



An
Bord
Pleanála

Inspector's Report ABP-309824-21

Development	Construction of a new dwelling house, site entrance, waste water treatment system, percolation area, and all associated site works.
Location	Corcamore, Clarina, Co. Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	20/1257
Applicant(s)	Kieran O'Connell & Regina O'Connor
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Kieran O'Connell & Regina O'Connor
Observer(s)	None
Date of Site Inspection	29 th April 2021
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Corcamore in a position 2.7 km to the north-west of Clarina. To the west of the site, the River Maigue flows north to meet the River Shannon. This site lies towards the end of the L8043, which serves the townland. A considerable amount of ribbon development lies along the length of this local road, which is accessed off the N69.
- 1.2. The site itself slopes upwards from the local road at moderate gradients in a westerly direction. This site is roughly triangular in shape and it extends over an area of 0.22 hectares. It is presently vacant and down to grass. Its curved roadside boundary is marked by a sod and stone mound and its north-western boundary is marked by a tree-lined hedgerow. The remaining southerly boundary abuts the curtilage to an adjoining residential property. Elsewhere, to the south-west and on the opposite side of the local road, lie other residential properties.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of essentially a two-storey dwelling house, which would provide four-bed/eight-person accommodation over a floorspace of 254 sqm. This dwelling house would be sited towards the elevated south-western corner of the site. It would be served by a site entrance in the south-eastern corner and a looped driveway. It would also be served by a waste water treatment system and a soil polishing filter, which would be sited in the north-eastern corner.
- 2.2. The two-storey portion of the proposed dwelling house would form a “T” shape in plan view. The single storey portion would form a cranked element off the “tail of the T”. The front and rear elevations would have projecting gabled elements. The front gabled element would have a bay window and a stone finish, which would distinguish it from the render finish elsewhere.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was refused on the following grounds:

1. The local road serving the site is sub-standard and it has insufficient capacity to accommodate additional traffic.
2. The proposal would contribute to ribbon development and it would add to demand for urban type services, which would be uneconomic to provide.
3. The proposal would be incapable of being assimilated into the local landscape, it would be at variance with the character of the area, and it would be an unduly prominent and obtrusive feature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information requested with respect to the following:

- Submission of Land Registry folio and scaled map showing family of origin home in relation to the site.
- Local road is sub-standard: Commentary in the light of CDP's Objective IN09 requested.
- Comprehensive landscaping scheme to be submitted.
- Works to front boundary to be shown, along with any necessary consents from neighbours.

3.2.2. Other Technical Reports

- Irish Water: While the applicant proposes to connect to a Group Water Scheme, its GIS shows only a public water main within 50m of the site. Standard notes added.
- LCCC:
 - Environment: No objection, subject to conditions.

4.0 Planning History

Adjoining site to the south:

- 00/2718: Outline for dormer bungalow: Permitted + 02/0097: Details: Permitted.

Adjacent site to the south:

- 06/3904: Dwelling house: Refused at appeal (PL13.223378) on the grounds of excessive density in a rural area lacking public services and community facilities, sub-standard road network with insufficient capacity to accommodate additional traffic, and dwelling house would be an unduly prominent and obtrusive feature in the rural landscape.

5.0 Policy and Context

5.1. Development Plan

Under Map No. 3.2 of the Limerick County Development Plan 2010 – 2016 (extended) (CDP), the site is shown as lying within an Area under Strong Urban Influence. Objective RS 01 is applicable to this Area and it states the following:

It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as 'rural areas under strong urban influence'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and normal proper planning and sustainable development criteria. It is an objective of the Council to permit single houses in the area under strong urban influence to facilitate those with a genuine rural housing need in the area.

In order to demonstrate a genuine rural housing need, any of the following criteria should be met:

(a) the application is being made by a long term landowner or his/her son or daughter;
or

(b) the applicant is engaged in working the family farm and the house is for that person's own use; or

(c) the applicant is working in essential rural activities and for this reason needs to be accommodated near their place of work; or

(d) the application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they spent a substantial period of their lives (minimum 10 years).

Map No. 7.4 of the CDP, which is entitled “Landscape Character Areas” (LCA). This Map shows the site as lying within the Shannon ICMZ. Objective EH 012 relates to this LCA and relevant extracts are set out below:

It is the objective of the Council:

(a) Where housing is permitted encourage appropriate scale and high quality design for this landscape area coupled with sensitive site location and landscaping. Respect traditional scale particularly on elevated or locally prominent sites...

(c) To encourage the use of site-specific designs with careful attention to landscaping. Finishes such as plaster finish, which will assist in integrating the development into the landscape, are encouraged.

(d) All of the above (a to c) does not apply within the settlements of the Shannon Coastal zone...

(f) To rigidly adhere to best practice in the installation and use of wastewater treatment systems, given the proximity of the Shannon and the importance of water-based habitats in the area, to ensure that no deterioration in water quality takes place...

(i) Development shall be encouraged within existing settlements...

The Planning Authority’s second reason for refusal cites Objective IN 09, which addresses sub-standard roads as follows:

It is an objective of the Council to ensure that on roads that are sub-standard, either in terms of their width (less than 3m), alignment, surface condition or junction with the nearest main road, development will only be considered in exceptional circumstances. A presumption in favour of family members and long term landowners will be considered in exceptional circumstances, where no alternative site is available, or where the only alternative access is onto a strategic regional road as designated in the County Development Plan.

5.2. National Policy and Planning Guidelines

- National Planning Framework

NPO 19 states:

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;*
 - *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on 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
 - Quality Housing for Sustainable Communities: Best Practice Guidelines

5.3. Natural Heritage Designations

- Lower River Shannon SAC (002165)
- River Shannon and River Fergus SPA (004077)

6.0 The Appeal

6.1. Grounds of Appeal

- The site is the only land owned by Kieran's parents.
- Kieran wishes to build his own home.
- He is from and has always lived in Clarina.
- Both applicants work in Raheen and so the site would be close to their workplaces.

- Ribbon development was not raised under further information and so the applicants had no opportunity to address it.
- Likewise, with the style of the dwelling house.
- The local road would be to a good standard at the point from which the proposed access would be taken, i.e. the width would be 3.2m. In terms of the CDP's Objective IN 09, Kieran has no alternative site and his family are long term owners of it.
- The elevated siting, height, and style of the proposed dwelling house would complement the adjacent dwelling house to the south. The owner of this dwelling house has raised no objection to the proposed one.
- LCCC's Environmental advice raised no objection.
- Irish Water raised no objection.
- The sightlines survey shows that, with remedial works, they would be satisfactory.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

- 7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), national planning guidelines, the Limerick County Development Plan 2010 – 2016 (as extended) (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural settlement policy,
- (ii) Landscape and visual impacts,
- (iii) Amenity,
- (iv) Access,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Rural settlement policy

7.2. Under the CDP, the site is shown as lying within an Area under Strong Urban Influence. Objective RS 01 sets out the criteria which applicants for one-off dwelling houses in such areas must fulfil. The following two of these criteria may be relevant to the appellants:

- (a) The application is being made by a long term landowner or his or her daughter, or*
- (d) The application is being made by a local rural person(s) who for family and/or work reasons wish to work in the local rural area in which they spent a substantial period of their lives (minimum 10 years).*

(The CDP defines landowner as being “a person who has owned a minimum of 10 hectares of land in the rural area for a minimum period of 15 consecutive years).

7.3. The site was acquired in 2000 and is presently owned by Thomas O’Connell, who is the applicant Kieran O’Connell’s father. This site has an area of 0.22 hectares and no other land in the vicinity is shown as being in his ownership. Thus, in the light of the above cited definition of landowner, he does not qualify as such for the purpose of criterion (a).

7.4. The applicants have completed a supplementary application form in which Kieran states that he has resided in the home of his parents all his life. This home is in Rahina, Clarina, Co. Limerick, and it lies 3.3 km away from the site. He has submitted documentary evidence in support of his statement, i.e. a copy of his birth certificate, a letter from St. Joseph’s National School in Clarina, which he attended between 1994 and 1999, and a copy of a business letter addressed to him and bearing his current address. The applicants state that the proposed dwelling house would be for their own occupation. They also state that they work, variously, on Dock

Road and in Raheen, both of which are in Limerick City. *Prima facie* they would therefore comply with criterion (d).

- 7.5. Under NPO 19 of the NPF, which came into force since the CDP was adopted, I am required to consider whether the applicants have a demonstrable social or economic need having regard to the viability of small towns and settlements. The applicants have stated that they wish to construct a family home of their own upon the site, which lies within the general locality of where Kieran is from. (They have also stated that they commute to Limerick City for work purposes). I consider that they signal thereby a social rather than an economic basis for their selection of the site.
- 7.6. The CDP's settlement strategy indicates that Clarina is a Tier 5 "small village with a range of infrastructural, social and community facilities." This strategy also refers to the Southern Environs as a Tier 1 settlement, which is the subject of a recently adopted LAP and which includes Mungret to the east of Clarina within its ambit.
- 7.7. In terms of NPO 19, I do not consider that the social need identified by the applicants is such that it requires that they reside on the site, as proposed. Thus, for example, this need could be met by residing in Clarina or Mungret.
- 7.8. I conclude that, under NPO 19 of the NPF, the applicants do not have a demonstrable social need that requires them to reside on the selected site, as distinct from in a nearby settlement.

(ii) Landscape and visual impacts

- 7.9. Under the CDP, the site lies within the landscape character area (LCA) known as the Shannon ICMZ. Objective EH 012 addresses proposals for one-off dwelling houses within this LCA. Its following two criteria are of particular relevance:
- (a) Where housing is permitted encourage appropriate scale and high quality design for this landscape area coupled with sensitive site location and landscaping. Respect traditional scale particularly on elevated or locally prominent sites...*
- (c) To encourage the use of site-specific designs with careful attention to landscaping. Finishes such as plaster finish, which will assist in integrating the development into the landscape, are encouraged.*
- 7.10. The site rises at moderate gradients from the roadside in a westerly direction. The proposed dwelling house would be sited towards the elevated south-western corner

on a platform that would result from cut and fill earthworks. It would be sited further forward on its site in comparison with that of the existing dwelling house to the south. While its maximum height would be comparable, the scale of the proposed dwelling house would, as a predominantly two-storey form be significantly greater.

- 7.11. The site is on locally elevated ground. To the north lie woodlands, to the east lies open and rolling countryside and the local landmark provided by Carrigogunnel Castle, to the south lies the line of the local road with ribbon development along considerable portions of it, and to the west lies the meandering River Maigue. The principal elevation of the proposed dwelling house would be orientated to the east and so it would be visible from within the open and rolling countryside in that direction and on approach from the south along the local road.
- 7.12. The Planning Authority's third reason for refusal states that the proposal would be incapable of being assimilated into the local landscape, it would be at variance with the character of the area, and it would be an unduly prominent and obtrusive feature. The second reason states that it would contribute to ribbon development, too.
- 7.13. The applicants have responded to the above cited reasons for refusal by stating that the proposed dwelling house would complement the adjacent one to the south. They also state that they were not given the opportunity under further information to address the style of the proposed dwelling house or whether it would contribute to ribbon development.
- 7.14. As noted above, there would be similarities and dissimilarities between the proposed and existing dwelling houses. Its forward siting and larger scale would ensure that it would have a greater profile again within the local landscape than the existing dwelling house. Under Objective EH 012, the need to respect traditional scale on prominent sites is emphasised, as is the need to achieve a high-quality design. In these respects, I am concerned that the proposal would fall short. Thus, it would present as a large dwelling house with an unduly complicated design, e.g. a freestanding chimney breast on the southern side elevation, a half-dormer window on the northern side of its projecting front gabled element, a single storey element that is set at an angle to the two storey elements, and a variety of glazed openings that reflect the need to serve the internal layout rather than external coherence.

- 7.15. With respect to ribbon development, I observed during my site visit that the local road which serves the site exhibits a considerable amount of such development. Under Appendix 4 of the Sustainable Rural Housing Guidelines, ribbon development is described as occurring “where five or more houses exist on any one side of a given 250m of road frontage.” If the site frontage is included within this distance, then two existing houses feature to the south of the site, i.e. the one on the adjoining site and one on a site 115m to the south of the adjoining site. Given the separation that exists between these two houses, I do not consider that the proposal would add to ribbon development.
- 7.16. I conclude that the elevated siting, large scale, and overly complicated design of the proposal would cause it to have adverse landscape and visual impacts that would cause it to be obtrusive and intrusive and so contrary to Objective EH 012 of the CDP.

(iii) Amenity

- 7.17. The proposal would provide a four-bed/eight-person dwelling house with a floorspace of 254 sqm on a site of 0.22 hectares. A satisfactory standard of amenity to future occupiers would thus ensue.
- 7.18. The proposed dwelling house would be sited to the north of the adjacent existing dwelling house to the south. This dwelling house would be sited in a forward position in relation to the existing one. Where corresponding side elevations would overlap, they would be separated by a distance of 12m and the intervening common boundary would be planted with native hedging.
- 7.19. During my site visit, I observed that there are glazed habitable room openings at ground and first floor levels in the northern side elevation of the existing dwelling house, the majority of which would directly overlook that portion of the site which would lie to the rear of the proposed dwelling house. Views to the north north-east from all of these openings would, however, be curtailed by the proposed dwelling house and while the reception of direct sunlight would be unaffected, some overshadowing would ensue. Overlooking between dwelling houses would be affected by the 0.5m lower finished floor level of the proposed one, the specification of only a non-habitable room window in the proposed southern side elevation, and, in time, the screening afforded by the proposed hedging. The erection of a fence to

afford screening until such times as the hedging is established would assist in this respect.

- 7.20. I conclude that the proposal would afford a satisfactory standard of amenity to future occupiers and it would not unduly affect the amenities of the adjacent dwelling house to the south.

(iv) Access

- 7.21. The site lies towards the northern extremity of the L8043, from which it would be accessed. The Planning Authority's first reason for refusal critiques this means of access in the light of Objective IN 09 of the CDP, which regards road widths of below 3m as sub-standard and so, unless applicant's have no alternative sites, their use to access one-off dwelling houses should be avoided.
- 7.22. The applicants have responded to the above cited critique by drawing attention to the 3.2m width of the road beside the proposed access point and by stating that they have no other site upon which to develop.
- 7.23. During my site visit, I used the road in question. While I observed its variable width, I also observed its sealed surface, reasonable overall alignment, and the presence of informal passing points. I, therefore, do not agree with the Planning Authority that traffic generated by the proposal would be incapable of being accommodated on this road and, in the light of the applicants' response, that, under Objective IN 09, objection is warranted.
- 7.24. The proposed access point would be accompanied by a 180m long sightline to the south and, on the basis that an existing sod and stone mound along the frontage of the site is lowered, a 140m sightline to the north. The speed limit on the local road is 80 kmph and so these sightlines would be adequate under Table 7/1 of the TII's TD 41-42/11.
- 7.25. The proposed driveway would loop around to climb the eastern slope of the site to the proposed dwelling house. Spot heights on the site layout plan indicate that this driveway would be steep in places and so, if the Board is minded to grant, then a condition should be attached requiring the submission of its detailed design. The driveway should also be laid out to show explicitly two-car parking spaces and an accompanying turning head.

7.26. I conclude that, subject to a detailed design for the driveway, the proposed access arrangements for the site would be satisfactory.

(v) Water

7.27. While the applicants state that they propose to make a new connection to a Group Water Scheme, Irish Water advises that their records only show a public water main nearby, i.e. 50m from the site. Either way reliance upon a private well is not contemplated.

7.28. The OPW's flood maps do not show the site as being the subject of any identified flood risk. Likewise, the local road to this site is shown to be risk free.

7.29. The applicants state that they propose to handle storm water run-off from hard surfaces by means of a soak pit. Details in this respect have not been submitted. The need to avoid run-off onto the local road would be important and so, if the Board is minded to grant, then a detailed design of on-site drainage arrangements should be conditioned.

7.30. The applicants state that they propose to handle foul water by means of a packaged waster water treatment system and polishing filter. To this end they have completed a Site Characterisation Form (SCF), details of which are summarised below.

- The aquifer is regionally important and of extreme vulnerability. The Response Matrix is thus R2₂.
- The site is within 1 km of the Corcamore Group Water Supply Scheme.
- The site is the subject of moderate/steep slopes, which fall in an easterly direction.
- The direction of flow of ground water is estimated to be easterly.
- The trial hole was dug to a depth of 2.7m: No groundwater was detected within this depth. The top-soil was composed of silt/clay. Initially, the sub-soil was composed of gravelly clay. Thereafter, at a depth of 1m and beyond, it was composed of gravel until rock was reached.
- The T-test holes yielded an average result of 34.36 min per 25mm and the P-test holes yielded an average result of 28.08 min per 25mm. Under Table 6.3 of the EPA's relevant Code of Practice (CoP), the latter result indicates that

the “site is suitable for a secondary treatment system with polishing filter at ground surface or over ground.”

- 7.31. The applicant proposes to install a packaged WWTS of activated sludge process type with a distribution box and a polishing filter, which would comprise 6 x 10m long trenches laid out below the existing ground level of the site and towards its north-eastern corner. The invert level would be at a depth of 0.7m and the remaining depth of 2m would accord with the requirements of the EPA’s relevant Code of Practice for R2₂ locations.
- 7.32. I conclude that, under the proposal, no water issues would arise.

(vi) Appropriate Assessment

- 7.33. The site lies 0.5 km to the east of the River Maigue and 3.3 km to the south of the River Shannon. Both these Rivers are the subject of the Lower River Shannon SAC (002165) and the River Shannon and River Fergus SPA (004077). While the site is on elevated ground, it slopes to the east rather than to the west. Consequently, this site drains to the east. Beyond the local road to the north and east of the site there are what appear to be wet ditches. However, they are at some remove from this site. I am satisfied that there are no source/pathway/receptor routes between the site and the European sites within the wider area and so the development of this site to provide a dwelling house would not be likely to have any significant effect on the Conservation Objectives of these or any other European sites.
- 7.34. Having regard to the nature, scale and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

1. Having regard to the location of the site within a rural area under the strong urban influence of Limerick City and near to the settlements of Clarina and Mungret, and National Policy Objective 19 of the National Planning Framework, which requires that applicants for rural dwelling houses should have a demonstrable economic or social need and that this should be weighed having regard to the need to promote the viability of nearby settlements, the Board considers that the applicants have not demonstrated that they have an economic or social need that requires them to reside on the application site and so to accede to the proposed dwelling house would contribute to the unnecessary expansion of development within a rural area, would militate against the preservation of the rural environment, and would contravene the aforementioned Objective of the National Planning Framework. The proposal would, thus, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site in the landscape character area known as the Shannon ICMZ and to the accompanying Objective EH 012 of the Limerick County Development Plan 2010 – 2016 (as extended), the Board considers that the proposed dwelling house would, due to its elevated position, large scale, and complicated design, be both obtrusive and intrusive within its rural landscape setting and, as such, it would contravene Objective EH 012 of the Development Plan and be seriously injurious to the visual amenities of the surrounding rural area. The proposal would, thus, be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

28th June 2021