



An
Bord
Pleanála

Inspector's Report

ABP-312343-21

Development	to construct a single storey replacement dwelling with carport on the site of existing dwelling ruin, install a wastewater treatment system and upgrade existing entrance and ancillary works at
Location	Curragh, Ardmore, Co Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	21935
Applicant(s)	Mary Crowley
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Mary Crowley
Observer(s)	Philomena O' Brien
Date of Site Inspection	28 th October 2022

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located in the townland of Curragh c. 3km to the north of Ardmore, Co. Waterford.
- 1.2. The site has a stated area of 0.246 hectares and is part of a small landholding at this location. A car park and small toilet block for The Curragh Beach is located to the north of the landholding. There are a large number of holiday homes in the area which appeared to be vacant during the site inspection in October 2022.
- 1.3. The site itself has open and exposed sea views. There is a small area to the front of the site which is overgrown with bushes and scrub and this area contains the ruins of the applicant's ancestral home.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - The construction of a single storey dwelling with a stated floor area of c. 172 square metres and a ridge height of c. 4.4m.
 - New wastewater treatment system.
 - New entrance and driveway.
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for two reasons relating to impact on landscape in a visually vulnerable area and settlement strategy as set out in the Development Plan and absence of housing need in the area. I note that the reasons for refusal are based on the Waterford County Development Plan 2011-2017 which has now been superseded by the Waterford City and Council Development Plan 2022-2028.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report notes that the existing ruin is not readily visible and would not come under the definition of habitable structure as provided for in the development plan. It is stated that whilst the applicant has housing links to the area and has inherited a site, this does not necessarily demonstrate a justified and genuine local housing need in accordance with the requirements of the development plan. It was considered that the proposal would detract from the visual amenities of the area having regard to the designation as 'visually vulnerable' and the open and exposed nature of the site. Furthermore, it was considered that the local road was substandard in terms of width and alignment.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- 3.4.1. One third party observation was submitted to the Planning Authority. The grounds raised are similar to the observation submitted to the Board.

4.0 Planning History

- 4.1.1. Relevant planning history includes the following:

PA Reg. Ref. 21/246

Permission refused to current application for dwelling and waste water treatment system at this location.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant Development Plan is the Waterford City and County Development Plan 2022-2028.

- Section 7.11.2 sets out the policy for Housing in the Open Countryside.
- Section 7.11.5 sets out policy for Housing in High Amenity Areas and on Approach Roads.
- Section 7.12 sets out policy for Refurbishment, Extensions and Replacement of Existing Structures in Rural Areas.
- Appendix 8 – Landscape and Seascape Character Assessment
- Section 4.1 (a) describes the most sensitive areas. This includes all of the coastline as set out in Section 4.1 (b). The site is located in area 1G on Map A8.2.
- Section 6 sets out A Seascape Character Assessment. The site is located in C3 – less sensitive to change.
- Chapter 10 of the Development Plan sets out Landscape and Marine Policy Objectives. Relevant policy includes the following objectives:
- L02: We will protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive units.
- C and M 05 To protect the scenic value of Waterford’s Coastal Zone including landward and seaward views and continuous views along the coastline and manage development so that it will not materially detract from the visual amenity of the coast.

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura 2000 sites are Ardmore Head SAC Site Code 002123 c. 1.6km to south, proposed NHA Ballyeelinan Wood Site Code 001692, and Helvick Head to Ballyquin SPA Site Code 004192, both located c. 2km to the south east.

5.3. EIA Screening

Having regard to the small scale of the development and the proposed installation of a wastewater treatment system, there is no real likelihood of significant effects on the environment arising from 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

The main grounds of the first party appeal can be summarised as follows:

- A pre-planning meeting took place with the Council and the planner has no objection to the proposed development in terms of house design, siting or servicing. If there was no problem with the siting of the house, it follows that scenic amenity should not now be used as a reason for refusal and notwithstanding the current planner's opinion, the proposed landscaping will greatly reduce any impact on scenic amenity.
- The proposal is for a replacement dwelling and planning permission should be granted on this basis.
- The planning authority failed to recognise that the applicant is a divorcee who now finds as an elderly applicant that she has no house and is in need of housing in this area where she has pedigree and roots.

6.2. Planning Authority Response

- None.

6.3. Observations

6.3.1. One observation has been submitted which can be summarised as follows:

- Proposed development would block my view of the sea.
- Site is located in a 'visually vulnerable' area.
- Concern regarding traffic safety.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be summarised as follows:

- Replacement Dwelling Policy
- Rural Housing Policy
- Visual Impact
- Traffic Safety
- Appropriate Assessment

Replacement Dwelling Policy

7.1.1. I note that the site and newspaper notices seek permission for the construction of a replacement dwelling on the site of an existing dwelling ruin. The appeal makes the case that the application is for a replacement dwelling on the site of the applicant's historic ancestral home and therefore housing need criteria should not apply.

7.1.2. The planner's report notes that *'there is an overgrown area of the site which is stated to contain the ruins of a dwelling house. The ruin, which in itself is not readily visible, would not come under the definition of a habitable structure as provided for in the Waterford County Development Plan 2011-2017 (as extended and varied.)'*

7.1.3. This plan has now been superseded by the Waterford City and County Development Plan 2022-2028 where policy for replacement dwellings is set out in Section 7.12. Whilst I accept that there was a former ancestral home at this location, what is

currently visible is a small overgrown area with ruins close to the roadside boundary of the site. The ruins are currently hidden within overgrowth and bushes. The policy sets out that the Council encourages the reuse, refurbishment and upgrade of older vernacular rural buildings and structures which form an important part of our built heritage. Applicants for planning permission will not be required to demonstrate a local housing need in this instance. When assessing proposals to convert, re-use and or adapt traditional buildings in rural areas, it is a requirement that the original walls must be substantially intact.

- 7.1.4. In my view, in terms of the policy set out in the current plan, the application could not be considered to be the refurbishment or reuse of an older vernacular building under which applicants benefit from an exemption from the housing need policy. As such, I consider that the housing need policy set out in Section 7.11.2 is applicable in this instance.

7.2. Rural Housing Policy

- 7.2.1. The National Planning Framework (NPO 19) states that a distinction should be 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, single housing in the countryside may be facilitated where there is a demonstratable economic or social need to live in a rural area.
- 7.2.2. In this instance, the site is located in close proximity to the seaside village of Ardmore, which is under considerable development pressure for one off dwellings for use as holiday homes. I am of the view that the area could be considered to have the characteristics of an area under strong urban influence.
- 7.2.3. The housing need policy outlines that 'persons with a demonstratable social need to live in a particular area would include those who have lived substantial periods of their lives (7 years or more) in the local rural area and who require a dwelling to meet their own housing needs close to their families and to the communities of which they are part.
- 7.2.4. The planner notes that the applicant 'since birth, visited her grandmother's house for extended periods up to 6 months a year, however I do not consider that, from the

information submitted, her grandmother's house was her primary place of residence at the time of her birth or the preceding years.'

- 7.2.5. I refer the Board to the document entitled 'Mary Crowley Housing Need Ardmore' within the application. It is clear that the applicant has strong connections with the area and a social need to live in the area to support her elderly sister with medical needs, however I would tend to agree with the planner's assessment. It appears that whilst cumulatively, the periods outlined in the housing need document would amount to considerably more than 7 years, the applicant only lived in this area as a permanent resident for a short period from 1976 to 1978.
- 7.2.6. I note that from the information submitted, the applicant is a retired medical researcher and worked in a hospital in Cork for 37 years. No case has been made in terms of demonstrating an economic need to live in the area and the applicant would not comply with the economic housing need criteria set out in Section 7.11.2.
- 7.2.7. In this case, whilst the applicant clearly has links to this area, I am not satisfied that she has demonstrated a defined social or economic link to live in an area of strong urban influence and the development would be contrary to Objective 19 of the National Planning Framework and to the guidance set out in the Sustainable Rural Housing Guidelines.

7.3. **Visual Impact**

- 7.3.1. The site is located in an open and exposed field with extensive and panoramic sea views. The site itself is relatively flat and is in very close proximity to a small toilet block and car parking area for a local beach known as 'The Curragh Beach'.
- 7.3.2. In terms of policy, Appendix 8 of the Development Plan contains a Landscape and Seascape Character Assessment. The site is located in coastal landscape on Map A8.1. Map A8.2 identifies the site as being in Coastal Landscape 1G - Ardmore Head. Table A8.2 identifies that this is the most sensitive landscape with a low capacity to absorb new development without significant alterations to the existing character. Objective L02 is as follows: We will protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in

particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive units. Objective C and M 05 is as follows: To protect the scenic value of Waterford's Coastal Zone including landward and seaward views and continuous views along the coastline and manage development so that it will not materially detract from the visual amenity of the coast.

- 7.3.3. Whilst the design is of reasonable quality and low in profile, I consider that the exposed and open nature of the site is unforgiving and extremely sensitive. I note that the applicant has proposed a landscaping scheme, but in my view, this will not adequately protect the visual amenities of the area at this exposed and visually vulnerable location.
- 7.3.4. It is my opinion that the proposed development would have an overall adverse impact on the visual amenities of the coastline at this location and would be contrary to Objectives L02 and C and M05 set out above.

7.4. Traffic Safety

- 7.5. I note that the observation considers that the proposed site is directly on a junction where three narrow roads meet, all on dangerous bends and expresses concerns in relation to traffic safety.
- 7.6. The planner's report notes that the local road is substandard in terms of width and alignment and has concerns regarding the suitability of additional vehicular entrances in this particular location given the density of existing development and the nature of the local road network.
- 7.7. I am of the view that whilst the site is located at a junction where three narrow roads meet, two of these are cul de sacs. I consider that levels of traffic would be reasonably low at this location except for short periods during the Summer months. There was no traffic in the area during my site inspection in October and I consider that the sight lines available and the road quality is acceptable for the development proposed of a single dwelling house. As such, I do not consider that the proposed development would endanger public safety by reason of traffic hazard at this location.

7.8. Appropriate Assessment

- 7.8.1. The application was screened out by the planning authority, and the need to a Stage 2 Appropriate Assessment was screened out. The appeal site is not within or adjoining any Natura 2000 site. There would appear to be no pathway between the appeal site and any European sites and no Appropriate Assessment issues arise.
- 7.8.2. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity of the nearest European sites, it is concluded that no Appropriate Assessment issues arise and the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend refusal for the following reasons:

9.0 Reasons and Considerations

1. Having regard to the location of this 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 in 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 demonstratable 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 information on the file that the applicant came 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 unserved rural area, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the

rural environment and the efficient provision of public services and infrastructure, and would undermine the settlement strategy set out in the current development plan for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is located in a coastal landscape in an area designated in the current Waterford City and County Development Plan as most sensitive by reason of its exposed and highly sensitive location close to the village of Ardmore. As such, it is considered that the proposed development would be detrimental to the high scenic quality of the area and would be contrary to Objectives L02 and C and M05 of the Waterford City and County Development Plan regarding the protection of the landscape character and scenic values of the visually vulnerable coastline at this location.

Emer Doyle
Planning Inspector

21st November 2022