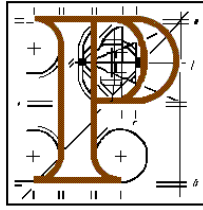


An Bord Pleanála



Inspector's Report

Appeal Reference No: 01.245537

Development: Planning permission for the demolition of an existing dwelling house and to construct a proposed two storey dwelling house, garage, new site entrance, septic tank and percolation area and to include all associated siteworks at Ballon Hill, Ballon, Co. Carlow.

Planning Application

Planning Authority: Carlow Co. Co.
Planning Authority Reg. Ref.: 14/273
Applicant: Noeleen and Mark Richards
Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Noeleen and Mark Richards
Type of Appeal: First Party
Observers: None
Date of Site Inspection: 22nd December 2015

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located approximately 0.5km to the west of the village of Ballon, Co. Carlow. The site is located on the western slopes of Ballon Hill, along a narrow rural road, which is lined with existing dwellings.

A detached dormer dwelling with a stated floor area of 118m² and a height of c.6m is located towards the front of the site. The site has an area of 0.3593 hectares.

There is a wide variety of dwellings in the vicinity with a mixture of traditional dwellings similar to the existing dwelling and more modern dwellings. The majority of dwellings are either single storey or dormer in style, however there is a large modern two storey dwelling on a site c. 26m to the east of the current site.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The development comprises of the following:

- Demolition of existing dwelling on site.
- Two storey dwelling with a ridge height of c. 9m and a stated floor area of 312m².
- Double garage with storage at first floor level - ridge height of c. 6.9m and stated floor area of 130m².
- Construction of waste water treatment system.
- New site entrance.

A report regarding the condition of the existing house was submitted with the application.

In response to a Further Information Request, drawings were submitted to the Planning Authority dated the 4th day of August 2015 which provided for a reduction in the ridge height to c. 8.5m and a change of the proposed finished floor level from 87.3OD to 86.9OD. Stage 1 Screening for Appropriate Assessment was submitted in response to item 1 of the Further Information Request.

3.0 PLANNING HISTORY

None.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planners' report expressed concern regarding the height, design and massing of the proposed dwelling having regard to the stated policy on replacement dwellings. Following a Further Information request, the file was reviewed by the Acting S.E.P. and it was recommended that the house be scaled down to be more appropriate to the rural area and to consider lowering the house height to between 7 and 7.5 metres. A second planners' report recommended a grant of permission, however, following a site inspection by the Acting S.E.P, this recommendation was overturned.

Environment Section

No objection subject to conditions.

Area Engineer

No objection subject to conditions.

Fire Officer

No objection subject to conditions.

Irish Water

No objection subject to conditions.

4.2 Planning Authority Decision

The Planning Authority refused permission for one reason as follows:

'It is the Policy of the Council as expressed in Section 2.7.3 of the Carlow County Development Plan 2015-2021, that consideration of individual planning applications will be subject to normal design siting requirements including; 'the need to take account of and successfully integrate proposed buildings with the physical surroundings and other aspects of the natural and cultural heritage', 'the need to protect features that contribute to the attractiveness and distinctiveness of the area' and 'the need to ensure that the proposed dwelling (in terms of form, size, style, fenestration etc.) is compatible with the vernacular of the local area'. It is considered by the Planning Authority that the proposed development would be contrary to the above policies by virtue of the overall height, scale and siting of the dwelling when taken in conjunction with the elevated and exposed nature of the site and having regard to the established pattern of development in the surrounding area. The proposed development would therefore have a detrimental impact on the visual amenities of the area, would set an undesirable precedent for similar type developments in the surrounding landscape and would be contrary to the proper planning and sustainable development of the area.'

5.0 GROUNDS OF APPEAL

A first party appeal against the Council's decision was submitted by Noeleen and Mark Richards. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Pre-planning advice indicated that the height of the dwelling would be measured from the centre-point of the road.
- The site is near the bottom of Ballon Hill and is not exposed.
- Given other recent developments in the area, it is difficult to understand how the proposed development could be visually intrusive.
- There are no local objections to the proposed development.
- By making adjustments to ceilings, roof and grounds, the height of the house was reduced by over a metre.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

None.

6.2 Observations

None.

6.3 Prescribed Bodies

An Taisce consider that the proposed development would not be appropriate due to its location in a landscape sensitive area of Ballon Hill.

7.0 POLICY CONTEXT

The Carlow County Development Plan 2015 - 2021 is the operative County Development Plan for the area.

Section 2.7.3 refers to design siting requirements.

Section 2.7.10 refers to replacement of existing dwellings. The scale character and design of the proposed replacement should be appropriate for the area and the Council will normally require by way of condition that the existing dwelling be demolished in the interests of visual amenity.

The Carlow County Landscape Character Assessment indicates that the site is located in an area designated as 'Central Lowlands'.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. House Design and Visual Impact

PRINCIPLE OF PROPOSED DEVELOPMENT

The subject site is located in a rural area approximately 0.5km outside of the village of Ballon, Co. Carlow. The applicant is proposing to demolish an existing detached dormer dwelling and replace same with a modern dwelling. During the course of the application a new development plan was adopted by Carlow County Council, however, the policy for replacement houses appears to be similar in both development plans. The policy is set out in Section 2.7.10 of the current development plan and is as follows:

The Council will favourably consider the replacement of existing dwellings where it is demonstrated by way of report from suitably qualified person that the dwelling is not habitable but that its replacement is the most appropriate option. The scale character and design of the proposed replacement should be appropriate for the area and the Council will normally require by way of condition that the existing dwelling be demolished in the interests of visual amenity. The applicants or proposed occupants will not be required to comply with local need criteria and normal planning considerations as detailed above will be applied.

The existing dwelling is considered to be vernacular in style however it has been substantially altered with a number of extensions and the replacement of the original windows and doors over the years. The dwelling is not a protected structure. There is a report on file from an engineer which notes a number of problems with the existing dwelling including sagging roof, separation and cracking between the main structure and the extension, damp and evidence of subsistence. It is stated that the most sustainable approach is to apply for planning permission to construct a new dwelling to current building regulations and apply for demolishing the existing dwelling as part of the application.

Whilst I consider that it is possible and indeed preferable to retain the existing dwelling and construct an innovative extension to the rear which would be separate and distinct to the existing structure, I am also not opposed to the demolition of the existing structure having regard to the condition of the structure and the loss of many of the original features. The Board may not agree with this view. If the Board accept the principle to demolish the existing structure, the local needs policy does not apply. However, I consider that normal siting and design policies would apply. I therefore consider that the principle of development is acceptable on this site.

House Design and Visual Impact

In my opinion, the principle issue of concern is the scale and design of the proposed dwelling. It is a requirement of Section 2.7.10 of the plan that the scale, character and design of the proposed replacement should be appropriate for the area. Section 2.7.3 of the plan also sets out a number of siting and design criteria including that development can be absorbed at the location without a detrimental impact to the essential rural character and the need to take account of and successfully integrate proposed buildings with the physical surroundings and other aspects of the natural and cultural heritage.

The site is located in a 'Central Lowlands Character Area' as designated by the Carlow County Landscape Character Assessment. There are no designated scenic routes or protected views in the area.

The recommendations for this area include the following: *The expansion of villages by developments on their edges or by sporadic development should be discouraged as they erode the integrity and character of the villages. The use of traditional styles, materials and colours in new developments should be encouraged. New developments should not be sited in prominent locations such as ridges and areas with open exposed vistas.*

The site is located towards the base of Ballon Hill on the opposite side of the road. The site slopes downwards from the road. The proposed dwelling is a suburban style two storey dwelling with a stated floor area of 312m². Following the response to the further information request, changes were made to the ridge height, roof pitch and finished floor level which reduced the overall height of the dwelling by c.1m. I consider that the site is located on an important approach route to the village of Ballon, however the area has a mixed character with a wide range of dwelling types and designs dating from different periods. The dwelling to the east of the site is similar in style to the existing dwelling on this site and the dwelling to the west is a modern bungalow. A dwelling further east of the site is a suburban style two storey dwelling, built closer to the road with a lower ridge height of 8.1m according to the planner's report. I note that the planner's report considers that this dwelling has resulted in 'visual obtrusion and dominance'. Part of the appeal grounds refers to this existing dwelling in terms of justifying the proposed design, however, I would share the view of the planner in relation to the visual impact of this existing dwelling. I have had regard to this dwelling, however, I consider that it sets a poor precedent and it

would be inappropriate to grant further dwellings of a similar style in my view.

Whilst there is a variety of styles in the area, with the exception of the two storey dwelling further east of the site, the majority of dwellings are generally modest in size and single storey or dormer in height. The proposed dwelling reads as a large suburban dwelling which is inappropriate in this rural setting on the edge of the village of Ballon. I consider that the proposed dwelling has little regard to the existing pattern and style of houses in the area and its scale, height and design are at odds with the scale of existing housing in the area.

As such, I consider that the proposed dwelling would not satisfactorily integrate into this rural setting by reason of its design, scale, height, and massing and would be visually obtrusive and seriously injure the visual amenities of the area.

Appropriate Assessment

There are three European sites within 15km of the site, Slaney River Valley cSAC (000781), Blackstairs Mountains cSAC (000770), and River Barrow and River Nore cSAC (002162). Stage 1 Screening for Appropriate Assessment was submitted to the Planning Authority in response to the Further Information request. Only the Slaney River Valley cSAC is potentially linked to the development site. The pathway is via the stream that flows approximately 50m to the west of the site boundary. This stream discharges into the River Slaney approximately 4km downstream of the proposed development site.

Having regard to;

- the separation distance between the application site and the nearest European sites.
- the conservation objectives set out by NPWS for the Slaney River Valley cSAC.
- the nature and extent of emissions arising from the proposed development.
- the source – pathway – receptor model.

I conclude that 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.

RECOMMENDATION

Based on the above assessment, I recommend that permission be refused for the proposed development for the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

1. Having regard to the location of the site in a rural area on the outskirts of the village of Ballon on the lower slopes of Ballon Hill, it is considered that the proposed development by reason of its height, scale, massing and suburban design, would be out of character with properties immediately adjoining the site, and would be unduly visually obtrusive. The proposed development would, therefore, seriously injure the amenities of the area, would be contrary to Section 2.7.3 and Section 2.7.10 of the current Development Plan and would be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Inspector

13th January 2016