



An
Bord
Pleanála

Inspector's Report ABP-312035-21

Development	Construction of a bungalow and detached garage.
Location	Cartronreagh , Edgeworthstown , Co Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	21269
Applicant	Kirsten Smith
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Gerard Duffy
Date of Site Inspection	9 th February 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at Cartronreagh townland, Edgeworthstown, Co Longford, in rural Longford, c 8km east of Longford town and c 1.5km north west of Edgeworthstown, between the N4 and the N55. The site comprises about half of a field in which permission has been granted for a dwelling, not yet constructed, to the applicant's brother.
- 1.2. The site is given as 0.22ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the construction of a bungalow type dwelling house with detached garage, entrance, boundary fence/wall, wastewater treatment system with percolation area and all ancillary works. The dwelling has a floor area of 122.2 sq m and the detached garage has a floor area of 33.75 sq m. Water supply is from the public mains.
- 2.1.2. Landowner consent has been submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to 15 conditions, including:

Condition no 2 – 7 year occupancy.

Condition no 7 – setting back of fence line.

Condition no 14 – eastern boundary shall be heavily planted with semi-mature native trees and hedgerow to ensure the proposed dwelling is complete obscured from view of the existing dwelling to the east

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

3.2.2. Located at a point on the local road where there are a series of bends, however, it is indicated on the drawing submitted as part of the application that sight lines are achievable. The applicants have submitted the local needs form.

3.2.3. Area Engineer – no objection – recommending conditions re. sightlines and drainage.

3.2.4. Other Technical Reports

Westmeath National Roads Office – 30/9/2021 – site is within the study area for the proposed N4 Mullingar to Longford (Roosky) Scheme. It has been assessed and they have no objection.

3.3. Third Party Observations

3.3.1. Third party observations on the file have been read and noted.

4.0 Planning History

13/117 planning permission (extension of duration 18/8) to the applicant's brother Thomas Smith.

5.0 Policy Context

5.1. Development Plan

5.1.1. Longford County Development Plan 2021-2027 is the operative plan. The relevant provisions include:

The rural typology map is based on 2 no. categories of rural areas: rural areas under strong urban influence and rural areas elsewhere.

This is within a Rural Area under Strong Urban Influence - Areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large towns within the county with evidence of considerable pressure for development of housing owing to their proximity to such settlements. The policy in these areas is to facilitate housing development by people who have strong links to the particular rural area, who are an intrinsic part of the rural community.

Such persons would normally have spent substantial periods of their lives living in the rural area as part of the established rural community, e.g. people employed in the rural area including farmers and their sons and daughters, people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

Objectives:

CPO 4.24 Accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence', subject to good planning practice, environmental carrying capacity and landscape protection considerations. Applicants seeking permission for the development of single dwelling rural housing in areas defined 'Rural Areas Under Strong Urban Influence' must satisfy the following criteria:

1. The applicant was born within the local rural area, or is living or has lived in the local rural area for a minimum of 5 years at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The 'Local Rural Area' for the purpose of this policy is defined as the area generally within an 8km radius of where the applicant was born, living or has lived. For the purpose of this policy, the rural area is taken to include 'Rural Settlement Clusters' listed in the Settlement Hierarchy, but excludes the Key Town, Self-Sustaining Growth Town, Self Sustaining Towns, Towns and Villages and Serviced Rural Villages listed in the Settlement Hierarchy.
2. The applicant has a functional economic or social requirement to reside in this particular rural area such as in any of the following 2 situations: (a) Economic requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant occupation. (b) Social requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines

by the Minister, a Functional Social Requirement in County Longford shall be taken as compliance with point 1 above. Special consideration shall be given in cases of exceptional health circumstances - supported by relevant documentation from a registered medical practitioner and a disability organisation proving that a person requires to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person. 3. The applicant does not already own or has not owned a house in the open countryside. 4. If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control. 5. High quality siting and design.

CPO 4.27 Assess residential development in rural areas on the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria.

CPO 4.29 Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites, notwithstanding the applicant's compliance with the local need criteria.

CPO 4.30 Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area.

CPO 4.32 Discourage ribbon development.

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura site is Ardagullion Bog SAC (site code 002341), located c 6km to the east.

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development comprising an infill residential development and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal from the third party appellant, Gerard Duffy, includes:

- The roadway, only 3.4m wide, is taking on a village type appearance.
- 14 houses between the T junction over a distance of 72m.
- Invasion of privacy. The bedrooms are to the rear of appellant's property, the front wall is in line with the back of appellant's property, the lights of a car at night will shine through these windows.
- Noise will startle his domestic and farm animals.
- It will look into the back of his house and backyard.
- An exempted extension could overlook.
- Reworking of 21/208 withdrawn – gable windows have been removed, but could be part of an exempted extension.
- Appellant has no confidence in condition no. 14 which requires screen planting.

6.2. Applicant Response

6.2.1. Sean Lucy & Associates Town Planning Consultants have responded on behalf of the first party to the grounds of appeal. The response includes:

- No question has been raised over the applicant's local needs; she is currently residing with her parent's half a mile from the site, which is in family ownership.
- No issue has been raised in respect of the availability of sightline.
- The site characterisation report confirms that the site has a T value of 58.06 and is suitable for the provision of a wastewater treatment system.
- The road has a width of between 4.5m and 5m.
- The proposal will not constitute ribbon development.

- It will not involve overlooking. The garage is located on the north eastern boundary.
- The applicant is happy to accept a condition that the building be moved forward.
- The applicant intends to institute the planting of a semi-mature hedge on receipt of planning permission.

6.3. Planning Authority Response

6.3.1. The Planning Authority have not responded to the grounds of appeal.

7.0 Assessment

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, planning policy, and residential amenity, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

7.3. Planning Policy

7.3.1. The current county development plan Longford County Development Plan 2021-2027 came into effect on Tuesday 30th November 2021, during the course of the planning application.

7.3.2. The grounds of appeal refers to the amount of housing in this area.

7.3.3. The site is within a Rural Area under Strong Urban Influence. The policy in these areas is to facilitate housing development by people who have strong links to the particular rural area and who are an intrinsic part of the rural community; such as persons who have spent substantial periods of their lives living in the area as part of

the established rural community. The applicant has presented information to show that she has lived all her life in this immediate area.

- 7.3.4. I am satisfied that the policy regarding the provision of a dwelling in a Rural Area under Strong Urban Influence is complied with.

7.4. Residential Amenity

- 7.4.1. The grounds of appeal refers to concerns in relation to residential amenity: invasion of privacy; the bedrooms are to the rear of appellant's property; the front wall is in line with the back of appellant's property; it will look into the back of his house and backyard; the lights of a car at night will shine through these windows; noise will startle his domestic and farm animals.
- 7.4.2. Notwithstanding the appellant's statement that he has no confidence in condition no. 14 which requires screen planting, the fact that the proposed dwelling is some 11m from the common boundary and that it is 24m from the appellant's dwelling, means that any overlooking will be from a distance and there is ample opportunity on both sites for screen planting to eliminate any overlooking concerns.
- 7.4.3. The proposed dwelling is a bungalow. It is located in line with the rear of the appellant's dwelling, not to it's rear, and there are no windows in the gable. No windows will overlook the rear of the appellant's dwelling.
- 7.4.4. Regarding the concerns that car lights will shine through the appellant's windows. As presented, there is a hard surface encircling the proposed dwelling, and therefore it is possible that car lights might shine in the direction of the appellant's dwelling, however the proposed garage is on the opposite side of the proposed dwelling and it is more likely that a car would travel along the eastern side of the house.
- 7.4.5. As regards the concern that an exempted extension could overlook his property at some future time, there are restrictions on exempted development.
- 7.4.6. It is a fact that the appellant's dwelling currently adjoins agricultural land. For some people a view over a field of pasture is preferable to one of a developed residential site. However, in my opinion, the proposed development involves no impact on residential amenity which would warrant a refusal of permission or modification of the proposed development.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed development of a dwelling for this applicant, who satisfies the relevant criteria for such development in this Rural Area under Strong Urban Influence, as set out in the Longford County Development Plan 2021-2027, would not detract from the residential or visual amenities of the area; would not constitute a traffic hazard; would be provided with adequate water and wastewater services, and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the</p>

	<p>planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009, as amended. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with</p>

	<p>professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
6.	<p>The existing boundary along the public road shall be removed to achieve the required sightlines. A new boundary shall be set back 3 metres from the edge of the road and shall comprise of planting of whitethorn or blackthorn to match the existing hedgerow.</p> <p>The vehicular access shall be set behind the new boundary with splayed wings at an angle of 45 degrees.</p> <p>The area between the new boundary and the existing roadway shall be graded to achieve a fall away from the public road. Roadside drainage shall not be impaired.</p> <p>Details in accordance with the foregoing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and orderly development.</p>

7.	<p>Prior to the commencement of development, the developer shall liaise with the infrastructure provider in relation to the overhead lines which traverse the site.</p> <p>Reason: In the interest of safety and orderly development.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Prior to the commencement of the development, screen planting shall be carried out along the western boundary, in accordance with a scheme which shall be subject to the prior written agreement of the planning authority. Any trees / bushes which fail shall be replaced in the next planting season.</p> <p>Reason: In the interest of residential and visual amenity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Planning Inspector

11th May 2022

Appendices:

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts.