



An
Bord
Pleanála

Inspector's Report ABP311533-21

Development	Construction of dwellinghouse, domestic garage, wastewater treatment system and all associated works.
Location	Killinraghty Big, Oran, County Roscommon.
Planning Authority	Roscommon County Council.
Planning Authority Reg. Ref.	21/202.
Applicants	Gemma Cuddy and Adrian Collins.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellants	Gemma Cuddy and Adrian Collins.
Observers	None.
Date of Site Inspection	15 th November, 2021.
Inspector	Paul Caprani.

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1.0 Introduction

ABP311533-21 relates to a first party appeal against the decision of Roscommon County Council to refuse planning permission for the construction of a dwellinghouse, domestic garage and wastewater treatment system at Oran, County Roscommon. Roscommon County Council issued notification to refuse planning permission for two reasons, stating that the proposed development would adversely impact on the visual amenities of the area and that the proposed development has the potential to impact on any future upgrade works associated with the N60 and would result in a unwarranted new access point in close proximity to the junction of the local road with the N60.

2.0 Site Location and Description

- 2.1. The subject site is located in the townland of Killinraghty Big, Oran, County Roscommon. It is located on the southern side of the N60 and on the eastern side of a junction with a local road which runs southwards from the N60 - the L6633. The site forms part of a large field which incorporates a pronounced downward slope from north to south. A small single storey cottage and associated outbuildings is located opposite the site, on the western side of the local road adjacent to the junction with the N60. Vehicular access to this single storey dwelling was provided off the local road. There are a number of rural dwellings sporadically located on the northern side of the N60 opposite the junction.
- 2.2. A dwellinghouse with a large creche facility is located on lands to the south of the site fronting onto the local L6633. This house and creche facility is owned and operated by the applicants family. There is no other development in the vicinity of the site. The site itself is L-shaped and occupies the north-western corner of a large field with road frontage onto both the N60 and the L6633. The site occupies an area of 0.48 hectares. The field is currently used for grazing. The 100 kilometre speed limit applies to the section of the N60 in the vicinity of the site whereas the 80 kilometre speed limit applies to the local road. The roadside boundaries of the site are bounded by post and wire fence with a low hedgerow. The southern and eastern

boundaries of the site are not demarcated on the ground. Electricity poles traverse the field in which the site is located.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a U-shaped single storey dwelling which is to be centrally located within the site. The dwelling faces northwards towards the N60. However, access to the site is to be provided off the local roadway at the south-western corner of the site c.100 metres south of the junction with the N60. The dwellinghouse is to accommodate four bedrooms, including a master bedroom, a playroom/study, kitchen/dining area, utility room and bathroom. The dwelling is to occupy an area of 217.6 square metres. It is also proposed to provide a separate domestic garage to the south-eastern corner of the site with a gross floor area of 48 square metres. The building rises to a maximum ridge height of 6 metres. The dwelling is to incorporate blue/black fibre cement slates on the roof and a nap plaster finish.
- 3.2. A proprietary wastewater treatment system and percolation area is to be located to the rear of the house.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Roscommon County Council issued notification to refuse planning permission for two reasons which are set out in full below.

1. Having regard to the proposed siting of the development on an exposed and visually prominent site, particularly when viewed from extensive areas to the south, south-west and south-east (and the potential availability of alternative site development options in less obtrusive locations within the identified family landholding), it is considered that the proposal would result in an undue and haphazard form of development, would give rise to an adverse visual impact and would fail to satisfactorily integrate with the rural setting on which it is proposed. The proposed development fails to accord with the requirements of Section 9.5 (Rural Siting and Design) of the Roscommon County

Development Plan 2014 – 2020 and the principles expressed in the associated County Roscommon Rural Design Guidelines. The proposed development would be injurious to the visual amenities of the area, would set a precedent for similarly inappropriate sited developments and would be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the proximity of the proposed development to the N60 National Secondary Route, it is considered that the proposed development has the potential to impact on any future upgrade works to that route at this location. In addition, it is considered that the proposed access arrangements, whilst meeting the minimum separation distance required from the junction onto a national secondary road would nonetheless result in the introduction of an unwarranted new access point in proximity to the junction of the local road with the N60, and the circumstances where potential alternative development options exists within the family landholding. Having regard to the foregoing factors, it is considered that the proposed development has the potential to endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.*

4.2. Documentation Submitted with the Planning Application

- 4.2.1. The planning application was accompanied by a completed planning application form, planning fees, public notices and drawings etc. It was also accompanied by a letter of consent from the applicant's father permitted a planning application to be made on his lands.
- 4.2.2. A site characterisation form submitted indicated that the water table was located 2.4 metres below ground level and the percolation test yielded T values of 19 and P values of 15.

4.3. Prescribed Bodies

- 4.3.1. A submission from Transportation Infrastructure Ireland request that the Planning Authority abide by official policy in relation to development on/affecting national roads as outlined in the Spatial Planning and National Road Guidelines for Planning

Authorities (2012). In particular the Planning Authority should ensure that any development should:

- Protect the substantial investment being made by government in upgrading national roads.
- Maintain the intended transport function, traffic carrying capacity and efficiency of the network of national roads.
- Extend the service life of the national road network thereby deferring the longer term need to reinvest in further road improvements and the construction of new roads which would have implications for landowners, local communities and the environment and public expenditure.
- Protect the routes of future roads including road upgrades for development.

4.4. **Planning Authority Internal Reports**

- 4.4.1. A report from Roscommon County Council **Road Design Office** notes that the proposed development is not located within any study area currently being considered by the National Roads Regional Office (NRRO). However, Roscommon National Roads Office notes the TII publication DN-GEO-03060 on Geometric Design of Junctions which states “the provision of new priority junctions or direct accesses onto minor roads shall not be permitted within 90 metres of a roundabout or priority junction on national roads”. While it is not envisaged there will be any upgrade works to the N60 at this location in the near future it would be considered prudent if the applicant moved the extent of the site down the local road so that the house is not sitting in the corner between the N60 and the local road L6633 thus avoiding any potential impacts from any future upgrade works.
- 4.4.2. A report from the **Environment Department** considered the site to be generally suitable for a proprietary wastewater treatment system and in the event that planning permission is granted it is recommended that a number of conditions be attached.
- 4.4.3. The initial **planner’s report** recommended that future information be submitted in relation to the following:
- The applicant is requested to provide rationale for the proposed development at this specific location having regard to its proximity to the N60 national route.

- Please submit a letter of consent to permit the applicant to access the Oran – Ballintubber Group Water Scheme.
- Submit a revised layout plan which demonstrates the satisfactory achievement of 90 metre unobstructed visibility sightlines in both directions from the proposed site entrance location.
- Submit a comprehensive landscaping scheme for the site.

4.5. Further Information Submission

- 4.5.1. Further information was submitted on 12th August, 2021. Details of the family landholding are submitted. It is stated that the entire road frontage of this landholding abuts the N60, and this would not be a viable location for a new development due to policies restricting access onto national roads. It is stated that lands to the south of the proposed site falls off downhill which would require excessive cut and fill in order to accommodate a dwelling.
- 4.5.2. It is also stated that the creche facility to the south of the site is currently run by the applicant's mother. It is the intention of the applicant to take over and run this business and therefore there is a requirement to be in close proximity to the creche.
- 4.5.3. A letter from the 'Oran – Ballintubber Group Water Scheme' giving consent for a domestic connection to the group water scheme is also submitted.
- 4.5.4. A revised site layout showing 90 metre sight distances in each direction from the proposed entrance are submitted.
- 4.5.5. Further details in relation to landscaping are also submitted.

4.6. Further Assessment By Planning Authority

- 4.6.1. A further assessment of the information received states that the Planning Authority have reviewed the submitted family landholding details and note that alternative and more suitable locations for the proposed development are available within the applicant's family landholding. The Planning Authority's reservations relating to the siting of the proposed development in proximity to the N60 National Route and its potential to impact on any future road upgrade works at this location remain. Siting

the dwellinghouse on the corner between the N60 and local road is not deemed acceptable particularly when alternative locations for the development are available.

- 4.6.2. The other points submitted by way of further information are noted. In relation to landscaping it is stated notwithstanding the submission of a landscaping plan, concerns remain over the open and exposed nature of the site particularly when viewed from lower lying lands. On the basis of the above, it is recommended that planning permission be refused for the proposed development.

5.0 Planning History

- 5.1. There appears to be no planning history associated with the appeal site and no appeal files are attached.

6.0 Grounds of Appeal

- 6.1. The decision was the subject of a first party appeal which is summarised below.
- 6.1.1. It is stated that the proposal before Roscommon County Council constituted an exhaustive process, and the current proposal is a compromise on the many variables and complexities involved in providing a home for the applicants. It is stated that the proposal is the optimum solution as there is no other site available to the appellants. The Board are requested to make a decision on the merits of the design solution proposed for the site. While the dwelling proposed is on an elevated part of the site, it is not visually prominent, it will not be seen from public areas including the road network except when viewed from areas close to the site. It will only be peripherally exposed to traffic travelling along the N60 national route. The dwelling will be screened with the enhanced landscaping. The Board are asked to consider the proposed development in what is in effect, a cluster of single storey buildings each with its own distinctive design. The proposal successfully integrates with the landscape as per the County Roscommon Rural Design Guidelines.
- 6.1.2. In relation to reason no. 2, it is noted that there are no proposals for any upgrade works along the N60. Furthermore, vision splay requirements have been clearly met. The applicants are willing to cooperate with any proposals that might emerge to improve the junction and the L6633 and the N60. The applicants are prepared to

give an undertaking not to carry out any permanent development north of the proposed building line should the Board consider this appropriate. It is considered that the reason given for refusal in relation to endangerment of public safety is not based on evidence. There is no appreciable, measurable or significant traffic risk to the public if permission for this development is granted.

- 6.1.3. Finally, it is stated that the consideration of alternatives which require access onto the N60 are those areas which habitually flood and were for different reasons considered by the appellants and the professional advisers to be unsuitable for the construction of a dwelling.

7.0 Appeal Responses

- 7.1. It appears from the documentation contained on file that Roscommon County Council have not submitted a response to the grounds of appeal.

8.0 Natural Heritage Designations

- 8.1. The site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 sites in the vicinity are the Corliskea/Trien/Cloonfelliv Bog SAC which at its closest point is located 7.3 kilometres to the north-west of the subject site (Site Code: 002110).
- 8.2. The KILLSALLAGH Bog is located 8.8 kilometres to the south-west of the subject site. The River Suck Callows SPA (Site Code: 004097) is located 9.6 kilometres to the south-east of the subject site.

9.0 EIAR Screening Assessment

- 9.1. Having regard to the nature of the proposed development comprising of a single dwelling in a rural area, a considerable distance from surrounding Natura 2000 sites, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development and the need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

10.0 Development Plan Policy

- 10.1. The site is governed by the policies and provisions contained in the Roscommon County Development Plan 2014 – 2020. In terms of the settlement hierarchy, the subject site is located in Tier 4 – Serviced and Unserviced Villages and the Countryside. Section 2.3.8 of the Development Plan notes that the projected population increase over the lifetime of the County Development Plan will be in part accommodated by one-off housing. Development of this kind will be assessed for consideration on a case-by-case basis as is the current practice within the context of the Sustainable Rural Housing Guidelines.
- 10.2. The subject site is located on the boundary between an area under strong urban influence and a stronger rural area. In terms of rural policy, the site is located in Category B – Areas Under Urban Influence. Rural Policy Category B constitutes the South Roscommon countryside which is also strongly influenced by the settlements of Roscommon Town and Athlone. These areas are also under urban influence in the settlements of Roscommon Town, Athlone, Ballinasloe though to a lesser extent than Category A areas. These areas are categorised by strong urban pressure for urban generated housing development as well as locally generated housing development. In this context it is considered that these areas will be reserved for individual housing development which meets rural generated housing need criteria set out in Table 5.3.
- 10.3. Rural generated housing need is defined as demand for housing in rural areas generated by:
- (a) People who have lived in a rural area of Roscommon for a large part of their lives or have rural roots in terms of their parents being of rural origin. These would include farmers, or close relatives of farmers who can substantiate that they are also engaged in agriculture or otherwise dependent on the immediate rural area (rather than a nearby town or village) for employment, and/or anyone taking over the ownership and running of a farm. It would also include people who have no family lands but who wished to build a first home within the rural community in which they have spent a large and continuous part of their lives.

or

(b) People working full-time in a rural based activity who can show a genuine need to live closer to the workplace and have engaged in this employment for over 5 years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterways or marine related occupations as well as part-time occupations where the predominant occupation is farming, or natural resource related or people employed locally whose work provides a service to the local community or people whose work is intrinsically linked to rural areas such as teachers in rural schools.

or

(c) People with a significant link to Roscommon rural community in which they reside, by reason of having lived in this community for a period of five years or the existence of this community of long established ties with immediate family members.

Within Category B areas, the Council seek to accommodate substantiated rural generated housing needs subject to good practice.

- New development should be clustered within existing family dwelling or farm buildings, except where inappropriate due to traffic safety, environmental considerations etc.
- To ensure that individual house development in rural areas satisfy the requirements of persons who are an intrinsic part of the rural community subject to compliance with normal planning criteria.
- To reinforce the existing networks of towns, villages and other settlements in rural areas.
- To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
- To reuse and replace existing structures and dwellings will be considered regardless of rural or urban generated housing need.

10.3.1. Section 9.5 of the development plan relates to rural siting and design. It notes the following:

- Development proposals in the countryside must be integrated into their rural setting and must satisfy high standards of location, siting and design considering design issues such as scale, massing, orientation, choice of materials and landscaping.
- In selecting a location for a proposed development in rural areas (including housing), regard should be had to the topography and vegetation cover so as to integrate the proposal with the existing landscape. The good use of natural features, such as enclosed fields and hedgerows or stone walls or the rolling landscape can help integrate a new building into the open countryside.
- Consideration should also be given, especially in vulnerable open areas, to the visibility of the proposal, including long distance views. Proposals must avoid the disruption of existing views from tourist routes or important vantage points on public roads. Development proposals that break the skyline shall not normally be permitted.
- The Council is not prescriptive in terms of site size. Nonetheless, the site should be large enough to comfortably accommodate the proposal and to allow for any required setback from the road as well as any specific separation distances imposed by effluent treatment design as specified by the EPA Guidelines and the provision of any suitable storage sheds. Careful use of natural features of the site, any backdrop of rising land, trees or hedgerows and the interaction with existing buildings can enhance the presentation of development.
- The design of the proposal should reflect its setting including the topography, scale, height and character of existing buildings in the vicinity. Building form integrity with adjacent developments, especially in the case of residential developments in the countryside must be considered. Buildings should be kept simple and uncluttered in terms of elevation design and materials.
- Wherever possible, buildings should be built into sloping land rather than sited on landforms sitting on the side of a hill. Particular care needs to be given to ancillary elements, such as car parking, access roads and driveways (which should respect site contours, crossing them gently) and garages and outhouses, which should be grouped with the house rather than standing

alone. Where appropriate and deemed prudent, the Planning Authority may direct a particular development to the least physically prominent area of the landholding in order to lessen adverse visual impacts (subject to other planning considerations).

- In terms of landscaping, trees and shrubs appropriate to the Irish landscape should be used. A detailed species-specific landscaping scheme shall be submitted with each planning application. This should place strong emphasis on native species of trees and shrubs. If deemed necessary, the Planning Authority shall impose a financial bond to ensure that specific planting schemes are satisfactorily implemented.
- New access arrangements serving rural developments of all types and the associated necessity to provide adequate sightlines in the interest of traffic safety requires careful consideration.

10.4. In terms of scenic amenity the subject site is located in Area 11 which is deemed to be of high value. There are no designated scenic views within the vicinity of the subject site.

10.5. **Roscommon County Council Rural Design Guidelines**

10.5.1. The guidelines note that essential good siting is when a building appears to belong to the landscape rather than intruding upon it. It is important for a dwelling to pay particular attention to existing contours on a site to determine if a specifically designed dwelling can be accommodated on site, making use of, and working with the site levels. The site should be sheltered and in close proximity to infrastructure and characteristics such as contours, vegetation and site orientation should be to the fore. A principal factor in the house location on a rural site is a development pattern of the area which is fundamental in the ability of a dwelling to assimilate into the existing landscape. The pattern should reflect the character of the locality itself and at this stage it is important to differentiate between rural and suburban pattern of development. One of the biggest mistakes in recent rural housing design is the attempt to drop in the suburban model into a rural setting.

11.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the planning authority's reasons for refusal and the applicant's rebuttal of these reasons. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Housing Need
- Suitability of the Site to Accommodate a Dwelling
- Traffic and Transportation Issues
- Other Issues

11.1. Housing Need

11.1.1. I note that the Planning Authority's assessment of the proposal consider the subject site to be located in Category Area C as opposed to Category Area B.

11.1.2. Notwithstanding this matter, I am satisfied that the applicant in this instance complies with criteria set out in relation to housing in that she works in and proposes to take over the existing creche facility located to the south of the site and as such would meet the criteria set out for housing need under Category B on the basis the applicant is employed locally and provides a service to the local community and therefore is intrinsically linked to the rural area.

11.2. Suitability of the Site to Accommodate a Dwelling

11.2.1. I would have similar concerns to those expressed by Roscommon County Council in relation to the suitability of the site to accommodate a dwellinghouse having regard to the sites somewhat prominent and exposed nature. The site occupies at the north-western portion of a large field with extensive road frontage onto the N60 and the Local Road the L6633. Section 9.5 of the development plan which relates to rural siting and design, notes that development proposals in the countryside must be integrated into the rural setting and must satisfy high standards of location, siting and design.

11.2.2. Notwithstanding the fact that the development in this instance is single storey, it is located at the most elevated part of the field and will be conspicuous when viewed from public vantage points along the roadway. The prominent and exposed location

of the dwellinghouse within the field, together with the setbacks of the building from the site boundary does not result in a clustered/nucleated settlement pattern as suggested in the grounds of appeal. The proposal in my view is more akin to a low density suburban style dwellinghouse being situated in a rural area.

11.2.3. Section 9.5 of the development plan highlights that in selecting a location for a dwellinghouse in a rural area, regard should be had to the topography and vegetation cover so as to integrate the proposal with the existing landscape. Regard should also be had to placing new development in vulnerably open areas. I would consider the subject site to be a visually sensitive and open area having regard to the site's topography and exposure.

11.2.4. With regard to alternative sites, the applicant in the grounds of appeal states that this is the only site available for the purposes of development. Other lands under the ownership of the appellant's father are not deemed suitable for development because they rely on access to the N60 or are habitually flooded. The OPW Flood Maps indicate that lands in the vicinity of the site and under the ownership of the applicant are not liable for flooding. A lesser prominent site, perhaps that to the immediate south of the existing creche which appears to be in family ownership would in my view be a more preferable site for development from a visual amenity point of view. Having inspected the site I am satisfied that the area to the south of the creche would not require extensive excavation in order to accommodate a dwelling. I would therefore agree with the Planning Authority that there appears to be more preferable sites within the family landholding which could be developed for the purposes of a rural dwelling.

11.3. Traffic and Transportation Issues

11.3.1. The second reason for refusal issued by the Planning Authority express concerns that the proposed development being in close proximity to the N60 National Secondary Route has the potential to impact on future upgrade works to the route at this location. Furthermore, it is considered that the proposal would result in the introduction of an unwarranted new access point in close proximity to the junction with the N60. On this basis the Planning Authority consider that the proposal has the potential to endanger public safety by reason of a traffic hazard.

- 11.3.2. In relation to the proposed development's potential to impact on any upgrade of the N60, I would refer the Board to the report by the Executive Engineer dated 27th May, 2021 which clearly states that it is not envisaged that there will be any upgrade works to the N60 at this location in the near future. It would in my view therefore be inappropriate to refuse planning permission on the basis that the proposed development would interfere with any future upgrade works associated with the N60. The subject site fronts onto a relatively straight section of the N60 which incorporates a hard shoulder on each side of the carriageway. The need for any upgrade of the road in the short-term therefore would not in my view be a priority.
- 11.3.3. Furthermore, the dwellinghouse is located c.30 metres back from the roadway. Therefore, if any lands were to be acquired for any changes in the alignment of the roadway it is considered that this could be done without the need to compulsory acquire the house in question. I therefore do not consider that this aspect of the reason for refusal stands up to scrutiny.
- 11.3.4. With regard to the issue of the introduction of an unwarranted new access point in proximity to the junction, I note that the Transport Infrastructure Ireland publication entitled DN-GEO-0306O which relates to the geometric design of junctions states that the provision of new priority junctions are direct accesses onto minor roads shall not be permitted within 90 metres of a roundabout or a priority junction on national roads. The proposed access serving the dwellinghouse is located over 100 metres from the junction and therefore accords with this specific design requirement. Notwithstanding this point, in order to comply with the requirement above, the applicant is required to place the access at the south-western corner of the site and this necessitates the incorporation of a long sweeping driveway from the access point to the dwelling in question. This again in my view exacerbates the visual impact of the dwellinghouse on such a prominent and exposed site.
- 11.3.5. I further note that the proposed access is located on a section of the local roadway which incorporates a very straight alignment of the roadway where adequate sightlines are afforded in each direction. On the basis of the above therefore, I do not agree with the Planning Authority that the proposed development has the potential to endanger public safety by reason of a traffic hazard and I would recommend that the Board set aside this reason for refusal in its decision.

11.4. Other Issues

- 11.4.1. Having assessed the site layout plan I consider that the proposed dwellinghouse will not give rise to any adverse impacts on adjoining residential amenity through overlooking and overshadowing etc. as there is sufficient separation distance between the proposed dwellings and adjoining dwellings in the vicinity.
- 11.4.2. Furthermore, having inspected the site and assessed the information contained in the Site Suitability Assessment submitted with the application, I am satisfied that the subject site is suitable to accommodate a proprietary wastewater treatment system to serve the dwelling.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, together with the proximity to the nearest European site which is located over 7 kilometres away, no appropriate assessment issues arise and it is not considered that the proposed development will be likely to have a significant effect individually or in combination with other plans and projects on a European site.

13.0 Conclusions and Recommendation

Arising from my assessment above I consider that the decision of Roscommon County Council should be upheld in this instance on the basis that the siting of the proposed dwelling on an exposed and visually prominent site would adversely impact on the visual amenities of the area. I do not consider that the Planning Authority's second reason for refusal which relates to endangerment of public safety by reason of a traffic hazard should be included as a reason for refusal in this instance.

14.0 Reasons and Considerations

Having regard to the topography of the site, the elevated positioning of the proposed development together with its depth and scale, the resulting extensive driveway and the lack of screening, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, and would militate against the preservation of the rural environment. As such it is considered that a proposed dwelling at this location would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

17th January, 2022.