



An
Bord
Pleanála

Inspector's Report

ABP 319672-24

Development	Retention of house and septic tank and all associated site works.
Location	Derryglad, Curraghboy. Co. Roscommon.
Planning Authority	Roscommon Co. Council.
Planning Authority Reg. Ref.	2460075.
Applicant(s)	Maire Finneran.
Type of Application	Retention.
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Maire Finneran.
Observer(s)	None.
Date of Site Inspection	September 15 th , 2024
Inspector	Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located in the townland of Derryglad, Curraghboy. Co. Roscommon. It is positioned on the north side of the R362, c 9km northwest of Athlone and c 3km southeast of Curraghboy village. It accommodates a single storey dwelling towards the front of the site with out-buildings to the rear. A new timber framed single-storey house has been behind the outbuildings. Both houses are connected to an existing septic tank system located on adjacent ground to the east.
- 1.2. The front boundary is formed by a low stone wall and there are 2 no. vehicular accesses to the site from the regional road, one on the eastern and one on the western end of the site frontage. The area is rural in character and the pattern of development is dispersed comprising single dwelling houses and farm holdings.

2.0 Proposed Development

- 2.1. The application as described in the public notices seeks permission for the retention of a 2-bedroom timber framed house (62.36 m²) located at the rear of the existing house on the site and the retention of an existing septic tank and percolation area
- 2.2. The house is a rectangular shaped dwelling comprising 2 no. bedrooms combined living/dining and kitchen area, office, bathroom and utility. It is stated to be connected to a public mains water supply.
- 2.3. The application is supported by a letter from the applicant's parents confirming their approval to the making of the application on their land.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for 5 no. reasons. The grounds may be summarised as follows:

1. Backland development to the rear of an existing house which would be injurious to the residential amenities of the existing house.

2. The development would be dependent on vehicular access, wastewater infrastructure, open space and facilities within the curtilage of an existing dwelling and would, if permitted, constitute haphazard development, be seriously injurious to residential amenity and contrary to the Development Management Standards of the development plan.
3. Insufficient evidence that the applicant has demonstrated compliance with rural housing policies in an 'Area under Urban Influence' and compliance with Policy Objective PPH 3.13, in terms of the establishment of social or economic links with the rural area.
4. The development would involve two dwellings sharing an individual wastewater treatment system which would be prejudicial to public health and set an undesirable precedent for similar development.
5. Due to its overall siting and design, the development would be out of character with the main dwelling and would be injurious to the visual amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed development is located within an 'Area Under Urban Influence'. The plan policy for the area sets out that only rural generated housing will be acceptable in principle in the immediate vicinity of the site. The status of the applicant is therefore a material consideration in this case. The applicant has failed to demonstrate compliance with rural housing policies. The proposal does not constitute a granny flat and its assessment as a dwelling house is appropriate.
- The design of the structure in terms of form, proportions and construction finishes does not reflect the rural vernacular advocated in the Rural Design Guidelines and is not in character with the existing dwelling on site or other developments in the vicinity. It would set an undesirable principle for similar types of development.
- The use of the existing access arrangements would be out of character with the established pattern of development.

- It is stated that the water supply would be from a public mains supply which serves the existing house. There is no evidence of engagement with Uisce Eireann regarding an independent connection to serve a second dwelling.
- It is proposed to retain the existing septic tank but no details have been provided on its installation, or, that the system is suitable for the site. The applicant has not demonstrated that the wastewater treatment system to be retained is in compliance with the EPA Code of Practice
- The location of the dwelling within the curtilage of an existing dwelling and dependent on the infrastructure and services of this house results in ad hoc development.
- Refusal of permission for retention is recommended.

3.3. **Other Technical Reports**

Environment Department: No objection subject to the wastewater treatment system being maintained in accordance with best practice and the EPA Code of Practice and the Regulations. No surface water/storm water to enter the wastewater system.

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

None

4.0 **Planning History**

No details of any relevant planning history have been forwarded by the planning authority.

5.0 **Policy Context**

5.1. **National Planning Framework**

National Policy Objective 15: Seeks to support the sustainable development of rural areas and to manage the growth of areas under urban influence to avoid over-development.

Policy Objective 19: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence within the commuter catchment of cities and larger towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of small towns and rural settlements.

5.2. Development Plan

The operative development plan is the **Roscommon County Development Plan 2022-2028**.

Rural housing is discussed in Chapter 3 of the Plan. The site is located in Rural Policy Zone A – Areas under Urban Influence (Table 3:1: Rural Area Types).

Policy Objective PPH 3.13 states:

‘Facilitate single houses in rural areas subject to appropriate siting and design criteria, including demonstration of adherence to the policies and principles set out in the County Roscommon Rural Design Guidelines. In addition, in the case of proposals for single houses in defined Area under Urban Influence, applicants will be required to demonstrate a social or economic link (as per Table 3.2) to the rural area in which they propose to build.

Policy Objective PPH3.15 states:

Direct urban generated housing in rural area to the towns and villages (services and unserved) in the county as set out in the Settlement Hierarchy in Table 2.3.

Table 3.2 of the Plan sets out the Rural Housing Need Criteria for the purposes of Policy Objective PPH 3.13

Development Management Standards are set out in Chapter 12 of the Plan. The following are of relevance

Section 12.7: Rural House Design Considerations -requires that rural dwellings be designed to a high standard to complement the character of the landscape and to contribute in a positive manner to the built heritage of the county.

Section 12.11: Backland Development - will not normally be permitted on sites in the suburban or rural situation as such development, including the construction of extra dwellings in gardens, can result in inappropriate and disorderly development and can have an adverse effect on residential amenity of adjoining properties.

Section 12.12 Wastewater Treatment – on unserviced lands on site septic tank and associated treatment systems shall be assessed and constructed under the terms of the Code of Practice: Wastewater Treatment Manual Treatment Systems for Single Houses or any subsequent update or revised standards.

5.3. **Natural Heritage Designations**

The site is located c 2.8km from Lough Funshinagh SAC (Site code: 000611).

5.4. **EIA Screening**

- 5.4.1. Having regard to the nature of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- It is considered that the planning authority took an unfairly narrow view of the proposed development and did not assess it as an inherent and organic part of the existing dwelling on the site.
- The planning officers report dismisses the possibility of the structure being used as a 'granny flat'. Requests that the Board make this a primary consideration in the assessment of the application.
- The planning authority did not take into account the concept of sharing that runs through the application and that the common good would be best served by granting permission.
- The applicant is the primary carer for her elderly parents. The construction of a self-contained 'granny flat' provides applicant with her own space while ensuring that she is available as a carer. In her absence there would be an inherent uncertainty over the ability of her parents to remain in their dwelling. Requests the Board to consider the societal benefits of having elderly people continuing to live in their own homes in their own community.
- There is considerable support in the development plan for age friendly housing (Objective PPH 3.9-3.11).
- The concept of compact development was not considered in the assessment by the planning authority.
- The development is not substandard or disorderly, it improves the residential amenity of all persons living in the planning unit. There is no impact on adjoining properties and no devaluation of property.
- The applicant is an intrinsic part of the rural community and demonstrates clear economic, social and familial need to reside here (details attached). Is open to an occupancy clause being placed on the granny flat or a condition limiting its occupation to the period a carer is needed.

- The capacity of the wastewater treatment plant has not been exceeded with no history of any problems arising.
- The visual impact of the development is almost imperceptible and typical of rural outbuildings in rural Roscommon.

6.2. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

6.3. Observations

None

7.0 Assessment

7.1. Introduction

Having examined all the application and appeal documentation on file and having regard to the 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.

7.1.1. I consider that the main issues that arise for determination by the Board in relation to this appeal relates to the following:

- Principle of the Development/Rural Settlement Strategy.
- Site drainage.
- Impacts on the amenities of the area.
- Traffic & pedestrian Safety.
- Appropriate Assessment

7.2. Principle of the Development/ Rural Settlement Strategy.

7.2.1. The proposal is located within an 'Area Under Urban Influence', as defined in the Plan. Under the provisions of both the National Planning Framework (Policy Objective 19) and the provisions of the development plan (Policy Objective PPH

3.13) applicants for housing in these areas must indicate that they demonstrable economic or social need to live in the rural area.

- 7.2.2. According to the information submitted with the application, the applicant was raised in the area and attended Curraghboy national school and then the Athlone Community School. A Statutory Declaration submitted with the appeal sets out her details following completion of secondary school. The declaration is signed by a solicitor who states that the applicant is not personally know to her.
- 7.2.3. The applicant has spent periods of time between 2003-2023 as a fitness/swim instructor in various leisure sports complexes in Co Kildare, Roscommon and Kilkenny and worked with the HSE in the Covid Testing Centre in in Castlerea and University Hospital in Co. Roscommon. She is employed as a Clerical Office in the Department of Education since September 2023. Her decision to live in this location was made in order to help her mother, who does not drive, with hospital appointments when her father was ill.
- 7.2.4. Under the provisions of the development plan an economic need is defined by persons engaged in rural based or natural resource related activity who have a genuine need to live close to their workplace (agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway). It also includes a person whose business requires them to reside in the rural area and the operations of the business are specific to the area. The nature of the applicant's employment does not require her to reside in the rural area. An economic need to live in this area has not been demonstrated in accordance with the core considerations of the National Planning Framework and the provisions of the development plan.
- 7.2.5. In terms of social need, the provisions of the development plan include persons born within the rural area or who are living or have lived permanently in the rural area for a substantial period of their lives. I would, therefore, accept as stated by the planning officer that the status of the applicant is therefore a material consideration in this case. However, the planning officer notes that the applicant has not provided a housing need application form and that the '*explanatory circumstances regarding the motivation for the development fail to demonstrate a necessity for, or circumstances which would not be replicated in many other families*'. I concur with this conclusion.

- 7.2.6. The adopted settlement strategy for the County seeks to direct growth towards designated settlements. While there is provision for the accommodation of single rural houses in areas under urban influence this is based on the core consideration of demonstrable economic or social need to live in the area. The policy implies that the accommodation of one-off houses in a rural area under urban influence would be exceptional and locationally based and justified.
- 7.2.7. Having considered the application and appeal documentation, I am not satisfied that the applicant has demonstrated a genuine rural housing need. A grant of permission would not in my view comply with Policy Objective 19 of the National Planning Framework, would undermine the rural housing policy set out in the Roscommon County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 7.2.8. The grounds of appeal seek to justify the proposal on the basis that it should be considered as 'a granny flat' and the Board is requested to make this a primary consideration of their assessment of the application.
- 7.2.9. The development plan standards (Section 12.10) facilitate ancillary accommodation for family members (granny flats) which may be facilitated either in the form of an extension to a dwelling or in a detached form. The development accords with some of the requirements set out in the plan in terms of the level of accommodation provided and the sharing of servicing arrangements and garden areas with the main house. The requirement that the necessity for the development be independently substantiated has not occurred.
- 7.2.10. I would point out to the Board that the nature of the development is described in the public notices as a '2 bedroom timber framed house'. Notwithstanding the references in the appeal to a 'granny flat' I concur with the opinion of the planning officer that the proposal can only be assessed as described.
- 7.2.11. **Site Drainage**
- 7.2.12. Foul effluent from the house is discharged to an existing septic tank/percolation area which also treats effluent from the existing dwelling, The system is located in an adjoining field to the east.
- 7.2.13. The application provides some information on bedrock, subsoils, aquifer type and vulnerability. It also provides details on the capacity of the septic tank, the hydraulic

load from the two houses and the size of percolation area. A Site Suitability Assessment in accordance with the EPA's Code of Practice: Domestic Waste Water Treatment Systems (2021) was not carried out.

- 7.2.14. There is no information on the depth to bedrock, water table level or soil depth. There is no analysis or assessment soils/subsoils, percolating properties or capacity to adequately treat effluent prior to discharge to ground. It may be the case that site improvement works or the provision of a secondary/tertiary treatment system would be required to ensure the protection of ground water.
- 7.2.15. In the absence of site-specific information on existing ground conditions, it is unclear how the applicant has concluded that the installed system meets the criteria for a R1 Ground Water Protection Response and is in compliance with the EPA's Code of Practice. On the basis of the lack of information submitted, I do not consider that the Board cannot be satisfied that the provisions of the EPA's Code of Practice are complied with.
- 7.2.16. I note that the report from the Environment Section did not raise any objection to the septic tank or the fact that two dwelling houses were connected to it. It is best practice that each dwelling is provided with its own individual effluent treatment system.

7.3. Impacts on the character and amenity of the area

- 7.3.1. The planning authority concludes that the retention of the dwelling would by reason of its siting and design be out of character with the main dwelling, injurious to the visual amenity of the area and set an undesirable precedent. The planning officer notes that the house does not reflect rural vernacular advocated in the County Roscommon Rural Design Guidelines.
- 7.3.2. The timber framed structure is visible over a short distance along the regional road on approaches to the site. However, due to its position to the rear of the existing house and its low ridge level, it does not appear as visually intrusive or incongruous in the landscape. This being said, I accept that the timber clad finish is at variance with the form and character of surrounding development and that the concerns around the creation of a precedent for similar development are justified. I note that the retention of a house with a similar timber finish was refused permission for retention by Roscommon Co. Council and upheld by the Board (ABP 312079).

- 7.3.3. I also have concerns regarding the backland location of the house, which under the provisions of the development plan (Section 12.11) is not normally permitted in a rural situation. Whilst the house to be retained is separated from the existing dwelling by existing sheds and its amenity is not directly impacted, it does result in a disorderly form of development, which if permitted creates the potential for similar inappropriate development.

7.4. Traffic and Pedestrian Safety

- 7.4.1. There are 2 no. vehicular access points to the site, one to the east and one to the west of the site frontage. The section of the regional road is straight at the front of the site and there is good visibility in both direction. While the retention of the development would increase traffic movements to and from the site, it is not considered that this would impact on traffic and pedestrian safety along the road.

7.5. Appropriate Assessment.

- 7.5.1. Having regard to the modest nature and scale of development 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.

8.0 Recommendation

- 8.1. On the basis of the above assessment, I recommend that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. It is the policy of the Roscommon County Development Plan 2022-2028, as set out under Policy Objective PPH 3.13, to 'Facilitate single houses in rural areas subject to appropriate siting and design criteria, including adherence to the principles set out in the County Roscommon Rural Design Guidelines. In addition, in the case of proposals for single houses in defined Areas under Urban Influence, applicants will be required to demonstrate a social or economic link (as per Table 3.2) to the rural area in which they propose to build. Policy Objective PPH3.14 seeks to 'Direct urban generated housing in

rural areas to the towns and villages (serviced and unserviced) in the county as set out in the Settlement Hierarchy in Table 2.3. These policies are considered reasonable. Having regard to the location of the site within an area identified as an area under urban pressure, and to National Policy Objective 19 of the National Planning Framework (2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, the Board is not satisfied that the applicant has sufficiently demonstrated that they have a rural generated housing need. It is considered that the development proposed to be retained would contribute to the further encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

2. In the absence of a proper appraisal of the site including ground investigations to determine the suitability of the site for the safe disposal and treatment of effluent arising from the development in accordance with the 'Code of Practice of Practice for Domestic Waste Water Treatment (Population Equivalent <10)', EPA (2021), the Board is not satisfied that the site can be drained satisfactorily by means of the existing septic tank. Furthermore, it is considered that the connection of a second dwelling to the existing septic tank would be contrary to standard practice, where each dwelling would be serviced by an individual wastewater treatment system. It is considered, therefore, that the proposed development would be prejudicial to public health and would set an undesirable precedent for similar development.
3. It is considered that due to its location at the rear of an existing house, the house proposed to be retained would constitute inappropriate backland development which would be out of conformity with the established pattern of development in the area and contrary to the provisions of the Roscommon County Development Plan Development Management Standards (Section 12.11), which states that development of this type will not normally be permitted in rural and suburban areas. It is considered that the retention of the

development as proposed would create an undesirable precedent for similar inappropriate and disorderly development which 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

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 319672-24		
Proposed Development Summary	Retention of house with septic tank/percolation area and all associated site work.		
Development Address	Derryglad, Curraghboy. Co. Roscommon.		
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	YES
		No	No further action required
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		Class.....	EIA Mandatory EIAR required
No		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)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____