



An
Bord
Pleanála

Inspector's Report

ABP-309432-21

Development	Construction of a house, flanked by a single storey annexe with car port.
Location	Robertstown, Ashbourne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA201733
Applicant(s)	Jonathan Quinn.
Type of Application	Planning permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Jonathan Quinn.
Observer(s)	None.
Date of Site Inspection	24 th May 2021.
Inspector	Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.687ha and is located in the townland of Robertstown, which is approximately 3.5km to the south-east of Ashbourne, Co. Meath and 3km from Junction 3 on the M2. The site is located at the end of a private cul-de-sac which is accessed off the L-5022-9, Robertstown Road.
- 1.2. The access lane is narrow in width, with grass verges on either side. It has a length of approximately 220m with a right angle turn to the left approximately 40m from its junction with the L-5022-9. On the occasion of the site inspection, the laneway was in very poor repair with large potholes in place along its length.
- 1.3. There are six detached houses in place along the laneway. Four are located along the southern side and two to the north, one of which is the applicant's family home. The subject site is located at the end of the laneway and on the northern side. It is a relatively flat, greenfield site with no significant landscape features. There is an agricultural style metal access gate in place from the laneway.
- 1.4. Along the eastern border of the site is a post and rail fence with a line of mature evergreen trees behind, which form part of the landscaping for the adjoining house. The remainder of the site boundaries comprise natural planting with mature vegetation along the northern boundary, which also forms part of the Meath/Dublin county boundary.

2.0 Proposed Development

- 2.1. Planning permission is sought for a detached, two-storey, 3-bedroom house flanked by a single storey annexe with car port to the side and a double height projecting bay feature window on the western elevation. The floor space of the proposed works is stated as 427.16 sqm. Additional works would include a new vehicular entrance, the installation of a proprietary wastewater treatment system with associated percolation area, boundary treatments and landscaping.
- 2.2. The proposed house would be centrally positioned within the 0.687ha site and would have external finishes comprising white render finish to walls with Portland stone detailing to the entrance, cills, window surrounds, parapet copings, string bands and corner columns. It would have a natural slate, hipped roof profile.

3.0 Planning Authority Decision

3.1. Decision

The PA issued a decision to refuse permission for the following reasons;

1. The proposed development, if permitted, would add to the pattern of linear housing along this private cul-de-sac and exacerbate the existing ribbon development to the extent that it would represent an excessive concentration and density of residential development and in doing so create additional development opportunities that would further exacerbate the situation within this rural area which is subject to strong urban influence. The proposed development is considered to materially contravene Policy RD POL 3 of the Meath Development Plan 2013-2019, as varied, which seeks to *'protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identify of these urban areas'*.
2. Having regard to the design of the proposed dwelling, in particular the overall height, it is considered that the proposed development would be unduly prominent and obtrusive in this rural landscape and would be contrary to the provisions set out in the Meath Rural House Design Guide and Section 10.7.1 of the Meath County Development Plan, 2013-2019. The proposal therefore would not be in the interest of the visual amenities of the area, would set an undesirable precedent for future development of this kind and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated the 12th January 2021 informed the decision of the PA and included the following;

- The applicant has submitted a Local Needs Form as part of the application and the PA is satisfied that the applicant has demonstrated sufficient local need.

- The design of the house is a deep-plan, mock Georgian style, which is out of character with the Meath Rural House Design Guide.
- There are concerns regarding the overdevelopment of the private cul-de-sac as the proposed house would be the 7th dwelling on the lane if permitted. Additional development on the lane would exacerbate ribbon development.
- The Planning Officer notes that there is potential for a site in the family landholding which would be better placed for development as it has access onto the L-5022.
- A new access would be provided onto the cul-de-sac and information submitted with the application states that the laneway will be upgraded.

3.2.2. Other Technical Reports

- Transportation Department – No objection to the development. The site is accessed from a private lane that joins the L-5022. Adequate sightlines are available where the laneway meets the public road.
- Environment Section – No report on file.

3.3. Prescribed Bodies

- The file was not referred.

3.4. Third Party Observations

- A third-party observation was received from Cllr. Alan Tobin in support of the development as the works proposed would improve the laneway. The Cllr recommends that a condition be attached to any grant of permission that requires the improvement works to be carried out as part of the development.

4.0 Planning History

On the subject site;

PL17.217951, PA Ref. DA60054 – Planning permission refused by ABP on the 16th November 2006 for two houses, double garage, replacement and relocation of septic tank and soakage area with proprietary waste treatment plant and percolation area, new access road and associated site works. The reasons for refusal are as follows;

1. The site of the proposed development is located in an area deemed to be under Strong Urban Influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005. The subdivision of the site of an existing dwelling house and the erection of two additional houses would constitute haphazard and unregulated backland development in this rural area remote from the established built up area of Ashbourne village and would contribute to the extension of urban sprawl. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the soil characteristics of the site, it is considered, on the basis of submissions made in connection with the planning application and appeal, that the site cannot be drained satisfactorily, notwithstanding the proposed use of proprietary wastewater treatment systems, and furthermore the proposed development would result in the concentration of wastewater treatment systems in a limited site area. The proposed development would, therefore, be prejudicial to public health.
3. The proposed development would result in additional traffic movements on an existing access road that is seriously substandard in design due to inadequate width, deficient road surface, poor alignment and limited sight distances at its junction with the public road. The traffic movements generated by use of this access by two additional dwelling houses would endanger public safety by reason of serious traffic hazard and would interfere with the free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PL17.217546, PA Ref. DA60055 – Planning permission refused by ABP on the 13th September 2006 for the construction of two houses, new access road, proprietary

wastewater treatment plant with percolation/irrigation area, landscaping and assorted site works. The reasons for refusal are as follows;

1. The site of the proposed development is located in an area defined as being under Strong Urban Influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of Environment, Heritage and Local Government in April, 2005 and in an area of high development pressure as set out in the Meath County Development Plan, 2001, where it is the policy of the planning authority to restrict new housing development to members of the rural community. Having regard to the provisions of the said guidelines and of the development plan and to the submissions made in connection with the application and appeal, it is considered that the applicants do not meet the criteria for a rural generated housing need at this location. The proposed development would, therefore, contravene materially the development objectives set out in the development plan, would conflict with the provisions of the guidelines and would be contrary to the proper planning and sustainable development of the area
2. It is considered that the proposed development would consolidate a pattern of undesirable backland, haphazard development in an area located outside any settlement boundary, would contribute to the proliferation of houses in an already overdeveloped area, would seriously injure the amenities of the area and militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the soil conditions on site and the submissions made in connection with the application and the appeal, it is considered that the site cannot be drained satisfactorily, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

On the adjoining site to the west;

AA200389 – Planning permission refused by the PA on the 2nd July 2020 for the construction of a two-storey dwelling and single storey form to the side with a domestic garage, vehicular entrance, installation of a proprietary wastewater

treatment system with percolation area and all associated ancillary site works. The reasons for refusal are as follows;

1. It is considered that the proposed development, taken in conjunction with existing development in the area would constitute an excessive concentration and density of development and exacerbate the level of ribbon development within this rural area which is subject to strong urban influence. The proposed development is considered to materially contravene Policy RD POL 3 of the Meath County Development Plan 2013-2019, as varied, which seeks to *'protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban areas'*.

The proposed development would militate against the preservation of the rural environment and lead to demands for the uneconomic provision of further public services and community facilities and would therefore be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located in an area deemed to be under Strong Urban Influence in the 'Sustainable Rural Housing Guidelines for Planning Authorities', 2005. The proposed development is considered to represent haphazard and unregulated development in this rural area remote from the established built up area of Ashbourne and, if permitted, would contribute to the extension of urban sprawl. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development would result in additional traffic movements on an existing road that is substandard in design due to inadequate width, deficient road surface, poor alignment and limited sight distances at its junction with the public road. The traffic movements generated by use of this access by an additional dwelling house would endanger public safety by reason of serious traffic hazard and would interfere with the flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

The subject site is located outside of the development boundary of any designated settlement and as such is located on unzoned land.

Rural Area Type;

The site is also identified as a Rural Area under Strong Urban Influence, (Map 10.1 – Rural Area Types).

RD POL 1 - To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RD POL 2 - To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

RD POL 3 - To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

Section 10.4 - Persons who are an Intrinsic Part of the Rural Community

The Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can demonstrate local housing need based on;

- Involvement in agriculture,
- Employment in specific industry that requires the applicant to live in the rural area.

Additional local need can be considered where;

- Persons have spent substantial periods of their lives in the rural area,
- Persons originally from the area and in substandard or unacceptable housing scenarios,
- Returning emigrants with connections to the land,

- Persons with rural based employment,
- Exceptional health circumstances require housing at a specific location.

RD POL 9 - To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

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

The subject site is identified as an Area Under Strong Urban Influence. The key Development Plan objective for these areas should be to facilitate the housing requirements of the rural community as identified by the Planning Authority whilst also directing urban generated development to areas zoned for new housing development.

5.1.2. **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.

5.2. **Natural Heritage Designations**

No designations apply to the subject site.

5.3. **EIA Screening**

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the

proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows;

- The applicant can demonstrate local need as per Section 10.4 of the Meath County Development Plan, (CDP).
- Further to the comments of the PO with regard to developing the family site, this possibility has been explored and the family landholding does not form part of this application.
- The location of the proposed development, at the rear of an existing, private cul-de-sac would essentially sterilise the laneway for any more development.
- The proposed development would constitute infill development rather than ribbon development, as defined by the Sustainable Rural Housing Guidelines for Planning Authorities, 2005.
- Particular regard was had to the Meath Rural House Design Guide when designing the house. Neither the landscape sensitivity or visual impact were raised as items of concern in the Section 247, pre-application stage.

6.2. Planning Authority Response

A response from the PA was received on the 11th March 2021 and includes the following;

- The application was assessed against the Meath County Development Plan 2013-2019.
- During the assessment it was noted that a more suitable site was available on the family landholding and should be further assessed prior to seeking a site outside of the family ownership.

- Further information was not requested with regard to the design as it was considered that the issue of the location could not be addressed through further information.
- The observation from Cllr. Alan Tobin is noted under Section 5.0 of the planning report.
- The PA is satisfied that all matters outlined in the appeal submission were considered during the course of the assessment of the planning application and it is requested that An Board Pleanala uphold the decision to refuse permission.

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
- Pattern of Development
- Design & Visual Impact
- Access
- Drainage
- Appropriate Assessment

7.2. **Principle of Development**

The subject site is located on unzoned land in a Rural Area under Strong Urban Influence as defined by the CDP, and the Sustainable Rural Housing Guidelines. Section 10.4 of the CDP allows for the consideration of proposals for individual houses in rural areas where a housing need can be demonstrated. The proposed development will be considered under this principle and is assessed in detail below.

In order to demonstrate intrinsic links to the rural area in accordance with Section 10.4 of the CDP, the applicant submitted a range of information and supporting documentation. The information states that the applicant, Mr. Quinn, currently resides in the family home in Robertstown, which is approximately 100m from the subject site, and has lived there for the last 14 years. Supporting documentation submitted to the PA included tax details, bank statements, car insurance details, copy of drivers licence, letters from the RSA, local bank, local equestrian centre stating that the applicant had been riding there for the last seven years, and school letters dated from 2009-2010 and 2010-2011. Letters from local estate agents were also submitted and state that there are no development sites for sale within 5km of the Robertstown area.

Having reviewed the information submitted in the grounds of appeal, I am of the opinion that, whilst the information demonstrates close connections to the local area, it does not demonstrate an explicit need to reside in the specific rural location for either economic or social reasons. It is evident that the area surrounding Ashbourne has been under development pressure for one-off rural housing in recent years. The laneway to the subject site, and the L-5022-9, to the north and south of the access road has been substantially developed with one-off houses. The over-arching national and local planning policy is to prevent the proliferation of one-off housing in rural area under strong urban pressure. Therefore, it is my view, that the applicant has not demonstrated an intrinsic local need to reside in the rural area for either economic or social reasons.

I note to the Board that the issue of economic or social need was not included in the PA's reasons for refusal. However, the grounds of appeal referenced and reiterated the applicant's connections to the rural area. In consideration of the foregoing, the Board may wish to seek the views of the parties with a view to clarifying economic or social reasons for the proposed development.

7.3. Pattern of Development

The principle reason for the PA's refusal is that the proposed development would contribute to and exacerbate ribbon development in the rural area. The grounds of appeal argue that the existing pattern of development does not comply with the

definition of ribbon development as outlined in the Sustainable Rural Housing Guidelines, by virtue of the number of houses in place on the laneway and the length of the laneway. It is argued that the development of the site represents infill development in a clustered arrangement rather than ribbon development.

All four houses on the southern side of the lane have individual access onto the lane, with one additional house on the northern side. The proposed development would provide an additional sixth access at the end of the laneway and, given its position within the site, the new house would align with the house to the north.

By virtue of the length of the laneway, the exact definition of ribbon development as per the Housing Guidelines cannot be applied. However, should the proposed development be permitted, it would result in a total of six individual accesses along a laneway of 220m in length. Whilst the development pattern may not represent a literal representation of the guidelines, whereby 5 or more houses are in place on any one side of a given 250 metres of road frontage, it is my view that the provision of an additional house on the laneway would result in a linear form of development on both sides of the laneway that would represent ribbon development.

Therefore, in my opinion, the proposal would result in an unsustainable form of ribbon development along a rural laneway that is already substantially developed, and as such would contribute to the encroachment of random development in the area. It would also be contrary to Policy RD POL 3 of the CDP which seeks to prevent this form of development and I recommend that planning permission be refused for this reason.

7.4. Design & Visual Impact

The second reason for refusal relates to the design of the proposed dwelling, which in the opinion of the PA would be unduly prominent and obtrusive in the landscape and would not conform with the Meath Rural House Design Guide. It is argued in the grounds of appeal that particular reference was had to Sections 6.4, 6.5 and 6.7 of the Design Guide.

In my opinion the proposed development is not in accordance with the Meath Rural Housing Guide. The sections of the Guide referenced by the applicant relate to

traditional two storey houses, estate houses and contemporary buildings. Whilst the scale of the dwelling is akin to that of large period farmhouses and some estate houses, the proportions of the proposed building are not comparable. The traditional period and vernacular dwellings referenced in the Guide have uniform features and simple elevations. However, the proposed development has a mix of architectural styles, with mock Georgian elevations to the front and side, and a contemporary glazed elevation to the rear. The proposed windows vary in size and shape, with larger windows on the lower level and a double height round bay window to the side. In my opinion the proposal does not represent either a contemporary building or a traditional or vernacular style as referenced by the Rural House Design Guide.

Overall, the design of the proposed house does not have a coherent form and, given its height and mass, does not respond well to the rural environment. As such, it does not comply with the Meath Rural House Guide planning permission be refused for this reason.

7.5. Access

An Access Report was prepared by CS Consulting Group in order to address a historic reason for refusal under Ref. AA20038. The report reviews the access arrangements on the private lane and at the junction with the L-5022-9, which is a particular pinch point.

The narrow width of the laneway is acknowledged, and the report allows for the passing of vehicles by using the existing vehicular entrances as lay-by's, including an agricultural entrance at the corner of the lane. Given the narrow nature of the lane, vehicular speeds would be low and visibility on the lane is mainly good. In my opinion, cars meeting on the lane would result in more of an obstruction than a hazard. I note that the applicant has committed to resurface the laneway should planning permission be granted. However, the laneway is outside of the red line boundary and, apart from stating that the applicant has permission to carry out works to the lane, no documentary evidence has been submitted.

At the junction of the laneway and the L-5022-9, the main road turns sharply to the east which results in an acute angle to the left when exiting the lane. There is a second sharp turn on the local road approximately 76m from this point, where the

road veers to the north. The road alignment to the south of the junction is straighter and has better visibility. Given the layout of the junction and the existing road alignment, it is my opinion that the potential for any hazard would result in cars exiting the lane onto the local road rather than turning into the lane from the road.

The sightlines from the laneway onto the L-5022-9 were reviewed in the Access Report and it was determined that unobstructed sightlines in excess of 77m could be achieved from the laneway to the local road in both directions. An assumption is also made that the vehicular speed travelled on the road at this location would be in the order of 50km per hour given the road conditions.

It is further stated in the report that the laneway has been in use for approximately 50 years and there has been no record of collisions at this location or along the L-5022-9. Given the existing conditions on the lane it is impossible to achieve the recommended clear sightlines on the approach to the junction with the local road as per the Design Manual for Roads and Bridges (DMRB), Section TD 41-42/09. However, the DMRB allows for sightlines of 70m in both directions where the speed of the 'major' road is 50kmph.

Whilst the speed on the L-5022-9 has not been tested, I accept that the existing road conditions require drivers to slow down to negotiate the turns. The historic nature of the junction is also noted. It is my view that, given the existing conditions on the road, sightlines of 77m in either direction are acceptable in this instance and, that the existing access conditions do not warrant a reason for refusal. I note that the PA had no objection to the access arrangements for the proposed development.

7.6. Drainage

The application states that a new water connection would be made for the proposed dwelling. However, details of this connection are not supplied, and the application has not been referred to Irish Water.

Surface water run-off would be directed to a soakaway to be positioned in the north-eastern corner of the site. The design details of the soakaway have been provided with the application and I am satisfied that, given the size of the site, that the soakaway can meet all the required separation distances.

In order to deal with the foul water from the development, it is proposed to install a packaged wastewater treatment system and sand polishing filter. Having assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2010), I am satisfied that the that the results are in accordance with EPA guidance and that the system proposed would be adequate. However, given the number of houses in place on the lane, I would have some concerns regarding the cumulative impact of individual on-site wastewater treatment systems in the area and the potential for a public health hazard.

7.7. Appropriate Assessment

Having regard to the nature and scale of the proposed development and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the following reasons;

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 applicant has a demonstrable economic or social need to live in this rural area. It is therefore considered that the applicant does 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

2. Having regard to the existing pattern of development on the access laneway and along the L-5022-9, which is not zoned for residential development, and is identified as an Area Under Strong Urban Influence in the Sustainable Rural Housing Guidelines, 2005 and the National Planning Framework, it is considered that the proposed development for a stand-alone residential dwelling would constitute an undesirable pattern of ribbon development, and would contravene section 10.5.2 of the Meath County Development Plan 2013-2019. It would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would not be in accordance with the provisions of the Meath Rural House Design Guide by virtue of its height, mass, and mix of architectural styles. It would therefore represent a visually obtrusive form of development within the rural landscape and would be contrary to RD POL 9 of the Meath County Development Plan 2013-2019 and would be contrary to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

4th June 2021