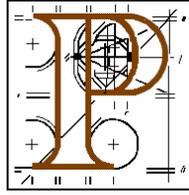


An Bord Pleanála



Inspector's Report

PL 26 243351

DEVELOPMENT.

Demolition of existing one storey house and replacement with a three bedroom dwelling, redevelopment consist of a part one and part two storey house clad in corrugated metal sheeting matching the existing and finished in a sedum roof with solar thermal panels. Existing access and waste water connection is to be retained.

LOCATION

Seamount, Sandy Lane, Ardamine, Co. Wexford.

PLANNING APPLICATION

Planning Authority

Wexford County Council.

P. A. Reg. No:

2014/0116

Applicant

William and Annette O'Shea

Decision

Grant Permission

APPEAL

Appellant

Tom McKeon and Sean McGarry.
Third Party against Grant of Permission.

Observer

Inspector

Jane Dennehy.

Date of Inspection

11th July, 2014.

1. This file contains a third party appeal against the decision of the planning authority to Grant Permission for demolition of existing one storey house and replacement with a three bedroom dwelling consisting of a part one and part two storey house clad in corrugated metal sheeting matching the existing and finished in a sedum roof with solar thermal panels. The existing access and waste water connection is to be retained.an extension to the hotel and a tent village at Seamount, Sandy Lane, Ardamine, Co. Wexford.

2. SITE LOCATION.

The site has a stated area of 975 square metres is located in the townland of Seamount, off a narrow laneway from the R742 which serves houses and holiday chalets overlooking the sea,to the south of Courtown. There is an three bedroom chalet with a stated floor area of 62.5 square metres and height of 3.6 metres on the site the front boundary to which is setback allowing for parking to the front. External walls are finished in corrugated sheeting. There are two decking areas within the garden area to the front of the dwelling. The ground level is steeply sloped in a seawards direction from the road frontage.

3. PLANNING HISTORY.

PL 26 242224/P. A. Reg. Ref. 20070950: The planning authority decision to grant permission was overturned following appeal for demolition of the existing one storey house and replacement with a three bedroom dwelling, redevelopment consist of a part one and part two storey house clad in corrugated metal sheeting matching the existing and finished in a sedum roof with solar thermal panels along with retention of existing access and waste water connection is to be retained. The reason provided in the Board Order indicated was of concern over visual obtrusiveness owing to the increase in height and bulk of the proposed replacement structure above the road level. The inspector who considered the case had indicated a recommendation to grant permission.

4. WEXFORD COUNTY DEVELOPMENT PLAN 2010-2016.

The operative Development Plan is the Wexford County Development Plan 2013-2019. The location is within a rural area under strong urban influence and in the coastal zone. Policies and standards relating to replacement chalets are set out in chapter 18. Section 18.21.4 Priority is also given to development within settlements in which there is adequate wastewater and water supply infrastructure or for which investment is targeted. (Policy RSS 3)

The Draft Riverchapel and Courtown Local Area Plan is on public display at the time of writing. It includes draft proposals for a coastal walking route.

5. THE PLANNING APPLICATION.

The application lodged with the planning authority is for a modification of the previous application for which permission was refused following third party appeal to the Board. It entails demolition of an existing single storey chalet and its replacement with a part single part two-storey dwelling finished in corrugated metal cladding relatively similar to that of the previous proposal. It includes provision for continuation with connection with the water supply and drainage services serving the area. The dwelling design is such that it is stepped into the site taking account of the variation in ground levels. The roof slope is lower in pitch and extended in length relative to the previous design proposal. As a result the roof ridge is reduced in height in the current proposal, (according to the applicant's agent), and exceeds that of the existing chalet by 1.1 metres. The ridge is also stated to be two metres lower than that of the previous unsuccessful proposal. The structure is shown finished in similar materials, corrugated sheeting with a sedem roof, as the previous proposal. The existing parking arrangements, pedestrian access and garden are unchanged.

6. DECISION OF THE PLANNING AUTHORITY.

By order dated, 11th April, 2014, the planning authority decided to grant permission subject to three standard conditions on the basis that the proposed development would not be seriously injurious to amenities of the area and in accordance with the proper planning and development of the area.

7. THE APPEAL.

An appeal was received from Mr. Thomas McKeon and Mr Sean McGarry of No 1 and No 2 Sandy Lane (neighbouring properties) on 8th May, 2014. Extracts of the Draft Riverchapel and Courtown Local Area Plan, (erroneously referred to as the Wexford County Development Plan) are attached to it.

It is submitted that validation matters had arisen and had been brought to the attention of the planning authority in advance of the previous application being considered and that they were to be addressed by the parties. A copy of a Warning Letter issued by the planning authority to the applicants in April, 2014 is included in the appeal and it relates to a retaining wall on the site frontage and a metal storage container on the roadside.

There is a right of way over the site, (details of which are shown on a map enclosed with the appeal) which is not taken in to account by the planning authority. The area of the land involved, according to the appeal should be deducted from the proposed site size. It is queried whether the right of way would covered over by the project. According to the appellant, public rights of

way are important economic assets enabling enjoyment of high quality landscapes which are important for tourism development. An extract from section 9.5 from the draft local area plan is enclosed to support the case.

The size of proposed dwelling should not exceed twenty percent greater than the existing chalet according to the appeal. The new replacement development has a floor area of 169 square metres and the existing has 62.25 square metres floor area. A number of extracts from the draft local area plan are included with the appeal.

The applicant has indicated that it is his intention to retire to the proposed dwelling but this cannot be permitted as replacement chalets are confined to use as holiday homes only.

Connection to the local service requires consultation and payment of a fee in advance, by the applicant for connection. A fee was required for connection for the previous proposal. One is led to believe that no connection available for the proposed development.

The public must be allowed to have an unobstructed view of the coastline from the upgraded Burrow Walk and coastal walk route to be reopened as part of the development plan.

8. RESPONSE TO THE APPEAL BY THE PLANNING AUTHORITY.

In the submission received on 19th May, 2014 the Board is requested to uphold the decision to grant permission. It is submitted that the assessment required in connection with the current proposal relates only to the design, having regard to the previous decision to refuse permission following appeal.

The planning officer considers that the modified design would result in potential interference to views being minimal and it is stated that it is not a planning function to prevent development on grounds of obstruction of a private view. The ridge reduction height and the height relative to that of the existing dwelling is noted and the planning officer regards the current proposal as a replacement that would enhance the site and view from the seaward side

It is pointed out that the applicant has incorrectly referred to the draft local area plan, (on public display at present) and that the water and drainage arrangements are now the responsibility of remit of Irish Water

The planning officer also submits that the claims regarding the right of way and obstruction of it is a matter for a solicitor.

The Board is requested to uphold the planning authority decision to grant permission.

9. RESPONSE TO THE APPEAL BY THE APPLICANT.

A submission was received from Brian O'Brien of Solearth on behalf of the applicant on 5th June, 2014.

Mr O'Brien contends that the core issue to be considered is whether the revised design would be visually obtrusive, in the sensitive coastal location and would be seriously injure the visual amenities of property in the vicinity. It is stated that the Board has already accepts the existing house as being an established dwelling and, that the proposed new dwelling "sits down" on the site and is an improvement on the existing dwelling in terms of appearance and living standards. The modification is the lowering of the house by over a metre compared to the original proposal with the roof, (finished in sedum) being 1.1 metre higher than that of the existing dwelling. Mr O'Brien describes the proposed dwelling as compact and being stepped taking advantage of the slope for views and daylight.

It is also submitted that the public views across the site were not previously attainable. These are views across temporary wire fencing on top of the retaining wall which is a temporary replacement for a timber fence that had collapsed. The applicant intends to erect a permanent contemporary fence to protect the dwelling. The proposed dwelling will be below the fence level and therefore will not be visually obtrusive. It is submitted in conclusion that the proposed development will improve the character and public views of Sandy Lane.

Mr O'Brien also states that the container (referred to in the appeal) has been used for storage of possessions salvaged from the existing house during the winter storms, that the claim about right of way, which is not a planning issue does not exist, has not been proven to exist and is not recorded on Title Deeds relating to the property. He also notes the incorrect reference to the Draft Local Area Plan.

It is claimed that if and when a coastal path, (as per the draft local area plan) is provided it will not be affected by the proposed development. The path would be at a greater height and to the west of the route that serves the proposed site and adjoining sites on the seaward side. The proposed house in turn would be below the lower path level.

Mr O'Brien confirms that water and wastewater connections – to the public mains are in existence and will be retained for the replacement dwelling.

10. ASSESSMENT`

With regard to the status of the existing dwelling, that is, whether it is a chalet that is confined to holiday use as opposed to a permanent place of residence, to which various restrictions would apply if replaced, the observations of the inspector in his report on the previous proposal indicate acceptance of the proposal without any such restrictions. The issue was not raised in the

Board's decision to refuse permission on the previous proposal. I therefore concur with the view of the applicant that the sole substantive issue to be addressed in connection with the application and appeal is that of dwelling design having regard to protection of visual amenities and character of the area.

It is noted that the views across the site over the sea are not designated for protection although it is appropriate to have some regard to them and the proposals for a coastal path which would be available to the public at a future date as referred to in the draft local area plan.

Having inspected the site which is steeply sloped and having taken particular account of the levels and stepped design I am fully satisfied that the proposed dwelling is in an acceptable form for the site as a result of which it will not dominate or be visually obtrusive in views from Sandy Lane. It will appear as a compact and modest, low profile dwelling, of limited height and mass and good quality design. The proposed dwelling is considered acceptable, and no changes to the design, form and footprint would be required. The external finishes are appropriate for a coastal location and overall the proposed development is an enhancement which is of benefit both within the site for the occupants and in terms of compatibility with surrounding development and the amenities of properties on Sandy Lane. Conflict with the amenity potential of a possible future cliff walk available to the public is not anticipated.

There is no evidence that confirms the appellant's claim as to a right of way across the site. However it was noted that a foot path in a southerly direction is accessible. The footprint of the dwelling, based on inspection of the plans comes within the site as shown, outlined in red on the site layout plan.

The application does not show details of a foul drainage and water mains layout. According to the survey drawings, the existing septic tank is to be decommissioned and it is stated that it is proposed that existing connections for water and foul drainage, both being public mains be maintained. However the appellant contends that there are no existing connections. It would be necessary for arrangements such connections for the future dwelling to be in accordance with the necessary requirements, as specified by Irish Water in order to ensure a satisfactory standards of development. The application is for a larger dwelling for possible future use as a main place of residence. Storm water is to be disposed of to soakaways within the site curtilage.

Appropriate Assessment,

It is considered, that the proposed replacement dwelling, taking into account the nature, scale and location would not be likely to have significant effect, individually or in combination with other plans and projects on European sites. However, it is essential that drainage arrangements are in accordance with the requirements of Irish Water.

11. CONCLUSION AND RECOMMENDATIONS.

In view of the foregoing, it is recommended that it be decided to uphold the decision of the planning authority to grant permission for this revised proposal for development of a replacement dwelling on the site and a draft order to this effect, with to conditions is set out overleaf:

DECISION

Grant Permission on the basis of the Reasons and Considerations and subject to the conditions set out below:

REASONS AND CONSIDERATIONS

Having regard to the steeply sloped nature of the site and the design and compact form of the proposed replacement dwelling which is stepped and semi recessed, it is considered that, subject to compliance with conditions below, the proposed development would not be seriously injurious the visual amenities and established character of development on Sandy Lane and would not be seriously injurious to residential amenities of property in the vicinity. The proposed development, therefore would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the proposed external finishes for the structure, to include roof materials and colours shall be submitted to the planning authority for written agreement prior to the commencement of the development.

Reason: In the interests of visual amenity, taking into account the elevated site location in a sensitive coastal environment.

3. Construction works shall be confined to the hours of 0800 hrs. To 1800 hrs. Mondays to Fridays excl. Bank Holidays and 0800 hrs. – 1400 hrs. on Saturdays. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential and orderly development and the amenities of the area.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act, 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Jane Dennehy
Senior Planning Inspector
18th July, 2014.