



An
Bord
Pleanála

Inspector's Report ABP 318543-23

Development

Complete the refurbishment of a fire damaged bungalow, including the one and a half storey extension to the rear with attic conversion, retention of in-situ wastewater treatment system and percolation area and the site entrance, landscaping and ancillary site works.

Location

Grangegeeth, Collon. Co. Meath.

Planning Authority

Meath Co. Council.

Planning Authority Reg. Ref.

23865.

Applicant

Jeff Lyons.

Type of Application

Permission.

Planning Authority Decision

To refuse permission.

Type of Appeal

First Party.

Appellant

Jeff Lyons.

Observer(s)

None.

Date of Site Inspection

February 12th, 2024

Inspector

Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located in the townland of Grangegeeth, northeast of Slane and southwest of Collon in Co. Meath. The site is roughly rectangular in shape and has a stated area of 0.30 ha. It is located on the north side of a local road (L-56032) and accommodates a detached house with a storey and a half extension to the rear. Effluent from the house is discharged to a wastewater treatment plant located to the northwest of the site and the water supply is from a private well located to the east.
- 1.2. The western gable of the house is set back c 3m from the roadside boundary which is undefined. A new access and driveway along the west side of the house provides access to the rear. The site is separated from the overall landholding by a wooden fence along the western and northern sides and there is gated access to the land at the rear. The eastern boundary with the adjoining residential property is defined by a wooden fence.
- 1.3. The area is rural in character and the main land use is agriculture. The pattern of residential development is dispersed with a small cluster of houses adjacent to the crossroads to the east.

2.0 Proposed Development

- 2.1. The application as described in the public notices submitted with the application seeks the retention of the following:
 - completed refurbishment of a fire damaged bungalow, including the one and a half storey extension to the rear with attic conversion,
 - in-situ wastewater treatment system and percolation area,
 - site entrance, landscaping and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for 3 no. reasons as follows:

1. Based on the internal layout of the proposed development as presented it is the opinion of the planning authority that the development will likely be subdivided resulting in a more intensive residential use on site. This would result in a development of poor environmental quality for future residents and would create an undesirable precedent for the future pattern of development in this rural area and would be contrary to rural housing policy and the proper planning and sustainable development of the area.
2. Owing to the absence of sufficient information to demonstrate that sightlines that accord with TII Document DN-GEO-03031 are available at the proposed entrance, the proposed entrance arrangements would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Insufficient information has been submitted regarding the suitability of the site to accommodate the proposed development to enable the planning authority to make an informed decision on the planning application. In the absence of this information in order to properly assess the impact on the local environment, to permit the said development would be prejudicial to public health due to risk of pollution and would not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report of November 1st, 2023 considers that the proposal is acceptable in principle, subject to normal planning considerations. There are concerns relating to the subdivision of the cottage into more than one residential unit, particularly in the context of amenity, traffic and servicing impacts.

The floor area to be retained is stated as 251m² over two floors. It is likely, based on the internal layout and the multiple entrances, that the dwelling has been subdivided. The applicant has not detailed compliance with rural housing policy. Elements such as separate wastewater disposal connections, separate site entrances, parking, private amenity space and density of development as well as internal room widths, ceiling heights have not been detailed.

The site is not subject to any archaeological or architectural heritage constraints. The site is previously developed brownfield land and would not appear to support any significant biodiversity.

It is proposed that wastewater will discharge to ground via a secondary treatment plant and soil polishing filter. Given the likely subdivision of the dwelling, the applicant has not detailed the number of residential units or the number of residents that would be accommodated and has therefore failed to establish the proposed development would not be prejudicial to public health.

The site is not considered to be at risk of flooding as it is located c 300m from the nearest identified flood risk zone.

The site is not within or directly connected to any European site. Stage 2 Appropriate Assessment or EIA is not required.

3.2.2. Other Technical Reports

The **Transportation Department** report of October 24th, 2023 notes that it is proposed to access the development via a new entrance onto the L-56032, within the 80 kph speed limit. Sightlines of 100m from a setback of 2.4m to the edge of the road, in both directions at the entrance are proposed, which is not in accordance with TII Standards. The applicant has also failed to show the entrance layout in accordance with the Meath Rural Design Guide. Further information recommended.

4.0 Planning History

21/160 – Planning permission granted for the demolition of the existing dwelling and shed, decommissioning of existing septic tank, new replacement two-storey dormer type house, proprietary effluent treatment system and soil polishing filter, and replacement vehicular access.

SA/70472 - Planning permission granted for a single storey extension to existing dwelling.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is the **Meath County Development Plan 2021-2027**.

DM OBJ 50: Sets out the criteria which must be complied with for residential extensions in urban and rural areas. These relate largely to design, protection of amenities of adjoining property and access/car parking.

DM OBJ 49: Sets out the criteria for applications for family flat developments. It includes the following:

- the flat remains part of the structure of the main house,
- separate access from the front of the building is not provided,
- there is no permanent subdivision of garden/amenity spaces,
- the flat remains in the same ownership as that of the existing dwelling,
- the design should be such that that the flat can easily revert to being part of the original house.
- where not connected to public mains, the existing wastewater treatment system must be capable of any additional loading from the flat.

5.2. Natural Heritage Designations

The site is within c 15km distance of the following European sites:

- River Boyne and River Blackwater SAC (Site code: 002299)
- River Boyne and River Blackwater SPA (Site code: 004232)

5.3. EIA Screening

5.4. 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 applicant in renovating the existing house is providing much needed residential accommodation for his family.
- The existing house was damaged by fire prior to the applicants purchase. While planning permission was secured for a replacement house (Reg Ref 21/160) a decision was made that due to cost and family requirements, that it would not satisfy the need to provide accommodation for the family and the decision was made to renovate and extend the existing house.

Response to Refusal Reason No 1

- The works are complete and is jointly occupied by the applicant's son and daughter. The internal layout is set out as a single unit and set up to allow the occupants a level of independence.
- Should family circumstances change, the house may be occupied in its entirety but one of the siblings, as the layout is adaptable.
- The dwelling has been constructed to the highest modern standards with a compliant wastewater treatment system.
- The policy of the county council is that custom-built family flat to accommodate members of an occupant family with housing need is generally acceptable. DM OBJ 49 provides guidance.
- The house is seen as one building with no visual interruption and connected internally. There is only one access from the front. There is no subdivision of the gardens or amenity spaces. It relies on a single set of utilities, electricity supply, heating and on-site drainage.

Response to Refusal Reason No 2

- The transportation engineer's report states that sightlines of 116m would be required to the west. The applicant owns the land to the west. The applicant is in a position to remove the existing hedgerow and establish a new hedgerow 2.4m from the edge of the road in compliance with TII guidelines.

- The new entrance is less than 80m from the centre of the road junction to the east and therefore would not require a sightline more than that.

Response to Refusal Reason No 3

- A tertiary treatment system and infiltration treatment system has been installed and commissioned on site in accordance with site suitability assessment.

Conclusion

- There is no evidence for the planning authority's assumption that the building will be subdivided resulting in a more intensive residential use on the site.
- The applicant's son and daughter are benefitting from a somewhat independent set up which is allowed for in the existing house. This would equate to a family flat styled house and its use will alternate during the lifetime of the property and can easily be utilised by a single nuclear family.

6.2. Planning Authority Response

- The planning authority has reviewed the issues raised by the First Party and is satisfied that these issues have been substantially addressed in the planning reports of November 1st, 2023.
- The proposed development is considered to be inconsistent with the policies and objectives as outlined in the Meath County Development Plan 2021-2027.
- The Board is requested to uphold the planning authority's decision to refuse permission for the development, in the interests of the proper planning and sustainable development of the area.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that

no other substantive issues arise. Appropriate Assessment also needs to be considered.

The main issues, therefore, are as follows:

- Principle of the development
- Site drainage.
- Access and traffic.
- Appropriate Assessment.

7.2. Principle of the development

- 7.2.1. The existing house on the site suffered significant fire damage and the subject application seeks permission for the retention of the refurbishment works and a new extension to the rear. The renovated accommodation replaces the previous damaged property on the site and is, therefore, acceptable in principle subject to normal planning criteria. I accept that the design of the extension is broadly in compliance with the criteria set out in OBJ DM 50.
- 7.2.2. The planning authority have raised concerns regarding the layout and design of the dwelling and its potential use as multiple dwelling units. The applicant's rebuttal states that house is used by his son and daughter. While I did not gain entry to the property, having regard to the internal layout, the number of rooms, and multiple ground floor entrances, I would accept that the planning authority's concerns are not unfounded.
- 7.2.3. The grounds of appeal state that the property relies on a single set of utilities, electricity supply heating and on-site drainage. During my inspection of the site, I observed 3 no. electricity meter boxes at various locations on the building façade, together with 3 no. oil tanks to the rear of the house, which suggests the potential for multiple occupancy. I would not, therefore, accept appellants assertion that that the development is designed for single family occupancy.
- 7.2.4. The provisions of OBJ DM 49 do not apply as contended by the appellant as the development does not constitute a family flat development. The original building on the site was used as a family dwelling, its subdivision into more than one residential unit requires planning permission. I would also draw the attention of the Board to a

single storey projection at the rear of the house, which not form part of the planning application. Its use is unclear and it does not resemble a shed or other structure which would be exempt from planning permission within the curtilage of a dwelling house. Its position in front of the living room deprives this room of any form of natural light and ventilation.

I would also point out to the Board that the entire curtilage of the dwelling is hard surfaced with tarmac, with no area of open or amenity space for residents, resulting in a poor level of residential amenity.

7.3. Site drainage

- 7.3.1. The applicant states that a tertiary treatment system with infiltration system has been installed on the site in accordance with a site suitability assessment. This assessment is one that was completed in support of the previous application on the site to demolish the existing house and build a new house with a proprietary treatment system (21/160). The system was designed for a 5 bed house with a maximum of 7 residents (PE of 6).
- 7.3.2. The layout of the existing development proposed for retention incorporates 6 no. ensuite bedrooms on the first floor and at least 4 no. bedroom (3 en-suite on the ground floor). I note that the system is again stated to be designed for a 5-bedroom house with a maximum of 7 residents and a PE of 8. This is revised in the grounds of appeal where it is stated that the installed effluent treatment system is capable of accommodating up to 10 people if required.
- 7.3.3. According to the information submitted an Oakstown BAF 8 PE has been installed. No supporting evidence has been produced verifying that the system has the capacity to adequately treat effluent from the refurbished and renovated house with the capacity to accommodate additional residents. I would therefore accept that planning authority's concerns regarding the adequacy of the effluent treatment system to adequately treat the effluent arising from the development.
- 7.3.4. **Access and Traffic**
- 7.3.5. The third reason for refusal cited by the planning authority relates to inadequate sight lines at the site entrance and resultant traffic hazard. Access to the original house was directly from the front of the house, with no defined entrance arrangements. A new vehicular entrance has been created at the western end of the site frontage.

The lands on the western eastern side are in the ownership of the applicant and consequently the removal of vegetation to improve visibility in this direction could be achieved. Visibility to the east is constrained by the gable wall of the original house which is set back c 3m from the road edge. While the appellant states that sightlines of 100m are available in this direction, sightlines of 160m are required to comply with TII standards.

- 7.3.6. While I accept that the applicant is in breach of the required standards, I did not consider that the access would pose a significant traffic hazard, if the property was designed and occupied as a single-family dwelling.

7.4. Appropriate Assessment Screening

- 8.0 Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and the distance from any European site it is concluded 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. On the basis of the above assessment, I recommend that permission for the development be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the level of accommodation provided and the internal layout of the development with multiple external doors and service facilities, the Board is not satisfied on the basis of the information submitted in support of the application and the appeal that the development is designed as a single family residential unit. The potential use of the property as multiple residential units and the lack of private amenity space would result in a poor level of residential amenity for residents and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the level of accommodation provided, the Board is not satisfied on the basis of the information submitted in support of the application

and the appeal that the effluent treatment system installed on the site has the capacity to effectively treat foul effluent arising from the development. It is considered therefore that the development would be prejudicial to public health and would 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.

Breda Gannon
Planning Inspector

27th, February 2024