



An  
Bord  
Pleanála

## Inspector's Report ABP314759-22

### Development

The construction of a dwelling house, front boundary entrance walls, installation of mechanical aeration unit with polishing filter system along with all associated site works.

### Location

Dromdeeven, Ashford, County Limerick.

### Planning Authority

Limerick City and County Council.

### Planning Authority Reg. Ref.

22791.

### Applicants

Trevor and Tracey Shier.

### Type of Application

Permission

### Planning Authority Decision

Refusal of permission.

### Type of Appeal

First Party

### Appellants

Trevor and Tracey Shier

### Observer(s)

None.

### Date of Site Inspection

17<sup>th</sup> August 2023.

### Inspector

Derek Daly.

## 1.0 Site Location and Description

- 1.1. The appeal site is located in open hilly countryside approximately 4 kilometres northwest of Broadford in the west of County Limerick. The site fronts onto a local road approximately 800 metres south of its junction with the 515 Charleville to Abbeyfeale Regional Route and which defines the site's western boundary. There is a modern bungalow dwelling located on the adjoining site to the south and agricultural shed and farm yard on the lands immediately to the north of the site and then an old cottage with a corrugated roof beyond which is a stream.
- 1.2. The local road leading south from the regional road varies in carriageway width of poor vertical and horizontal alignment and is relatively narrow with little provision for the passing of two vehicles with passing of vehicles accommodated by a vehicle pulling in a house and field access points with roadside drains on both sides of the road. The road appears to be lightly trafficked and in the section along the appeal site frontage the middle section of the road is overgrown with vegetation.
- 1.3. The roadside frontage of the site is defined by a well established hedgerow and trees and the site is overgrown. There is a fall in level in a northerly direction. The site has a stated area of 0.31 hectares.

## 2.0 Proposed Development

- 2.1. The construction of a dwelling house, construction of front boundary entrance walls, installation of mechanical aeration unit with polishing filter system along with all associated site works.
- 2.2. The proposed dwelling which has a stated area of 172.65m<sup>2</sup> is single storied and of modern design and construction and is located centrally on the site.
- 2.3. Water supply is from a proposed new bored well. A site characterisation report was submitted with the application indicating the suitability of the site for on-site sewage treatment and a recommendation of a tertiary treatment system and infiltration/treatment area with discharge to groundwater which it is proposed to locate to the rear (east of the proposed dwelling). Surface water is proposed to be discharged to soakaways within the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the planning authority was to refuse planning permission. One reason was stated which refers to the road serving the site is considered substandard in width, alignment surface condition and having insufficient capacity to accommodate additional traffic and the development would materially contravene Policy TR P11 of the Limerick Development Plan 2022-2028.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning report dated the 30<sup>th</sup> August 2022 refers to the planning history of the site, to provisions of the development plan, that the design is acceptable. Reference is made to the road serving the site the L-7098 which is considered a substandard road in terms of width and alignment and that the development contravenes Policy TR P11. Refusal recommended.

#### **3.2.2. Other Technical Reports**

Reports from environment and area engineer's office submitted indicate no objections to the proposal and conditions are outlined.

## **4.0 Planning History**

ABP Ref No PL 13.235131/ P.A. Ref. No 08/2330.

Permission granted on appeal by the Board in February 2010 following a decision of the planning authority to refuse planning permission. In granting planning permission, the Board referred to the planning history of the site, where both outline permission and permission consequent were granted.

P.A. Reg. Ref. 03/806

Outline permission granted for a house at this location.

P.A. Reg. ref. 04/1104

Permission consequent upon outline permission for a house at this location to the current appellants.

## 5.0 Policy and Context

### 5.1. Development Plan

5.2. The operative plan is Limerick City and County Development Plan 2022-2028.

5.3. Section 4.4. of the plan refers to rural housing. The rural area is of County Limerick is divided into two broad categories, in terms of defining the Rural Settlement Strategy Rural Housing Category 1 which are Areas under Strong Urban Influence and Rural Housing Category 2 which are Rural Areas Elsewhere.

On map 4.1 Rural Housing Strategy Map the site is located an area defined as Rural Elsewhere/ Structurally Weak.

Objective HO O21 in relation to Rural Areas Elsewhere indicates that it is an objective of the Council that to help stem the decline and strengthen Rural Areas Elsewhere, in general demand for permanent residential development should be accommodated, subject to meeting normal planning and environmental criteria.

5.4. Chapter 7: Sustainable Mobility and Transport Policy TR P11 of the Limerick Development Plan 2022-2028.

Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network It is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick.

In implementing the above policy, the Council will have regard to the following objectives:

Objective TR O37 Land Uses and Access Standards It is an objective of the Council to:

a) Ensure that any development involving new access to a non-national public road, or the intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards.

b) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development for one off rural housing will only be considered in exceptional circumstances. This includes applicants who have a demonstrable social need to live on the particular road, where no alternative site is available, or where the only alternative access available is onto a strategic regional road as designated in the Development Plan.

5.4.1. In relation to landscape character the site is located within LCA 07 Southern Uplands where it is a stated specific objective where housing is permitted, encourage appropriate scale and high-quality design for this landscape area, combined with sensitive site location and landscaping. Respect traditional scale particularly on elevated or locally prominent sites.

5.4.2. Chapter 11 refers to Development Management and section 11.4.6 One-Off Housing in the Countryside. Table DM 5 indicates Design Guidelines for Rural Houses on a range of matters including services, access and design.

## 5.5. **Natural Heritage Designations**

None relevant.

## 5.6. **EIA Screening**

5.7. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as;

- Reference is made to the site's planning history including an initial grant of outline planning permission after which the appellants in 2004 purchased the

site and the subsequent granting of permission by the Board under PL13.235131.

- For various reasons the appellants were not in a position to precede with constructing the dwelling.
- Reference is made to the level of traffic on the local road, that there are passing locations along the road and the site is an infill site.
- The road network has not altered since the original grant of planning permission.
- 70% of the road length is 4 metres in width and the remainder averaging 3.1 metres upwards.
- The road network has sufficient capacity to accommodate the development.

## 7.0 **Assessment**

7.1. The main issues in this appeal are development plan policy and principle of development; traffic, design and layout of the proposed development and services. The substantive issue in relation to this appeal relates to the issue of traffic which is central to the decision of the planning authority to refuse the proposed development. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Policy and principle of development.
- Traffic
- Design and layout of the proposed development,
- Services,
- Appropriate Assessment

### 7.2. **Policy and principle of development.**

7.2.1. The provisions of the current do provide for rural housing and distinguishes between types of rural areas. Section 4.4. of the plan refers to rural housing and the rural area of County Limerick is divided into two broad categories, Category 1 which are

Areas under Strong Urban Influence and Rural Housing Category 2 which are Rural Areas Elsewhere and the site is located an area defined as Rural Elsewhere/ Structurally Weak. The general policy in this area would apply less stringent requirements in relation to local need and that it is an objective of the Council that to help stem the decline and strengthen Rural Areas Elsewhere and in general demand for permanent residential development should be accommodated. Based on the provisions as stated the CDP does not have an objection in principle to the proposed development and the planning report and decision would support this. I would have no objections based on the stated provisions which also reflect national guidance in rural area considered structurally weak subject to meeting normal planning and environmental criteria.

### **7.3. Traffic**

- 7.3.1. In the grounds of appeal reference is made to the site's planning history, to the level of traffic on the local road, that there are passing locations along the road and the site is an infill site, that the road network has not altered since the original grant of planning permission, 70% of the road length is 4 metres in width and the remainder averaging 3.1 metres upwards and in this regard I would refer to the drawing accompanying the appeal which gives approximate widths of the road along the road and also photographs which reflects the nature of the road and it is contended that the road network has sufficient capacity to accommodate the development.
- 7.3.2. I note that the reason for refusal refers to the road serving the site is considered substandard in width, alignment surface condition and having insufficient capacity to accommodate additional traffic and the development would materially contravene Policy TR P11 of the Limerick Development Plan 2022-2028. In this regard I would also note that Objective TR O37 outlines two criteria in relation to the policy to a) ensure that any development involving new access to a non-national public road, or the intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards and b) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development for one off rural housing will only be considered in exceptional circumstances. The objective does make specific reference to less than 3 metres and the road does generally exceed 3 metres in width.

- 7.3.3. In considering this issue the road from the regional road to the site is narrow, there are issues in relation to the alignment of the road both vertical and horizontal with bends on the road and has owing to the general topography rises and falls in levels. During the site inspection I was conscious of noting locations to accommodate safe passing of vehicles as along sections of the road outside of a passing area there is minimal provision for the safe passing of two vehicles and manoeuvring a vehicle by reversing to a passing area would be an issue given the narrow width of the road and limited verge width and the presence of road drains. I would accept that traffic volumes on the road would appear to be low but any further development on the road would increase traffic movements on the road.
- 7.3.4. The appellant contends that circumstances have not changed since the initial grant of a dwelling on the site and as a consequence permission should be granted but the planning legislation does limit duration of planning permissions and does not necessarily infer it would be subsequently granted and permits planning authorities to review statutory development plans. Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network stating that it is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick is the current stated policy.
- 7.3.5. Based on my inspection of the site and the road serving the site I would support the the Planning Authority's view that the access road is substandard in width and alignment and safe passing of vehicle is problematic and the reason as stated by the planning authority is reasonable.
- 7.3.6. In relation to the access from the site the drawings submitted indicate that sightline visibility of 90m can be achieved in both direction which given the likely speed of vehicles travelling the road would be sufficient. The achievement of the sightline will result in the loss of roadside boundary consisting of a mature hedgerow and trees and require its replacement by way of condition.

#### 7.4. **Services**

- 7.4.1. In relation to wastewater treatment the proposal provides for a WWTP based on a design hydraulic loading for a PE of 6. The requirements for the WWTP and percolation area were based on a site characteristic assessment with test results indicating the required area for percolation discharge after treatment to groundwater



based on current standards for assessment of such proposals which is based on the current standard and guidance the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (pe≤10), (2021). Based on the site assessment the site has adequate area to accommodate this percolation in accordance with the guidance.

In relation to storm and surface water drainage, it is proposed to discharge to soakaways internally within the site and the Roads Authority have indicated no objections subject to require precluding discharge to the road.

- 7.4.2. The proposal provides for connection for a bored well there is no objections in relation to this.

#### **7.5. Siting and design of the dwelling**

- 7.5.1. The site is located in a hilly area but given the undulating nature of the topography I do not consider that the proposal would be visually obtrusive in the receiving landscape.
- 7.5.2. I would have no objections to the design of the proposed dwelling as submitted.

#### **7.6. Appropriate Assessment Screening**

- 7.7. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

### **8.0 Recommendation**

- 8.1. I recommend that permission be refused.

### **9.0 Reasons and Considerations**

The site is located on a minor road which is seriously substandard in terms of surface width, limited roadside verge width and vertical and horizontal alignment and surface condition. It is the policy of the Planning Authority, as set out in Policy TR

P11 Road Safety and Carrying Capacity of the non-national Road Network of the current Limerick City and County Development Plan 2022-2028 to safeguard the carrying capacity and safety of the non-national road network throughout Limerick. The proposed development would conflict with this policy, which is considered to be reasonable, would set a precedent for similar development served by substandard roads and would endanger public safety by reason of traffic hazard and obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Derek Daly  
Planning Inspector

13<sup>th</sup> September 2023