



An
Bord
Pleanála

Inspector's Report

ABP-312856-22

Development	House & garage. Significant further information submitted for this application.
Location	Torboy, Moydow, Co Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	21258
Applicants	Francis and Susan Kenny
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Elizabeth McLaughlin & others Rory O'Ferrall John Ferrall
Date of Site Inspection	26 th September 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the townland of Torboy, Keenagh, Co Longford on a local road (L5220) approx 3.6km north-east of the village of Keenagh. The site is part of a small field which has a thorn hedge along the road. The site is slightly elevated relative to the road and the land continues to fall northwards. On the opposite side of the road there a single storey dwelling and an additional building of domestic appearance, forward of the main building; both are partly screened from the road by landscaping. To the south west, a single storey dwelling is separated from the site by a hedge. An overhead electricity service line to that property crosses the south western end of the site. The applicant's parents' dwelling, to the north-east, is also single storey.
- 1.1.2. The site is given as 0.3958ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the construction of a part single-storey, part two-storey dwelling house with detached garage, wastewater treatment system, boundary fence/wall, new entrance gates, and associated site development works. The dwelling floor area is 294.2 sq m and the garage has a ground floor area of 71 sq m together with a first floor level. The house plan is an asymmetrical H shape with the longer side block of 22.190m length (narrow plan) comprising a single storey block with 4 bedrooms. The shorter side block, 14.990m, (narrow plan) is two storeys high and comprises dining, living and study space. A double volume space at the rear end of this block has the only chimney of the building. The front of the same block has a recessed balcony to the study. The link block, 12.350m in length, comprises the main entrance and the rear entrance via a utility room, the remainder comprises a drying room, plant room, a kitchen and a bathroom. Windows are mainly rectangular in shape, but there are also windows with top angles to match those of the roof above. The two storey block is finished in zinc/copper at roof and first floor, above 'selected stone cladding' for the ground floor walls. A side projection from the bedroom block is similarly stone clad. For the remainder wall finish is napp plaster or monocouche render. The other roofs are finished in blue/black or black slate or tiles.
- 2.1.2. Significant further information was submitted, comprising revised site layout: the location of the dwelling, site entrance, domestic garage and septic tank are altered;

the dwelling plan is altered: the plan is handed, with reduced ridge height; and the garage fenestration & footprint is reduced.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority (PA) decided to grant permission, subject to 15 conditions, including:

2 – occupancy.

3 – revisions:

- a) A revised front elevation drawing removing the balcony section and design.
- b) Revised side elevation (south west) drawing for the storey and a half section of the building. The plan to confirm the window over the stairs to be obscured glazed – remove the large double window serving the upper floor sitting room and replace with higher level velux roof lights.
- c) Removal of the double doors on the ground floor south-west side elevation and replacement with a window.
- d) A revised landscaping plan to be submitted showing enhanced planting along the west and south west boundary, additional planting of native species to help provide additional screen planting.

4 - design requirements including:

c) The roof to be finished in blue/black slate or tile with ridge tiles to be of the same colour. The section to be clad to be finished in a grey/black colour zinc cladding material.

14 – The rear and lateral boundaries of the site, where necessary, to be planted with native trees and hedgerow species in the first season following the commencement of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file. The first recommending a request for further information, which issued, includes:

- A separation distance of 15.03m on the SW side. The proposed garage is located in the southern rear corner of the site and has a separation distance of 2.12m to the SW side.
- Observations – site is higher than adjacent structure, significantly higher. Correct floor areas are 294.2 sq m for the house and 142 sq m for the garage
 - Not in keeping with traditional bungalow design.
 - Window design is different.
 - Standing seam cladding is significantly different,
 - Achievable sightlines are less than required.
- Undulating site with dwelling having a marginally raised floor level. The siting allows sufficient separation. Applicant will be requested to reduce height to storey and a half; and move the NE side back to achieve 18m set back from road edge. The window design is integral to the overall design. Re. the use of copper/zinc, an appropriate choice of colour may help to blend this within the overall design concept. Further information required re. sightlines.
- The applicants have submitted a local need form which confirms that they are currently living in Ballycloghan 4.5km away from the family home, in a house owned by them. The applicant is employed by a company in Dublin and currently works from home and the spouse is employed in Athlone 34km away. The landholding is in family ownership and they intend to take over the running of the landholding on a full-time basis in the future.

3.3. Further information

3.3.1. A further information request issued on 8 points:

Submissions received – existing field entrance – this site may prove more suitable given the achievable sightlines and the greater separation distances.

Justification of need, as you own a house 4.5km away.

Revised site layout confirming distances.

Revised design reducing the height of the two-storey section, suggesting its reduction to storey and a half; minimum 18m setback from road.

Consider revised SW elevation.

Revised design for garage, reducing floor area and height to confirm its ancillary role.

Detailed design for the site entrance.

Design and material finish are contemporary in style and not frequently seen in the rural landscape; details including photographic examples of similar developments are requested.

- 3.3.2. In response to the further information request, the applicant submitted a revised site plan and drawings for the garage, indicating the handing of the building (two storey portion is now the southern block), and its set-back farther from the road and farther from the south western boundary. The garage is reduced in depth and located at the opposite corner of the rear boundary.
- 3.3.3. The architect, in a letter of response, states that the applicant notified the 3 closest neighbours in advance of the application. McLoughlins to the SW is c33.3m away and their existing wall facing is a blank gable, with an impregnable hedgerow c5m high between. The Ferrell dwelling is 78.7m away, across the road, partly screened by existing garage and landscaping.
- 3.3.4. The central block and bedroom block would be lower than the neighbours houses. The previous 2 storey part is now presented as a storey and a half with a 6.56m ridge in lieu of 7.3m, and will exceed the Ferrell permission marginally and only in part. The Ferrell development demolished a previous 2 storey dwelling. The garage has been reduced from 71 to 53 sq m and the height reduced from 6.48 to 6.25m.
- 3.3.5. The proposed finished floor level, at 108.47m, is marginally higher than McLoughlin's (173mm) and higher than Ferrall's which is 106.682. The Ferrall dwelling is 178.69sqm and the garage 77 sq m. The McLoughlin dwelling has a significant outbuilding.
- 3.3.6. Re. road – a revised sightline of 70m x 2.6m is submitted. Traffic on the road is unlikely to reach the speed limit.

- 3.3.7. The cladding is to reduce the impact of the 2 storey element and minimise the impression of the building in the landscape. Limestone cladding is proposed to emphasise certain features.

3.4. **Further Reports**

3.5. Planning Reports

- 3.5.1. The second planning report states satisfaction with the responses.

The balcony located on the front elevation is an inappropriate design feature not in keeping with the rural area.

There is adequate separation distance between the neighbouring dwellings to avoid impact. The proposed SW elevation, with fewer windows, now has windows on the upper floor. Applicant to be required to install obscure glazing in the window over the stairs, remove the window from the sitting room and instead install 2 velux roof lights. This will improve the residential amenity and reduce potential overlooking. On the ground floor the double doors should be removed and a new window inserted.

Revised landscaping proposals required.

The revised entrance and sightlines are considered acceptable.

CPO 4.14 is complied with.

Recommending permission, which issued.

3.6. **Third Party Observations**

- 3.6.1. Third party observations on the file have been read and noted. They are reflected in the grounds of appeal.

4.0 **Planning History**

The only planning history referred to is that of the dwelling opposite, dating from 2003.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Longford County Development Plan 2021-2027, is the operative plan. 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; and 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 ...

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.

DMS 16.88, and DMS 16.89.

DMS 16.88

a) The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.

b) Simple design forms and materials reflective of traditional vernacular should be used.

c) Have regard to the scale of surrounding buildings.

- d) The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.
- e) The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominates the landscape. (Cutting and filling of sites is not desirable).
- f) New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.
- g) Larger houses (e.g. in excess of 200sqm) should incorporate design solutions to minimise visual mass and scale e.g. subdivided into smaller elements of traditional form to avoid bulky structures.
- h) Use a simple plan form to give a clean roof shape – a long plan in preference to a deep plan. This will avoid the creation of a bulky shape.
- i) Where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension in preference to new build.
- j) Clustering with existing rural buildings is generally preferable to stand-alone locations.

DMS 16.89:

Materials and Detailing:

- a) The detail, texture, colour, pattern, and durability of materials of the proposed development should be sustainable and of a high quality, and sensitive to its proposed location.
- b) Local stone (sandstone/limestone - area specific) and render such as stucco, traditional lime render or lime wash, rough cast render or napped render finish and glass is encouraged.
- c) Metal cladding such as copper, timber shingle, self-finished modern renders, and painted timber finish may be acceptable in certain instances or in cases where the design solution calls for an accent material.

d) Brick, stone cladding which clearly reads as non-structural and non-local stone or dashes and cladding and other metal or timber finishes which give an engineered or artificial appearance will generally not be permitted.

e) Where contemporary materials are proposed they should complement and harmonise with traditional materials.

f) Simple design forms and roof designs with narrow spans (gable-widths) and pitches/profiles are preferable.

g) Particular attention should be paid to the solid to void ratio of windows and doors. Openings should be proportionate to complement the style of the building.

h) Decorative fascia and box end soffits should be avoided.

The foregoing are derived from the Rural Design Guidelines which are included in Vol 3, Annex 7.

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura sites are Mount Jessop Bog SAC (site code 002202) located c 5.25km straight line distance to the north west of the site, and Glen Lough SPA (site code 004045) located c12km straight line distance to the north east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. Three third party appeals, against the planning authority's decision to grant permission, have been received.

6.1.2. Rory O’Ferrall, Loughan House, Keenagh submitted an appeal. The grounds include:

Privacy – being part two-storey, the house will have clear sight of all neighbouring properties, in particular his farm and yard opposite. In addition, future development on the proposed site and other adjacent sites needs to be considered.

Height, Scale and Finish – the large scale of the house and garage are out of sympathy with the surrounding properties. The materials and finish will be detrimental to the landscape. This is an extremely sensitive rural area. There are extensive views over the county from the site. The development would invite further such development which would change this area.

Need – no clear need has been demonstrated. No indication of future developments have been outlined, or future of existing house, used by the applicant’s parents.

Traffic – there is already a high volume of traffic on this single-track road. Livestock and farm machinery use this road. The proposed development will cause delays on the road and will require measures to be taken by the Council.

Submissions made to Longford County Council are attached.

6.1.3. John Ferrall, Torboy, Moydow, submitted an appeal. The grounds include:

Privacy - All the houses in the area are bungalows. This proposed 1½ to 2 storey house will completely destroy their privacy. The ‘high window’ has not been explained properly.

Scale & character – per their previous submission have not been addressed.

Road safety & sight lines – per their previous submission have not been addressed.

Materials & detailing – stone cladding or metal is generally not permitted.

The development is not in keeping with the surrounding countryside or existing dwellings.

Images are attached.

Submissions made to Longford County Council are attached.

6.1.4. Elizabeth McLaughlin, Torboy, Moydow & others submitted an appeal. The grounds include:

They are residents of the neighbouring dwelling to the south west. The proposed development would severely and negatively impact on neighbouring amenity and privacy. The development is of large scale, is dominating, and is a non-site specific design.

This is one of the few really elevated areas in Co Longford. It has largely remained intact for some decades. This extremely large house would be out of character with this scenic rural landscape.

Re. condition 3 a) revised front elevation drawing removing the balcony section of design. This development has a high window to wall ratio on the front elevation. There is no indication as to what size window or design style this will be replaced with. It is not clear why this was not dealt with at FI stage. There are serious privacy and overlooking concerns that have not been fully considered.

Re. condition 3 b) revised side elevation (south west) drawing, removal of living room window on first floor to be replaced with velux window, while the change is welcomed, revised proposals are not open for viewing. There are still overlooking and privacy concerns, as permitted plans could allow for the mezzanine floor to be extended through the void to the corner window in the future, affording an elevated aspect overlooking neighbouring property.

Re. condition 3 c) removal of the double doors on the ground floor south west side and replacement with a window, details are not open for viewing

Re. condition 3 d) a detailed landscaping plan - it is questionable as to how this application was granted without this plan to begin with or not addressed in the FI, considering the privacy issues raised in their observations.

Re. privacy and overlooking – the applicants have erroneously stated that McLoughlin's house to the SW has a blank gable wall facing the proposed development. McLoughlin's house is L shaped with a window and glazed door facing the proposed site.

The development is contrary to the Rural Design Guidelines in Vol 3 Annex 7 and DMS 16.88, also DMS 16.89.

a) The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.

b) Simple design forms and materials reflective of traditional vernacular should be used.

c) Have regard to the scale of surrounding buildings.

d) The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.

e) The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominate the landscape. (Cutting and filling of sites is not desirable).

f) New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.

Materials and Detailing:

The development is contrary to:

a) The detail, texture, colour, pattern, and durability of materials of the proposed development should be sustainable and of a high quality, and sensitive to its proposed location.

d) Brick, stone cladding which clearly reads as non-structural and non-local stone or dashes and cladding and other metal or timber finishes which give an engineered or artificial appearance will generally not be permitted.

e) Where contemporary materials are proposed they should complement and harmonise with traditional materials.

f) Simple design forms and roof designs with narrow spans (gable-widths) and pitches/profiles are preferable.

6.1.5. A drawing showing the proposed dwelling and those to either side is provided.

6.1.6. Submissions made to Longford County Council are attached.

6.2. Applicant Response

6.2.1. Sweeney Architects have responded to the grounds of appeal on behalf of the applicant. The response includes:

- Re. amendments required by condition:
 - Item a) removal of balcony can only increase privacy from the facing dwelling, 78.7m away across a public road with boundary landscaping and a garage. The dwelling to the south is unaffected. The Board could remove condition 3 a) without affecting the privacy of adjoining properties, distance exceeds DMS 16.34 requirement of 35m. The balcony was not referred to in further information submissions.
 - Item b) revised side elevations, removal of living room window on first floor and replacement by velux - the distance of 37m exceeds the DMS 16.34 requirement of 35m. the further information complies with relevant requirements and standards.
 - Item c) removal of double doors and replacement by window – the development plan standards have been exceeded. They cannot see how the revision impacts privacy.
 - Item d) detailed landscape plan – the original layout and revised drawing 21499-FI-200 show detailed proposals. The condition requires additional screen planting to west and south-west.
- Item 2 scale & character – the relative height of the proposal relative to the existing 2 proximate dwellings is not out of scale. Ferrell dwelling to apex is 6.2; applicant's is 6.6m, storey and a half 6.56m, single storey 4.61m; McLoughlin's 4.92m on approximately similar floor level.
- They list floor areas of dwellings in the area.
- They correct notation on fig 1.
- They restate that their client had prior communication with the neighbours.
- Re. road safety – speed is difficult to achieve on the road. They refer to DMS 16.144 and DMS 16.121. To further improve sightlines would require removal

of additional hedgerow. This is unnecessary. The applicant already visits the site each day for farming / family activities.

- They have reproduced the design stages to show compliance with the Rural Design Guidelines.
- Site selected is in one of 2 fields available, which has superior sightlines and uses natural boundaries.
- The use of 3 blocks minimises section width / and provides vernacular scale blocks.
- Southern boundary screens, further landscaping proposed.
- Scale, heights are proximate to adjoining.
- Layout has taken consideration of privacy concerns.
- Setback increased.
- Comprehensive landscaping plan provided.
- Detailed house design
- Avoidance of bulky form – proposal is for narrow / vernacular section.
- Use a simple plan form to give a clean roof shape, pitches in the range of 40 - 45 degrees – proposal is for gabled roof types
- High solid to void ratio – proposal complies.
- Distinctions are generally not made between single and two-storey dwellings, except where there are potential privacy/overlooking issues, where the dwelling is proposed in an elevated area and/or where the construction of a particular type prevails. The proposal is a mix of levels to integrate in the landscape.
- Finishes – comply with the general section, with the exception of the zinc/copper cladding to upper walls and roof of storey and half section.
- Contemporary and inventive design is a welcome addition to the rural countryside. Given that successful contemporary design is site specific, original and inventive, it is difficult to be prescriptive.

- They fail to see where any aspect of the development falls short of the development plan standards.

7.0 Assessment

7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, local need, design and scale of the proposed dwelling, residential amenity and traffic safety, 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. Local Need

7.3.1. The applicant is from the farm on which the site is located and satisfies local need.

7.4. Design and Scale of the Proposed Dwelling

7.4.1. The grounds of appeal each refer to the scale of the proposed dwelling. Their preference would be for a bungalow.

7.4.2. The guidance states that distinctions are generally not made between single and two-storey dwellings, except where there are potential privacy/overlooking issues, where the dwelling is proposed in an elevated area and/or where the construction of a particular type prevails.

7.4.3. The proposed dwelling is large but, in keeping with the design guidance, the bulk is broken up by the use of blocks. These blocks are narrow with pitched roofs, which is in keeping with the guidance. As stated by the applicant the cladding reduces the impact of the 2 storey element in the landscape. The heights of each element, relative to the other dwellings in the vicinity, is given in the appeal response, and is not excessive.

- 7.4.4. The use of local stone is encouraged by the guidance.
- 7.4.5. Re. the use of metal cladding, the guidance states that this may be acceptable, in certain instances or in cases where the design solution calls for an accent material. In my opinion there is no objection the scale of the dwelling, or to the finishes.
- 7.4.6. Other concerns regarding the design of the dwelling are considered under the heading of residential amenity.

7.5. Residential Amenity

- 7.5.1. The grounds of appeal express concern regarding overlooking from the first floor. In the planning authority's decision the balcony is omitted by condition and the first floor living room window is omitted by condition.
- 7.5.2. The applicant in response refers to the distances involved between the proposed dwelling and adjacent dwellings and invites the Board to consider whether the omission of the terrace and living room side window are necessary.
- 7.5.3. The applicant in response also refers to condition 3c) which requires the removal of double doors at ground floor on the side elevation questioning the need for their removal.
- 7.5.4. It should be noted that in the revised proposal, the proposed dwelling is a considerable distance from the dwelling to the south-west and from the dwelling and farmyard on the opposite side of the road, from which it is separated by a public road.
- 7.5.5. The first floor outdoor space, termed 'balcony' on the drawings, which faces towards the road, is uncharacteristic of a rural setting. In my opinion its removal, and replacement by a widow, to match the ground floor window below, is a reasonable requirement.
- 7.5.6. Regarding the first floor sitting room window and the double doors at ground level which in the revised proposal face in the direction of the boundary hedge and the dwelling to the south-west. Having regard to the distance and the intervening hedge, I consider that the omission of the first floor window is not necessary to protect the amenities of the adjoining residential property. It's omission would represent a considerable reduction in the residential amenities of the proposed development and

in the absence of sufficient justification it's replacement by roof windows is an unreasonable requirement. I also consider that the omission of the double doors at ground level is not necessary to protect the amenities of the adjoining residential property.

7.6. Traffic Safety

- 7.6.1. The grounds of appeal express concern regarding safety and congestion on the local road.
- 7.6.2. The applicant in response states the road is unsuitable for high traffic speeds, that to further improve sightlines would require removal of additional hedgerow, which is unnecessary, and points out that the applicant already visits the site each day for farming / family activities. Referring to DMS 16.114 and DMS 16.121 in this regard.
- 7.6.3. DMS 16.114, which sets out sightline requirements for different roads, states that 'in terms of Local Roads, this is also subject to the discretion of the Planning Authority where a lesser distance is demonstrated to be adequate in terms of traffic safety'.
- 7.6.4. DMS 16.121 – is a development management standard to 'retain existing roadside hedgerows and trees as much as possible. New and or extended entrances should be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow. The new boundary should be planted with suitable indigenous species and plants and these should be identified within a detailed landscape plan'.
- 7.6.5. Per DMS16.122, if the removal of large stretches of roadside hedgerow/ ditches/ stone boundaries was required, it would indicate the unsuitability of the site.
- 7.6.6. The planning authority has accepted the suitability of the access and the sightline provision. In my opinion the proposed road is suitable for accommodating a dwelling as proposed and traffic safety or congestion should not be reasons to refuse or modify the proposed development.

8.0 Recommendation

- 8.1.1. Having regard to the foregoing assessment it is considered that the proposed development 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 a member of the local community accords with the provisions of Longford County Development Plan 2021-2027; the road fronting the site is sufficient to provide access to a domestic property and the site is suitable for the disposal and treatment of effluent; the proposed house design would not detract from the visual or residential amenities of the area being in keeping with the rural design guidelines; and the proposal would not unduly impact on the residential amenities of nearby residential properties; the proposed development 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 as amended by the further plans and particulars submitted on the 7th day of January 2022, 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</p>

	<p>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 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>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority a revised front elevation drawing, removing the terrace / balcony and its replacement by a widow, to match the ground floor window below,</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<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 – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – The Environmental Protection Agency, 2021. 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 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>
7.	<p>The detailed treatment of the splayed entrance, entrance gates, road boundary set-back, roadside area, replacement hedge and any additional landscaping shall be as agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of traffic safety and visual amenity.</p>
8.	<p>Prior to commencement of development, the developer shall consult with the ESB in relation to the overhead system which traverses the site.</p>

	<p>Reason: In the interest of health and safety.</p>
9.	<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> <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.</p>

Planning Inspector

5th December 2022

Appendices:

Appendix 1 Photographs

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