



An
Bord
Pleanála

Inspector's Report

ABP-313492-22

Development	Construction of dwelling and all associated site works
Location	Lands Adjacent to the North of Arch House, Coosan Point Road, Athlone, Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2263
Applicant(s)	Michael Alan Kennedy
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Michael Alan Kennedy
Observer(s)	None.
Date of Site Inspection	26/04/2023
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is 0.29Ha located on Coosan Point Road on the northern periphery of Athlone town, which is on within the urban fringe area of Athlone town.
- 1.2. The site is an open field and is grassed. I noted from my inspection it had recently been used to graze horse(s). It has a regular rectangular configuration.
- 1.3. The site is located below the level of the road with a mature hedge along the roadside boundary and a field gate at the southern extremity. There is an long outbuilding on the southern site boundary which backs onto the site, then a gate into a field at the rear of the site. There is a right of way to the landholding to the rear along the southern boundary of the site.
- 1.4. Immediately south of the site is a dwelling located on the edge of the road. This dwelling formed part of the original landholding of which the subject site was included. There is a dwelling on the opposite side of the road. A small housing estate just before the site on the opposite side of the road consisting of detached dwellings. Further north along Coosan Point Road there is a concentration of linear developments.
- 1.5. To the north and east of the site there are agricultural fields.
- 1.6. There is a footpath on the opposite side of the road to the subject site. The site is not far from the N6 which is an outer ring road running along the northern axis of the town leading to the M6 motorway.

2.0 Proposed Development

- 2.1. The proposed development is a single storey dwelling and garage, the installation of a secondary wastewater treatment system and soil polishing filter, splayed entrance, services and all associated works located directly outside Athlone town boundary at lands adjacent North of Arch House, Coosan Point Road, Athlone, Co. Westmeath.

3.0 Planning Authority Decision

3.1. Decision

The proposed development was refused by Westmeath Co. Co. for two reasons:

1. The subject site is located within an area identified for the development of a 'strategic roadlink' as identified in Objective No. O-TM2 and O-TM20 of the Athlone Town Development Plan 2014-2020. It is considered having regard to the location of the future proposed link road which traverses the application site, that the development would be premature pending the final design of the strategic road link and consequently that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The subject site is partially zoned 'Open Space' in the Athlone Town Development Plan 2014-2020. It is an objective of this zoning O-LZ8 'To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas'. Having regard to this, it is considered the development if permitted will materially contravene zoning objective O-LZ8 of the Athlone Town Development Plan and will therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The applicant is from the zoned part of Athlone town. He inherited the site in 2009. The applicant meets with the criteria P-LHN1 (3) of the Westmeath County Development Plan 2021. The site is zoned partially 'open space' as per the Athlone Town Development Plan, and the remainder of the site is on unzoned lands in which rural housing needs criteria apply.
- The construction of a dwelling on lands zoned Open Space is not permitted under the zoning matrix.
- The dwelling is a simple single storey dwelling (174sq.m.) and garage located on 0.33ha. The site is capable of absorbing the development. The coining detail should be removed from the design by condition.

- The site is located in an area identified as a ‘Strategic Road Link’ in the Athlone Town Development Plan 2014-2020 Objective O-TM2 refers ‘*To carry out specific road improvement/ maintenance works as outlined in Table 6.1, subject to environmental and habitats protection requirements.* Objective o-TM20 refers to the provision of the ‘Cornamaddy – Coosan Link Road’.
- Refusal recommended.

3.2.2. **District Engineer**

At this stage it is premature to consider the application until such time as the strategic road link has been fully designed and approved. A refusal is recommended.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

There would appear to be no relevant planning history associated with the site.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 **Westmeath County Development Plan 2021-2027**

9 Rural Settlement Strategy

CPO 9.1 Areas Under Strong Urban Influence

To accommodate demand from individuals for permanent residential development in defined ‘Rural Areas Under Strong Urban Influence’ who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

Local Housing Need Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
2. Members of farm families seeking to build on the family farm,
3. Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
4. Persons employed locally whose employment would provide a service to the local community,
5. Persons who have personal, family or economic ties within the area, including returning emigrants,
6. Persons who wish to return to farming and who buy or inherit a substantial farm holding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

9.5.1 Rural Housing Site and Design

Dwellings and structures in the countryside need to be sited and designed to impact minimally on their setting. The utilisation of existing features, natural and manmade, can assist in integrating new development into its established setting. All rural development will be expected to adhere to this basic principle. Design standards are outlined in Chapter 16 Development Management standards of the plan and supplementary planning guidance contained in the Westmeath Rural Design Guidelines (2005) or any revisions thereof. Furthermore, the Landscape Character Assessment prepared for the county assesses the sensitivity and capacity of the different character areas to absorb and facilitate rural residential development.

5.2 Athlone Town Development Plan 2014-2020

As the maps appended to this report reveal the site is located just outside of the Development Boundary for Athlone Town. The **Core Strategy Map** and **Strategy**

Transportation Map indicate a **Proposed Strategic Link Road** cutting through the site along the southern site boundary.

The Written Statement of the town plan contain the following relevant objectives in Chapter 6 Transportation:

- **O-TM2** To carry out specific road improvement/maintenance works as outlined in Table 6.1, subject to environmental and habitats protection requirements.
- **O-TM20** Cornamaddy - Coosan Link Provision of Cornamaddy - Coosan Link

Table 6.1 Schedule of Road Improvement Schemes in Athlone

Objective No:	Road No.	Description
O-TM18	R916 Garrycastle Realignment	Realignment of the R916 (700m) and construction of new road bridge over the Mullingar rail line.
O-TM19	Rail Link Road	Completion of new road between Coosan Road and Crescent Junction
O-TM20	Cornamaddy - Coosan Link	Provision of Cornamaddy - Coosan Link
O-TM21	R446	Roscommon Road/ Baylough Road junction improvement
O-TM22	R446	Junction improvement at R446 / Athlone Business Park / Garrycastle Business Park Junctions
O-TM23		Provide Loughandonning Link Road from Creggan to Golden Island, including associated links to the town centre.
O-TM24	R446/N62	R446 road widening to 4 lanes and improvement to urban standard, including junctions as required by the development of the Creggan Area, over a length of 1.4km from the Creggan roundabout to the N62 junction at Fardrum
O-TM25	R446/ N62	Creggan roundabout capacity enhancement

5.3 The site is located just outside of the **Cornamangh Local Plan Area 2009** (incorporated into the Athlone Town Development Plan 2014-2020) also, which is immediately to the south and west of the site.. The western boundary of the site is zoned as ‘Open Space’ in the Cornamanagh LAP. The site is located outside of the LAP development boundary.

5.2. Natural Heritage Designations

The following Natura 2000 sites lie within a 15km radius of this appeal site:

- The site lies c 1km to the east of Special Area of Conservation: Lough Ree (Site Code: 000440) and Special Areas of Protection: Lough Ree.

- The site lies c2km to the north of Special Areas of Protection: Middle Shannon Callows SPA (Site Code: 004096) and Special Area of Conservation: Middle Shannon Callows SAC (Site Code: 000216).
- The site lies c4.3km to the north west of Special Area of Conservation: Crosswood Bog SAC (Site Code: 002337).
- The site lies c6.4km to the west of Special Area of Conservation: Cann Bog SAC (Site Code: 002336).
- The site lies c9.2km to the east of Special Area of Conservation: Ballynamona Bog and Corkip Lough SAC (Site Code: 002339).
- The site lies c9.3km to the north east of Special Area of Conservation: Castlesampson Esker SAC (Site Code: 001625).
- The site lies c11.4km to the north of Special Area of Conservation: Pilgrim's Road Esker SAC (Site Code: 001776).
- The site lies c11.7km to the south east of Special Area of Conservation: Fin Lough (Site Code: 000576)

5.3 EIA Screening

The proposed development is of a type that constitutes an EIA project (involving construction works). However, it is not of a scale, a single dwelling, likely to give rise to significant environmental effects to warrant environmental impact assessment (Class 10, Part 2, Schedule 5, P&D Regulations, 2001 (as amended), urban development).

Moreover, having regard to the nature, scale and extent of the development proposed in close proximity to brownfield serviced lands, the site's location not being included inside, adjoining or outside of any protected Natura 2000 site together with the nature of the receiving environment which is a suburban area outside of Athlone, the limited observed ecological value of the lands in question, the lack of any tangible connection and/or interconnectivity to any Natura 2000 site, I consider that 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

The following is the grounds of appeal:

6.2 **Background**

The applicant is the owner of the site and inherited it from his grandmother in 2009. The applicant lives with his mother in Athlone. The site is located outside of the Athlone Development Plan Boundary. It is within an a 'Rural Area Under Strong Urban Influence' The applicant has a genuine rural need to live in the area as per the Westmeath County Development Plan. He owns the land, he has no primary residence of his own, he is from a farming family and has intrinsic ties to the area.

6.3 **Reason No. 1**

The subject site is located within an area identified for the development of a 'strategic roadlink' as identified in Objective No. O-TM2 and O-TM20 of the Athlone Town Development Plan 2014-2020. It is considered having regard to the location of the future proposed link road which traverses the application site, that the development would be premature pending the final design of the strategic road link and consequently that the proposed development would be contrary to the proper planning and sustainable development of the area.

- The Board needs to establish the legal status and exact jurisdictional areas of the Athlone Town Development Plan 2014-2020, the Cornamagh LAP July 2009 and other relevant Athlone Urban Plans to establish how these plans interact with the subject site.
- The Athlone Town Development Plan has a lifetime of six years and has not been formally extended from 2014-2020 and it is assumed the current plan has lapsed since the end of 2020. It would appear too, the Cornamagh LAP July 2009 had a lifetime up to 2015, but it was unilaterally extended by taking the area into the Athlone Town Development Plan 2014-2020.
- The jurisdictional area of Cornamagh LAP is located adjacent to the south of the subject site and there is no zoning provision or statutory policy governing the subject site. In the Athlone Town Development Plan the vast majority of

the site is outside of the jurisdictional area of the plan with only a slither of the site inside of the development plan boundary.

- On the Strategic Transportation Map the proposed Strategic Road link follows the boundary of the town development boundary and terminates in close proximity to the site. These provisions are purely indicative and remain the subject to a future detailed alignment, detailed design and land procurement.
- The alignment in turn will not be final until it has been the subject to full environmental assessment and AA which may result in a deviation of the original location and route.
- It is not acceptable to zone the land based on an aspiration when the alignment does not exist. In this instance, planning confuses indicative urban design masterplan type with a statutory zoning plan.
- The Local Area Plan goes further and indicates the road zoning for Open Space and Road alignment outside of its study area and statutory jurisdiction. This is completely unacceptable.
- It is very damaging to the market value of the land and it restricts the landowner a local man from building in his land.

6.4 ***Part 2 of Reason No. 1***

- The applicant has strong ties to the landholding and the area, and he has a legitimate expectation to be able to develop a family home on their family land in an unzoned rural area which complies with the rural housing needs policy. In the interest of being proactive the applicant wishes to propose a potential urban design solution to a future road realignment on his lands. It presents for the subject site to be located in the statutory development area of 'Rural Areas Under Strong Urban Influence' under the Westmeath County Development Plan 2021-2027, and the undeveloped lands within the jurisdiction of the current and future Athlone Town Development Plan and future Cornnamagh Local Area Plan located to the east and south east of the subject site. This can provide some comfort in seeking a sustainable solution to enable a single dwelling to be developed on the lands whilst facilitating the future road links in the general area.

- The plan enables the future road realignment to be developed further north of the site. The plan proposes additional residential developments on the subject site and adjoining sites. There is currently an existing housing estate to the east of the site and the drawings illustrate the natural progression of the development area. The proposed green areas would create a natural buffer between the church and the proposed uses and could be further developed as a cycle and walking link between the church and the surrounding area.

6.5 ***Reason No. 2***

- The vast majority of the subject site is unzone rural area designed as 'Rural Areas Under Strong Urban Influence' and there is only a small slither of the site within the Athlone Town Development Plan boundary. The area is 'white' on the zoning map which implies Agriculture. There is no hint of green i.e. Open Space zoning.
- The Council's GIS map has a direct discrepancy in it and the slither of land is not zoned open space.
- The adjacent dwelling, subject site and a second dwelling directly adjacent have an established residential use and residential precedent for many years.
- Thye error is further exacerbated by the Cornamagh LAP July 2009 produced a Map 13 -Zoning which identifies the study area with a black line, existing residential is in yellow. The Cornamagh LAP indicated the subject site outside of the black line and the area for the road and open space zoning. This is a serious statutory breach where a local plan attempts to assign zoning or zoning objectives of the subject site and land that has no jurisdictional over.
- It is significantly unsubstantiated and without statutory basis or effect that the subject site has previously been presented under as if zoned for an 'Open Space and Road on Map 13 : Cornamagh LAP 2009. Neither is there any basis for the inclusion of the lands on Map 14: Development Framework when the subject land fell outside of the study area, statutory jurisdiction of the Atrhlonge Development Plan and the Cornamagh LAP. This error must be corrected under Westmeath County Development Plan. The landowner is seriously concerned about the misrepresenting of the zoning on his

landholding and the potential impacts it will have on the development rights of his land and the value of his land.

- The draft County Development Plan 2021-2027 should correct the error because there is no statutory basis for the land to be zoned Open Space and Road.
- The majority of the subject site is outside of the Athlone Town Development Plan and inside of the Westmeath County Development Plan, under which the planning policies supersede the Athlone Town Development Plan in hierarchy of plans. The bulk of the site is unzoned Rural Area, and the proposal does not materially contravene the county development plan.

6.2. Planning Authority Response

There was no response received.

7.0 Assessment

7.1. This appeal relates to a proposed single dwelling on the periphery of Athlone town north of the N6 within the residential/ rural urban fringe of a major urban area. The planning authority refused the development on planning policy grounds which needs to be further assessed in this appeal. Therefore I will examine the appeal under the following headings:

- Relevant Development Plan governing the subject site
- Strategic Road Objectives
- Compliance with Rural Housing Needs
- Siting and Design
- Appropriate Assessment

7.2 Relevant Development Plan Governing the Subject Site

7.2.1 The subject site is located on the development boundary of the Athlone Town Development Plan 2014-2020. The bulk of the site is located outside of the town development plan boundary and governed by the policies of the Westmeath County Development Plan 2021-2027.

7.2.2 The small portion of the southern site boundary is located within the Athlone Town Development Plan 2014-2020, which would appear to have lapsed since 2020. Within that primary development plan there is the Cornamagh LAP 2009 which expired in 2015 but was incorporated into the Athlone Town Development Plan and it became effective until 2020.

There are conflicting objectives relating to the site in the Cornamagh LAP 2009. The site is included on Figure 6.5 Map 13 Zoning, Cornamagh LAP July 2009. It is clear from the map the site is located outside of the development boundary of the LAP, however some of the zoning objectives have filtered out onto some lands outside of the LAP boundary including the subject site. The roadside boundary or a western strip of the site is zoned for Open Space, and the residual field area has no zoning. I note that Map 13, Zoning, Cornamagh LAP, also conflicts with the Land Zoning Map in the Athlone Town Development Plan 2014-2020 in respect of the subject site. The most recent town development plan includes a Proposed Strategic Road link through the southern axis of the site which did not form part of the Cornamagh LAP, and includes other lands within the LAP area not just the subject site.

7.2.3 This brings me to the planning authority's second reason for refusal which states:

The subject site is partially zoned 'Open Space' in the Athlone Town Development Plan 2014-2020. It is an objective of this zoning O-LZ8 'To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas'. Having regard to this, it is considered the development if permitted will materially contravene zoning objective O-LZ8 of the Athlone Town Development Plan and will therefore be contrary to the proper planning and sustainable development of the area.

7.2.4 Section 37 (2) (b) of the Planning and Development Act 2000 (as amended) states that where a planning authority has decided to refuse on the ground the proposed development materially contravenes the development plan, the Board may only grant permission in accordance with certain criteria, in particular, where there are conflicting objectives in the development plan or the objectives are not clearly stated insofar as the proposed development is concerned.

7.2.5 There are conflicting objectives directly affecting the subject site. The Cornamagh LAP Zoning Map which forms part of the Athlone Town Deelopment Plan 2014-2020, contains conflicting zoning objectives relating to a portion of the subject site. The 'Open Space' zoning along the western boundary of the site, is not included in the Athlone Town Development Plan Zoning Map 2014-2020. In my opinion, the objectives stated in the development plans are conflicting, and the Board is in a position to grant the proposed development in line with Section 37(2)(b) of the Planning and Development Act 2000. Based on the anomalies outlined above relating to the portion of Open Space zoning on the site, the second reason for refusal should be dismissed.

7.3 Strategic Road Objectives

7.3.1 This issue formed the first reason for refusal of the planning authority's decision.

The subject site is located within an area identified for the development of a 'strategic roadlink' as identified in Objective No. O-TM2 and O-TM20 of the Athlone Town Development Plan 2014-2020. It is considered having regard to the location of the future proposed link road which traverses the application site, that the development would be premature pending the final design of the strategic road link and consequently that the proposed development would be contrary to the proper planning and sustainable development of the area.

There are two Maps relevant to this reason for refusal in the Athlone Town Development Plan 2014-2020, the Land Use Zoning Map and the Strategic Transportation Map. The proposed Strategic Road Link is indicated on the development plan map as a hatched line from the N56 heading west to the Coosan Point Road. The Coosan Point Road element ends at the subject site and runs along the southern boundary of the site. There are two old detached dwellings located along Coosan Point Road immediately south of the subject site. An outbuilding from one of these dwellings runs along the southern boundary of the site. The Mapping would appear to indicate the proposed strategic road link runs to the north of these dwellings, beyond these properties, through the subject site. The scale of the mapping is not conducive to pinpointing the exact location of the road. The hatched lines are indicative only. It is not possible to determine the extent of the land take for the road, or the extent exit point onto Coosan Point Road relative to the two dwellings and the subject site.

- 7.3.2 Chapter 6 of the Athlone Town Development Plan outlines Transportation issues. The relevant are objectives O-TM 2 and O-TM20 which state road improvements are to be carried out on the works outlined in Table 6.1 (as outlined in Section 5 of this report). The relevant objective is O-TM20 The provision of the Cornamaddy-Cooson Link. This objective directly impacts on the subject site. These two objectives formed the first reason for refusal in the planning authority's decision, which I will assess further.
- 7.3.3 On appeal, the applicant has submitted the Athlone Town Development Plan has a lifetime of six years and has not been formally extended from 2014-2020 and it is assumed the current plan has lapsed since the end of 2020. It would appear too, the Cornamagh LAP July 2009 had a lifetime up to 2015, but it was unilaterally extended by taking the area into the Athlone Town Development Plan 2014-2020. In the Athlone Town Development Plan the vast majority of the site is outside of the jurisdictional area of the plan with only a slither of the site inside of the development plan boundary. On the Strategic Transportation Map the proposed Strategic Road link follows the boundary of the town development boundary and terminates in close proximity to the site. These provisions are purely indicative and remain the subject to a future detailed alignment, detailed design and land procurement. The alignment in turn will not be final until it has been the subject to full environmental assessment and AA which may result in a deviation of the original location and route. The applicant states is not acceptable to zone the land based on an aspiration when the alignment does not exist. In this instance, planning confuses indicative urban design masterplan type with a statutory zoning plan. It is further submitted on appeal, the Local Area Plan goes further and indicates the road zoning for Open Space and Road alignment outside of its study area and statutory jurisdiction. To the applicant, this is completely unacceptable, and it is very damaging to the market value of the land and it restricts the development of the land as the landowner wanting to build his own house. In the interest of being proactive the applicant wishes to propose a potential urban design solution to a future road realignment on his lands. It presents for the subject site to be located in the statutory development area of 'Rural Areas Under Strong Urban Influence' under the Westmeath County Development Plan 2021-2027, and the undeveloped lands within the jurisdiction of the current and future Athlone Town Development Plan and future Cornamagh Local Area Plan

located to the east and southeast of the subject site. This can provide some comfort in seeking a sustainable solution to enable a single dwelling to be developed on the lands whilst facilitating the future road links in the general area.

7.3.4 It is my opinion, the Athlone Town Development Plan 2014-2020 is still in effect until a new Draft development plan is adopted. The planning authority and the Board continue to use the plan as the statutory document until a new Draft is presented which has not been forwarded to date. The planning authority has not responded to the applicant's claims made on appeal regarding the current plan being. Regardless, the Athlone Town Development Plan 2014-2020 was formerly adopted by the Elected Representatives as the statutory framework for Athlone town, and no subsequent document exists. Therefore, the Board should have regard to its governing policies and objectives in the interest of proper and sustainable planning of the area, and I am basing my assessment on the policies and objectives contained in the Athlone Town Development Plan 2014-2020.

7.3.5 The line indicated on the Strategic Road Link Map is indicative only, and it terminates at the subject site. I accept this is a grievance for the applicant as it hinders the development of his landholding and may prejudice the value or sale of the landholding. However, the Written Statement of the Athlone Town Development Plan 2014-2020 does include two objectives relevant to the future road link:

O-TM2 To carry out specific road improvement/maintenance works as outlined in Table 6.1, subject to environmental and habitats protection requirements.

Included in **Table 6.1** is the following:

O-TM20 Cornamaddy - Coosan Link Provision of Cornamaddy - Coosan Link

The detailed alignment, design and land procurement are not advanced at the present time. The development plan is more than aspirational about the Strategic Link Road. The proposed link road forms a clear Roads Improvement objective in the development plan as stated above (TM02 and TM20). I consider it is premature at this stage to consider the application until such time as the strategic road link has been designed.

7.3.6 Whilst I consider the applicant's suggestion on appeal to propose a potential urban design solution to a future road realignment on his lands as a positive suggestion. It

presents the subject site to be located in the statutory development area of 'Rural Areas Under Strong Urban Influence' under the Westmeath County Development Plan 2021-2027, and the undeveloped lands within the jurisdiction of the current and future Athlone Town Development Plan and future Cornnamagh Local Area Plan located to the east and southeast of the subject site. This proposal would need to be discussed with Westmeath Co. Co., and would require a future planning application for a revised proposal as I consider the concept involves significant material alterations to the current proposal, and the Board is not in a position to consider this design solution based on the limited evidence submitted on appeal with no technical drawings or input from the planning authority. Therefore I am recommending the first reason for refusal should be upheld by the Board, because at this stage the Board cannot pre-empt the location or design of the future road link, and permitting this proposed dwelling at this stage could jeopardise the future of the improvements to the road infrastructure in the area.

7.4 Compliance with Rural Housing Needs

7.4.1 The bulk of the subject site is located in an area governed by the rural housing policies of the Westmeath County Development Plan 2021-2027. It is located in an 'Area Under Strong Urban Influence'. There is a high concentration of one-off housing along the road frontage in this area, and a number of housing estates. The general area is clearly the urban fringe of Athlone. It is a low density built up area with pockets of suburban housing estates. The development plan policies aim to accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations. Local Housing Need Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following certain criteria outlined in section 5 of this Report.

7.4.2 The applicant inherited the land from his grandaunt in 2009. He currently lives 1 km from the site, with his mother in the more built-up part of Athlone. His family have strong connections to the locality because the family were originally from the location. He wishes to build a modest dwelling on his own land. The character of the area is low density residential development. Although I consider this to be an

urban generated house, the site is located within the urban fringe. I do not consider a dwelling on the subject site would militate against the rural environment of the area because it is relatively built up. I believe the applicant would have an expectation to get planning permission on his small land holding given the rural housing policies of the Westmeath County development Plan 2021-2027. His compliance with the local needs policy was not an issue for the planning authority and did not form a material issue in the assessment of the case. The policy is to facilitate housing development who have strong links to a particular area and to people who are intrinsically linked to the community which was demonstrated in the submission documentation of the planning application. The site originally formed part of a larger landholding that was owned by the applicant's family. I satisfied the applicant meets with the county development plan rural housing policy.

7.5 Siting and Design

- 7.5.1 The proposal is a modest single storey dwelling (174sq.m.) positioned centrally on the site with a detached garage. The site has the benefit of mature hedgerows and trees and along its boundaries, which provide excellent natural screening. The Planning Report in file recommended the omission of the coining detail from the elevations, however it failed to give a reason for such a condition. As coining is a fairly standard design feature throughout Irish house design, I would not be concerned regarding this detail.
- 7.5.2 The proposed treatment system is in accordance with the EPA Guidelines. There is a public water supply serving the site.
- 7.5.3 The proposed access is via the existing field entrance which also provides access to the fields to the rear of the site. A right of way is being maintained under the proposal to maintain that access. The sightlines at the proposed entrance are acceptable given the speed limit in place along the public road.

7.6 Appropriate Assessment

- 7.6.1. Having regard to the nature, extent and scale of the proposed development within a serviced urban area, although a private and the distance from the nearest European site, together with the lack of any connectivity between them and the changing nature

as well as characteristic of the landscape and environment in between, 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.

8.0 Recommendation

8.1. I recommend the planning authority's decision to refuse planning permission be upheld because the proposal is premature until the design of the strategic road link is more advanced.

9.0 Reasons and Considerations

The subject site is located within an area identified for the development of a 'Strategic Road Link' as identified on the Strategic Transportation Map and included in Objectives No. O-TM2 and O-TM20 of the Athlone Town Development Plan 2014-2020. Having regard to the location of the future proposed link road which traverses the application site, the development would be premature pending the final design of the strategic road link and consequently that the proposed development would be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

18th of May 2023