



An
Bord
Pleanála

Inspector's Report ABP.310249-21

Development	Erect a dwelling house.
Location	Annagh, Lisnagry Co. Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	20/1106
Applicant(s)	Brian Collins
Type of Application	Planning permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third party
Appellant(s)	Seamus Mac Lughadha
Observer(s)	None.
Date of Site Inspection	11 th August 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. The site is located in the townland of Annagh, approx. 5km off the M7 motorway at Castletroy exit. The site is accessed by means of a local road serving the area of Annagh and Lisnagry which branches off the R503 Newport Road, close to the motorway exit. This is a rural area which is characterised by farmland with a considerable level of one-off houses. It is in close proximity to Limerick City and seems to be one which is under considerable pressure for one-off housing, as evidenced by the extent of single houses in the overall area. The road serving the site is a local rural road which is characterised by several one-off houses in the vicinity of the site. There are two older established houses on either side of the site, one of which is a thatched cottage, which is a Protected Structure (to the west) and the other, located to the east, is a mature country house with associated out buildings (NIAH listed). The latter property is owned and occupied by the third-party appellant.
- 1.2. The site area is given as 0.26ha. The site is rectangular in shape and has frontage to the local road to the south. The site is well screened from the road by means of a mature hedgerow and from the east by means of mature trees and hedgerows. There is an over-head 220kV electricity power line running in an East-West direction, a short distance to the north of the site. The site is low-lying and is relatively level, but the ground levels generally fall away to the north. There is an existing agricultural entrance from the local road at the eastern end of the site frontage and there is a mature tree immediately to the east of the entrance adjoining the roadside. A utility pole is located within the roadside boundary.

2.0 Proposed Development

- 2.1. It is proposed to erect a two-storey dwelling with a stated floor area of 240sq.m and the maximum height is stated as 7.8m with a FFL of 33.5m, although these dimensions were subsequently altered in FI submissions. The dwelling would be accessed by means of a new entrance from the local road to the south slightly further to the west than the existing entrance (as revised by FI received on 31/03/21). It is proposed to erect a detached garage (50m²) at the rear of the site and to retain the mature screening along the eastern boundary. The front boundary

line would be recessed behind the existing roadside boundary and the front and western boundaries would be planted with new hedgerows.

- 2.2. It is proposed to provide a septic tank with a percolation area and polishing filter in the south-western corner. The proposed development would be served by a mains water supply. Information submitted with the application include details of family land ownership, the applicant's connection with the area and a site suitability test report. A letter was enclosed from the applicant's father in which it was stated that the site was being gifted to his son, the applicant.
- 2.3. In response to a request for further information from the planning authority, and a request for clarification, additional details were submitted in respect of sight lines at the entrance, a design statement and flood risk. This included revised drawings, with a revised site boundary, and a revised newspaper notice.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant planning permission subject to 18 no. conditions. These were generally of a standard type. **Condition 2** required payment of a development contribution of €4,800.00 under the General Development Contribution Scheme. **Condition 3** related to an occupancy condition requiring the dwelling house to be the first place of residence for a period of 7 years.

Condition 4 specified the nature of the new roadside boundary in accordance with the revised plans submitted on 29/03/21 and which includes a sod and stone bank with a double row of native hedging and prohibited a block wall at the entrance. **Condition 5** required the roadside boundary to be excavated and backfilled with stone to prevent surface water ingress into the road pavement. **Condition 6** required the electricity pole to be relocated. **Condition 7** required all side and rear boundaries to be planted with a double row of hedging.

Condition 11 required the installation of the wastewater treatment system and polishing filter in accordance with the EPA COP, a certificate of installation, compliance with the EPA Code of Practice and the undertaking of a maintenance contract for the WWTP and the polishing filter.

Condition 12 required the FFL to be 34.95m as shown on submitted revised plans (29/03/21). **Conditions 13 and 14** related to materials and external finishes of the house and garage and restricted the use of the garage to domestic purposes.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's initial report (15/12/20) stated that the location of the site is in an **Area Under Strong Urban Influence** in the Limerick CDP, Objective **RS01** applies and that it was considered that the applicant complied with the said objective. The Area Planner noted, however, that the application was not accompanied by a Design Statement as required by the CDP, which was considered to be of particular relevance due to its siting in proximity to a Protected Structure.

The Area Planner raised concerns regarding the ability to achieve 90m sightlines at the entrance given the presence of two mature trees, one on either side of the entrance. It was also stated that the removal of the entire hedgerow (42m to west of entrance) seemed excessive, but that the utility pole should be removed. It was further noted that the site is located within JBA Flood Zone A and B, which needed to be addressed.

Appropriate Assessment Screening was carried out and it was noted that the site lies within 250 metres of a Natura 2000 site, namely the Lower River Shannon SAC. The Annagh River, which forms part of the SAC flows approx. 250m to the north of the site. It was concluded, however, that there is no likely potential for significant effects to the Natura 2000 site.

3.2.2. Other Technical Reports

Roads – The Roads Engineer expressed concern that the 90m sightlines could not be achieved to the east without the removal of the mature tree. It was noted that the road is 4.7m wide at this point and that although the speed limit is 80kph, the section of road is located between two bends and as such, the operational speed limit is just 60kph. Reference was also made to the utility pole on the boundary and to the need for more detail on surface water drainage.

Environment – It was considered that the site is suitable for a percolation area and polishing filter. No objection subject to conditions, which required the supervision and certification of the proposed WWTS and polishing filter.

3.3. **Prescribed Bodies**

Irish Water (27/11/20) – no objection subject to conditions. It was advised that the applicant must sign a connection agreement prior to the commencement of development, but that such connections will be subject to IW Capital Investment Programme.

3.4. **Third Party Observations**

Observations were received from each of the adjoining owner/occupiers.

Catherine Rina Cooke – owner of Thatched Cottage – Issues raised include adverse impact on Protected Structures and archaeological importance of the area and visual impact on her property. It was further considered that the proposed dwelling would result in a loss of privacy, loss of natural amenity and in particular, the loss of the mature beech tree, which would significantly detract from the landscape.

Seamus Mac Lughadha – owner/occupier of 2-storey ‘Ryan-Waller’s’ house to east. A variety of issues raised which generally reflect the grounds of appeal. The concerns included significant impact on the historic adjoining structures which are NIAH listed/protected and on the archaeological significance of the area which includes a Neolithic cave burial and an old access route between Annagh and Newport. There are further Protected Structures in the area including Annagh Bridge and Annagh Church. It was also pointed out that sight distances are inadequate and dependent upon removal of vegetation, including a 300-year-old beech tree, which is wholly inappropriate. Further concerns were raised regarding overlooking, the loss of the willow trees on the eastern boundary, surface water run-off from the site and the distance from the percolation area on adjoining sites.

3.5. Further information

- 3.5.1. A FI request was issued on the 17th of December 2020 for revised plans showing how 90m sightlines can be achieved in each direction, evidence that the utility pole can be relocated, and a design statement addressing the impact on the historic structures on either side of the site. In addition, the applicant was asked to address the siting of the site within a flood zone and the objections raised by the two observers.
- 3.5.2. Further information was submitted on **4th February 2021**. This included a revised site layout plan which stated that the entrance was to be relocated (but not shown on plans) and revised site boundaries to ensure that the site boundary is outside of the flood zone. The FI was also accompanied by a Design Statement and Contiguous Elevation, a letter form EIR advising that the utility pole could be relocated at the applicant's cost. The further information was deemed to be significant and was re-advertised on 6th February 2021.

3.6. Responses to FI of 4/02/21

- 3.6.1. A further submission was received from the third-party appellant dated the 16th of February 2021. The issues are similar to those raised in the previous submission and in the grounds of appeal.
- 3.6.2. **The Roads Engineer** (22/02/21) - pointed out that although an alternative location for the entrance further to the west had been suggested by the applicant's agent on site, the submitted drawings did not include an alternative entrance location. It was re-iterated that it would be impossible to achieve the required sightlines in the current position due to the presence of the mature tree, 1.7m back from the road edge.
- 3.6.3. **Physical Environment Section** (18/02/21) – Flood risk appears to be low. It was noted that the site boundaries had been redrawn such that the site now lies outside Flood zones A and B, which is acceptable. Notwithstanding the proximity of the development to springs and wells as shown on submitted documentation/plans, the GSI mapping indicates that groundwater flood risk is low. However, the finished floor level of the proposed dwelling (33.57mOD) was noted to be at a lower level than the public road (34.80mOD). It was, therefore, recommended that the FFL be at least

0.15m above the finished ground levels to mitigate against the risk of overland run-off entering the proposed dwelling.

3.7. Request for Clarification of Further Information (02/03/21)

3.7.1. The P.A. sought clarification in respect of the issues raised by the Roads Engineer and the Physical Environment Section in 3.6 above. The response received on 29th March 2021 included a revised site layout plan showing a revised entrance location and the FFL increased to 34.95m.

3.7.2. The Roads Engineer considered that the 90m sightline could be achieved to the east from the new entrance location, but that the sightlines to the west were dependent upon the removal of all hedgerows/trees and the setting back of the front boundary as well as the utility poles within the sight triangle. Conditions were recommended.

3.7.3. The Area Planner considered that the FI was satisfactory and that the proposed dwelling would not be visually detrimental to the historic buildings on either side of the site. It was further considered that the revised layout and FFL were acceptable, and that the applicant is the son of the landowner, whose family home is approx. 1km from the site. Permission was recommended subject to conditions.

4.0 Planning History

PA Ref 96/2507 – Outline planning permission **granted** for a house on the site to Gerry Collins (father of applicant).

PA Ref 01/2654 – planning application by Gerard Collins **withdrawn** for dwelling.

PA Ref. 18/406 – planning application by Sarah Brophy & Thomas O'Loughlin for dwelling **withdrawn**.

PA Ref. 99/2180 – planning permission **refused** on site to south for a single dwelling (local need).

5.0 Policy Context

5.1. National Planning Framework

5.1.1. **National Policy Objective 15** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.1.2. **National Policy Objective 19** makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, 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. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and perhaps seeking to build their first home near the family place of residence.

5.3. Limerick County Development Plan 2010-2016 (as extended)

5.3.1. In terms of Rural Settlement Policy, (3.9), the site is located within a **Rural Area Under Strong Urban Influence** which is described as one which is within commuting distance of Limerick City and Environs and is experiencing pressure from the development of urban generated housing in the countryside. It is stated (3.9.1) that 'continued high levels of single rural houses in these locations would inhibit growth of the County's urban areas which would result in a failure to achieve the growth targets, particularly in the City and Environs.' It is the policy of the planning

authority to facilitate the genuine housing requirements of the local community while directing urban generated housing to zoned areas within cities, towns and villages.

Policy RS P1 - It is a policy of the Council to provide for the development of sustainable rural housing in the County in accordance with the 'Sustainable Rural Housing Guidelines' issued by the Dept. of the Environment, Heritage and Local Government.

Policy RS P3 - It is a policy of the Council to apply a presumption in favour of granting planning permission to applicants for rural generated housing where the qualifying criteria set down in objectives **RS 01 to RS 08** are met and where standards in relation to siting, design, drainage and traffic safety set down in the Plan are achieved.

5.3.2. The Development Plan states that the Council recognises the needs of local rural people who wish to live or work in the area in which they grew up. The following 3 criteria arise in assessing applicants under this category:

1. The applicant must come within the definition of a '**Local Rural Person**', and
2. The proposed site must be situated within their '**Local Rural Area**', and
3. The applicant must have a '**Local Rural Housing Need**'

A '**Local Rural Person**' is defined as a person who is living or has lived in the local rural area for a minimum of 10 years prior to making the planning application. This includes returning emigrants seeking permission for a permanent home in their local rural area.

The '**Local Rural Area**' for the purpose of the policy is defined as the area generally, but not exclusively, within a 10km radius of the applicant's family home.

An applicant who satisfies a '**Local Rural Housing Need**' is defined as a person who does not or who has never owned a house in the 'local rural area' and has the need for a permanent dwelling for their own use in the rural area.

A '**Long Term Landowner**' is defined as a person who has owned a minimum of 10 hectares of land in the rural area for a minimum of 15 consecutive years.

Objective RS 01: Single Houses in Areas Under Strong Urban Influence.

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 owner 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 have spent a substantial period of their lives (minimum 10 years).

5.4. Natural Heritage Designations

There are three European Sites in the vicinity of the site. These are

- Lower River Shannon SAC (Site Code 002165) approx. 250m to north
- Slieve Felim to Silvermines SPA (004165) approx. 4km to the east.
- River Shannon and River Fergus Estuaries SPA (Site code 004077), approx. 12.5km to west.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is a third-party appeal against the decision to grant planning permission. It was submitted by Seamus Mac Lughadha, who is the owner/occupier of the house to the east. The main points raised may be summarised as follows:

- 1. Rural Housing policy** -The site is located within an Area Under Strong Urban Influence as set out in the Government's Sustainable Rural Housing Guidelines for Planning Authorities (2005) and in the CDP. Such areas are also subject to national guidance in the NPF whereby in areas under urban influence, it is a core consideration to demonstrate economic and social need to live in a rural area. No such need has been demonstrated by the applicant, who states that his employment is as a Garda who is not stationed anywhere near the site of the application. The documents submitted to the P.A. in support of the application relating to the extent of land ownership in the area are not available to the appellant. However, it is believed that the site was bought separately by the applicant's father and does not form part of the working farm landholding. It is considered that the site is the subject of speculative development. The applicant does not have a genuine rural-based housing need and the development should be directed into one of the nearby settlements in order to protect areas under strong urban influence.
- 2. Ribbon development** – The proposed development would fragment the agricultural frontage and thereby facilitate the creation of ribbon development. Taken in conjunction with existing and permitted development in the area, this would constitute an excessive density of suburban type development in a rural area, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities and would be contrary to the proper planning and sustainable development of the area.
- 3. Removal of hedgerows due to potential traffic hazard** – the local road serving the development is substandard and extremely narrow, yet it is quite busy due to the considerable amount of development in recent times. The

sightlines are extremely poor at the entrance and visibility is entirely dependent on the removal of an extensive amount of hedgerow along the road frontage. It is questionable whether the adjoining landowner gave his consent to the maintenance of the vegetation in the full knowledge of what would be required. It is noted that the letter of consent pre-dates the revised site layout. The removal of the hedgerows would have a significant impact on the landscape and rural character of the area and on the setting of the historic buildings on either side. It would also have an adverse impact on wildlife habitats in the area. Even with the extensive removal of hedgerows, it is considered that the proposed development would still give rise to a traffic hazard at this location.

4. **Impact on historic buildings** – the proposed design of the dwelling is not in keeping with the existing development in the area, which includes two historic buildings on either side. The thatched cottage to the west, Cooke’s Cottage, is a Protected Structure and the 2-storey building to the east, Ryan-Waller’s house is listed on the NIAH. The design and layout of the proposed dwelling shows no regard for the design of adjoining historic structures and fails to reflect the local vernacular and historic traditions. The siting so far back into the site would also result in overlooking of the existing properties on either side.
5. **Finished Floor Level** – The FFL is required (by Cond. 12 of P.A, decision) to be increased to 34.95m OD (from 33-35m). This represents a significant increase in the height of the building. It is not clear whether the levels across the site would also be raised or how it is to be achieved. Thus, the outcome of this condition in terms of the visual appearance and the scale and height of the proposed dwelling is unclear and should be resolved by the Board.

6.2. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

6.3. **Response from first party**

The first party responded to the grounds of appeal on 3rd June 2021. The response was mainly in the form of a rebuttal of the grounds of appeal. The following points are of note:

Site Location – the site was purchased by the applicant’s father as a potential location for him to construct a house in close proximity to his family residence. A further site was also purchased by his father approx. halfway between the site and the homestead for his brother. Both sites were purchased after the untimely death of his mother in 2000.

Rural settlement policy – the applicant has a very strong affiliation with the local community, with numerous friends and family living in the locality. He is a member of several local organisations, including the GAA. He is employed as a member of An Garda Síochána since 2018 and is currently stationed in Galway. However, he intends to obtain a transfer to his local area. His father is likely to have ‘a home need requirement in the future’ and he wants to build a house nearby so that he can care for his widowed father and live in his local community.

6.4. **Observations on the Grounds of Appeal**

None received.

7.0 **Assessment**

7.1. It is considered that the main issues arising from the appeal are as follows: -

- Rural Settlement Policy
- Traffic hazard and adequacy of access
- Landscape and visual amenity and impact on historic structures

7.2. **Compliance with Settlement policy**

7.2.1. The site is located in a Rural Area Under Strong Urban Influence, due to its proximity to Limerick City and Environs. Such areas have been identified in the CDP due to the intense pressure that they have sustained for urban generated development in a rural area. It is clear that the area within which the site is located is one which has experienced intense pressure for one-off housing, as evidenced by the proliferation of such development throughout the area.

7.2.2. The CDP policies (RS-P1 and RS-P3) and Objectives RS-01 to RS-08 seek to facilitate housing need requirements of rural communities, particularly for immediate

family members on family farms/landholdings, while directing urban generated housing into towns and villages. The policy in Areas Under Strong Urban Pressure (RS-01) is a little more restrictive in that the applicant must show a genuine rural housing need in the area. This can be demonstrated if the applicant is the owner of a landholding which must be in the ownership of the family for more than 10 years, or the applicant is engaged in working on the family farm or in essential rural activities which requires them to live nearby. The final criterion is where the application is being made by a 'local rural person' who wishes to live in the local rural area in which they spent a substantial period of time (min. 10 years) for either family or work reasons.

7.2.3. The Sustainable Rural Housing Guidelines (2007) state that development driven by urban areas should take place within the built-up areas, and that a distinction should be drawn between development that is needed to sustain rural communities and that which tends to take place in the environs of towns, which should be more appropriately take place within urban areas. The Guidelines also state that urban generated housing can give rise to haphazard and piecemeal development with problems such as disorderly and inefficient patterns of development, obstruction of alignment of future infrastructure projects, undermining of investment in infrastructure and higher public expenditure. Such development is clearly unsustainable and is likely to create additional and unnecessary problems for the supply of infrastructure and services and to increase car dependency and high energy use.

7.2.4. The policies set out in the Sustainable Rural Housing Guidelines have been reinforced in the more recently published National Framework Plan (2018). Relevant policies include National Policy Objective 15, which seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities. National Policy Objective 19 seeks to ensure that 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 elsewhere. In rural areas under strong urban influence, it is the policy to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic and social need to live in a rural area, having regard to the

viability of small towns and rural settings. Thus, it continues to be necessary to demonstrate a functional economic or social requirement for housing need in these areas that are under intense pressure.

7.2.5. It is clear therefore, that the overall settlement strategy, which is consistently expressed in the hierarchy of national and local policies and plans, is to seek to prevent urban sprawl and to ensure that development takes place in appropriate locations in a sustainable manner which protects the vibrancy of rural communities, but in such a way that it does not give rise to long term problems for both the urban centres and for the rural environment. It is equally clear that the area in which the site is located is one which has been subjected to very intense pressure in the recent past. There is little information on the file relating to the family's original landholding. However, the letter of consent from the applicant's father arises from an address at Laught, which is an adjacent townland but is over a kilometre from the site. The applicant has provided information in response to the grounds of appeal that the site of the appeal was purchased separately by his father with the intention of building a house for a member of the family, which would be relatively close to the original homestead. Thus, it would appear that is a site which is isolated from and separate from the working farm.

7.2.6. The applicant states that he is a Garda and is stationed in Galway but wishes to be relocated to the general locality of the site of the application/appeal. It is clear from the evidence provided that he was brought up in the rural area and that he has strong connections with the local community. However, the applicant's employment bears no relationship to rural activities in the area and there is no 'work reason' for him to live in the area. The submission (3/06/21) indicates that his father may have a 'home need requirement' in the future, but this is not fully explained or corroborated in any way. On the basis of the information provided, it is considered that the applicant has not demonstrated a rural generated housing need or any economic or social need to live in this particular area. It is further considered that the housing need is an urban generated one and that the area has come under sustained pressure in recent times for this type of housing, such that the vibrancy of the rural community is not likely to be under any threat of decline. The applicant has not, therefore, demonstrated that he can meet the requirements of the settlement policy as set out in RS 01.

7.2.7. Thus, in conclusion, it is considered that the applicant has no genuine rural housing need within this area and that his housing needs could be met within the city or a town/village within the overall area. It is considered that the established rural settlement policies for the area, which seek to avoid the overdevelopment of rural areas under strong urban influence, and to direct such development to towns and villages, would be contravened. The proposed development would, therefore, be in conflict with the provisions of the National Framework Plan (2018), the Sustainable Rural Housing Guidelines for Planning Authorities (2007), the Limerick County Development Plan (2010-2016 as extended).

7.3. **Traffic hazard and adequacy of access**

7.3.1. I would agree that the local road serving the site is seriously sub-standard in terms width and alignment and in respect of the forward visibility from both the western and eastern approaches to the site. The road is reasonably busy, given that it is within commuting distance of Limerick City and any additional traffic movements at this location would put further pressure on it and would contribute to a traffic hazard.

7.3.2. The proposed layout in the original submissions clearly could not achieve the required sightlines to the east due to the presence of the mature beech tree which is located between the site boundaries with the crown set 1.7m back from the road edge. It was established that the tree should not be removed and that an alternative location for the entrance should be sought. Drawing PO1 B (date stamped by the P.A. as 29/03/21) shows the new entrance sited approx. 7m to the west of the Eastern boundary of the site. The drawing shows that the 90m sightlines can be achieved with the retention of the tree to the east but would require the setting back and realignment of the hedgerow to the front of the site (c.39m) and to the west of the site (c.42m). In addition to the loss of the existing mature hedgerow, there are two further mature trees, one immediately to the west of the site boundary and the other at the western end of the hedge to be realigned, which are likely to be endangered by the proposed boundary realignment. Furthermore, there are at least 2 utility poles along this stretch of roadside boundary.

7.3.3. It is clear, therefore, that whilst the required sightlines may be technically achievable from the revised entrance location, this would necessitate the removal of at least 80 metres of mature hedgerow and the potential loss of one or more trees. Although the

hedgerows along the roadside are to be replaced at the new recessed alignment, it will continue to be necessary for the vegetation to be maintained in such a manner that it would not interfere with the sightline triangle in the future. Notwithstanding the consent of the adjoining landowner, this is an onerous commitment. The entrance is located on a short stretch of road between two bends with very poor visibility, where there are several existing residential and agricultural entrances, one of which is opposite the site. These factors, together with the narrow width and winding nature of the road as well as the reasonably busy traffic flow on this rural road, combine to create a significant traffic hazard in my view. It is considered, therefore, that the additional turning movements generated by the proposed development at this location would endanger public safety by reason of traffic hazard, notwithstanding the proposed improvements to the sightlines.

7.4. Landscape and visual amenity and impact on historic structures

7.4.1. The landscape in which the site is located is an attractive rural area characterised by rich agricultural lands with mature hedgerows and trees lining the narrow roads. The stretch of road along which the site is located is slightly winding and accommodates two historic structures in close proximity to each other. The thatched cottage to the west of the site is a Protected Structure and it appears to be in good condition and well maintained. It is an attractive feature along the road and as it sits immediately adjacent to the roadside, forms a distinctive element in the landscape at this location. The second historic structure is the appellants' house, which an attractive 2-storey country house listed on the NIAH. It is set back further from the roadside boundary and is set within a mature landscaped garden. The mature hedgerow along the road frontage within which the site is located includes mature trees, one of which is stated to be a 300-year-old beech tree adjoining the eastern boundary of the appeal site.

7.4.2. Due to the substandard nature of the road from a safety point of view, the proposed development will necessitate the removal of a significant portion of the mature hedgerow (c.80m) and may also result in the loss of some of the mature trees. It is considered that the loss of this mature vegetation which currently frames the historic structures on either side of the site would have a detrimental impact on the visual amenity and rural character of the area, notwithstanding the proposal to set the boundary back and replant native hedgerows. This aspect of the proposed

development would have a detrimental impact on the attractive rural landscape and would militate against the preservation of the rural environment.

7.4.3. The appellants have also raised concerns regarding the siting, scale and design of the proposed dwelling which it is stated bears little relationship to the character, scale and setting of the established historic structures nearby. It was further considered that the requirement to increase the finished floor level to 34.95mOD would increase the scale and height of the building and exacerbate the impact on the surrounding properties and the area.

7.4.4. The proposed dwelling house is very large with a floor area of c.240m². The design is quite contemporary and suburban in approach which would be more suited to an urban environment than a rural one in a sensitive landscape. The scale and architectural style of the dwelling, together with the required elevated FFL, would result in a rather imposing structure which would further accentuate the inappropriate design approach at this location. However, I would accept that by reason of the topography and the existing and proposed roadside screening, and the mature planting along the eastern boundary which it is proposed to retain, the proposed dwelling would not be particularly visible from the public road. The setback by c.33m from the public road also helps to reduce the visual impact from the road. However, it would place the dwelling well behind the established building lines of the adjoining properties, which has raised further third-party concerns regarding overlooking and loss of privacy. On balance, notwithstanding the considerable scale of the structure and the suburban design, it is considered that due to the generous distances between dwellings and the retention of the screening along the eastern boundary, the proposed dwelling house would not result in an unduly obtrusive feature in the landscape.

7.4.5. It is acknowledged, however, that the introduction of the proposed dwelling at this location would extend an existing suburban pattern of development with several one-off dwellings in the vicinity. There are at least 15 houses fronting the local road within a 1km radius of the proposed development. Furthermore, should the Board decide to grant permission, the proposal would result in a similar site immediately adjacent to the west which is likely to be viewed as an 'infill site'. Therefore, taken together with the existing and permitted development in the vicinity, I would accept that the

proposal would result in an excessive density of development which would militate against the preservation of the rural character of the area.

7.4.6. In conclusion, it is considered that whilst the proposed structure could be absorbed into the landscape, the necessity to remove the extensive mature hedging alongside the public road and the potential loss or damage to the mature roadside trees which make a significant contribution to the visual amenity and rural character of the area, together with the perpetuation of the suburban pattern of development in the vicinity, would result in an inappropriate form of development which would militate against the preservation of the rural and historic environment at this location. It would also result in serious injury to the visual amenities of the area.

7.5. Environmental Impact Assessment

7.5.1. The proposed development is for the construction of a single dwelling house, a garage and a private wastewater treatment system on a greenfield site in a rural area. Having regard to the nature, size and location of the proposed development, and to the nature of the receiving environment, 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.

7.6. Appropriate Assessment

7.6.1. The P.A. reports screened out appropriate assessment. It is noted that the closest European sites are Lower River Shannon SAC (Site Code 002165), which is located c.250m to the north, Slievefelim to Silvermines SPA (004165) which is located c.4km to the east and River Shannon and River Fergus Estuaries SPA (004077), which is located approx. 12.5km to the west.

7.6.2. The site is situated approx. 250m to the south of Annagh River, which forms part of the Lower River Shannon SAC. There is no known hydrological link to the river or SAC. Given the small scale of the development, the distances involved, and the absence of any indication of a hydrological link to the European sites, it is considered that Appropriate Assessment issues can be ruled out at this stage.

8.0 Recommendation

- 8.1. It is recommended that planning permission be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence, as identified in the current Limerick County Development Plan and in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of Environment, Heritage and Local Government (2005), and to the National Policy Objective 19 of the National Planning Framework, which seeks to ensure that the provision of single housing in rural areas under urban influence are provided based on demonstrable economic or social need to live in a rural area, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in the Development Plan and does not comply with National Policy Objective 19. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene the policies contained in the National Framework Plan (2018), the Sustainable Rural Housing Guidelines (2007), the Limerick County Development Plan (2009 as extended) and would be contrary to the proper planning and sustainable development of the area.
2. The site is located adjacent to two historic buildings, one of which is a Protected Structure, which are situated within an attractive rural landscape characterised by mature trees and hedgerows and where the overall area has been subject to intense development pressure in recent years. Having regard to the large scale and overly suburban design of the proposed dwelling, combined with the need to remove an extensive amount of mature roadside hedgerows, and taken in conjunction with existing level of development in the vicinity, it is considered that the proposed development would result in a discordant feature which would fail to adequately integrate into the landscape,

would extend the pattern of suburban development and militate against the preservation of the rural environment and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located between two bends on a minor local road which is substandard in terms of width and alignment and where sightlines are poor in an easterly and a westerly direction. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements it would generate on this poorly aligned and substandard road network.

Mary Kennelly

Senior Planning Inspector

16th August 2021