



An
Bord
Pleanála

Inspector's Report

ABP-309706-21

Development

Retention of house, garage, wastewater treatment system, vehicular entrance, boundary wall and associated site works as relocated and modified from that granted under application refs. 02/237, 02/1096 and 054016.

Location

Adamstown, Castletown Geoghegan, Mullingar, Co. Westmeath.

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

206278

Applicant(s)

Donna Jackson & Andrew McCabe.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Donna Jackson & Andrew McCabe.

Observer(s)

Stephen Lynam & Neifinn Lynam.

Date of Site Inspection

17th August 2021.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.31ha and is located in a rural area approximately 1km to the south west of the village of Castletown-Geoghegan. It is roughly triangular in shape and is located on a slight bend in the road on the northern side of the L5234. The surrounding landscape comprises green fields and is undulating in character. The site itself is elevated and slopes upward from the public road in a northerly direction.
- 1.2. A detached dwelling has been constructed towards the centre of the site and a large garage has been constructed to the rear of the house, in the north-western corner. There is a large area of hard standing to the rear and side of the dwelling and surrounding the garage. The remainder of the site is open and exposed.
- 1.3. A low-level rendered wall forms the front boundary of the site with a laurel hedge along the western boundary and some dispersed planting along the eastern and northern boundaries. A 1.8m blockwork wall has been constructed around the north-western corner.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following works;
 1. The retention of the main dwelling as relocated, modified, and extended from that granted under application ref. 02/237 & 02/1096.
 - The house was constructed c. 29.5m from the public road. The location of the house permitted under PA Ref. 02/237 was c. 18.5m from the public road. Condition No. 2 of PA Ref. 02/237 required the building to be a minimum distance of 18m from the centre of the public road.
 - Modifications and extensions to be retained include, raising the roof ridge height to 7.2m, from 6m as permitted under 02/237 and 02/1096, and converting the attic space to comprise 3 rooms and 1 bathroom. 3 rooflights were also installed on the rear roof plane and solar panels of c. 2.4m x 1.8m were installed on the front roof plane.

- The sun room permitted under 02/237 was extended by c. 12m² and the roof ridge was raised by 2.3m from 4m to 6.3m to provide a room above.
2. The retention of the garage structure as relocated and modified from that granted under application ref. 05/4019.
 - The garage permitted under PA Ref. 05/4019 was extended from 62m² to 93.5m². A basement level of 2m was also constructed and the permitted slate finish roof was altered to a metal roof finish.
 3. The retention of the wastewater treatment system as relocated from that granted under application ref. 02/1096.
 - The septic tank has been moved further away from the house and closer to the percolation area along the eastern boundary of the site.
 4. The retention of the gated vehicular access and front boundary wall as relocated from that granted under application ref. 02/1096. The vehicular entrance was realigned and relocated with a wider splay onto the road.
 5. The retention of the 1.8m block-built boundary wall to the northwestern corner of the site. The Landscaping plan submitted under Ref. 02/237 showed a 2m hedge (*Crataegus monogyna* - Hawthorn) at this corner.
 6. The retention of any site works associated with the abovementioned works.

3.0 Planning Authority Decision

3.1. Decision

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

1. The dwelling subject of this application at finished floor level of 104.565m level is contrary to condition 2 of application 02/1096 which limited the finished floor level to 101.229m. The resultant larger dwelling in an elevated position with proposed non native hedgerow and limited tree planting fails to integrate the development into the rural area and is considered to result in

harm to the visual amenities of the rural area. The development is contrary to the Westmeath Rural Design Guidelines and section 11.13 and policies P-GRH1 and P-GRH6 of the Westmeath County Development Plan 2014-2020 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports are on file from the Planning Officer. The first report of the 20th November 2020 recommended that further information be requested and the second report, from the 12th February 2021 assessed the information submitted.

The first report included the following;

- The principle of the rural dwelling was established in the planning history. Whilst the form and siting of the constructed dwelling is different than that permitted it is not considered that the principle of development needs to be reconsidered.
- The development is elevated with the level of the dwelling at 104.565m compared to the level of the public road, which is at 101.715m.
- Condition No. 2 of Ref. 02/1096 required that the building have a finished floor level datum of 101.229m. Therefore, the building on site is 3.336m above the conditioned level.
- The spot levels submitted under Ref. 02/1096 (101.122m and 101.922m) do not reflect the levels shown on the current application (104.265m). It is not clear why the levels are so different.
- Original permission was subject to a landscaping plan requiring native species hedgerow to all boundaries including 25 semi-mature trees. There is no evidence that this landscaping has been undertaken.
- The application submitted is to retain the existing wastewater treatment system, (wwts). The Site Suitability Assessment does not assess the existing

system and indicates that it is to be decommissioned and replaced and assesses a new system to be installed in the front garden of the house.

- The applicant should demonstrate whether or not the current system accords with the EPA CoP, and if it does not accord, should consider amending the application to include upgrading/replacement.
- It is not considered that the decommissioning of any existing wwts and installation and commissioning of another system elsewhere on site is exempt under Section 4(1)(h) of the Planning and Development Act 2000 as put forward in the application.
- Development levies were attached to the original permission granted under 02/237. The current application will be assessed under Section (xviii) of the Development Contribution Scheme, which relates to 'Revisions/Modifications to a permitted development', and states that, *'An application for permission for modification/revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent/separate permission for development, and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of issue of the decision to grant permission. The contribution payable at commencement will be based on the permission implemented, i.e. the original permission or the revised proposal (updated in accordance with the relevant index).'*
- Therefore, any retention permission of the revised dwelling that may issue on the site should be subject to general levy for a single dwelling.
- Further information was requested with regard to the following;
 - Assessment and certification from an approved assessor that the existing wwts on site subject to the current proposal to retain complies with the current EPA CoP.
 - Detailed reasoning as to why the existing spot levels near the dwelling are significantly higher than the levels previously shown on application 02/1096.
 - Details of an indigenous landscaping scheme, prepared by a qualified and indemnified landscaper, to assist in integrating the elevated development.

The second report dated the 15th February 2021 included the following;

- The existing wwts is to be replaced and the application now proposes same.
- The applicant argues that the different levels are a result of differing datum levels. However, in application 02/1096 the site level shows the road level to the front of the house at 101.75m and Condition No. 2 restricts the finished floor level to 101.229m.
- The current application indicates the same level in the same location in the public road, but the finished floor level of the house is annotated to be 104.565m, which is 3.36m above the permitted level.
- The significantly elevated base level contrary to the conditioned level, combined with the significantly larger dwelling and removal of native planting results in a development that is not integrated with its surrounds and is harmful to the character and amenity of the rural area.
- The landscaping submitted as FI is illegible and the planting proposed does not appear to be native species. The plan proposes the retention of non-native planting on the southern end of the western boundary and does not proposed any tree planting to the western and north-eastern boundaries.
- As per Section (xviii) of the Westmeath Development Contributions Scheme, any retention permission of the revised dwelling that may issue on the site should be subject to a general levy for a single dwelling.

3.2.2. Other Technical Reports

- Engineering Report – The engineering report dated the 10th November stated that there was no objection to the development subject to conditions relating to roads/ access, surface water drainage and wastewater treatment. A second report dated the 20th January 2021 noted that as per the previous report, there was no objection to the development.

3.3. Prescribed Bodies

No reports received.

3.4. Third Party Observations

One third party observation was received on the 12th November 2020 from the adjoining neighbours and includes the following;

- The house was built in contravention of planning and has a ridge height of 7.245m to facilitate a second floor and there is now a first floor gable window overlooking the adjoining property to the east.
- The native hedgerow on the original site layout has been removed from the northern and eastern boundaries.
- If the application is approved it is requested that the native hedgerow be re-instated, the unauthorised east-facing gable window is removed.
- The previously permitted 4 bed single storey house has been advertised for sale as a 6 bedroom property.
- There is a concern that the property could be used in a commercial capacity which would be unsuited to the rural environment.

4.0 Planning History

19/6317 – No decision issued - Planning application lodged on the 20th November 2019 for the retention of a two storey extension to rear of house including extension to ground floor kitchen, attic space conversation and rear facing window, Conversation of attic space, addition of windows to side gables and roof lights to rear and side of house at first floor, Single storey extension to rear (lobby), Changes to permitted garage, reduction in overall footprint. Construction of additional lower floor/basement. Changes to east and west elevations including number of garage doors and window locations; change of roof cladding to profiled metal. Installation of solar panels to front and increase in height of main roof by 1000m. A request for Further Information was issued by the PA on the 16th January 2020. A response was not received and a decision was not issued.

05/4019 – Planning permission granted by the PA on the 21st March 2005 for 1 no. Double garage of 62m² with slate finished roof incorporating storage area, fuel store & boiler room & all associated site works.

02/1096 – Planning permission granted by the PA on the 22nd November 2002 to locate dwelling and septic tank on existing site as previously granted permission ref 02/237. Conditions attached to the grant of permission include the following;

1. The development shall be carried out strictly in accordance with Conditions attached to 02/237 and as submitted plans and details received by the Planning Authority on the 8th November and 11th October 2002 except for any alterations or modifications specified below in this decision.

Reason: In the interests of orderly development.

2. The building shall have a finished floor level datum 101.229.

Reason: In the interests of visual amenity.

02/237 – Planning permission granted by the PA on the 11th July 2002 for the construction of 1 no. bungalow type dwelling of 176.35m², located c. 18.5m from the public road with septic tank, percolation area and associated site works. Condition No. 9 required the following;

9. The dwelling hereby permitted shall not be occupied until all new boundaries, and any set back existing boundaries, have been defined with a native species hedgerow of mixed woodland species, which shall include not less than 25 semi-mature trees secured only by a timber post and wire fence.

Reason: To ensure the proposal is in keeping with the character of the rural area.

5.0 Policy Context

5.1. Westmeath County Development Plan 2021-2027

The site is located within the administrative boundary of Westmeath County Council. The operative Development Plan for the area is the Westmeath Development Plan 2021-2027, which came into effect on the 3rd May 2021.

The application was assessed by Westmeath County Council in accordance with the policies and objectives of the Westmeath County Development Plan 2014-2020, which was the operative Development Plan at the time.

I note to the Board that Policies P-GRH1 and P-GRH6 of the Westmeath Development Plan 2014-2020 were listed in the reason for refusal. These objectives relate to General Rural Housing Policies and state the following;

P-GRH1 - *To have regard to the Westmeath Rural Design Guidelines and the Department of Environment, Community and Local Government Sustainable Rural Housing Guidelines in the assessment of rural residential proposals and any subsequent amendments in the assessment of applications for rural housing.*

P-GRH6 - *To retain, insofar as practicable, existing hedgerows and trees on new house sites. Replacement trees and hedgerows should be of native species.*

On review of the contents of both plans I note that there are no material changes between the 2014 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Westmeath County Development Plan.

Policies & Objectives;

The subject site is located on unzoned lands approximately 1km from Castletown Geoghegan, which is categorised Rural (Serviced) village in the Settlement Hierarchy for Westmeath, (Table 2.4). It is also categorised as a 'Rural Area under Strong Urban Influence'.

The site is located in Landscape Character Area 11, the South Westmeath Eskers.

The following policies and objectives are of relevance to the subject application;

Section 9.5 – Environmental Capacity

Rural Housing Criteria Policy Objectives:

CPO 9.8 - Ensure that, in permitting one-off rural housing, key rural assets such as water, natural and cultural heritage and landscape quality are protected and maintained.

CPO 9.9 - Protect the integrity of the landscapes as identified in the Landscape Character Assessment and protected views.

CPO 9.11 - Seek that all proposed on-site wastewater treatment systems for single dwellings and extensions which will increase the population equivalent loading shall comply with the EPA Code of Practice for Wastewater Treatment and disposal Systems serving Single Houses (2009) and any revision thereof.

CPO 9.12 - Seek to ensure that waste water treatment systems are installed by competent persons with regular monitoring and testing carried out on the treatment system, in accordance with the planning permission.

CPO 9.13 - Have regard to the Department of Environment, Community and Local Government's Sustainable Rural Housing Guidelines 2005, and any subsequent amendment in the assessment of applications for rural housing.

9.5.1 Rural Housing Siting and Design

Dwellings and structures in the countryside need to be sited and designed to impact minimally on their setting.

Section 9.6 Development within the hinterland of Settlements

CPO 9.15 - Control ribbon development, particularly on approach roads into the county's regional centre, key town, self-sustaining growth towns and self-sustaining towns.

CPO 9.18 - Retain, insofar as practicable, existing hedgerows and trees on new house sites. Replacement trees and hedgerows should be of native species.

Section 10.13.1 Wastewater Treatment and Disposal Systems Serving Single Houses

In order to protect human health and water quality from the risks posed by domestic waste water treatment systems the EPA's National Inspection Plan for Domestic Waste Water Treatment Systems 2018-2021 now requires each local authority to develop a local site selection plan, which documents the application of the site selection methodology and outlines the justification for the selection of priority areas and individual sites.

CPO 10.100 - Ensure that private wastewater treatment plants, where permitted, are operated in compliance with EPA's Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (PE. ≤10) (EPA 2009), as may be amended.

Chapter 16 – Development Management Standards

CPO 16.27 – Apply to the following standards to alterations and extensions to existing dwellings;

- Extensions and/or alterations should respect the main dwelling.
- Where contemporary designs are proposed, proposals should not detract from the visual amenities of the main dwelling or neighbouring properties.
- Extension works should not encroach, oversail or otherwise physically impinge third party properties.
- Proposals should be designed in such a way as to eliminate overshadowing or overlooking of adjoining property.

Section 16.3.7 – Rural Housing

CPO 16.33 –

Boundary Treatment;

- Application sites should be flanked with a minimum of two established natural boundaries to aid visual integration and help soften the visual impact of the development in the landscape.
- Existing hedgerows and landscape features on site should be retained and augmented on site. Where hedgerow removal is required to achieve sight lines, new hedgerow(s) of a native species must be planted inside the line of visibility.

Landscaping:

- Landscaping proposals should be submitted with all planning applications for development and shall include a schedule of indigenous native plant species and implementation timeline.

Surface & Wastewater Treatment:

- Domestic wastewater treatment plant and percolation areas to comply with the requirements of the Code of Practice Wastewater Treatment Systems Serving Single Dwellings (EPA, 2009) or other superseding standards. These details should be included in any application for a new or replacement dwelling or an extension to an existing dwelling where there is an increase in demand on the treatment capacity of any existing system.

CPO 16.34 – Domestic Garage/Shed/Store

- The design, form and materials should be ancillary to, and consistent with the main dwelling on site.
- Structures should generally be detached and sited to the rear of the dwelling house and be visually subservient in terms of size, scale and bulk.
- Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.

Westmeath Rural Design Guidelines 2005

Landscape Issues;

- Successful schemes succeed by using and adapting existing characteristics of the local landscape so that new and existing boundaries tie in the development with its surroundings, and by conserving the existing landscape on site (trees, land form, banks, hedges.
- Gardens in the countryside are not like suburban gardens. They should engage with the surrounding landscape, using local species of plant, preferably retaining parts of the garden as field/meadow or in a wild state.

Section 3 - Undulating Landscapes

Guidelines;

- Find those places where the building will be held in the landscape. These are – gentle slopes, shelves, indentations, folds and shelter provided by hedgerows and trees.

- Use more native hedgerows and tree planting to integrate building with landscape.

Section 3.2 - Design with the Site

Guidelines;

Build gently into the landscape to create shelter and a sense of place,

- Build below the skyline in undulating and hilly areas,
- Choose the gentlest part of the slope to minimise earth moving and avoid making permanent scars in the landscape.

Build Shape and Plant to create further shelter on the site,

- Use shelter planting...it will help to soften the form of the building in the landscape as well as helping to create shelter.
- Shape the land around the building so that it becomes part of the landscape in which it is located.
- Use enclosing hedges and walls to create, define and shelter gardens and courtyards.

Section 3.3 - Building Form to Fit the Location

Guidelines;

- In High Amenity areas, or in local areas where there is a tradition of single storey houses, it may be preferable to design a single storey building. However, there are many traditional two storey houses in the County offering good models for appropriate situations and large enough sites.
- Using the roof-space for bedrooms helps to achieve a modest scale and is energy efficient. Minimum size for bedroom windows must be checked for fire escape; dormers need to be handled with care and sparingly to maintain the roof appearance.

Appendix 7 – Sets out the Native Hedgerow species and trees suitable for planting in Co. Westmeath.

An addendum to the Rural Design Guidelines was prepared in August 2008 and includes a Clarification on Specific Design Details. The points relevant to the proposed development are as follows;

Structural Form The principal plan form of the dwelling should reflect traditional proportions as follows:

- A rectangular plan, on one, 1.5 or two storeys, with a pitched roof or a series of such forms.
- Generally roof pitch of 35° to 42°.
- Roof span should normally not exceed 8.5m and other dimensions should be proportionate to this.
- Roofs should be spanned across the narrowest plan dimension.
- Over complicated forms and multiplicity of planes should be avoided.
- For reasons of energy efficiency, the 1.5 storey or two storey is a preferred form over bungalow subject to local siting issues. Roof Dormers should be avoided as these are not traditional, are energy inefficient and are more costly to build than the 1.5 storey eaves dormer.

National Guidance;

Sustainable Rural Housing ; Guidelines for Planning Authorities (2005).

Appendix 2; Important Landscapes

The location and siting of rural housing should be informed by landscape character, quality and distinctiveness⁹. Proposals for housing in rural areas should be assessed having regard to the extent to which they:

- Complement the landscape and avoid unacceptable visual intrusion,
- Introduce incongruous landscape elements, and
- Help to maintain important landscape elements and features that contribute to local landscape character, quality and distinctiveness (e.g. topographical features, geological features, cultural features, or ecological resources which are characteristic of that landscape type).

5.2. Natural Heritage Designations

No designations apply to the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following;

- The levels indicated on the site layout plan submitted in application Ref. 02/1096, (granted on the 22nd November 2002), relate to a temporary datum of 1000.000m set at the entrance to the property, with the FFL of the dwelling as proposed at that time being 2.229m above the datum at the public road.
- The datum used on the site layout plan in the current application matches the datum used on the original application, Ref. 02/237, (granted on the 11th July 2002). This datum appears to be an OS datum of 101.715m set at the centreline of the public road to the western end of the property.
- This puts the FFL of the existing dwelling at 2.550m above the public road at this point, which results in a difference of 621mm between the proposed and as built levels.
- A photo attached illustrates the locations of both datum points; the OS datum point used for the current application and for Ref. 02/237 appears to be at a low point in the public road and the temporary datum used for Ref. 02/0196 appears to be at a higher point at the entrance to the development.
- This would account for the 621mm difference outlined above. The accuracy of some datum levels may also account for some discrepancy in levels.
- The as-built floor level of the dwelling is substantially compliant with the level as set out in application 02/1096.
- Drawing AT-3-PA-007, 'Level Comparison' was submitted as part of the appeal and illustrates the levels used for each application and the FFL for the dwelling as constructed.

- It is conceded that the dwelling has been constructed c.1m above the level conditioned. However, the increased set-back from the public road from that granted under 02/237 goes some way to mitigating the increased elevation.
- A landscaping scheme is proposed as part of the application and will mature in time to mitigate visual impact.
- It was not possible to carry out a topographical survey within the timeframe allowed to submit an appeal due to current restrictions. Any request to prepare same would be welcomed.
- It is conceded that the landscaping scheme submitted does not adequately address the PA's concerns over the integration of the dwelling into the landscape and the use of native species. It is argued that this issue could have been addressed through clarification of further information and could be addressed through a planning condition.

6.2. Planning Authority Response

- No response on file.

6.3. Observations

One third party observation was received from the residents of the neighbouring property to the east and includes the following;

- The scale of the constructed dwelling could allow for an increase in traffic on the local road.
- There is a lack of consistency and accuracy across the planning history for the site and in the appeal correspondence submitted. Appeal correspondence AT-3PA007-0 details the FFL of application 20/6278 as 104.265m. The actual FFL as shown on the plans (AT-3PA003-0) and site layout plan (AT-3PA002-0) is 104.565m.
- The FI response and appeal documentation from Woods Architecture shows the temporary datum at the driveway entrance, however the 'temporary datum' referenced refers to the centre line of the road, not at the level at the entrance.

- If An Bord Pleanála deems the appeal successful, it is requested that in light of the significant breaches of planning, conditions are attached to restrict the use of the 2nd floor of the property and the 2 storey garage to non-habitable use or commercial activity.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relate directly to the reasons for refusal which are;

- Design & Scale
- Visual Impact
- Other Issues
- Appropriate Assessment

7.2. Design & Scale

The principle of the development, for a detached dwelling on the site has been established in previous planning history and therefore, it is not necessary to revisit this primary principle. However, as the scale of the proposal has increased significantly, the impact of the larger dwelling and garage will be assessed against the relevant policies and objectives of the Westmeath County Development Plan, 2021-2027, (CDP).

Planning permission was originally granted for a bungalow of 176.35m² under Ref. 02/237 and a single storey garage of c. 63m² was permitted under Ref. 04/4019.

The development constructed on the site comprises a two storey dwelling of 320.45m² and a garage of 193.4m² which also contains a basement of 2m in depth. The dwelling is also 1.2m taller than previously permitted.

On the occasion of the site inspection, I observed that although there is a mix of one and two storey dwellings in proximity to the site, the majority of houses were single

storey bungalows. I note that the 2008 Addendum to the Westmeath Rural Design Guide recognises that in certain instances the use of 1.5 storey buildings is preferable to bungalows in terms of energy efficiency. In my opinion, the design of the building is not out of character with the surrounding rural dwellings and, overall, the built form is generally in keeping with the guidance contained in the Westmeath Rural Design Guide. In consideration of the overall scale of the site, it is reasonable that a dwelling of c. 320m² could be accommodated within the site. However, the scale of the dwelling must be considered within the context of the site and the location of the dwelling in an elevated position within the exposed site results in a visually prominent form of development.

The garage as constructed is large in scale and would seem to be excessive in size for a domestic dwelling. However, I note that the building itself is somewhat hidden from view by a laurel hedge which has been planted to the west of the house and as such it is not visible from the main road. In consideration of the nature and scale of the garage, I would recommend that should the Board be minded to grant permission for the development, that a planning condition be attached restricting the use of the garage to domestic uses only.

Notwithstanding the capacity of the site to accommodate a dwelling of c. 320m², the scale of the dwelling and garage cannot be considered in isolation and in my opinion, the visual impact of the bulk and mass of the building is the key consideration in the appeal given the elevated nature of the site.

7.3. Visual Impact

As noted above, the site is in an elevated position surrounded by open fields with no other houses directly opposite or adjoining it. There has been very little effort made to provide landscaping throughout the site or along the boundaries. As a result, the dwelling is located on an elevated and exposed site and is visually prominent. This is most notable when approaching from the east, which is at a lower level.

As noted in the report from the PA, there is some ambiguity as to the finished floor level (FFL) of the house and the levels throughout the site. The site levels shown on the application drawings differ significantly from the levels shown on the historical planning applications. The FFL of the house in the current application is

shown as 104.565m. This house was constructed approximately 11m to the north of the house originally permitted under Re. 02/237, which had a FFL of 101.603m. The drawings submitted under Ref. 02/1096 sought to relocate the house to its current position, where the house was shown to have a FFL of 102.229m. I note that the PA did not grant permission to relocate the house under this application and indeed restricted the FFL to 101.229m.

The applicant seeks to address the discrepancy in levels in the grounds of appeal and states that the discrepancy has occurred as levels shown on the drawings accompanying Reg. 02/237 and 02/1096 were taken from different points on the public road. It is argued that the levels indicated on the site plan submitted with 02/1096 relate to a temporary datum of 100.000m OD which is shown at the entrance to the property. When taken from this point, this gave a finished floor level of 102.229m to the house proposed at a location c. 30m from the public road.

However, the datum used on the original application, Ref. 02/237, appears to be set at a point further west along the site and is shown as 101.715m OD. This reference point is also used in the subject application and puts the finished floor level of the existing dwelling at 2.85m above the public road at this point. (I note that in the grounds of appeal this figure was given as 2.55m, which is incorrect). The difference between the floor levels in both applications is 621mm. Therefore, the applicant concludes that the as-built floor level of the dwelling is substantially in compliance with the level as set out in application 02/1096.

Having reviewed all of the historical drawings and visited the site I am not convinced by the argument put forward. The development proposed in Ref. 02/1096 was not granted permission and indeed, Condition No. 2 of this permission restricted the floor level of the dwelling to 101.229m OD. Therefore, the comparison of existing, as-constructed levels to this proposal for the purposes of minimising the as-built variance is irrelevant. Furthermore, the drawings submitted under Ref. 02/237 show the finished floor level of the proposed dwelling at 101.603m. If the levels for the site were taken from the centre line of the road which is shown at 101.705m, as the applicant contends, the floor level of the house would be lower than the public road in front of it. Having visited the site, this is not the case as the site slopes upwards from the public road. Therefore, it is logical to assume that the levels on this application were also taken from the 100.000m temporary level.

I am also not satisfied by the argument that levels taken from two different points on the road, one of which is higher than the other, can be used for an accurate comparison of the as-built level without factoring in and making allowance for the variance in height. I note that apart from the subject application, all historical applications were prepared by the same company, John Madden & Associates, Planning and Development Consultants and all drawings show similar spot levels on the site.

I would agree with the conclusion of the PA that the argument put forward does not clarify the discrepancy in the levels of the site. However, the applicant acknowledges that the dwelling was not constructed in accordance with the planning permission and is at a level higher than that permitted. Therefore, the relevant issue is the impact of the dwelling as constructed.

The site is located within the South Westmeath Eskers, Landscape Character Area, which is characterised by the prevalence of esker ridges. Within these landscapes, The Westmeath Rural Design Guidelines 2005 & 2008 recommends finding places where the building will be held within the landscape such as gentle slopes or indentations and also using native hedgerows and tree planting to integrate with the landscape. In my opinion, the building as constructed was not constructed in accordance with this guidance and its positioning within the site gave no consideration to minimising its visual impact. By virtue of its scale, height and elevated position within the site, the built form of the dwelling has resulted in a visually prominent and obtrusive development within the landscape.

However, it is my view that the impact of the proposal could be somewhat reduced by the implementation of comprehensive landscaping. A landscaping plan was submitted to the PA in response to a request for further information and accompanies the appeal. However, the details of the plan are difficult to read due to the quality of the printing and the lack of definition between different landscape proposals.

I note that the planting plan for the hedgerow includes a number of native hedgerow species which are listed as suitable for planting in the Westmeath Rural Design Guide. However, two separate areas of hedge planting are proposed and due to the

quality of the drawing it is impossible to determine what the difference is between both proposals or exactly where each proposal would be planted.

Condition No. 9 of Ref. 02/237 required that *'the dwelling shall not be occupied until all new boundaries, and any set back existing boundaries, have been defined with a native species hedgerow of mixed woodland species, which shall include not less than 25 semi-mature trees secured only by a timber post and wire fence'*. This condition has not been complied with and whilst the landscaping plan does contain some tree planting along the front boundary, it does not include a minimum of 25 trees. Furthermore, the species of trees proposed for planting is illegible on the plan. It is my view that the landscaping plan as submitted provides insufficient information with regard to the proposed species type and location of planting to determine whether or not the visual impact of the proposal would be reduced.

I note that the reason for refusal states that the *'proposed non native hedgerow and limited tree planting fails to integrate the development into the rural area and is considered to result in harm to the visual amenities of the rural area'*. It is my view that the grounds of appeal have not provided a sufficient level of information to address the existing impact on the visual amenities of the area. As the visual impact of the proposal relies heavily on the provision of a comprehensive and intensive landscaping plan that includes native species, I am not satisfied that the information required has been submitted or given due consideration. Therefore, in my opinion, the proposed development has a serious and negative impact on the visual amenities of the surrounding area and should be refused for this reason.

7.4. Other Issues

Permission is also sought to retain the relocated waste water treatment system which comprises a septic tank and a percolation area located approximately 14m to the south-east of the house.

A Site Suitability Assessment and Site Characterisation Form was prepared by Geoenvironmental, Environmental Consultants and submitted to the PA on foot of a request for further information. The form notes that the site is underlain by a locally important aquifer and the groundwater vulnerability is moderate. Drinking water is from the existing council mains and the closest streams are Castletown Stream

which is 200m to the south and Adamstown Stream which is 300m to the north- east. As per Table 6.3 of the EPA CoP, the result of the T & P tests, ($T \leq 50$ and $P \leq 75$), the *'site is suitable for the development of a septic tank system of a secondary treatment system discharging to groundwater'*, and the *'site is suitable for a secondary treatment system with polishing filter at ground surface or overground'*.

Having assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2009), I am satisfied that the that the results are in accordance with EPA guidance and that the system proposed would be adequate.

7.5. **Appropriate Assessment**

The appeal site is neither within nor immediately abutting any European site. The closest European sites are the Lough Ennell SPA & SAC, which are approximately 4.5km away from the site. However, there is no direct link or connection to these sites.

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 is refused for the development.

9.0 **Reasons and Considerations**

The site is located in a rural area characterised by open fields within the Westmeath South Eskers landscape character area where emphasis is placed on the importance of designing with the landscape and of siting development to minimise visual

intrusion. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its scale and lack of landscaping within and around the site, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, and would fail to be adequately absorbed and integrated into the landscape. It would therefore be contrary to objective CPO 16.33 of the Westmeath County Development Plan 2021-2027, the Westmeath Rural Design Guide 2005 and the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

27th August 2021