



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316106-23

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| <b>Development</b>                  | Renovation works to an existing vacant detached dwelling, construction of extension, new vehicular entrance and all associated site works and services. |
| <b>Location</b>                     | Aghnagarron, Granard, Co. Longford.   |
| <b>Planning Authority</b>           | Longford County Council   |
| <b>Planning Authority Reg. Ref.</b> | 22271   |
| <b>Applicants</b>                   | Thomas Fox and Carol Dunphy   |
| <b>Type of Application</b>          | Permission.   |
| <b>Planning Authority Decision</b>  | Grant Permission.   |
| <b>Type of Appeal</b>               | Third Party   |
| <b>Appellants</b>                   | Declan Fagan  |
| <b>Date of Site Inspection</b>      | 5 <sup>th</sup> July 2023   |
| <b>Inspector</b>                    | Dolores McCague   |

## 1.0 Site Location and Description

- 1.1.1. The site is located in the townland of Aghnagarron, Granard, Co. Longford in a rural area, on a tertiary county road (L-5118), less than 2km north of Granard.
- 1.1.2. The site is accessed via an existing driveway which serves a dwelling to the north-east. The site is occupied by a stone structure, formerly a dwelling.
- 1.1.3. To the north-west there is a small field across which a stream flows in a south-west to north-east direction.
- 1.1.4. The appellant has indicated his house to the north-west of this field.
- 1.1.5. The site is given as 0.44 ha. The map accompanying the application shows it as 0.63ha.

## 2.0 Proposed Development

- 2.1.1. The application dated, 24<sup>th</sup> November 2022, is for permission:  
  
for the complete renovation works to an existing two-storey vacant detached dwelling with the removal of internal chimney, replace existing front entrance with window on the south face and additional velux windows to new roof.  
  
the construction of a new single storey extension to the north/west face of the existing detached dwelling,  
  
modify the driveway and form a new vehicular entrance  
  
proposed treatment system and percolation area and all associated site works and services.
- 2.1.2. The existing floor area is given as 56m<sup>2</sup>, the proposed floor area is given as 80m<sup>2</sup>, total 136m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decision, dated 15<sup>th</sup> March 2023, was to grant permission subject to 8 conditions, including external finishes, frontage treatment, surface water

disposal, wastewater treatment, maintenance of road drainage arrangements, energy efficiency.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. There are two planning reports on the file. The first, dated 11<sup>th</sup> January 2023, recommending further information, which issued, includes:

The existing dwelling is a two storey type with a slated hipped roof and is rectangular shaped. The applicants propose to construct an extension which is located to the rear of the dwelling house. The proposed extension is in keeping with the existing dwelling house.

T value of 37.50 and a P value of 47.89; it is proposed to install a packaged wastewater treatment system and polishing filter.

Connecting to public mains.

### 3.3. Other Technical Reports

3.3.1. Granard Municipal District, Area Engineer, 13<sup>th</sup> December 2021

Sightline blocked by wall and trees behind it. Recommending FI.

### 3.4. Further Information

3.4.1. A Further Information request issued 13<sup>th</sup> January 2023 on sightlines.

3.4.2. A further information response was received 20<sup>th</sup> January 2023, including a revised site layout scale 1;500 showing revised sightlines.

### 3.4.3. Further Technical Reports

3.4.4. Granard Municipal District, Area Engineer, 21<sup>st</sup> February 2023, which includes:

- Satisfied with further information response.
- Conditions.

The following roads requirements shall be fully complied with in the development. Revised plans and specifications shall be provided where necessary for the written agreement of the Roads Design Section of Longford County Council

a) The existing fenceline / boundary adjacent to the public roadway shall only be removed and replaced as per the proposals submitted in drawing TFCD-022-PL006 on 20<sup>th</sup> February 2023. Where necessary to achieve the required sightlines and, where removed, the new boundary shall be set back a minimum of 3 metres from the edge of the adjacent public roadway. The existing boundaries that are not removed/ set back shall be maintained to no more than 1 metre in height.

b) Vehicular access shall be restricted to one point only and splayed wing walls shall be provided at 45<sup>o</sup> angles.

c) The area of ground between the edge of the existing public road and the line of the new boundary wall/fence shall be filled with a minimum depth of 450mm suitable granular material and capped with clause 804 granular material type B, to a minimum depth of 200mm, properly compacted. This filling should slope away from the existing road edge at a minimum slope of 2.5% and particular care should be taken to ensure that the storm water runoff from the area and the adjoining public road is disposed of properly to an adjoining watercourse. This entire area shall be surfaced with a final layer of material similar to the proposed driveway (and to the relevant TII standards).

d) The clearance of the wall and hedge / trees impeding the sightline shall be carried out as soon as construction work commences on the site.

The site is above the road and slopes slightly towards the road.

a) A drainage system shall be installed along the entire site frontage where the fenceline / boundary has been set back, including a new outfall to an existing surface water drainage network or appropriate alternative. The new drainage system shall be constructed with concrete pipes of adequate internal diameter (min 300mm), properly bedded, backfilled and laid to the correct grade. Two gullies with lockable gully grates, evenly spaced, shall be installed along this pipeline.

b) Drainage channels (or similar suitable alternatives to be agreed with the roads section Longford County Council) shall be installed across the new vehicular entrance to prevent water accessing the public road. Runoff from this area shall be piped to the new system referred to at (a) above.

c) all surface water arising on site shall be disposed of within the site to the existing drainage system.

Any ESB / Telecom / Public utility poles, which may be exposed by the removal of the front boundary shall be relocated to a position adjoining the new front boundary by the developer at his own expense. The developer shall consult with the relevant service providers of all ESB/Telecom/Utility poles impacted by the proposed works prior to the commencement of development.

Conditions re. protection of the public road.

3.4.5. The second planning report, dated 27<sup>th</sup> February 2023, recommending permission, which issued, includes:

- Satisfied with further information response.

### 3.5. **Third Party Observations**

3.5.1. A third party observation on the file has been read and noted.

Objecting to the septic tank and its risk to his water supply. Objection will be withdrawn if objector gets a connection to the public water main which is only 50 yards from his property.

## 4.0 **Planning History**

4.1.1. None given.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

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

In respect of 'Rural Areas Elsewhere', the Council aims to accommodate rural housing demand from individuals for permanent residential development, subject to good planning practice by applying a more flexible approach in the assessment of planning applications which are primarily based on sustainable planning principles

(appropriate siting and design and negligible impacts to existing amenities or sensitive environments). The requirement to demonstrate local housing need will not apply to applications within this designated area.

Figure 4.5 Rural Typology Map, shows Areas Under Urban Influence and Rural Areas Elsewhere; the subject site is within the latter area.

## **5.2. Longford County Council Development Contribution Scheme 2023-2027**

5.2.1. The Development Contribution Scheme, includes:

### **2.5.4 Exemptions/Incentives**

a development contribution will not be required in the case of extensions to residential units.

## **5.3. The Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent $\leq 10$ )**

5.3.1. This document sets out the methodology for site assessment and, at table 6.2, minimum distances from domestic wells.

## **5.4. Natural Heritage Designations**

5.4.1. The closest Natura site is Lough Kinale and Derragh Lough SPA (site code 004064) located c4.4km straight line distance from the subject site.

## **5.5. EIA Screening**

5.5.1. 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. Declan Fagan has submitted this appeal, the grounds include:

- Longford Co Co granted planning permission without an EIA.
- He is concerned about his well. It is his only water supply and is down gradient and only 25 m from the outlet of the percolation area.
- Any wastewater and stormwater will end up in his well.
- There is no mains water supply on the road.

### 6.2. Applicant Response

6.2.1. A response on behalf of the applicant was made by Emer Mulvey agent, which includes:

- As a competent and qualified engineer carried out a full site assessment and the trial hole and percolation test results for the site were in accordance with the EPA waste water treatment manual there was no requirement for an EIA.
- The nearest point of the percolation area to the open well across the stream is greater than 65m and there should be no risk.
- Although stated as the water supply there is an open well but no pump.
- There is a sluice valve access lid at the entrance to Mr Fagan's house and the mains supply serves the site and neighbours.
- There is a stream between the site and the well and it flows away from the site.
- A letter accompanying the response – from D Leonard Engineering Services, includes:
  - The EPA CoP states the distance from a domestic well or spring should be greater than 45m. The well is over 65m from the proposed percolation area.

## 7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment and wastewater disposal, 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. Wastewater Disposal

- 7.3.1. The appellant is concerned about his well. He states that it is his only water supply and is down gradient and only 25 m from the outlet of the percolation area.
- 7.3.2. Included in the application documentation are a detailed site assessment and a site characterisation report for the proposed domestic wastewater treatment system.
- 7.3.3. The engineering consultant who prepared the detailed site assessment and site characterisation report has submitted a response to the grounds of appeal stating that the well is over 65m from the proposed percolation area.
- 7.3.4. The agent's response to the grounds of appeal questions whether or not the well is the source of water supply.
- 7.3.5. The domestic wastewater treatment system will be located to the front of the site. The stream which flows within the small field separating the site from the appellant's well, is 50m from the proposed raised percolation area. The appellant's well is located at a further remove. I am satisfied that the proposed wastewater treatment system will be sited in accordance with the EPA code of practice and that no risk is posed to the appellant's well.



## 8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the planning application be granted for the following reason and consideration and in accordance with the following conditions.

## 9.0 Reasons and Considerations

- 9.1.1. The proposed development would comply with the rural housing policies of the Longford County Development Plan 2021-2027, would not pose a traffic risk or a risk to public health or impact on the amenities of the area, and would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 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 20<sup>th</sup> day of February 2023, 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><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter.</p>  |

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|    | <p>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><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.</p> |
| 3. | <p>A schedule of materials to be used in the external treatment of the development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure an appropriate standard of development.</p>  |
| 4. | <p>(a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and 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) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems</p>  |

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|    | <p>Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(c) 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 and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>   |
| 5. | <p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water shall discharge onto the public road or adjoining properties.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent pollution.</p>   |
| 6. | <p>a) The existing site boundary along the public roadway shall be removed and replaced as per the proposals in drawing TFCD-022-PL006 submitted on 20<sup>th</sup> February 2023. A new boundary shall be set back behind the sightline.</p> <p>b) The clearance of the wall and hedge / trees impeding the sightline shall be carried out as soon as construction work commences on the site.</p> <p>c) The proposed vehicular access shall be provided with splayed wing walls at 45<sup>o</sup> angles.</p> <p>d) The area of ground between the edge of the existing public road and the line of the new boundary wall/fence shall be filled with a minimum depth of 450mm suitable granular material and capped with clause 804 granular material type B, to a minimum depth of 200mm, properly</p> |

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|    | <p>compacted. This filling should slope away from the existing road edge at a minimum slope of 2.5% and particular care should be taken to ensure that the storm water runoff from the area and the adjoining public road is disposed of properly to an adjoining watercourse. This entire area shall be surfaced with a final layer of material to the relevant TII standards. Any utility poles exposed shall be relocated to a position adjoining the new front boundary at the developers expense.</p> <p>e) Existing road drainage shall not be impaired and the drainage arrangements for the area between the new roadside boundary and the road edge shall comply with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent pollution.</p> |
| 7. | <p>All necessary measures shall be taken by the developer to prevent spillage or deposition of material on the public road during site development and construction work, and any accidental spillages shall be cleared up immediately.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>   |
| 8. | <p>Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann, formerly Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>   |
| 9. | <p>Prior to the commencement of development, the developer shall consult with the utility provider in relation to the overhead line which traverses the site.</p> <p><b>Reason:</b> In the interest of orderly development and safety.</p>   |

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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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Planning Inspector

6<sup>th</sup> July 2023

## **Appendices**

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts

Appendix 3 Longford County Council Development Contribution Scheme 2023-2027, extracts

Appendix 4 Environmental Protection Agency | Code of Practice : Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), extracts