49.22 which is just below the threshold of 50 under table 6.3 of the CoP. This implies that the site is suitable for development of a septic tank or a secondary treatment system, however, given that the T value recorded is marginal and the presence of peat topsoil is noted and space confines on site, the applicant proposes to use tertiary treatment installed as per the EPA CoP Clarification 2012 as an improved alternative to the raised 180sq/m soil filter. In addition, 400mm of peat are to be removed and replaced with pea gravel 10-12mm in size at an invert level of .3m. It is also recommended that a French drain

should be installed around the site to assist with drainage and lower the water table drain 600mm deep and 500mm wide which is to be filled with clean stone and fitted with a 100mm land drain pipe. In addition, the site should be further drained with 100mm land pipe and stone trenches across the site every 12 metres. I note that all the separation distances from both the percolation area and proposed wastewater treatment unit comply with the separation distances to key features as per the CoP Table B.3. Therefore, following an examination of the documentation submitted I consider the proposed tertiary treatment system to be installed satisfactory and that those other measures proposed on site, including the proposed French drain are appropriate given the site conditions present.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development and 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. It is recommended that permission for the proposed development be refused for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to 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. Having regard to the documentation submitted with the application and appeal, it is not considered that the applicants have a demonstrable economic

or social need to live in this rural area. It is therefore considered that the applicants do not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, and would be contrary to the proper planning and sustainable development of the area

Máire Daly
Planning Inspector

27th May 2021