



An
Bord
Pleanála

Inspector's Report

ABP-318906-23

Development	Construction of a new dwelling, garage and all ancillary site works
Location	Ballynalahessary North, Dungarvan, Co. Waterford
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	2360532
Applicant(s)	Tom Hanrahan
Type of Application	Outline permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Tom Hanrahan
Observer(s)	None
Date of Site Inspection	15 th March 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ballynalahessery North which is located approximately 2.5km east of the town of Dungarvan and approximately 500m south of Ballinroad village. It is to the south of the roundabout on the R675, and to the south of Railway Cottage and the Greenway carpark. The Greenway runs to the north of the appeal site and is visible from the site.
- 1.2. There are two dwellings on either side of the appeal site which is essentially therefore an infill site. The appeal site is accessed from Clonea Road (L3011) via an existing field gate and the land is currently pasture land. A mature hedge faces the public road and a footpath and cycle track run in front of the site.

2.0 Proposed Development

- 2.1. As this appeal relates to an outline permission no detailed plans, elevations or sections have been submitted to the Planning Authority. The application details indicate that any dwelling on the site would be 1.5/2 storeys in design.
- 2.2. There is an indicative site layout plan on file which shows the footprint of a dwelling with its gable facing the road due to the constructed nature of the site. A separate garage is indicated to the east of the proposed dwelling. Access onto Clonea Road is proposed via the existing field entrance.
- 2.3. The site area is stated to be 0.19ha and connection to the mains water supply is proposed for the dwelling and an onsite waste water treatment system.
- 2.4. The Board should note that the applicant is not the owner of the site for which outline planning permission is sought but indicates that the site will be purchased from his brother should outline permission be granted.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was refused on 20th December 2023 for one reason.

The proposed development is located within the greenbelt area of Dungarvan on lands zoned High Amenity as designated in the current Waterford City and County Development Plan 2022- 2028. Within these areas it is the policy of the Planning Authority to “discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/ rural character of the area” and to facilitate “existing landowners with a genuine demonstrable economic, social or local need” for a dwelling. It is considered that the proposed development would materially contravene the provisions of this policy H30 as stated above and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points raised in the Planner’s Report on file are as follows:

- The application site is located within an 'Area Under Strong Urban Influence' in the current rural housing policy of the WCCC Development Plan 2022 – 2028.
- The site is located on lands zoned ‘high amenity’ where ‘Housing in High Amenity Areas and Approach Roads Policy Objective H30’ applies.
- On lands zoned High Amenity and along the approach roads to settlements we will:
 - Discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built-up areas, encourage and exacerbate urban sprawl and detract from the landscape/ rural character of the area; and,

- Provide for uses such as agriculture and forestry, sport and recreation and essential public services installations.
- We will facilitate development proposals by existing landowners with a genuine demonstrable economic, social or local need for a first home for their own permanent occupation, subject to consideration of available alternatives and sequential testing, as well as general siting and design criteria as set out in this plan and in relevant statutory planning guidelines.
- The applicant is acquiring the site from this brother and therefore does not meet the definition of landowner as contained in the policy above and therefore the applicant would not comply with Policy Objective H30 Housing in High Amenity Areas and Approach Roads.
- Based on the information submitted, I am satisfied that the applicant has demonstrated a local housing need in accordance with Section 7.11.2 of the Development Plan.
- Having regard to the location and characteristics of the site (also noting applicant's rural housing need - in particular proximity of the site to his family home), I would consider that the proposed site could be considered infill development and would not exacerbate ribbon development and would not therefore breach Policy H29.
- Having regard to the characteristics of the site and neighbouring development pattern I would be satisfied that the site would have the capacity to accommodate a dormer/low storey and a half type dwelling, the ridge line shall ideally be stepped between both adjacent dwellings and the siting shall be in keeping with the layout as submitted.
- The site is proposed to be served by a new entrance onto the public road, there is an existing field entrance which shall be utilized, it is also noted that the kerbing is dropped at this location. 55m sightlines have been illustrated and are acceptable.

- The applicant proposes to install a new onsite wastewater treatment system to serve the proposed development. The submitted site suitability assessment indicates favourable ground conditions at the site to accommodate a new onsite system to meet current EPA Code of Practice standards.
- Water supply is proposed from a public main, it is noted that there is a public main running along the public road in the vicinity of the site. A pre-connection agreement from Irish Water has been submitted confirming that connection to the public water supply is feasible without requiring any infrastructure upgrade.
- Neither AA nor EIA is required in respect of the proposed development.

3.2.2. Other Technical Reports (Following receipt of Further Information)

- District Engineer – No objection from a road safety perspective to proposed entrance location and 55m sightlines are adequately demonstrated.

3.2.3. Prescribed Bodies

- Irish Water has confirmed that connection to public water infrastructure is possible.

3.2.4. Observations

- None received.

4.0 Planning History

4.1. On the Appeal Site

- Ref. 89524 – permission granted on the current appeal site to Michael Hanrahan for a dwelling on 19th February 1990. No details are available online.
- Ref. 22154 – permission refused for two reasons for the construction of a new single storey house, a connection to mains water, an entrance and a driveway and a wastewater treatment system along with all associated site work. Richard Hanrahan was the applicant and this decision was not appealed. The proposed house was located to the rear (SW) of the current appeal site and

the proposed access road ran through the northern section of the current appeal site.

- The reasons for refusal were as follows:

1. Notwithstanding the applicants stated links to the area and the stated historic familial links to subject landholding having only acquired the lands in January 2020 the applicant fails to comply with the requirements of Policy SS9 of Waterford County Development Plan 2011 – 2017, as varied and extended. Policy SS9 seeks to restrict development within the Green Belt zones surrounding towns and villages to landowners and immediate family members only building a permanent dwelling for their own use. (Landowners are considered to be persons who have owned the land prior to the 4th of March 2004.) (Immediate family members are defined as son, daughter, mother, father, sister, brother, heir). The applicants proposal therefore materially contravenes the policy and objective of the Development Plan, is contrary to the proper planning and sustainable development of the area and if granted would set an undesirable precedent for similar types of development in the area.
2. Having regard to the backland location of the proposed development site, setback c.150m from the public road on a locally elevated site on lands zoned Green Belt, it is considered that the proposed development would represent a haphazard form of development negatively impacting on the visual and residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and if granted would set an undesirable precedent for similar types of development in the area.

4.2. In the Vicinity of the Appeal Site

- ABP-318907-24 (2360531) relates to an active First Party appeal (Richard Hanrahan) against a refusal of permission for the construction of a two storey dwelling, garage and all associated site works. This site is to the NW of the current appeal site beyond the two dwellings immediately north of the current appeal site. The two reasons for refusal are as follows:

1. The proposed development is located on a bend on the main access road to Clonea Beach. It is considered that the creation of a further entrance at this location by itself and the undesirable precedent established would endanger road safety and cause potential for conflict with vulnerable road users (pedestrians and cyclists). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing development in the vicinity, the proposed dwelling would result in an excessive density of development in a rural area lacking certain public services and would perpetuate an undesirable form of ribbon development in the Greenbelt High Amenity area of Dungarvan outside lands zoned for development. It is considered that the proposed development would militate against the preservation of the rural environment and conflict with Development Plan policy, which seeks to channel new development into existing settlement nodes. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- Ref. 21653 – permission refused on the 26th August 2021 for the construction of a new single storey house, a connection to mains water, an entrance and a driveway (same site as Ref. 22154). Rick Hanrahan was the applicant. The access proposed did not run through the current appeal site but ran through the site currently the subject of appeal ABP-318907-24 (2360531) where Richard Hanrahan is the First Party appellant. Two reasons for refusal were cited by the Planning Authority as follows:

1. Having regard to the elevated nature of the site and extensive setback from the public road, it is considered that the proposed development at this location would result in a visually discordant feature on the landscape and highly undesirable form of development which would likely break a skyline, would be seriously injurious to the visual and rural amenity of the area and be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located on the main access road to Clonea Beach and proximate to the Greenway Carpark. It is considered that the creation of a further entrance at this location would result in additional turning movements onto a busy road and endanger road safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The Waterford City & County Development Plan 2022-2028 is the statutory plan for the area within which the appeal site is situated and came into effect on 19th July 2022. Set down below are the policies and objectives contained in the Development Plan relevant to this appeal. National and Regional policies are primarily set down in Chapters 2 and 3 of the Development Plan to which I draw the Board's attention.

Volume 1 – Written Statement

The appeal site is located in 'white lands' which are classed as being zoned as agricultural lands.

The subject site is situated within an 'Area Under Strong Urban Influence' in the current rural housing policy of the Waterford City and County Development Plan 2022 - 2028.

2.10.1 Rural Area under Strong Urban Influence

The key Development Plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned and designated for housing in the adjoining villages and rural settlement nodes. We will manage sustainable growth in 'Rural Areas under Urban Influence' and facilitate the provision of single houses in the countryside based on the core considerations of economic, social or local need to live in a rural area, siting and design criteria for rural housing, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements in a manner consistent with NPO 19 of the NPF. Further revitalisation of these areas will be achieved by implementing other Development Plan policy objectives which will enhance development opportunities by stimulating the regeneration e.g., through the promotion and support of economic development initiatives like agri-tourism, cottage type industries and local enterprise, as referred in Chapter 4. Our primary objective and aim will be to ensure real and long-term community consolidation and growth of our smaller towns, rural settlements and

settlement nodes. Therefore, we will have regard to the viability of our smaller towns and rural settlement nodes in the implementation of rural housing policy.

Rural Housing Policy Objectives

- General H 24 - We will support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

7.11.2 Housing in the Open Countryside

Rural Area under Strong Urban Influence

The key Development Plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned and designated for housing in the adjoining villages and settlement nodes. The Council will manage sustainable growth in designated 'Rural Areas Under Strong Urban Influence' and facilitate the provision of single houses in the countryside based on the core consideration of demonstrable economic, social or local need to live in a rural area, siting and design criteria for rural housing and compliance with statutory guidelines³ and plans, having regard to the viability of smaller towns and rural settlements.

New Homes in the Open Countryside

- Policy Objective H 28 - We will facilitate the provision of single housing in the countryside, in rural areas under urban influence, based on the core consideration of demonstrable economic, social or local need to live in a rural area, as well as general siting and design criteria⁴ as set out in this plan and in relevant statutory planning guidelines, having regard to the viability of smaller towns and rural settlements.

Housing Need

Persons with an economic need to live in the particular rural area would include those whose employment is intrinsically linked to the rural area in which they wish to build (e.g. farming, horticulture, forestry, bloodstock, fishing or other similar rural employment) and who require a dwelling to meet their own housing needs close to their place of work.

Persons with a demonstrable social need to live a particular local rural area would include those that have lived a substantial period of their lives (7 years or more) in the local rural area and who require a dwelling to meet their own housing needs close to their families and to the communities of which they are part. A local area for the purpose of this policy is defined as an area generally within a 10km radius of the applicant's former place of residence. This rural housing policy will apply equally to those living in the local area, who require a new dwelling to meet their own housing need, as well as returning emigrants wishing to establish a permanent residence for themselves and their families in their local community.

7.11.4 Ribbon Development

The Sustainable Rural Housing Guidelines for Planning Authorities (2005) define ribbon development 'where five or more houses exist on any one side of a given 250 metres of road frontage' and recommend against the creation/ perpetuation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

When considering a proposal for development we will have due regard to the provisions of the Guidelines, the history and pattern of development in the area and the following policy:

Ribbon Development Policy Objective

- H29 We will avoid the creation of ribbon development (defined as five or more houses existing on any one side of a given 250 metres of road frontage) and will assess whether a given proposal will contribute to and/ or exacerbate such ribbon development, having regard to the following:
 - The type of rural area and circumstances of the applicant.

- The degree to which the proposal might be considered infill development.
- The degree to which existing ribbon development would coalesce as a result of the proposed development.
- Local circumstances, including the planning history of the area and development pressures.

7.11.5 Housing in High Amenity Areas and on Approach Roads

High Amenity Areas (previously referred to as greenbelt areas) play an integral role as part of the fabric of our settlements, chiefly in terms of providing a clear physical demarcation to the adjoining urban area, and through their use for community recreation and amenity purposes. The value of High Amenity Areas as enabling longer term strategic expansion of our urban areas is set out in NPO 62 of the NPF.

Within High Amenity Areas there will be restrictions on development to maintain a clear demarcation between rural and urban areas, to support the sustainable development of the settlement, to reduce urban sprawl and to safeguard the potential expansion of the settlements in the future.

Housing development in High Amenity Areas will only be considered subject to the overall objective of maintaining the open character of the lands, securing the viability of the nearby settlement. The housing needs of existing landowners may be facilitated on High Amenity Areas and on the approach roads to settlements, where other more suitable alternatives are unavailable, and subject to general siting and design criteria for rural housing as set out in this plan and in relevant statutory guidelines.

Housing in High Amenity Areas and Approach Roads Policy Objective

- H30 On lands zoned High Amenity and along the approach roads to settlements we will:
 - Discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/ rural character of the area; and,

- Provide for uses such as agriculture and forestry, sport and recreation and essential public services installations.

We will facilitate development proposals by existing landowners with a genuine demonstrable economic, social or local need for a first home for their own permanent occupation, subject to consideration of available alternatives and sequential testing, as well as general siting and design criteria as set out in this plan and in relevant statutory planning guidelines.

Volume 2: Development Management Standards

Section 11.0 Zoning and Land Use

Section 11.3 Non-conforming Use

Uses in a zone that are not in conformance with the use zoning objectives, shall be regarded as non-conforming uses. The expansion of existing non-conforming uses will be permitted where such use is consistent with sustainability development principles and good planning practice. New dwelling houses for landowners and immediate family members (owners of the lands prior to the Development Plan being made) may be facilitated where compliance can be demonstrated with relevant policy objectives of the Development Plan and the development would not prejudice the future development of the land for the purpose for which it is zoned.

Volume 3: Appendix 8 - Landscape and Seascape Character Assessment

The appeal site is located in a 'low sensitive' landscape categorisation.

Table A8.2. - Sensitivity Classifications - 3. Low Sensitivity - A common character type with a potential to absorb a wide range of new developments.

4.3(a) Low Sensitivity Areas - A large area of County Waterford is designated as a landscape of low sensitivity. These areas have potential to absorb a wide range of new developments subject to normal planning and development control procedures. In these areas the Planning Authority will have regard to general restrictions to development such as scenic routes, siting, road setbacks, road widening plans, parking numbers, road and sewage disposal criteria.

5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- Glendine Wood SAC (Site Code: 002324).
- Dungarvan Harbour SPA (Site Code: 004032) .

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. In summary, the relevant planning grounds of the First Party appeal are as follows:

- The Planning Authority did not correctly interpret Policy Objective H30 or allow for the provisions of Section 11.3 of Volume 2 of the Development Plan (non-conforming uses) in the assessment of this application for outline permission.
- The Hanrahan family have possessed the lands upon which the appeal site is located since the early 19th century and have continually occupied the land since that date.
- Documentation attached to the appeal submission demonstrate the genuine local need of the applicant.
- The appeal site is adjacent to the family home which lies to the south of the appeal site.
- It was established at the pre-planning meeting that the applicant had demonstrated a genuine local and social housing need to live at the location of the appeal site.

- The applicant qualifies as “immediate family” as per Section 11.3 (non-conforming uses) of Volume 2 of the Waterford County Development Plan 2022-2028.
- The ‘Development Management Guidelines for Planning Authorities’ (2007) require that in deciding on an application the Planning Authority should not adopt an “over-rigid stance” in the interpretation of policy and guidance documents.
- Notwithstanding the location of the appeal site within a designated greenbelt/high amenity area, this does not mean that no development is permitted in such areas. Some development can be permitted if certain criteria contained in the Development Plan are met.
- The applicant is in full compliance with Policy Objectives H24, H28 and H30 and also with Section 11.3 of Volume 2 of the Development Plan in relation to non-conforming uses.
- The Planning Authority have refused outline permission on the basis that the applicant is not the landowner of the appeal site as required by Policy Object H30. However, Section 11.3 of Volume 2 of the Development Plan states that “new dwelling houses for landowners and immediate family members” will be facilitated providing the zoning objectives of the area are not compromised.
- There is ample precedent of the Planning Authority granting planning permission to relatives of landowners in the area who are not in fact the owners of the application site in their own right. In each of these cases (see appeal submission for list of planning permissions) the issue of the material contravention of Policy Objective H30 never arose. It is unreasonable to refuse the current application on this ground when other applications in the area were permitted.
- The Planning Authority is being inconsistent in its interpretation of Policy Objective H30 contrary to the requirements of Section 1.5.2 of the ‘Development Management Guidelines for Planning Authorities’ (2007) which requires the Planning Authority to adopt a balanced and common sense approach to the interpretation of Development Plan policies.

- The issue of local applicants being allowed to build houses in High Amenity Areas has been clarified at Council meetings where the Senior Planner has stated that Section 7.11.5 of the Development Plan permits flexibility of interpretation of policies designed to protect the High Amenity Areas in favour of local applicants demonstrating genuine rural housing need (see appeal submission for transcripts of Council meetings).
- The application is for an infill site that will not extend the line of ribbon development and this is confirmed in the Planner's Report on file.
- The proposed development would not have an adverse impact on the visual amenity of the area which is classed as "Low Sensitive" landscape in the Development Plan, and it would not detract from the rural character of the area.
- The applicant currently rents and there are no alternative house sites available in the area due to the high demand for same. The appeal site represents the only realistic and affordable site available to the applicant as it will be gifted to the applicant by his brother should outline permission be granted by the Board.

6.2. The Planning Authority Response

- The Planning Authority has not responded to the appeal.

6.3. Observations

- None received.

7.0 **Assessment**

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.

- 7.1. The Board should note that as the reason for refusal states that the proposed development would "materially contravene" the provisions of the Development Plan,

regard must initially be had to Section 37 of the Planning Development Act 2000 (as amended).

7.2. The main issues for assessment, therefore, are as follows:

- Material contravention of the Development Plan.
- Principle of development.
- Visual impact.
- AA Screening.

7.3. Material Contravention of the Development Plan

7.3.1. The Planning Authority have refused permission for the proposed development as it is considered to materially contravene objective H30 of the Development Plan. In cases where the Board may be minded to grant permission where a Planning Authority has refused permission on the basis of a material contravention of the Development Plan, the provisions of Section 37 of the Planning and Development Act 2000 (as amended) apply.

7.3.2. Section 37(2)(a) states that:

“Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any*

local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

(c) Where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the requirements of section 34(10), indicate in its decision the main reasons and considerations for contravening materially the development plan”.

7.3.3. Clearly parts (i), (iii) and perhaps (iv) do not apply to the appeal before the Board but I am of the opinion that the provision of part (ii) apply to the proposed development.

7.3.4. The Planning Authority are of the opinion, as evidenced by the refusal of permission in this instance, that Policy Objective H30 applies to this case and that the proposed development is in breach of this Policy Objective.

7.3.5. Policy Objective H30 is contained in Section 7.11.5 Housing in High Amenity Areas and on Approach Roads in Volume 1 of the Development Plan. Policy Objective H30 states that:

On lands zoned High Amenity and along the approach roads to settlements we will:

- *Discourage inappropriate development which would threaten the maintenance of a clear demarcation between the rural and built up areas, encourage and exacerbate urban sprawl and detract from the landscape/ rural character of the area.*

7.3.6. Having visited the site I can confirm to the Board that the appeal site is an infill site located between two houses to the north and two houses to the south of the appeal site. Given this fact, I fail to see how the development of a residential unit on the appeal site would contribute to “urban sprawl” as it does not extend the existing ribbon development either to the south (towards Clonea beach) or towards the village of Ballinroad to the north.

- 7.3.7. As to the reference to detracting from the landscape / rural character of the area in Policy Objective H30, I would comment that the use of an infill site for residential use in a line of 4 no. existing houses would not affect the “character” of the area to any discernible degree. The visual impact of a house at this location is assessed below.
- 7.3.8. Reference is made in Section 7.11.5 of the Development Plan to the Planning Authority relaxing the application of Policy Objective H30 to “facilitate development proposals by existing landowners with a genuine demonstrable economic, social or local need for a first home for their own permanent occupation”. While the applicant is technically not the landowner, in my opinion there is sufficient evidence on file to confirm that the appeal site will be gifted to the applicant by his brother in the event of outline permission being granted by the Board. I believe that in this instance the Planning Authority has taken a too strict interpretation of its own Development Plan in its determination of this application for outline planning permission.
- 7.3.9. Given the ambiguity present in this Policy Objective when compared to the facts on the ground, I believe that the Board can rely on Section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended) if it is minded to overturn the Planning Authority refusal in this case.

7.4. Principle of Development

- 7.4.1. I note the unzoned nature of the appeal site as it is located outside a settlement and in an agricultural area – termed ‘White Lands’ (Use 01) in the Development Plan. In areas of white land uses not covered in the Land Use Matrix (Table 11.1, Volume 1 of the Development Plan) may be allowed in accordance with the written provisions of the Development Plan. There is therefore no blanket prohibition on the proposed residential development on the appeal site contained in the Development Plan.
- 7.4.2. Policy Objective H29(ii) in considering rural housing applications states that special considerations may be applied having regard to the following: i) The type of rural area and circumstances of the applicant; ii) The degree to which the proposal might be considered infill development; iii) The degree to which existing ribbon development would coalesce as a result of the proposed development; iv) Local circumstances, including the planning history of the area and development pressures.

7.4.3. Having regard to the site specific nature of the appeal site and to the personal circumstances and family ties that the applicant has with the locality, I believe that the special considerations contained in Policy Objective H29 apply in this case and that in principle a dwelling on an infill site is acceptable at this location.

7.4.4. Accordingly, in my opinion, there is no objection in principle to a residential proposal on the appeal site.

7.5. Visual impact

7.5.1. The site of the proposed house is an infill site in a row of 4 no. detached houses which will be seen from Clonea Road and the Greenway located approximately 200m to the north of the appeal site. The existing houses do not form an obtrusive feature in the landscape when viewed from the public realm and I believe that should a house be constructed at the appeal site on foot of an outline permission that providing the height is restricted to 1.5 storeys, it would be readily absorbed into its landscape context and not have an adverse impact on the character of the area.

7.5.2. The appeal site is not located in a pristine undeveloped rural landscape but rather in an area characterised by a sporadic settlement pattern and the site is located in an area designated as of low sensitivity in visual terms in the Development Plan. I believe that house is located in an area capable of absorbing this structure into the landscape and that the landscape and rural character of the area would not be significantly impacted upon by a dwelling constructed at this location.

7.6. AA Screening

7.6.1. Having regard to the relatively minor development proposed and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that outline planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location of the proposed development, and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the policy requirements of the Development Plan and would not materially contravene Policy Objective H30 of the Development Plan, would not seriously injure the visual amenities or character of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	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 7 th day of November 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. Reason: In the interest of clarity.
2.	<p>Details of the design of the house shall be submitted by way of a separate application for permission consequent and shall incorporate the following requirements:</p> <ul style="list-style-type: none">(i) The house shall be single storey and dormer level construction,(ii) The ridge height shall not exceed the ridge height of the adjacent dwelling to the north,(iii) The roof pitch shall be finished with slate of blue-black, black, dark brown or dark grey colour,(iv) The window openings shall have a vertical emphasis,

	<p>(v) Any garage shall be detached from the main house.</p> <p>Reason: In the interest of visual amenity and to protect the character of this rural area/area of high amenity.</p>
3.	<p>Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:</p> <ul style="list-style-type: none"> (i) The position and specification of the wastewater treatment plant. (ii) A detailed landscaping plan for the entire site. (iii) Proposals for the retention/reinforcement of existing boundary treatment. (iv) Proposals to protect the privacy and amenity of existing adjacent properties. (v) Design proposals which have regard to the design and character of the built environment in the vicinity. <p>Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.</p>

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.

Bernard Dee
Planning Inspector

21st March 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318906-23		
Proposed Development Summary	Construction of a new dwelling, garage and all ancillary site works		
Development Address	Ballynalahessary North, Dungarvan, Co. Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	√			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 21st March 2024

Bernard Dee