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Bord  
Pleanála

## Inspector's Report ABP 309998-21.

### Development

Permission for alterations to previously granted planning application (Planning Registration No 20181080). Alterations to include revised site boundary, relocation of proposed dwelling, garage, bored well, wastewater treatment system and percolation area and all associated site works & services within the family land holdings.

### Goo

Ballycrystal, Bunclody, Co. Wexford.

### Location

### Planning Authority

Wexford County Council

### Planning Authority Reg. Ref.

20210144

### Applicant

Kevin Armstrong

### Type of Application

Permission

### Planning Authority Decision

Refuse permission

### Type of Appeal

First Party

### Appellant

Kevin Armstrong

**Observers**

None

**Date of Site Inspection**

26/8/2021

**Inspector**

Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the rural townland of Ballycrystal, Co. Wexford, c.10km south-west of Bunclody and c.15km to the north-west of Enniscorthy. It is sited on the eastern side of a local road off the R746. The village of Killealy is situated 2km to the south-west. The Blackstairs Mountains range is situated to the west and site lies within the foothills. Mount Leinster at a height of 796m is located 5km to the north-west.
- 1.2. There are a number of existing dwellings located adjacent the site including the two properties to the west on the opposite side of the road. To the south of the site lies the applicant's family home and on the opposite side of the local road to the south-west there is a farm yard with associated outbuildings.
- 1.3. The site with a stated area of c.0.426 hectares comprises the northern section of larger field and the north-western corner of the adjoining field. There is an existing mature hedgerow along the roadside boundary. The site level gently falls towards the south. The northern boundary is formed by a post and wire fence with mature hedgerow and mature deciduous trees behind the fence line. The western boundary of the site extends for a short section of circa 30m along the road site. The eastern and southern site boundaries are undefined.

## **2.0 Proposed Development**

- 2.1. Permission is sought for alterations to previously granted planning application (Planning Registration No 20181080). Alterations to include revised site boundary, relocation of proposed dwelling, garage, bored well, wastewater treatment system and percolation area and all associated site works & services within the family land holdings.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for the following reasons;

1. Section 8.12.2 of the Wexford County Development Plan 2013-2019 (as extended) states that 'the siting of a dwelling house should blend into the

landscape and not be visually prominent, having regard to the scale of the proposed dwelling' The proposed relocation of the dwelling house and garage away from the existing mature tree screening on the northern boundary will result in the dwelling being excessively visually prominent in the Uplands landscape at this location and it will not successfully blend into the landscape as required. The proposed development would therefore be contrary to Section 18.12.2 of the Wexford County Development Plan 2013-2019 (as extended) and to the proper planning and sustainable development of the area.

2. Inadequate information with regards to the effluent treatment arrangements have been supplied to enable a full assessment of the proposed development. In the absence of this information the development is considered prejudicial to public health and the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- It was concluded in the report that the proposed relocation of the dwelling and garage away from the mature trees and the northern boundary would result in a more visually obtrusive position in this uplands landscape given that there will be less mature tree screening along the northern boundary at the revised location. The rationale for the proposed relocation of the dwelling and garage from the location previously granted is unclear and will result in a more visually obtrusive development. The Planning Officer concluded that the proposal would unduly negatively impact on the surrounding landscape.

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

Enniscorthy Municipal District Roads report – No objection

Senior Executive Scientist Environment – Further information requested. (1) It is noted that the proposed relocation of the polishing filter is circa 51m from the location of the polishing filter granted under no. 20181080. The applicant is to show the location of the original percolation trial hole and test holes excavated to prepare the site characterisation report provided. (2) The applicant shall provide confirmation

that the soil profile description remains similar at the site of the proposed relocation of the polishing filter.

### **3.3. Prescribed Bodies**

- None

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

- None

## **4.0 Planning History**

Reg. Ref. 20181080 – Permission was granted for a dwelling to the applicant to the south-west of the current site and adjacent to the roadside boundary.

## **5.0 Policy Context**

### **5.1. Wexford County Development Plan 2013-2019 (as extended)**

- 5.1.1. Objective RH09: To ensure that the rural houses are of high quality design and well sited in the landscape.
- 5.1.2. Objective L04: To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.
- 5.1.3. Objective L05: To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location.
- 5.1.4. Objective L06: To ensure that, where an overriding need is demonstrated for a particular development in an Upland, River Valley or Coastal landscape unit or on or in the vicinity of a Landscape of Greater Sensitivity, careful consideration is given to site selection. The development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape and will be required to comply with all normal planning and

environmental criteria and the development management standards contained in Chapter 18.

- 5.1.5. Objective L09: To require developments to be sited, designed and landscaped in a manner which has regard to the site specific characteristics of the natural and built landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.
- 5.1.6. Chapter 17: Design:
- 5.1.7. Section 17.7: Rural Design Guide
- 5.1.8. Chapter 18: Development Management Standards:
- 5.1.9. Section 18.12: Rural Housing

## **5.2. Natural Heritage Designations**

- 5.2.1. Blackstairs Mountains SAC (Site Code 000770) is located 363m to the west of the site.
- 5.2.2. River Barrow and River Nore SAC (Site Code 002162) is located 3.1km to the west of the site.
- 5.2.3. Slaney River Valley SAC (Site Code 000781) is located 7km to the north-east of the site.

## **5.3. EIA Screening**

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ 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

A first party appeal has been lodged by Kevin Armstrong. The issues raised are as follows;

- The application was refused permission by Wexford County Council for two reasons. One related to inadequate information regarding the effluent treatment arrangements. The applicant states that he is willing to complete the necessary requirements should the Board decide to grant permission.
- The other reason for refusal states, “The proposed relocation of the dwelling house and garage away from the existing mature tree screening on the northern boundary will result in the dwelling being excessively visually prominent in the Uplands landscape at this location and will not successfully blend in with the landscape as required.”
- In response to this refusal reason the applicant states that the proposed location has considerably more mature tree screening on the northern boundary than the original location. There are mature beech trees on the northern boundary of the proposed location. There are no similar trees at the original location.
- It is submitted that the proposed dwelling would not be visible from the public road to the west of the site. It is stated that the land naturally slopes away from the public road and also from the location of the originally granted house in a west-east direction. It is submitted that the proposed revised location would result in the house being less visually prominent and not excessively visually prominent as stated in the report of the Planning Officer.
- It is noted that no change to the location of the vehicular entrance are proposed, and that development is proposed within the same family landholding.
- The report of the Planning Officer refers to the rationale for the proposed relocation and states that it is unclear. The applicant considers the rationale for proposing to relocate the dwelling is not relevant.



- The applicant requests that the appeal is given due consideration.

## 6.2. Planning Authority Response

- The response from Wexford County Council states that they refer the Board to the report of the Planning Officer.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual amenity
- Effluent treatment and disposal
- Appropriate Assessment

### 7.1. Visual amenity

- 7.1.1. The first refusal reason issued by the Planning Authority refers to the siting of the proposed development. It stated that section 8.12.2 of the Development Plan sets out that the siting of a dwelling house should blend into the landscape and not be visually prominent. In the reason for refusal the Planning Authority considered that having regard to the scale of the proposed dwelling that its proposed relocation along with the garage away from the existing mature tree screening on the northern boundary would result in the dwelling being excessively visually prominent in the Uplands landscape at this location and it will not successfully blend into the landscape as required. The Planning Authority therefore considered that the proposed development would be contrary to Section 18.12.2 of the Wexford County Development Plan 2013-2019 (as extended).
- 7.1.2. The applicant in response to this reason for refusal stated that he considers that the proposed revised location of the dwelling is more appropriate as there is much more mature tree screening on the northern boundary than the original location. It is submitted in the appeal that the proposed dwelling would not be visible from the public road to the west of the site. The applicant stated in the appeal that the land

naturally slopes away from the public road in a west-east direction. He therefore argues that the proposed revised location would result in the house being less visually prominent and not excessively visually prominent as set out in the report of the Planning Officer.

- 7.1.3. Section 17.7 of the County Development Plan refers to the rural design guide and section 18.12.2 includes development management standards for individual rural houses, including design and siting requirements. Objective L04 requires that all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised. Objective L06 requires that where an overriding need is demonstrated for a particular development in an Upland, River Valley or Coastal landscape unit or on or in the vicinity of a Landscape of Greater Sensitivity, careful consideration is given to site selection. The development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape and will be required to comply with all normal planning and environmental criteria and the development management standards contained in Chapter 18.
- 7.1.4. Objective RH09 of the Development Plan requires that rural houses are of high quality design and well sited in the landscape. As set out in Section 14.4 of the Development Plan it is the Council's broad aim is to promote and enable appreciation of the county's landscapes and to minimise adverse visual impacts on these landscapes in the interests of the common good. The site is located within uplands landscape character area of the Blackstairs Mountains. Therefore, given the site context, I would consider it is a visually sensitive location.
- 7.1.5. The site is located between the 170m and 160m contours. It is elevated above the surrounding road network including the R746 situated to the east and the local roads to the west and south. The proposed dwelling is single storey with a floor area of 210.19sq m and a maximum ridge height of 5.13m. The proposed garage has a floor area of 34.76sq m and a ridge height of 4.45m.
- 7.1.6. I note the location where the dwelling was granted under Reg. Ref 20181080 would be positioned circa 60m to the west as illustrated on the Proposed Site Layout Plan, drawing no: CD:003-KA-21. The siting of the dwelling granted was circa 23m from the road to the west. The revised location is set back circa 85m from the roadside

boundary. I note the applicant's statement in the appeal that mature trees on the northern boundary would provide considerable screening. However, I note that these trees are deciduous and therefore when not in leaf they would not provide the same degree of a backdrop to assimilate the proposed dwelling.

- 7.1.7. Having regard to the elevated and open nature of the site and the height and scale of the proposed dwelling and garage and its siting in a prominent position, I consider that it would be highly visible from the local roads to the south and south-west. Therefore, I would concur with the assessment of the Planning Authority. Accordingly, I consider that the proposed development would form a highly visible and intrusive feature within the landscape and that it would seriously injure the visual amenities of this sensitive rural area.

## **7.2. Effluent treatment and disposal**

- 7.2.1. It is proposed to install a Batchpur treatment system which provides primary treatment and secondary treatment. It is proposed to dispose of treated effluent via a polishing filter. It is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. In this respect I would refer the Board in the first instance to the submitted Site Characterisation Form (as appended to the Site Suitability Assessment Report) which details that the trial hole encountered a layer of topsoil overlying c. 400mm of silt with some cobbles to the depth of 0.8m, below that sandy silt to a depth of 1.1m was encountered. The trial hole was dug to a depth of 2.8m. The water table depth was recorded at 2.4m. With regard to the percolation characteristics of the underlying soil a 'T'-value of 11 and a 'P'-value of 7 were recorded which would constitute a pass in accordance with EPA guidance.
- 7.2.2. The report of the Senior Executive Scientist in the Environment Section, dated the 2<sup>nd</sup> of March 2021, requested that further information be sought. It was noted in the report that the proposed relocation of the polishing filter is circa 51m from the location of the polishing filter granted under Reg. Ref 20181080. The further information as detailed in the report required that the applicant show the location of the original percolation trial hole and test holes excavated to prepare the site characterisation report provided. It was also required under the further information

request that the applicant provide confirmation that the soil profile description remains similar at the site of the proposed relocation of the polishing filter.

- 7.2.3. I note that the appeal did not address these matters. Accordingly, in the absence of trial hole and percolation test results for the location of the proposed effluent treatment and disposal system or other details including confirmation that the soil profile description remains similar at the site of the proposed relocation of the polishing filter, I am not satisfied that the applicant has demonstrated that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system.

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development and the distance from 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 a refusal of permission for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the topography of the site, and to the elevated positioning, scale and height of the proposed dwelling, it is considered that the proposed development could not be effectively assimilated into the landscape and would, therefore, form a discordant and obtrusive feature on the landscape at this rural location. The proposed development would be contrary to the provisions of the Wexford County Development Plan 2013-2019 (as extended), in which it is stated that within uplands landscape areas, care still needs to be taken to minimise the risk of developments being visually intrusive. The proposed development would seriously injure the visual amenities of the area, and, by itself and by the precedent it would set, would

militate against the preservation of the rural environment and would, therefore, be contrary to the proper planning and development of the area.

2. Having regard to the absence of trial hole and percolation test results for the location of the proposed effluent treatment and disposal system, the Board is not satisfied that the applicant has demonstrated that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

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Siobhan Carroll  
Planning Inspector

21<sup>st</sup> of September 2021