



An
Bord
Pleanála

Inspector's Report

ABP-311024-21

Development	Construction of house
Location	Griffinstown Glen, Grangecon, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21429
Applicant(s)	Chloe & Robert Dunne
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Carolina Manthei & Ger Loughlin
Date of Site Inspection	12 th March 2022
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.77 hectares, is located approximately 3km north of Grangecon, Co. Wicklow. The appeal site access of the L8306-0. The appeal site is agricultural lands, mostly grassland with a wooded area to the south east. Adjoining uses include a two-storey dwelling to the north of the site. A wooden area to the west and south. The eastern limits of the site is defined by an existing laneway serving a dwelling location to the south west.

2.0 Proposed Development

2.1. Permission is sought for the construction of a single-storey dwelling, installation of a wastewater treatment system, a bored well, alterations to an existing entrance and ancillary site works. The proposed dwelling has a floor area of 163.77sqm and a ridge height of 4.91m. The dwelling features a pitched roof with external finishes of nap plaster.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 11 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (01/06/21): Further information required including relocating the entrance further east, confirmation of separation distances from a well on an adjoining site and revisions required to comply with Design Guidelines.

Planning report (07/07/21): The proposed development was considered to be acceptable in the context of the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Area Engineer (10/05/21): Further information details regarding entrance location/sightlines.

EHO (21/05/21): Further information including confirmation of separation distances from the well on adjoining site.

EHO (24/06/21): No objection.

Area Engineer (22/06/21): No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Two submissions were received. The issues raised include...

- Traffic impact, impact on rural character, impact on adjoining amenities, ribbon development, failure to comply with Development Plan policy and impact on trees.

4.0 **Planning History**

No planning history on site (two withdrawn applications).

5.0 **Policy Context**

5.1. **Development Plan**

The relevant Development plan is the Wicklow County Development Plan 2016-2022.

Settlement Strategy

The application site is located in a Level 10 Rural Area.

HD3 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards document appended to this plan, which includes a Wicklow Single Rural Houses Design Guide.

HD23 Residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside (attached).

HD24 Where permission is granted for a single rural house, the applicant will be required to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years to the applicant, or to those persons who fulfil the criteria set out in Objective HD23 or to other such persons as the Planning Authority may agree to in writing.

Landscape Category

Hierarchy 5

Category Rural Area

Landscape Area The Rolling Lowlands

WI7 Permission will be considered for private wastewater treatment plants for single rural houses where:

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);

- the proposed method of treatment and disposal complies with Wicklow County Council's Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10) and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

5.2 Sustainable Rural Housing Guidelines for Planning Authorities (2005):

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'. The appeal site is located in a Stronger Rural Area (NSS Rural Area Types).

5.3 National Planning Framework – Project Ireland 2040

NPO19 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.

The proposal was assessed under previous Development Plan, Meath County Development Plan 2013-2019, which has superseded. The rural housing policies are unchanged from the previous plan.

5.4 Natural Heritage Designations

None within the zone of influence of the project.

5.5 EIA Screening

The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a new dwelling and associated site works, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by BPS Planning Consultants on behalf of Carolina Manthei & Ger Loughlin, The Hallow, Griffinstown Glen, Dunlavin, Co. Wicklow. The grounds of appeal are as follows...

- Non-compliance with Objective 19 of the National Planning Framework and with Sustainable Rural Housing Guidelines with the applicants' need not rural generated and no need justified to construct a dwelling in the rural area.
- The proposal would constitute ribbon development as defined by the Sustainable Rural Housing guidelines.

- Impact on landscape character and contrary development plan policy regarding such. Removal of trees and hedgerow would be contrary development plan policy objectives.
- Non-compliance with housing policy objectives of the County Development Plan, with the proposal out of character and not in compliance with the Rural Design Guide.
- Impact of the dwelling on the appellants' property due to overlooking and concerns, lack of clarity regard boundary with the appellants' property and potential future impact in terms of privacy.
- The location of the entrance on a bend in the road with inadequate sightlines and potential for traffic hazard.

6.2. Applicant Response

6.2.1 Response by the applicants, Chloe & Robert Dunne.

- The applicants comply with development policy settlement strategy and rural housing policy.
- The design and scale of the proposal is appropriate and in compliance with the design guidelines for the county.
- The applicant made revisions to deal with the further information request regarding sightlines and the response was deemed to be satisfactory in the context of traffic impact.
- Only one tree will be removed as a result of the proposed development with all other trees and hedgerows retained on site.
- There is an unused well on the appeal site that is subject to civil matter and the appellants have a well on their own site.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Rural Housing policy

Design, scale, pattern of development

Traffic

Public Health

Other Issues

7.2. Rural Housing Policy:

7.2.1 One of the main issues raised by the appellant concerns Rural Housing policy and compliance with such. The application was assessed under the Wicklow County Development Plan 2021-2027. The appeal site is located in in a Level 10 Rural Area. The criteria for applicants seeking to construct a dwelling the rural area is listed under HD23 of the County Development Plan. The applicants were deemed to comply with H23 on the basis of being...

A permanent native resident seeking to build a house for his / her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total (including permanent native residents of levels 8 and 9), or resided in the rural area for at least 10 years in total prior to the application for planning permission. Based on the information on file the applicants reside in the family home of Chloe Dunne approximate 400m form the site and have done so for at least 10 years. Based on the information on file the applicants comply with the criteria for rural housing as set out under H23 under Development Plan policy.

7.2.2 In terms of the Sustainable Rural Housing Guidelines and the NSS Rural Area Types, the appeal site is in a Stronger Rural Area. The guidelines note that the map is indicative only and it is for the Development Plan to define rural area types.

Despite being classified as a Stronger Rural Area on the NSS map, the rural at this location is without question an area under urban influence given its proximity to centres such as Newbridge and Naas. The Wicklow Development Plan does not identify any different rural area types for the purposes of rural housing with the entire rural area of the county defined as a level 10 rural area. Consideration must be given to national policy with the site undoubtedly located in an area under urban influence due to its proximity to a number of urban centres and settlements. National policy set out under the Objective 19 of the National Planning Framework and the guidance set out in the Sustainable Rural Housing Guidelines emphasises the requirement to demonstrate an economic, social or functional need to live in a rural area under strong urban influence such as this. In this case the applicant clearly has links to the rural area and a desire to reside in the area but based on the fact their occupations are urban based and not intrinsically linked to the rural area, the applicants do not have a defined social or economic need to live in this area of strong urban influence and the development would be contrary to Objective 19 of the National Planning Framework and would be contrary to the guidance set out in the Sustainable Rural Housing Guidelines.

7.2.3 The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, 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 and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3 Design/visual impact, scale, pattern of development:

7.3.1 The appellants raised concerns regarding the impact of the proposal on the rural character of the area and its proximity to their property in terms of overlooking/loss of privacy and potential loss of light. The appellants' property is a two-storey dwelling located to the north west of the site. The appellants' dwelling is a two-storey dwelling and is located at a lower level than the appeal site. Levels on the appeal site where

the dwelling is sited increase moving south east. The proposed dwelling is a single-storey dwelling with a modest ridge height and has been located along the south western boundary. The sitting of the dwelling and proposed boundary tremanet consisting of planting to the south east and north east of the proposed dwelling is located away from the boundary of the appeal site and the appellants' dwelling to the north east.

7.3.2 I am of the view that the dwelling is sufficiently separated from the boundary with appellants' property and is of a modest height and scale so as to have no significant or adverse physical impact on the adjoining property. Having regard to the single-storey scale of the dwelling and the proposal for planted boundaries internal to the site, I am satisfied that the proposal would have no significant or adverse impact in terms of loss of privacy or a physically overbearing impact on the appellants' property or any other properties at this location.

7.3.3 The overall design of the dwelling is considered by the appellants to be contrary to the design guidance for the county with concerns over the visual impact of the dwelling. As noted above the proposed dwelling is a single-storey dwelling with a modest ridge height. The location of the site is not a prominent or highly visible location in the surrounding area. The design and architectural character of the dwelling is not of exceptional quality in terms of architectural character however it is modest in scale and simple in form and I do not consider it would have significant or adverse visual impact at this location.

7.3.4 In relation to the issue of ribbon development, the Sustainable Rural Housing guidelines state that "areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage". In this case there are five existing dwellings side by side to the north east and the proposed development will be a sixth in row at this location over a distance of approximately 200m so could be classified as exacerbating ribbon development.

7.3.5 The appellants raise concerns about removal of trees and vegetation. The applicants have argued that only one tree is being removed and such is to facilitate the relocation of the vehicular entrance further to the south east to improve sightlines. The applicant is proposing to retain most of the trees and hedgerow on site and the loss of one tree on site is not excessive.

7.4 Traffic:

7.4.1 The appellants have raised concerns about traffic impact and the proximity of the site to a bend in the road. The applicant was requested to submit revised proposals, which entailed relocation of the entrance further to the south east and the proposal also includes alterations of the roadside boundary on the opposite side of the road to facilitate improvement of sightlines and the provision of a 120m line of sight to the east. The appeal site is located on a lower category county road, the L8306-0. Having inspected the site and given the low category of the road, I am of the view that sufficient sightlines are available in both directions at the proposed vehicular access point and would question the level of alteration the Local Authority appear to have requested to facilitate the proposed development. I would be of the view that there is no need for alteration of the boundary on the opposite side of the road and sightlines available are sufficient in standard for the design speed of the road and the nature and level of traffic likely to be generated. I am satisfied that the proposed entrance would not interfere/conflict with the use of any other entrance points including the laneway and entrance that runs along the south eastern boundary of the site.

7.5 Public Health:

7.5.1 The proposal entails the installation of a proprietary wastewater treatment system. Site characterisation was carried out including trial hole and percolation tests. The trial hole test (2.1m) detected the water table at 2m. P tests for shallow soil/subsoil and/or water table by the standard method were carried out with percolation values that are within the standards that would be considered acceptable for the operation

of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The site is underlain by an aquifer category identified as poor with a groundwater vulnerability classified as moderate. The drawings submitted meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries).

7.5.2 Notwithstanding the results of the site characterisation tests indicating that soil conditions on site are suitable for wastewater treatment, the appeal site is in an area classified as having high moderate groundwater vulnerability. It is also notable that water supply is to be from a private well and the existing dwellings in the vicinity are all dependent on private water supplies. There is a significant level of existing dwellings serviced by wastewater treatment systems concentrated in this area. I would consider that having to the proliferation of domestic wastewater treatment systems in this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, I could not be satisfied, on the basis of the information on file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution in an area highly dependent on such for water supply. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

7.6 Other Issues:

7.6.1 The appellants raise concerns about issues concerning rights of access and access to private water supply on the appeal site with indication on the file that such is subject to a civil dispute. This issue is not a planning consideration and not an issue that can or should be addressed in assessment of this case.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity 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.

9.0 Recommendation

9.1. I recommend refusal based on the following reasons.

10.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005, National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, the Board could not be satisfied on the basis of the information on the file that the applicants come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines.

The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, 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 and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the proliferation of domestic wastewater treatment systems in this rural area, the fact that that groundwater in the area is classified as of moderate vulnerability and that the proposed and existing dwellings in the area are highly dependent on groundwater as a source of water supply, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

14th March 2022