



An
Bord
Pleanála

Inspector's Report ABP-317073-23

Development	Construction of a dwelling house, detached garage, wastewater treatment system, new entrance and all ancillary site works
Location	Glenduff , Ashford, Ballagh, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22623
Applicant(s)	Jason and Rebecca Stokes
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Tomasa Roche Walsh and Robert Walsh
Observer(s)	None
Date of Site Inspection	18 th September 2023.
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in Glenduff, Ashford, Ballagh, Co. Limerick. Glenduff is a rural area approximately 3km from the small village of Broadford (designated Level 5 in the settlement strategy). The subject site is proposed to be accessed off a local road L7098, which joins the R515 to the north.
- 1.2. The site is on the eastern side of the road between a cluster of existing one-off houses. There are two single storey houses and one dormer house north of the subject site and one two storey house south of the site (applicant's brother). There is a dormer house located to the western side of the L7098 close to the junction with the R515. A further cluster of one-off houses approximately 250m south of the subject site are in the townland of Dromdeeven.
- 1.3. The site area, as originally submitted, is given as 0.3986ha. It forms part of a larger L-shaped field that backs onto the wooded landscape surrounding Glenduff Castle and extends to the north along the boundary with the R515. This field extends behind the rear of the three houses along the L7098 and up to the R515. It is a relatively flat field, elevated from the adjoining sites to the northwest, with dense hedgerow, ditches to the southern and eastern boundary and mature hedgerow and trees forming its roadside boundary. A telegraph pole and wires run in a north-south direction across the subject site.

2.0 Proposed Development

- 2.1. The application seeks permission for a two-storey dwelling with detached garage, wastewater treatment system, new vehicular entrance and ancillary site works. The dwelling is proposed to have 229sq. m floor area and the maximum height is stated as 7.6m with a FFL of 97.65. The garage with a stated floor area of 60 sq. m and a maximum height of 5.5m also with an FFL of 97.65. Water supply is proposed via a bored private well.

Further Information received (22 March 2023) amended the site layout to extend the site boundary.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant planning permission subject to 14 no. conditions. These were generally of a standard type.

Condition 1 required development to be carried out in accordance with the plans and particulars submitted 3 June 2022 as amended by the further plans and particulars submitted on the 22 March 2023.

Condition 2 required payment of a development contribution of €4,580.00 under the general development contribution scheme.

Condition 3 specified the occupancy of the proposed dwelling.

Condition 6 required the installation of the wastewater treatment system and polishing filter in accordance with the EPA COP, a certificate of installation, compliance with the EPA Code of Practice and the undertaking of a maintenance contract for the WWTP and the polishing filter.

Condition 7 required the garage to be used for storage and purposes incidental to the main dwelling house and not used for commercial or habitable purposes.

Condition 9 restricted lighting within the curtilage of the site at the roadside entrance or on the gate piers in the interests of traffic safety and to prevent light pollution in the rural countryside.

Condition 11 required appropriate ducting in the external wall of the dwelling or garage capable of accommodating a future electric charging point for electrically operated vehicles.

Condition 12 specified that the landscaping scheme be carried out in the first planting season after commencement of development. No leylandii trees are permitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial report (26/07/22) stated that the location of the site is in an area designated as Strong Agricultural Base in the Limerick CDP and that Objective RS02 applies.

Further information sought in relation to:

- Compliance with the said objective.
- A revised site layout encompassing the entirety of the site up to the neighbouring property to the North.
- A revised landscaping scheme to include intensive screening planting of the northern boundary of the site.

Additional drawings were submitted as further information (22/03/2023) to extend the site application red line boundary up to the existing property (appellant) and amend the site layout and landscaping plan accordingly to avoid the creation of an infill site between the subject site and the appellant's property (Drawing No. PL-2123-03 Rev 1 A2). This included revised public notices. The Board should note that the extended site area is given as 0.96ha.

Appropriate Assessment Screening was carried out and it was noted that the site lies within 470 metres of a Natura 2000 site, namely the West Limerick Hills SPA. It was concluded, however, that there is no likely potential for significant effects to the Natura 2000 site.

3.2.2. Other Technical Reports

Environment, Recreation and Climate Change Department – Conditions recommended, requiring the supervision and certification of the proposed onsite secondary treatment system with tertiary filter.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Observations were received from the appellant which are largely stated in the grounds of appeal and are summarised below:

- Loss of privacy and serious impact on residential amenity

- Visual impact

4.0 Planning History

On subject site

None

On nearby sites

Planning Authority Register Reference: 16547 Permission granted (2016) (applicant's brother Marty Stokes) for a two storey 'mock Georgian' detached dwelling (448 sq. m floor area with 9.9m ridge height) with waste water treatment system and site works to immediately south of the subject site.

Relevant permissions on wider family landholding (lands outlined in blue)

Planning Authority Register Reference: 21641 – Permission granted (2021) (Timmy Stokes brother of the applicant) for a detached single storey dwelling with garage and waste water treatment system.

Planning Authority Register Reference: 18328 – Permission granted (2018) (Katie & John Lynch sister of the applicant) for a detached dwelling with detached garage and waste water treatment unit and soil polishing filter.

Planning Authority Register Reference: 053072 – Permission granted (2006) (the applicant Jason Stokes) for the construction of two storey/dormer style detached dwelling with detached garage located west of the subject site and accessed from the R515. It is noted that no occupancy conditions were attached to this permission.

Planning Authority Register Reference: 042844 – Permission granted (2005) (parents of the applicant), for a two storey house, garage and septic tank within the curtilage of the protected structure Glenduff Castle.

5.0 Policy Context

The application for permission was submitted on 3 June 2022 and was originally assessed by the planning authority under the provisions of the Limerick County

Development Plan 2010-2016 (as extended). The new Limerick Development Plan 2022-2028 came into effect on 29 July 2022 and is the relevant plan for the purposes of the Boards determination.

5.1.1. The subject site is located within the area defined Open Countryside (Level 7) within the settlement hierarchy. In the open countryside the development plan identifies two types of areas for rural housing:

1. Areas under urban influence, and
2. Rural areas elsewhere

5.1.2. **Map (4.1) Rural Housing Strategy Map** indicates that the subject site is within the designated 'rural elsewhere/structurally weak' category.

5.1.3. **Objective HO 021 Rural Areas Elsewhere** – 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 the normal planning and environmental criteria.

The development plan sets out some of, but not limited to, the normal siting and design considerations (in section 4.4) including:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard;
- That the proposed on-site wastewater disposal system is designed, located and maintained in a way which protects water quality;
- That the siting and design of new dwellings takes account of and integrates appropriately with its physical surroundings and other aspects of the natural and cultural heritage; and,
- That the proposed site otherwise accords with the objectives of the Development Plan in general.

5.1.4. Table (9.1) Chapter 9 identifies climate considerations incorporated into each chapter of the plan and it is noted that Chapter 4 Housing: -

“Establishes that consideration must be given to the impact of the pattern of development associated with one off housing on the climate and environment”.

The development plan states that climate action measures shall be submitted as part of any proposed application to support a transition to a low carbon economy (section 4.4).

5.1.5. The subject site is located within the landscape character area **LCA 07 Southern Uplands** where, as described in Table (6.1) Rural Landscape Character Areas of the development plan, is principally defined by the Mullaghareirk range of hills straddling the County of Limerick, Cork and Kerry boundaries. This is a gently undulating range of hills which rises to almost a plateau near the Cork border. Relevant specific objectives for the LCA 07 character area include:

- 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.
- Strongly encourage use of landscaping plans, taking into account existing topography and landforms, in efforts to blend developments into the surrounding landscape. Retention of existing landscape features and their integration and use in helping development to blend into the landscape is of great importance in any upland area.
- Encourage development within existing settlements.

5.1.6. Furthermore, the subject site sits within the designated scenic view and prospect (**Map 6.2 – Views and Prospects of the Limerick Development Plan 2022-2028**).

The subject site is located within the attendant grounds of Glenduff Castle, a protected structure (RPS. Reg. No. 408 (NIAH 21905301 and recorded monument: Castle -Tower House LI053-031) with regional rating, situated in its own wooded landscape (which is included in the Historic Gardens and Designed Landscapes Study undertaken by the National Inventory of Architectural Heritage) is located south/southeast of the subject site and is included within the blue line boundary (as shown on Site Location Map).

A recorded monument LI053-018 - Ringfort rath: Glenduff is located at the northern section of the extended field, outside of the subject site.

The following objectives and policies are relevant:

Objective EH O31 Views and prospects – It is an objective of the Council to:

- a) Preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests and to prevent development which would block or otherwise interfere with views and /or prospects.
- b) In areas where scenic views and prospects are listed in the Plan, there will be a presumption against development, except that required to facilitate farming and appropriate tourism and related activities. The development must be appropriately designed so that it can integrate into the landscape.

5.1.7. **Objective EH P9 Historic Gardens, Designed Landscapes and Parklands** – It is a policy of the Council to protect and maintain surviving remnants of Historic Gardens, Designed Landscapes and surrounding Parklands including form and patterns of hard and soft landscaping and all mature trees and vegetation as highlighted in the DEHLG Survey of Historic Gardens & Designed Landscapes Inventory.

5.1.8. **Objective EH O39 Protection of the setting of Archaeological Monuments** It is an objective of the Council to ensure that no development shall have a negative impact on the character or setting of an archaeological monument.

5.1.9. **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.

5.1.10. **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 a 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.

5.1.11. **Table DM 5: Design Guidelines for Rural Houses** provides a list of standards/guidelines and notes that suburban-type and/or ribbon development is not acceptable in rural areas as set out in the Sustainable Rural Guidelines and any subsequent update.

5.1.12. Under **Objective EH O10: Trees and Hedgerows** the Council seek to:

- a) Retain and protect amenity and biodiversity value of the County and city by Preserving as far as possible trees, woodlands and hedgerows, having regard to the significant role that trees and hedgerows play in local ecology, climate change and air quality and their contribution to quality place making and the associated health and wellbeing benefits.
- b) Require, in the event that mature trees or extensive mature hedgerow is proposed to be removed, that a comprehensive tree and hedgerow survey be carried out by a suitably qualified tree specialist to assess the condition, ecological and amenity value of the tree stock/ hedgerow proposed for removal and to include mitigation planting and a management scheme. The Council will seek in all cases to ensure when undertaking development, or when permitting development, that the loss of, or damage to, existing trees is minimised.
- c) Require the planting of native trees, hedgerows and vegetation and the creation of new habitats in all new developments and public realm projects. The Council will avail of tree planting schemes administered by the Forest Service, in ecologically suitable locations, where this is considered desirable.

5.2. **Sustainable Rural Housing Guidelines for Planning Authorities** (2005) These guidelines outline a key objective for the local planning system to deliver sustainable rural settlements. The guidelines differentiate between Urban Generated Housing and Rural Generated Housing. This distinction acknowledges the fact that demands for housing in rural areas arise in different circumstances and also to differentiate between the development needed in rural areas to sustain rural communities and development tending to take place in the environs of villages, towns and cities which would be more appropriately located in these places. Rural generated housing

includes sons and daughters of families living in rural areas and having grown up in the area.

5.3. **Natural Heritage Designations**

The site is located approximately 400m from the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA.

5.4. **Environmental Impact Assessment (EIA) Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The third-party appeal was submitted by neighbouring residents immediately adjoining the enlarged site (further information on 22 March 2023 refers). The main points raised may be summarised as follows:

- **Visual Impact.** Proposed dwelling inconsistent in scale, design and building line of surrounding properties. The proposed two-storey development is not in keeping with the context and scale of existing single and dormer dwellings. The proposed development will be visually overbearing and intrusive.
- **Overlooking, impact on privacy and erosion of residential amenities –** The proposed dwellings position will result in several windows and doors directly overlooking the adjoining property. It will result in an invasion of privacy. The proposed development includes an insufficient landscaping design and not sufficient screening. It will impact negatively the green open space and agricultural outlook from the appellants house. If the proposed house was positioned in line with their property there would not be an issue with privacy. The proposed dwelling is not in compliance with previous rural

planning guidelines and conflicts with the established pattern and character of development in this field.

- **Local needs** - The planner's report incorrectly states that the applicants intend to build their first family home. The applicant has previously obtained planning permission and built a two-storey house (Planning Authority Register Ref:053072), so his local needs were met previously.
- **Inaccuracies in submitted plans** – The site location map is inaccurate as the appellant's site is larger and closer to the proposed dwelling than as shown on the submitted drawing.

6.2. Applicant Response

Includes the following points:

- There is a dwelling mix within the locality and no stylistic context, only a dwelling mix of different single storeys with varying gable widths, dormer type dwellings and two storey dwellings that don't have any traditional forms.
- The proposed house has clear narrow plan forms, the design has a clear traditional rural house style. The proposed design comprises simple forms and the extra accommodation has been added in a way that breaks down on massing and reduces bulk.
- The dwelling has been set back in line with the two-storey house to the south against the backdrop of the mature forest of trees and as a result will not dominate the other properties.
- A comprehensive landscaping scheme was submitted, comprising a dense row of oak, common alder and grey willow adjacent to the south boundary of the appellant's property, as part of the planning application to help integrate the proposed dwelling further and to ensure that the proposal will not be visually overbearing or intrusive in any way.
- The orientation of the house runs from east to west to maximise passive solar heat gain with solar shading structure incorporated to prevent overheating.

- The appellants property is circa 100metres northwest and it is inconceivable that such a distance will cause a privacy issues either from ground or first floor window.
- Personal information has been provided regarding the bona fides of the applicant in terms of their housing need. It is clarified that the applicant (Jason Stokes) and his wife were gifted the site from his parents to build a home. They are renting a house with their young family in Glenduff, Ashford, their children attend a local creche.
- Background detail has been provided on the previous planning permission (Ref: 053072) for a dwelling house. This house was subsequently sold, part complete.

6.3. Planning Authority Response

- None

6.4. Observations

- None

7.0 Assessment

- 7.1. In the interests of clarity for the Board, I confirm that the assessment is based on the plans and particulars received by the planning authority on the 3 June 2022 and the amended site layout, and associated plans and particulars received by the planning authority 22 March 2023. The unsolicited information received by the planning authority on the 28 July 2022 is noted but does not form part of my assessment. The Board's attention is also drawn to a labelling error relating to the revised site layout drawing. The agents cover letter refers to (Drawing no. PL-2123-03 rev2). However, the drawing received on the file is titled (Drawing No. PL-2123-03 Rev 1 A2) and is not date stamped by the planning authority.
- 7.2. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, having inspected the site, and having regard to the Limerick Development Plan 2022-2028 including the

Rural Design Advice for Individual Houses in the Countryside (Limerick County Council, updated 2012) and the Sustainable Rural Housing Development Guidelines (2005), I consider that the main issues in this appeal are as follows:

- Rural Settlement Policy
- Visual Amenity
- Residential Amenity
- Site entrance and sightlines – New Issue
- Site Suitability Assessment – New Issue
- Miscellaneous Issues

7.3. Rural Settlement Policy

- 7.3.1. The proposed development is located in an unserviced rural area. This is an area designated a category 2 rural area defined as: Rural elsewhere/Structurally Weak in the Limerick Development Plan 2022-2028 (Map 4.1: Rural Housing Strategy Map). It is an objective of the Council (Objective HO O21) to accommodate development to help stem the decline and strengthen rural areas elsewhere subject to meeting normal planning and environmental criteria. In general terms, therefore, it is an objective to accommodate permanent residential development as it arises in 'Rural areas elsewhere' subject to good planning practice in matters such as siting and design, safe vehicular access and the protection of natural and cultural heritage and that the proposed development accords with the objectives of the development plan in general.
- 7.3.2. Further guidance is provided in this respect in section (4.4) of the development plan, where it is stated that in all cases the consideration of individual sites, for rural housing will be subject to normal siting and design considerations, with regard taken to any sewage disposal, drainage, water supply concerns, the viability of smaller towns and rural settlements and what climate action measures form part of the proposed application.
- 7.3.3. The site of the proposed development is located within an overall area that is designated as being 'Rural Elsewhere/Structurally Weak'. However, it is situated within relatively close proximity of both small village Broadford (Level 5) and the rural settlement Ashford (level 6) and within approximately 7km of the large village

Dromcolliher, where one of the applicants works as a primary school teacher. The site is located within a cluster of five houses between the junction of R515 with the local road L7098, with four of these houses on an approximately 250m of road frontage. There is another such cluster or ribbon of linear roadside development spread out along this road further south at Dromdeeveen. Although many of the houses within the cluster that the appeal site forms a part of are long established, there has been a recent planning permission and newly built house within this cluster (applicant's brother) and another four permissions for one-off housing having regard to the wider landholding (as detailed in section 4.0 in respect to lands outlined in blue on the Site Location Map SL-01). This would indicate that the location of the proposed development is not one that is suffering from population decline and seems to be in demand in terms of planning applications for new rural one-off housing. In contrast, the local towns and villages identify levels of vacancy, population decline and stagnation in terms of growth. The development plan seeks to consolidate employment and population growth in the main towns and villages. The applicant's place of work (Dromcolliher) is designated as a level 4 settlement with an allocation of 54 housing units over the plan period. I note that the development of houses on individual treatment systems will be encouraged on lands zoned for serviced sites in the short to medium term.

- 7.3.4. Information regarding the applicants' personal circumstances and connections with the area has been provided by one of the applicants Jason Stokes, whose parents are the landowners of the subject site and wider landholding indicated on site location map (Drawing Number SL-01). The information provided indicates that the applicant (Jason Stokes) attended primary school in Broadford. His wife Rebecca Stokes is a member of An Garda Siochana stationed in Limerick. A utility letter has been submitted dated 4th January 2023 indicating that the applicants address is Glenduff, Ashford, Ballagh, Limerick and as noted above Jason Stokes is a primary school teacher in Dromcolliher. The response to the appeal submitted by the agent on behalf of the first party confirms that the applicants are currently renting a property roughly 1km from the application site.
- 7.3.5. For the purposes of clarity having reviewed the previous rural settlement designation in the now superseded County Development Plan 2010 and that of the current Limerick Development Plan 2022-2028 I am of the opinion that the subject site fell

within the designated structurally weak area of the County Development Plan 2010 and that this designation has been carried forward into the current development plan 2022 as 'Rural Elsewhere/Structurally Weak', and not as referenced in the initial planning authority report (dated 26/07/22) as 'Area of Strong Agricultural Base' (County Development Plan 2010). Regardless of this difference in interpretation of the previous development plan given the current designation of the subject site is as 'Rural elsewhere', the applicant does not have to demonstrate compliance with an economic/social/local exceptional 'need' to live in the particular local rural area criteria. Having regard to the information submitted, I would accept that the applicant (Jason Stokes) has strong family connections with the area.

- 7.3.6. The appellants have highlighted that the applicant has already been granted, built and owned a rural one-off house on the family's landholding (Planning Authority Register Reference: 053072), which has been subsequently sold. It is noted that no occupancy condition was attached to that permission. The appellants contend in their grounds of appeal that the applicant's local needs were met previously.
- 7.3.7. Taking into account the current designation of the lands as Category 2 'Rural Areas Elsewhere' I am of the view that the question, therefore, in the consideration of this application's compliance with Objective HO O21 is whether the demand for an additional permanent residential dwelling on this landholding meets the normal planning and environmental criteria having regard to its impact and, taking into consideration, the wider impact of the pattern of development associated with one-off housing on the climate and the environment. I consider that the landscape's capacity of the area to accommodate another one-off residential development is limited given that there are already four dwellings permitted along this eastern side of the local road (within approximately 250m) and a total of five one-off dwellings for family members (including the applicant) on the wider landholding of Glenduff Castle.
- 7.3.8. I shall, therefore, assess the application focusing on the substantive issues that will determine whether or not permission can be recommended having regard to Objective HO O21 and section 4.4 of the development plan, these issues are largely based on the grounds of appeal but also include new issues as identified separately below.

7.4. Visual Amenity

- 7.4.1. The landscape in which the site is located is an attractive rural area characterised by gently undulating range of hills, principally defined by the Mullaghareirk range of hills (Landscape Character Area LCA07 Southern Uplands), and the immediate context of the site is framed with mature hedgerows and trees lining the narrow roads. The stretch of road along which the site is located forms part of the designated scenic view (Map 6.2) and it is noted that the lands at Glenduff Castle (forming part of the wider landholding and encompassing the subject site) are included in the DEHLG Survey of Historic Gardens & Designed Landscapes Inventory - National Inventory of Architectural Heritage survey (Site ID 1624). The historic mapping (6 inch 1st Edition) illustrates a treelined planted laneway (now the L7098) providing an access to Glenduff Castle grounds and also illustrates the ringfort to the north of the subject site.
- 7.4.2. The road frontage within which the site is located includes a raised bank, hedgerow and several mature trees. Due to the substandard nature of the road from a safety point of view, the proposed development will necessitate the removal of a significant portion of the mature boundary including the loss of trees. It is considered that the loss of this mature vegetation, which currently contributes positively to the attractive rural character of the area would have a detrimental impact on the visual amenity and biodiversity value of the area. This aspect of the proposed development would militate against the preservation of the scenic views and prospects as listed in the development plan. The proposed development, therefore, would be contrary to Objective EH O31 in which there (a) is a presumption against development, except that required to facilitate farming and appropriate tourism and related activities and (b) which seeks to prevent development that would block or otherwise interfere with view and/or prospects. In addition, the proposed lowering of the roadside boundary to provide sightlines will result in the loss of trees and hedgerows in contravention of Objective EH O10 which seeks to retain and protect amenity and biodiversity value of the County and City by preserving as far as possible trees, woodlands and hedgerows acknowledging the significant role that trees and hedgerows play in local ecology, climate change and air quality and their contribution to quality place making and associated health and well being benefits.

- 7.4.3. The appellant has also raised concerns regarding the siting, scale and design of the proposed dwelling which it is stated would result in a visually overbearing and intrusive development on an elevated site. The appellants consider that the proposed development includes insufficient landscaping design and have not proposed adequate screening. I would agree, having regard to the 'Rural Design Advice for Individual Houses in the Countryside: Limerick County' (July 2012) (as included in Table DM 5: Design Guidelines for Rural Houses in the development plan) that the proposed dwelling's siting and landscape proposals do not engage with or successfully respond to its existing distinctive landscape context. The proposed development would be sited on slightly elevated land relative to that of the adjoining properties and, given its position to the rear of an existing open agricultural field would have the effect of coalescing and expanding the cluster of residential development beyond the junction with the R515 and into view from the north looking south, where the character of the landscape is still relatively unspoilt largely due to the mature planting of the historic gardens of Glenduff Castle, strong southern hedgerow and hedgerow/treelined L7098 (from the subject site looking south).
- 7.4.4. It is further noted that the introduction of the proposed dwelling at this location would exacerbate the ribbon pattern of development with a high concentration of existing one-off dwellings in the vicinity, as discussed above. There is clearly a demand for housing within this landholding and the other clusters nearby, with recent planning applications and permissions granted in the vicinity. I am of the opinion that there is no capacity to accommodate an additional dwelling house at this site without resulting in significant detrimental impacts on the protected views and prospects and special landscape character of the area. Therefore, taken together with the existing and permitted development in the vicinity, I would consider that the proposal would result in a coalescence of development which would militate against the preservation of the landscape character of the area contrary to the specific objectives set out under LCA 07 Southern Uplands Table (6.1) and due to the necessary lowering/removal of hedgerow and trees would be contrary to objective EH P9 which seeks to protect and maintain surviving remnants of historic gardens, designed landscapes and surrounding parklands.
- 7.4.5. In conclusion, given the siting and scale of the development on a relatively elevated site within an existing concentration of residential development along the roadside,

as well as the proposed lowering/removal of extensive mature vegetation alongside the public road and the potential loss or damage to the mature roadside trees and hedgerows which make a significant contribution to the visual amenity and special landscape character of the area, the proposed development would result in an inappropriate form of development which would militate against the preservation of the rural environment and designated views and prospects at this location. It would also result in serious injury to the visual amenities and biodiversity value of the area.

7.5. Residential Amenity

- 7.5.1. The appellants have expressed concern that the proposed development would overlook their house and result in a loss of privacy. They have also expressed concern regarding the loss of views and the overall impact on the amenity of their property. The planning authority did not accept these arguments and considered that the location of the dwelling and orientation is in the best location to reduce overlooking. They did however request the applicant to submit a revised landscaping plan for the entire site and for consideration to be given to providing intensive screen planting for the northern boundary of the site to screen the development from adjoining properties.
- 7.5.2. I would agree with the planning authority's assessment that the proposed development would not give rise to any significant levels of overlooking that would amount to undue loss of privacy given the distances involved. The visual impact has been addressed above. It is considered that the proposed development would not give rise to a serious injury to the established residential amenities of the appellant's property.

7.6. Site entrance and sightlines – New Issue

- 7.6.1. The local road serving the site is seriously sub-standard in terms width and in particular the junction with the regional road R515, as previously noted in the planning authority's planner report for the existing property located south of the subject site (Planning Authority Reg. Ref. 16/547). This property (the applicant's brother) was permitted under the provisions of 'exceptional circumstances' as there was a presumption in favour of family members and long-term landowners under Objective IN 09: Substandard Roads of the previous County Development Plan 2010. The current objective in relation to sub-standard roads Objective TR O37 (as

varied under Variation no. 1 of the Limerick Development Plan 2022-2028) states that: "...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 a 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". The applicant has already been granted permission, built and sold on a residential dwelling on the family lands and it is my opinion that this application for an additional housing unit does not, therefore, meet the exceptional circumstances criteria.

- 7.6.2. The applicant proposes to lower the roadside boundary for 38m to the north (letter of consent provided from landowner the applicant's father) and for 22m to the south (this section of roadside boundary is in the adjoining landowners ownership (the applicant's brother) who has submitted a letter of consent for the roadside boundary ditch to be lowered so that no object, structure or vegetation will exceed 1m over the public road to enable clear sight lines of a stated 80m.
- 7.6.3. I note that no Area Engineer report has been received in respect to the proposed development. The planning authority's planner's report (26/07/22) notes in error that "the applicant has indicated 90m sightlines, set back 2.4 from the road edge", and that "there are no remedial works required to site boundaries to achieve sightlines". The submitted documentation indicates proposed new 80m sightlines, set back 3m from the road edge. I do not agree with the planner's assessment and am of the view that the provision of safe and adequate access is likely to necessitate the removal of a substantial portion of the bank, hedgerow (roadside length of a total of 70m) and the potential loss of many mature trees that contribute significantly to the views and prospects of this designated scenic route.
- 7.6.4. The proposed entrance is located on a short stretch of road with limited visibility in a southerly direction as the road rises. Together with the narrow width of the road this combines to create a significant traffic hazard, in my view. It is considered, therefore, that the additional turning movements generated by the proposed development at this location would endanger public safety by reason of traffic hazard, notwithstanding the proposed improvements to the sightlines as discussed earlier.

- 7.6.5. While this is a new issue in the appeal I am not recommending prior circulation given the other substantive reasons for refusal.

7.7. Site Suitability Assessment – New Issue

- 7.7.1. The planning authority report notes that the applicant submitted the results of a site suitability assessment and that the report received from the Environmental Department recommended conditions relating to the supervision of the installation of the wastewater treatment system by a qualified and certified suitability assessment agent and that a report of the system be submitted with accompanying photographs within one month of completion of the works. The Site Characterisation Form submitted with the application indicates that the soils are a mixture of ‘well drained’ and ‘poorly drained’. Clay soil was found in the trail hole consistent to the bottom of the hole to 2.1m.
- 7.7.2. It was noted, during my site inspection that there was some ponding visible within the site and there was substantial rush growth, which would be indicative of poor drainage characteristics. My findings are at variance to that of the on-site assessment (section 3.0 of the Site Characterisation Form) submitted with the application which states that the “site and surround appears to be fairly free draining with no evidence of rush growth, ponding or poaching”. The on-site assessment has not acknowledged the Ringfort (LI053 018) within the extended field, in which the National Monuments Service description notes that the ringfort is located on “marshy pasture heavily poached by cattle”. Furthermore, contrary to the guidance contained in the EPA’s Code of Practice for Domestic Wastewater Treatment Systems (2021) the on-site assessment has not identified the adjoining dwellings and the location of their associated wastewater treatment systems and, furthermore it has not identified adjoining wells located down gradient of the subject site.
- 7.7.3. The viability of the proposed wastewater treatment system is, therefore, questionable and I consider that the information provided in the application is inadequate to make a determination on this issue. Given the poor percolation characteristics on the site and the direction of groundwater flow, it is considered that the proposed wastewater treatment system poses a pollution risk. It is considered that the proposed development would therefore be prejudicial to public health. It is considered that the proposed development should be refused on these grounds. While this is a new

issue in the appeal I am not recommending prior circulation given the other substantive reasons for refusal.

7.8. Miscellaneous Issues

- 7.9. The appellant refers to discrepancies in delineating site boundaries accurately on the Site Location Plan (Drawing no. SL-01). I bring attention to the Board the appellant's concerns that their site ownership is not shown correctly and refer to Site Location Map (Drawing No. P01) attached to appeal. This is, however, a civil matter to be resolved between the parties, having regard to the provisions of s. 34(13) of the 2000 Planning and Development Act (as amended).

8.0 Appropriate Assessment

- 8.1.1. The site does not lie within any designated European sites. The site is located approximately 400m from the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161). Other European sites in the vicinity include the Lower River Shannon SAC (Site Code: 002165) which is located approximately 4km to the northwest and the Blackwater River SAC (Site Code 002170) approximately 4km to the southeast.
- 8.1.2. The closest European site is the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA. Having regard to the NPWS 'Conservation Objectives' (2022) the Qualifying Interest for this SPA is the Hen Harrier. The Conservation Objectives are to restore the favourable conservation condition of the hen harrier in the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA. The extent and condition of hedgerows is a monitorable attribute of the stated conservation objective with a target to 'Maintain at least the length and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation'.
- 8.1.3. The only habitat on the subject site relevant to the SPA's conservation objectives is the hedgerow. This hedgerow is not within the designated SPA and having regard to the relatively small scale of hedgerow lowering/removal, in the context of the quantified the hedgerow resource in this SPA with an estimated total linear extent of 2,599.7km, I consider that the proposed works to the hedgerow will not undermine

the defined targets of the conservation objective to restore the favourable status of the Hen Harrier.

- 8.1.4. The distances between the site of the development and the remaining European sites are considered to be too great and there is no information indicating any hydrological link with any of these sites, which can therefore be screened out. In terms of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA, however, having regard to the fact that the hedgerow is not within the designated SPA and the relatively small scale of hedgerow lowering/removal, in the context of the quantified the hedgerow resource in this SPA, and the limited nature of the proposed one-off rural house development, it is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

9.0 Recommendation

- 9.1. It is recommendation that planning permission be refused for the reasons and considerations set out below:

10.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its siting on the relatively elevated open agricultural field would result in a discordant feature which would fail to adequately integrate into the landscape, would result in a coalescence of development to further exacerbate the pattern of ribbon development at this location and, combined with the need to lower/remove an extensive amount of mature roadside hedgerows and trees, would fail to meet the normal planning and environmental criteria contrary to Objective HO O21 Rural Areas Elsewhere. Furthermore, the proposed development would contravene the policies contained in the Sustainable Rural Housing Guidelines (2005) and the Limerick Development Plan (2022-2028) Table DM 5: Design Guidelines for Rural Houses in respect to ribbon development and contravene the specific objectives for the designated Landscape Character Area (LCA 07 Southern Uplands) which seeks to retain existing landscape

features. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposed lowering and removal of an extensive amount of mature roadside vegetation the proposed development would seriously injure the visual amenities of the designated views and prospects (Map 6.2 of the Limerick Development Plan 2022-2028) contrary to Objective EH O31, would adversely impact on the visual amenity and biodiversity value of the area contrary to Objective EH O10 and militate against the protection of the surviving remnants of historic gardens and designed landscapes within the landholding of the regional rated status protected structure Glenduff Castle set within an historic landscape highlighted in the Survey of Historic Gardens & Designed Landscapes Inventory (Department of the Environment, Heritage and Local Government) contrary to Objective EN P9 of the Limerick Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development located on a sub-standard local road would endanger public safety by reason of traffic hazard having regard to the location of the proposed entrance on a short stretch of road with limited visibility in a southerly direction as the road rises, together with the narrow width of the rural road. The proposed development would also contravene Objective TR O37 of the Limerick Development Plan 2022-2028 which seeks to ensure that on roads that are sub-standard development for one off rural housing will only be considered in exceptional circumstances. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Having regard to the soil conditions and evidence of ponding and rush growth on the site, the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on-site

notwithstanding the proposed use of a tertiary wastewater treatment system.
The proposed development would, therefore, be prejudicial to public health.

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.

Claire McVeigh
Planning Inspector

01 November 2023