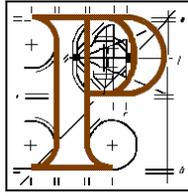


An Bord Pleanála



Inspector's Report

PL 05A.238784

Development

Description: Retention of partially constructed house and permission for completion of dwelling previously granted under 04/4419.

Address: Swilly View, Figary, Fahan, Lifford P.O., County Donegal.

Planning Application

Planning Authority: Donegal County Council.

Planning Authority Reg. Ref.: 10/70277.

Applicant: Joan Cavanagh and Fearghal Bonner.

Type of Application: Retention of works undertaken and permission for completion of same.

Planning Authority Decision: Grant.

Planning Appeal

Appellant(s):
1. Brian and Anne McCarroll.
2. Paul McGarvey.

Type of Appeal: Third Party – v – Grant.

Observers: None.

Date of Site Inspection: 21/06/11.

Inspector: Paul Caprani

1.0 INTRODUCTION

PL 05A.238784 relates to two third party appeals against the decision of Donegal County Council to issue notification to grant planning permission for the retention and completion of a partially constructed dwelling at a site at Fahan on the Inishowen Peninsula in north-west Donegal. The grounds of appeal argue that the alterations proposed to the original design permitted are unnecessary and will give rise to building of excessive height and mass which will give rise to visual and residential amenity issues.

2.0 SITE LOCATION AND DESCRIPTION

The appeal site is located in the small settlement of Fahan approximately five kilometres south of Buncrana at the southern end of the Inishowen Peninsula. The appeal site is located within a suburban residential road, Swilly View in the Townland of Figary, which runs northwards from the coast and is located on the side of a steep hill. It appears that the residential plots were laid out in the 1980s and have been developed in a piecemeal fashion along the road. The roadway incorporates a steep slope from the junction of the main road which runs parallel to the coast of Lough Swilly towards the top of the road, which ends in a cul de sac to the north-east. The road is approximately half a kilometre long and serves approximately 20 houses. Most of the houses face south-westwards and enjoy, especially in the case of the more elevated sites, spectacular views across Lough Swilly.

The appeal site is located approximately 100 metres to the north of the junction with the Coast Road and is rectangular in shape. It has a stated area of 0.1248 hectares (0.3 acres). The site has a road frontage of just under 50 metres and a depth of circa 26 metres. The site incorporates a ground level differential of approximately six metres from the southern roadside boundary of the site to the northern roadside boundary of the site (93.5 metres AOD to 99.5 metres AOD). The surrounding dwellinghouses incorporate a variety of styles and range from large two storey structures, which are particularly evident in a residential development to the immediate west of the site (served by a separate access road), dormer bungalows as in the case of the dwelling to the immediate north and south of the site and also single-storey structures on the opposite side of the road to the east of the site. A timber fence with hedging within the adjoining garden runs along the northern boundary of the site. Temporary palisade type fencing runs along the roadside boundary of the site while the lands to the west of the site comprise of overgrown shrubs and semi-mature trees which form part of adjoining gardens of dwellings to the west. The dwellinghouse is to be served by public mains water supply and wastewater.

The site currently accommodates a partially constructed dwellinghouse. The structure comprises of external and internal boundary walls approximately two metres in height (see photos attached). No works have commenced above ground floor level.

3.0 BACKGROUND TO THE CURRENT APPLICATION

According to the planning application form, the first application on site Reg Ref 97/541 related to an outline planning permission which was granted by Donegal County Council with conditions. Three subsequent applications (98/2973, 99/3403 and 00/4235) relates to refusal of planning permission for a dwellinghouse. Finally under 04/4419 planning permission was granted for a dwellinghouse subject to conditions. Under this application planning permission was granted for a one and a half storey structure with a gross floor area of 310 square metres. The drawings submitted with the application indicate that the dwellinghouse is predominantly two-storey which some of the ceiling height in the upper floor level incorporated within the roof pitch. The entrance level to the dwellinghouse has a finished floor level of 99.4 metres AOD and the structure rises to a ridge height of 106.9 AOD. The overall height of the structure therefore is 7.5 metres.

Condition No 9 of the condition required that *“finished floor levels of the house shall not exceed above the lowest point of undisturbed ground as it exists on site prior to the commencement of development within the area which shall be covered by the proposed house”*

4.0 CURRENT APPLICATION

It appears from information contained on file that work commenced on site but not strictly in accordance with the planning permission obtained. Works ceased on foot of complaints received by Donegal County Council and a new, current application was lodged seeking planning permission for the retention and completion works undertaken on site.

The application for which retention of planning permission is sought comprises of a dwelling with a gross floor area of 581 square metres.

A covering letter submitted with the application states that during the early site clearance and preparation works for the foundations of the dwellings, the steeply sloping topography of the land in addition to the deep tree roots presented difficulties which necessitated foundation works of a certain subterranean level in order to achieve the finished floor levels of the house specified in the permission. On foot of these works it became apparent that the substructure as part of the foundation could in fact be built in a way as to allow functioning as additional floor space within the dwelling subject to future planning permission. The current application was prepared on foot of this.

Under the current application it is proposed to construct a three-storey structure with a new lower ground level of 96.875 AOD an increase in depth of just over 2.5 metres from the ground level permitted under Reg. Ref. 04/4419.

The ridge level of the current application is to be retained at 107.5 metres AOD. The footprint of the building is also to be slightly enlarged as the kitchen area is to be extended in an easterly direction towards the public road.

The proposed pitched roof incorporating velux windows together with a white render external finish to the ground and first floor levels are generally in keeping with the external finishes proposed under the original application. Under the current application however it is proposed to incorporate some natural stone to the kitchen and lower ground floor on the eastern elevation. Stone cladding is also proposed at the new lower ground floor level.

5.0 PLANNING AUTHORITY'S DECISION

The application was lodged on the 8th July 2010. Letters of objection from the current appellants as well as other letters of objection have been submitted, the contents of which have been read and noted.

In response to the various objections submitted, the applicants argue that the main volume/bulk of the house above lower ground level has not changed significantly from that which was originally approved. The overall ridge height of the dwellinghouse is identical. It is considered that the overall design approach is appropriate and it is stated that the application site and dwelling proposed has a larger area than most others in the street since it is comprised of what was originally two serviced sites. It is also stated that all floor levels shown on drawings and site boundaries are correct. A copy of an engineer's letter is submitted which explains that it is necessary to set the foundation level to depths below the root system because the dead tree roots would rot the underground forming significant soft spots and would weaken ground bearing capacity. As a result a substantial reinforced concrete retaining wall has been constructed at lower ground level. Letters are attached from the Forestry Services indicating that no felling license is required. A letter is also attached indicating that it is necessary to excavate below the existing tree root system. A design statement for the new dwellinghouse is also submitted by the applicants' architect.

On the 27th August 2010, the applicant was requested to submit the following: -

Full details of the boundaries of the lands in the ownership of the applicant and details of the footprint of the dwellinghouse as presently exist on the site.

Details of land registry ownership and corresponding folio details, together with clarification as to whether or not any rights of way authorised or adverse exist through the subject site.

Full details through a cross-section of existing ground levels on the subject site including details of the dwellinghouse previously permitted on the subject and details of the proposed dwelling to be retained and completed on the subject site.

The applicant was also requested to submit a cross-section of the existing ground levels on the subject site with adjoining third party lands for a distance of 30 metres outside the subject site. Details of the dwellinghouse previously permitted on the subject site and the dwellinghouse proposed to be retained on the subject should be indicated in the cross-sections.

Further information was submitted on the 18th February 2011. It is stated that the applicants categorically confirm that they have sufficient legal title to complete the application in question. The project architect has prepared north-east, south-west and north-west, south east section indicating the heights of the various structures along the cross-sections. The finished floor level of the dwelling proposed to be retained is the same as that granted under the earlier permission. The new basement lower ground level would remain largely hidden from view and only within the confines of the front garden serving the dwelling, would the additional lower ground floor be readily noticeable. Only a minor kitchen enlargement is proposed in terms of the footprint of the building and the dwelling would not appear to be materially different from the public road or from properties or neighbours adjacent.

The applicant was then requested to publish revised notices in relation to the further information submitted.

The final planning report noted that the proposed completion works are comparative with the footprint scale and mass and ridge height of the dwellinghouse previously permitted. The development only notably departs/ varies from that previously permitted in any tangible sense in respect of the new lower ground level which will not be fully exposed to public view. While the works may alter the overall character of the dwellinghouse, it is considered that it does not give rise to any amenity concerns. It is considered that the front elevation can be satisfactorily mitigated by boundary treatment and site landscaping. This can be dealt with by way of condition. The report then goes onto outline and address concerns raised in the various observations submitted in relation to the application. In conclusion it is recommended that planning permission be granted and on the 1st April 2011 planning permission was granted subject to seven conditions.

6.0 GROUNDS OF APPEAL

The decision was the subject of two third party appeals. The grounds of appeal are outlined below.

6.1 Appeal by Paul McGarvey of p4mcg Architecture

It is stated that historically planning conditions have consistently restricted approvals to a maximum of one and half storeys on this road. As a direct result of this there are no two-storey properties (never mind 2 ½ storey properties) along this road. Most of the existing dwellings at Swilly View range in floor area from about 130 square metres to 300 square metres. However the proposed application results in a gross floor area of 580 square metres.

The original application had some architectural merit but would have been better suited to a flat site.

It is suggested that the original site layout map is incorrect. The actual width of the site is on average two metres narrower than that indicated in the drawings and this is grossly misleading for all concerned both in the case of the original approval and the current application. Thus a smaller house rather than a larger house would be more appropriate.

It is suggested that the current application does not result from construction requirements but from inaccurate site survey information from the outset. The planning department should have been informed of the change of plan as soon as the decision was made on site, rather than preceding with an extra floor in the hope that it would strengthen the case for retrospective approval.

It is also stated that there is no need to go to the expense of providing reinforced concrete retaining walls to build the original approved one and half storey dwelling. The creation of an additional lower ground floor led directly to the necessity of the concrete retaining walls.

It is suggested that problems now exist along the north-western boundary where deep excavations have left the adjoining neighbours property unstable. A question arises as to whether the retaining walls have been designed to the Highway Engineer's approval and are thus safe. Windows of habitable rooms along the north-western elevation of the lower ground floor are now extremely close to the boundary and create a fire spread risk and also raise daylight issues for the applicant.

The lower ground floor accommodation bears all the hallmarks of a self-contained flat.

Such a large should dwelling should necessitate additional car parking.

The finished floor levels are 700 millimetres higher than those indicated in the drawings.

Up until about five years ago there was a public right of way running inside the north-western boundary of the application site. It was stated as a result of the works carried out there is no room to reinstate this.

The lower ground floor cannot be considered a basement as it incorporates windows and 50% of the accommodation is above street floor level.

The grounds of appeal also submits an artist's impression as to what the building would look like in the context of the streetscape.

6.2 Appeal by Brian and Ann McCarroll

Reference is made condition no. 9 attached to the original permission which required “finished floor levels of the house shall not exceed above the lowest point of undisturbed ground as it exists on site prior to the commencement of development within the area which shall be covered by the proposed house.

Reason: In the interest of orderly development.

This condition restricts the finished floor levels permitted and reduces the ridge height level by an exact matching height measurement (for example, if the permitted finished floor level was found to be 90 metres then the ridge height would be 97.5 metres based on a dwelling height of 7.5 metres).

If the wording of Condition No. 9 was mistakenly incorporated into the condition, as indicated from correspondence between the applicant’s architect and the assistant planner in relation to the application subsequent to the planning permission being issued (see attachments A and B of the grounds of appeal), The applicant could have submitted a new application at this stage or submitted an application to amend the grant of planning permission. However no such application was submitted.

The notification to grant planning permission under the current application is directly in breach of conditions no. 7 and 9 of the earlier grant of planning permission.

It is contended that permission had not been granted under the original application for a ground floor level of 100 metres, nor for a corresponding ridge height of 107.5 metres.

It is also argued that condition no. 7 of the original grant of planning permission has been ignored by the applicant under the current application (Condition No. 7 of the original grant of planning permission requires that all road, storm drainage and set back condition shall be complied with before any construction commences). The current application permits the building to extend 2.2 metres of the public footpath.

The current application for which notification of granting planning permission has been made makes no specific reference to construction traffic. Construction traffic associated with the site to date has resulted in the street becoming impassable. It is noted that a construction management plan was incorporated into conditions relating to a planning application on the opposite side of the road to the current site under appeal. (Details are contained in the grounds of appeal).

In regard to sea views and amenities presently enjoyed under the terms and conditions of the original grant of planning permission will be affected and diminished unreasonably by allow such a large obtrusive structure be built. It is again argued that due to discrepancies in the floor levels, the dwelling in this instance could be up to six metres higher than that granted originally.

The proposed development will also result in the overlooking of an adjoining property in the neighbouring Beacon Hill development.

It is stated that the existing dwellinghouses are nestled into the side of the elevated hill adjacent to the coast. None of the houses in the development exceed 7.8 metres or 2,700 square feet in size. No amount of landscaping can address this problem. It is argued that the proposed development is contrary to many statements contained in the Development Plan in relation to house design. The proposed development will encroach on the skyline and dwarf the appellant's bungalow on the opposite side of the street. The grounds of appeal goes on to refute many of the statements set out in the Planner's Report which recommended that planning permission be granted for the retention and completion of the structure.

Questions also arise in relation to whether or not works were carried out on site after planning permission expired. It is also contended that the original grant of planning permission was made null and void by non-compliance with conditions associated with the original grant of planning permission. The question also arises as to whether or not Donegal County Council is exceeding its powers in ignoring conditions imposed under a previous permission.

7.0 APPEAL REPOSESES

7.1 Response on behalf of the Applicant by Harley Newman, Planning & Development Consultants

(a) In relation to the grounds of appeal by Brian and Ann McCarroll

It is stated that when works commenced the steeply sloping topography of the land in addition to the deep tree roots presented difficulties which necessitated foundation works of a certain level in order to provide the appropriate finished floor levels. It was realised that the foundation works could in fact be built in such a way to allow functioning as additional floor space subject to planning permission. The additional floor space however would not result in any significant visual impact from the public road or the neighbouring property to the rear. The ridge level of the dwelling now proposed is identical to the ridge level to that previously granted planning permission. The only superficial amendments relate to windows and doors and a minor kitchen enlargement. A new closed boarded fence is proposed to be erected along the roadside boundary.

The Planning Authority in its assessment of the proposal considered all points of objection submitted by third parties. Reference is then made to the Planning Officer's assessment of the proposed alterations.

In relation to finished floor levels, it is contended that the Planning Authority in drafting Condition No. 9 of Reg. Ref. 04/4419 included a wording error which has been readily admitted by the Planning Authority. The effect of which would have been unintended, unreasonable and

unsustainable in consequence for the applicant. Secondly the current application addresses this issue directly by seeking to retain the finished floor level (at ground level) was constructed on site which complies precisely with that intended by the Planning Authority in the case of the last permission. It is argued that Condition No. 9 as originally worded making reference to the lowest point of undisturbed ground would involve the digging down some three metres which would have been unreasonable. The finished floor level for the ground level as indicated in this application is exactly the same as the level originally intended by the Planning Authority in the case of the earlier permission, and as a consequence, the overall ridge level of the dwelling would also be the same as that granted permission under the earlier application.

In relation to the other issues raised in the grounds of appeal, it is suggested that arguments in relation to height, scale and impact on amenity etc. do not stand up to scrutiny. The dwelling proposed in terms of its relationship and its impact on adjoining dwellings is largely the same as that which would have been for the case of the dwelling already permitted by the local authority.

In relation to a construction management plan, it is not considered normal for a single house application to be accompanied by a construction management plan. However should the Board wish to impose such a condition, the applicant would willingly comply with any such a condition.

In relation to the entrance proposed, a technical report from the local road's engineer confirmed that there was no objection to the proposed development and all access arrangements will be the subject to a standard condition relating to footpath finishes and stormwater drainage etc.

7.2 Response to Appeal by Paul Mc Garvey

The response again reiterates the points that the proposed development does not depart to any great extent from the design previously permitted in terms of overall appearance to the public road or the neighbouring property to the rear. The submission again relies on the arguments made in the planning officer's report in relation to Donegal County Council's assessment of the application. It is reiterated that the finished floor level at ground floor level of the proposed dwelling is the same as that granted under the previous permission.

It is considered that the sketch site layout submitted with the appeal referring to the site boundary and building footprints is incorrect and this is demonstrated by the applicant in his response to the request for further information.

It is also suggested that the actual dimensions of the dwelling may not be correctly represented in the artist's impression submitted by the appellant. A separate artist impression carried out on behalf of the applicant is enclosed herewith.

Photomontages of both the permitted and proposed dwellings are also submitted with the applicant's response to the grounds of appeal. It is contended that these images show that the proposed dwelling is comparative with that previously permitted on site in terms of scale, mass, design and character.

A letter from the applicant's architectural and engineering services submitted confirms the necessity for the foundation type employed and it was only on foot of this expert advice that the applicant proceeded with the construction in the manner outlined above. In terms of fire safety, both the Chief Fire Officer and the local road's engineer confirmed that they had no objection to the proposed development. Furthermore, these issues are more related to building control compliance and building regulations.

7.3 Planning Authority's Response to the Grounds of Appeal

Donegal County Council outlines the background to the original application on site and notes that the Planning Authority sought revised proposals by means of further information. Revised design proposals were subsequently submitted to the Planning Authority for consideration. The revised plans were submitted in June 2004 and it states that the proposed dwellinghouse was situated on a level which is generally consistent with the highest point of the existing ground level on site within the area covered by the footprint of the dwellinghouse. These revised plan proposals were considered to be satisfactory by the Planning Authority and planning permission was granted on the 13th August 2004.

In granting planning permission it was stated that the finished floor level of the dwellinghouse "shall not exceed above the lowest point of undisturbed ground as it exists on site prior to commencement of development within the area which shall be covered by the proposed house". The imposition of this condition was questioned by the applicant and the matter was reviewed by the Planning Authority and it was determined that the reference in Condition No. 9 to the "lowest point of undisturbed ground" was an error and it was acknowledged this would require excessive excavation. The condition was then amended to refer to the "highest point of undisturbed ground". The clarification of Condition No. 9 and the correction was consistent with the revised plans and details submitted on 16th June 2004. Accordingly the Planning Authority does not accept any argument can be brought or sustained that the dwellinghouse is a higher finished floor level than that previously permitted under Reg. Ref. 04/4419. Notwithstanding that, the Planning Authority would point out that the central point for determination in this appeal is not whether or not the subject dwellinghouse is or is not at the same finished floor level as approved under Reg. Ref. 04/4419, but whether or not the retention and completion of the development on the subject site is or is not acceptable in accordance with the proper planning and sustainable development of the area. In this regard the Planning Authority deemed the application to be acceptable.

8.0 FURTHER RESPONSES

8.1 On foot of Donegal County Council's submission

A submission on behalf of the applicants by Harley Newman (dated 3rd June 2011) argues that the Planning Authority provides clarification in respect of the issue of finished floor levels, but also very clearly points out that the central point for determination of this appeal relates to the wider issue of whether or not the proposed development is in accordance with the proper planning and sustainable development of the area. The applicants support and endorse the contents of the Planning Authority's submission.

8.2 A submission by Paul McGarvey (appellant)

The submission states that the central points of the appeal are

- Misleading documents submitted.
- The significant increase in the footprint of the dwelling.
- The correction to the wording of Condition No. 9 without any consultation to neighbours.
- The non-compliance of the terms of the expiry date of approval 04/4419 (that is the approved building was not substantially complete by this date).

The Council's letter clearly admits that an error was made by them and this compounded by the applicant's failure to comply with the terms of the approval. Surely these are sufficient grounds to warrant refusal.

9.0 DEVELOPMENT PLAN PROVISIONS

The site is governed by the policies and provisions contained in the Donegal County Development Plan. Section 5.13 of the Plan relates to house design. The County Council will promote and support the highest design standards in new housing in Donegal through its own building programme and through the development management system. The County Council encourages innovative house design and site layouts in multiple developments that harmonise the landscape and respect the well-established planning principles. The design principles are set out in "Location, Siting and Design Guide – Urban and Rural" (in Appendix C of the Development Plan) and this will form the basis of the Council's approach to house and design.

Section 5.3 specifically relates to urban housing. Urban housing location policy focuses on new housing development within control points for towns and villages (these are shown in the "Town and Village Control Point Maps" which Appendix F refers or is defined in local area plans). Multiple higher density housing developments will only be permitted within defined controlled

points which form the development envelope for each settlement. The appeal site is located within the defined controlled points of Fahan.

10.0 PLANNING ASSESSMENT

A major issue raised in the grounds of appeal relates to the finished floor levels of the structure as set down by Condition No. 9 of the previous planning permission on site, Reg. Ref. 04/4419. A significant amount of confusion has arisen over the required finished floor levels. The condition referred to “the finished floor levels of the house shall not exceed above the lowest point of undisturbed ground as it exists on site prior to commencement of development within the area and shall be covered by the proposed house”. This condition as worded in my view is slightly ambiguous and could be open to interpretation. The confusion is compounded by the fact that the file note was placed on file indicating that references should have been made in the condition to the finished floor levels not exceeding the “highest” point of undisturbed ground.

The legal validity of altering a condition in such a way is very questionable in my view. The condition would be required to be implemented in accordance with the Manager’s Order regardless of any subsequent memorandum by the planner making the recommendation. The lowest ground level of the building appears in the drawings of June 2004 to be approximately 97.25 AOD (I base this conclusion on the site plan (01) 01A of June 2004). This is two metres lower than the finished floor level indicated in the ground floor of the drawings submitted in the current application. In order to comply with Condition No. 9 as stated in the manager’s order, the ridge height of the building as constructed would require to be lowered by circa 2.25 metres which would result in a ridge height of circa 105.25 metres AOD.

If on the other hand Condition No. 9 was implemented as Donegal County Council intended, finished floor levels could not have exceeded 100 metres which appears to be the highest point of the existing ground level on which the house is to be located and this would have resulted in a ridge height of 107.5 metres as indicated in the drawings submitted with the original application. Thus the ridge height under the current application before the Board would be the same as the ridge height permitted if Condition No. 9 was altered as requested by the applicant subsequent to the manager’s order being issued.

The question then arises as to whether or not the current application is therefore materially different in terms of height than that previously permitted under the manager’s order for 04/4419. It is my contention that an increase in height of over two metres is materially different and that the wording of Condition No. 9 as set out in the Manager’s Order would have resulted in the dwelling with a ridge height no higher than 105.25 metres AOD.

It is inappropriate that the Planning Authority would seek to amend a condition, which would have such a material effect on the ridge height by issuing a memorandum which would result in a change of finished floor levels of over two metres without allowing any challenge to the condition by way of appeal.

Thus the increase in ridge height proposed under the current application is in my view significant and adds to the overall bulk and scale of the dwelling over that previously granted. I would agree with the appellants that the addition of a new basement level (if not adequately screened), together with the increase in the footprint of the building, particularly moving the building closer to the public footpath and the increase in ridge height (to 107.5 metres AOD) would significantly increase the bulk and mass of the structure. I do however acknowledge the applicant's and Planning Authority's arguments that the new sub-basement level could be adequately screened by appropriate fencing along the roadside boundary. However, such screening in my view would not address the problems associated with bulk and height arising from an increase in ridge height from just over 105 metres AOD to 107.5 metres AOD. What is proposed in this instance is an almost doubling in the size of the floor space of the dwellinghouse from 310 square metres to 581 square metres. The size and scale of the dwelling would be incongruous with the adjoining dwellings on such an elevated site and would adversely impact on the character of the streetscape. The size and scale of the structure would also have an overbearing effect on adjoining houses.

The grounds of appeal also suggest that works were carried out after the expiry date of the original permission and for this reason, the current application should be deemed to be invalid. This is an enforcement issue and under the current application which seeks retention of all works undertaken would in my view adequately address any concerns third parties may have in relation to works being carried out subsequent to the expiration of the original permission.

I cannot comment as to whether or not the works undertaken are or would adversely affect the structural stability of any adjoining gardens or structure. If any structural damage were to occur as a result of works undertaken on site, it would be a civil matter to be determined between the parties concerned.

In terms of impact on adjoining residential amenity by virtue of overlooking, I do not consider that the proposed development would give rise to unacceptable levels of overlooking having regard to firstly, the separation distances involved between the houses concerned, and secondly while it is accepted that new windows are proposed on the new sub-basement level, these windows are located at such a low level so as not to give rise to any overlooking problems.

Finally any issues in relation to fire spread risk as referred to in one of the third party appeals is a matter for the Fire Officer and the Building Regulations. It is therefore not a planning issue.

10.0 CONCLUSION

Arising from my assessment above, I consider the size and scale of the proposed development would be excessive in the context of the existing streetscape. I also consider that the ridge height of the dwelling proposed under the current application is materially different from that granted under 04/4419

and that the increase in height of the structure by over two metres will adversely impact on the visual and residential amenities of the area. I therefore recommend that planning permission for the retention and completion of works be refused for the reasons set out below.

11.0 DECISION

Refuse planning permission for the retention and completion of the dwellinghouse based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

It is considered that the retention and completion of works as proposed would result in a dwelling of excessive size, bulk and scale which would adversely impact on the character of the existing streetscape and would injure the amenities of adjoining residents and would therefore be contrary to the proper planning and sustainable development of the area.

**Paul Caprani,
Senior Planning Inspector.**

20yh July, 2011.

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