

An Bord Pleanála



Inspector's Report

PL15.245830

DEVELOPMENT: Permission for extensions to the front and sides, conversion of attic to storage space, and alterations to existing dwellinghouse and all associated site works, at Mountain Park, Carlingford, County Louth.

PLANNING APPLICATION

Planning Authority: Louth County Council

Planning Authority Reg. No.: 15/108

Applicant: Raymond Ryan

Application Type: Permission

Planning Authority Decision: **GRANT PERMISSION**
subject to 7 Conditions

APPEAL

Appellant: Raymond Ryan

Type of Appeal: **FIRST PARTY**
in regard to Condition No. 1(b) only

Observer: None

DATE OF SITE INSPECTION: 29th January 2016

INSPECTOR: Dermot Kelly

1. SITE LOCATION

The subject site is located at Mountain Park, Carlingford, County Louth, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

2.1 The subject site lands at Mountain Park, Carlingford, County Louth are approximately 0.2024 hectares in area and comprise a single-storey residential property (area 152.6 square metres) in the Mountain Park area to the south-west of Carlingford Town.

2.2 The Planning Report for the Planning Authority described the site: 'The application site is located within a highly scenic and elevated location at Mountain Park, Carlingford. The site is elevated above the public road and is located along a narrow laneway. It has panoramic views over Carlingford Lough. The application site size is 0.2024 hectares. The existing dwelling on site is a low pitch single-storey dwelling of modest size and scale.'

2.3 A Photograph taken above the Mountain Park area in Carlingford is attached as also other Photographs (4) of the subject site.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: Permission for extensions to the front and sides, conversion of attic to storage space, and alterations to existing dwellinghouse and all associated site works, at Mountain Park, Carlingford, County Louth.
- The submitted detailed drawings indicating the proposed extensions to the front and side and alterations to the existing dwelling including conversion of the attic to storage space, are noted. The areas of the proposed Front Extension, Kitchen Extension to Side and Bedrooms Extension to Side are specified as 11.8 sq.m., 12.0 sq.m. and 40.6 sq.m. respectively as indicated on the Proposed Ground Floor Plan drawing.

3.2 Further Information Request

The Planning Authority by letter dated 16th April, 2015 sought Further Information including in regard to the proposed development and the existing treatment system as specified, and also as follows:

‘The total floor area proposed for the dwelling is 216 (217) square metres on a site size of 0.202 hectares. Applicant is requested to submit a revised proposal to reduce the increase in floor area to that which is permitted for on a site size of 0.202 hectares in accordance with the requirements of Policy SS40 and SS35 of the Louth County Development Plan.’

3.3 Further Information Submission

- Further Information was received on 17th June, 2015 including a Building Surveyors Report ‘confirming that the existing treatment system can cater for additional loading’, and also as follows:

‘We would bring to your attention that the site area of the property is 0.2024 hectares (0.5 acres). The original property was constructed in 1998 as a 152.6 square metre dwellinghouse. The new extension now allows for a habitable total floor area of 217 square metres. The dwellinghouse was never extended before. The 40 square metre extension exemption has not been implemented. It is proposed to use 17 square metres of this in lieu of any shortfall in site area. This approach we note was implemented on other similar properties already granted planning permission.’

- An enclosed email from the Planning Authority stated as follows:
‘Having regard to the design of the extension on site (ridge height not being increased and attic space being used as storage) it will be accepted in this instance that the floor area of 217 square metres is acceptable.’

3.4 Additional Information Request

The Planning Authority by letter dated 1st July, 2015 requested Additional Information as specified further to ‘an incomplete response’ in regard to the existing effluent treatment system on the subject site.

3.5 Additional Information Submission

Additional Information was received on 15th October, 2015 including details as requested by the Planning Authority in regard to the existing effluent treatment system on the subject site.

An Extension of Time thereafter was granted by the Planning Authority in regard to this planning application (Reg. Ref. 15/108).

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Third Party Submissions on Planning Application

No Submissions were received.

4.2 First Planning Report for Planning Authority

- The Planning Report dated 9th April, 2015 included documenting the Planning History of the subject site and also relevant provisions in the Louth County Development Plan.
- It was considered that the principle of the proposed extension to the dwelling was considered acceptable stating as follows:
'Design Issues – The proposed extensions include a revised fenestration design on the front elevation along with two side extensions at either end of the dwelling. The design, form and scale of the proposed extension is considered acceptable and will not detract from the visual amenities of this site which is located at a highly scenic and sensitive site.'
- The Planning Report also stated as follows:
'Policy SS40/SS35 – The proposed increase in floor area to the dwelling by reason of the extension is 64 square metres. An additional 39 square metres of storage space within the attic is also being provided. The existing floor area of the dwelling is 152 square metres. The total floor area of the dwelling will be 216 (217) square metres on a site size of 0.2024 hectares. As per Policy SS 35 of the County Development Plan the total floor area proposed requires a site size of 0.23 hectares.'

- Further Information was requested in regard to the existing septic tank system serving the permitted dwelling (Reg. Ref. 98/420) and also in regard to Policy SS 40 and Policy SS 35 in the Development Plan as specified.

4.3 Environment Section Report on Further Information Submission

This report dated 23rd June, 2015 requested further details as specified relating to the existing treatment system on the subject site.

4.4 Environment Section Report on Additional Information Submission

This report dated 27th October, 2015 stated that adequate information had been received and recommended that permission be granted subject to Conditions as specified.

4.5 Final Planning Report for Planning Authority

- This report dated 5th November, 2015 included stating that the Additional Information Submissions in regard to the capacity of the existing effluent treatment system on the subject site and the proposed development were acceptable as stated.
- Relevant provisions in the 2015-2021 Louth County Development Plan were noted and under 'Assessment' was stated as follows: 'The site size/floor area issue remains and in particular new policy introduced under the Louth County Development Plan 2015-2021 is even more stringent in this regard than the policy contained in the previous plan. This application must now be assessed under the auspice of the 2015-2021 Development Plan. Having regard to Policy SS 51 and Table 2.9 of the Plan, the maximum floor area permissible within Development Zone 1 is 160 square metres, including extensions to dwellings. The existing floor area of the dwelling is 152.6 square metres. The proposed extensions to the front, side and rear of the dwelling will increase the floor area of the dwelling to 217 square metres which contravenes the policy as set out.', and also

'Policy SS 51 permits for 160 square metres and exempted development provision set out in the Planning and Development Regulations allow for up to 40 square metres to the rear. Having regard to this, it is feasible that a dwelling of 200 square metres is permissible within Zone 1 and as such it is considered that the

application dwelling, in this instance, should be permitted to extend to 200 square metres as a maximum floor area. It is recommended that a condition should be included to omit the side element of the kitchen extension hereby proposed which will reduce the total floor area of the dwelling to 205 square metres. The extra 5 square metres which would be part of the front porch extension is a negligible increase which does not materially impact on the scale, form and bulk of the dwelling.

Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

4.6 Notification of Decision of Planning Authority

The Planning Authority, Louth County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 7 Conditions including Condition No. 1 as follows:

1. (a) Subject to the following the development to be carried out in strict conformity with the lodged plans and specifications received by the Planning Authority on 26/02/15 as amended by further information received on 15/10/15.

(b) The side extension to the kitchen shall be omitted from the proposal. Revised plans to be submitted to the Planning Authority for agreement in writing prior to the commencement of any more works on site.

Reason: To ensure the development accords with the permission and to ensure that effective control is maintained.

5. APPEAL GROUNDS

5.1 First Party Appeal

- The First Party Appeal Grounds included stating that the Appeal related to Condition 1(b) of the notification of decision of the Planning Authority to grant permission for the proposed development. The Appellant resided with his family in the existing dwelling for 16 years and required additional accommodation.

‘The main hub of the house is the kitchen/dining living space. Our client’s main reason for making the planning application was to alter the kitchen/dining living areas to provide more space and allow more light into the living spaces.’ ‘The side extension to the kitchen/dining area faces south and the glazing will allow maximum solar gain and passive heat to the house during the day.

The current layout does not allow this. This is the south aspect of the house and allows maximum heat gain. The projection of the extension ensures light and solar gain is obtained throughout the day from the east in the morning through the front windows, the main window facing south during the day and the west glazed door and window in the evening.'

- The history of the planning application was documented stating: 'The information requested in the letter dated 01/07/2015 was in addition to the initial request for further information and unduly delayed the planning application. The final report by the planning officer was prepared on the 29th October. The new Development Plan was initiated on the 28th of October, 2015. In any case the initial application and further information was submitted to the Planning Authority when the Louth County Development Plan 2009-2015 was then current and complies with the same.'
- 'The proposed extension is very simple and modest and yet would greatly improve the occupants/applicants' standard of living. The house as you will appreciate has been a long standing family home. The living space available to the house on completion will be 217 square metres which is modest by today's standards.'
The Appeal Grounds requested that Condition No. 1(b) be omitted.

6. APPEAL RESPONSES

6.1 Appeal Observation

No Appeal Observation was received.

6.2 Planning Authority Appeal Response

This Appeal Response received 18th December, 2015 included documenting the history of the planning application and stating:

'Having regard to Policy SS 51 and Table 2.9 of the Plan the maximum floor area permissible within Development Zone 1 is 160 square metres, including extensions to dwellings. The existing floor area of the dwelling is 152.6 square metres. The proposed extensions to the front, side and rear of the dwelling will increase the floor area of the dwelling to 217 square metres which contravenes the policy as set out.....

Policy SS 51 permits for 160 square metres and exempted development provision set out in the Planning and Development

Regulations allow for up to 40 square metres to the rear. Having regard to this, it is feasible that a dwelling of 200 square metres is permissible within Zone 1 and as such it is considered that the application dwelling, in this instance, should be permitted to extend to 200 square metres as a maximum floor area. This was the rationale to applying a condition to omit the side element of the kitchen extension hereby proposed which will reduce the total floor area of the dwelling to 205 square metres.'

6.3 Appellant's Response to Planning Authority Appeal Response

This Response received 8th February, 2016 included documenting the history of the planning application and noted as follows:

'The reasons that Louth County Council deemed the response inadequate were not requested as part of the initial further information request and resulted in an unnecessary delay and are not in compliance with requirements of Section 33 Paragraph (2) of the Planning and Development Regulations 2006. In the interest of property planning and sustainable development we would request that An Bord Pleanála omit planning condition 1(b) of the Planning Ref. 15/108.'

7. PLANNING HISTORY

The Planning Report for the Planning Authority documented the Planning History of the subject site including: Permission for dwellinghouse and septic tank (Reg. Ref. 98/420) at Commons, Carlingford.

8. DEVELOPMENT PLAN

- The provisions of the 2015-2021 Louth County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**
- Section 2.19.11 – 'Dwelling Gross Floor Areas and Minimum Site Size'.
- SS 51 – To require that new dwellings and/or extensions to existing dwellings within Development Zone 1-6 inclusive shall comply with the minimum site size area and maximum cumulative gross floor areas as outlined hereunder in Table 2.9

Development Zone	Minimum Site Size in Hectares	Maximum Cumulative Gross Floor Area in Square Metres
1	0.2	160*

* Includes Replacement Houses or extensions to existing houses

- SS 57 – To limit the size of extensions to not more than 100% of the floor area of the original dwelling subject to compliance with Table 2.9 and Policy SS 52. Extensions in excess of 100% of the floor area of the original dwelling shall only be considered where the proposed extension compliments the original house in terms of proportion, position, materials and details and harmonises with any adjoining property.
- Section 2.19.14 – ‘Extensions to Dwellings’.
- Policy SS 58 – ‘Extensions to dwellings....’

9. PLANNING ASSESSMENT – Issues and Evaluation

- The subject site lands at Mountain Park, Carlingford, County Louth are approximately 0.2024 hectares in area and comprise a single-storey residential property (area 152.6 square metres) in the Mountain Park area to the south-west of Carlingford Town.
- The submitted detailed drawings indicating the proposed extensions to the front and side and alterations to the existing dwelling including conversion of the attic to storage space, are noted. The areas of the proposed Front Extension, Kitchen Extension to Side and Bedrooms Extension to Side are specified as 11.8 sq.m., 12.0 sq.m. and 40.6 sq.m. respectively as indicated on the Proposed Ground Floor Plan drawing.
- The Planning Authority by letter dated 16th April, 2015 sought Further Information including in regard to the existing treatment system as specified, and also as follows:
‘The total floor area proposed for the dwelling is 216 (217) square metres on a site size of 0.202 hectares. Applicant is requested to submit a revised proposal to reduce the increase in floor area to that which is permitted for on a site size of 0.202 hectares in accordance with the requirements of Policy SS 40 and SS 35 of the Louth County Development Plan.’

- Further Information was received on 17th June, 2015 including a Building Surveyors Report 'confirming that the existing treatment system can cater for additional loading' and also as follows:
'We would bring to your attention that the site area of the property is 0.2024 hectares (0.5 acres). The original property was constructed in 1998 as a 152.6 square metre dwellinghouse. The new extension now allows for a habitable total floor area of 217 square metres. The dwellinghouse was never extended before.'
- An enclosed email from the Planning Authority stated as follows:
'Having regard to the design of the extension on site (right height not being increased and attic space being used as storage) it will be accepted in this instance that the floor area of 217 square metres is acceptable.'
- I note and concur with the First Planning Report for the Planning Authority which considered that the principle of the proposed extension to the dwelling was considered acceptable as stated:
'Design Issues – The proposed extensions include a revised fenestration design on the front elevation along with two side extensions at either end of the dwelling. The design, form and scale of the proposed extension is considered acceptable and will not detract from the visual amenities of this site which is located at a highly scenic and sensitive site.'
- The Final Planning Report for the Planning Authority included stating that the Additional Information Submissions in regard to the capacity of the existing effluent treatment system on the subject site and the proposed development were acceptable and also:
'This application must now be assessed under the auspice of the 2015-2021 Development Plan. Having regard to Policy SS 51 and Table 2.9 of the Plan, the maximum floor area permissible within Development Zone 1 is 160 square metres, including extensions to dwellings.'
- 'Policy SS 51 permits for 160 square metres and exempted development provision set out in the Planning and Development Regulations allow for up to 40 square metres to the rear. *Having regard to this, it is feasible that a dwelling of 200 square metres is permissible within Zone 1 and as such it is considered that the application dwelling, in this instance, should be permitted to extend to 200 square metres as a maximum floor area.* It is recommended that a condition should be included to omit the side element of the

kitchen extension hereby proposed which will reduce the total floor area of the dwelling to 205 square metres. The extra 5 square metres which would be part of the front porch extension is a negligible increase which does not materially impact on the scale, form and bulk of the dwelling.’ *(Italics added)*

- Condition No. 1(b) of the notification of decision of the Planning Authority to grant permission for the proposed development stated:
1. (a) Subject to the following the development to be carried out in strict conformity with the lodged plans and specifications received by the Planning Authority on 26/02/15 as amended by further information received on 15/10/15.

(b) The side extension to the kitchen shall be omitted from the proposal. Revised plans to be submitted to the Planning Authority for agreement in writing prior to the commencement of any more works on site.

Reason: To ensure the development accords with the permission and to ensure that effective control is maintained.

- Further to my examination of the file and as the First Party grounds of appeal relate to one condition only i.e. Condition No. 1(b) of the notification of decision of the Planning Authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to the single condition. Having reviewed the file documents, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Planning and Development Act as amended in this case.
- I note the Assessment in the Final Planning Report for the Planning Authority forms the rationale for *Condition No. 1(a)* of the notification of decision of the Planning Authority requiring that *‘The side extension to the kitchen shall be omitted from the proposal – which Condition No. 1(b) is the subject of the First Party Appeal.*
- In my opinion as stated above in regard to the *5 square metres front porch extension*, the proposed *‘Kitchen Extension to Side’* in area 12 square metres, would also similarly *‘not materially impact on the scale, form and bulk of the dwelling’*. In this regard I refer to the submitted Proposed Ground Floor Plan and Proposed Front Elevation drawings.

- I note the submitted First Party Appeal Grounds including that the Appellant resided with his family in the existing dwelling for 16 years and required additional accommodating stating:
‘The main hub of the house is the kitchen/dining living space. Our client’s main reason for making the planning application was to alter the kitchen/dining living areas to provide more space and allow more light in the living spaces.’‘The side extension to the kitchen/dining area faces south and the glazing will allow maximum solar gain and passive heat to the house during the day.’
- I note the First Party Appeal Grounds submissions in regard to the history of the planning application and that the 2015-2021 Louth County Development Plan was adopted following the Further Information/Additional Information Submissions and that the proposed residential extension development was ‘modest’ in nature and that Condition No. 1(b) should be omitted.
- The Planning Authority Appeal Response reiterated the rationale for applying Condition No. 1(b) as set out above...
‘.....it is feasible that a dwelling of 200 square metres is permissible within Zone 1 and as such it is considered that the applicant dwelling, in this instance, should be permitted to extend to 200 square metres as a maximum floor area. This was the rationale to applying a condition to omit the side element of the kitchen extension hereby proposed which will reduce the total floor area of the dwelling to 205 square metres.’
- As stated above further to an examination of the submitted drawings, I consider that the omission of the proposed Kitchen Extension to Side (area 12 square metres) as required under Condition No. 1(b) would ‘not materially impact on the scale, form and bulk of the dwelling’ and I fully concur with the First Party Appeal Grounds where stated as follows:
‘The proposed extension is very simple and modest and yet would greatly improve the occupants/applicants’ standard of living. The house as you will appreciate has been a long standing family home. The living space available to the house on completion will be 217 square metres which is modest by today’s standards.’
The Appeal Grounds requested that Condition No. 1(b) be omitted.
- I note the following provisions of the 2015-2021 Louth County Development Plan including Section 2.19.11 – ‘Dwelling Gross Floor Areas and Minimum Site Size’ includes reference to ‘*In more*

recent times there has been an increased demand for much larger houses, many with floor areas exceeding 400 square metres and that 'it is considered appropriate to limit the floor area of new dwellings in such sensitive landscapes', and also Policy SS 51 and Table 2.9 as follows:

- SS 51 – To require that new dwellings and/or extensions to existing dwellings within Development Zone 1-6 inclusive shall comply with the minimum site size area and maximum cumulative gross floor areas as outlined hereunder in Table 2.9.

Development Zone	Minimum Site Size in Hectares	Maximum Cumulative Gross Floor Area in Square Metres
1	0.2	160*

* Includes Replacement houses or extensions to existing houses

- Section 2.19.14 – 'Extensions to Dwellings' includes stating that '*extensions which are out of character, proportion or not incidental to the main dwelling will not be considered favourably. The size of any extension should be proportional to and in keeping with the character of the existing structure.*' I note that the Planning Authority considers that the proposed extensions to the dwellings would comply with these requirements and I concur in this regard.
- In my opinion the proposed development would not result in any adverse impact on the visual amenities of the area – which opinion I consider is also shared by the Planning Authority. I note that Policy SS 58 also included within Section 2.9.14 – 'Extensions to Dwellings' in the 2015-2021 Louth County Development Plan states as follows:
'Extensions to dwellings on site sizes less than 0.2 hectares (0.5 acres) will be considered *depending on the history, context, location and capacity of the site together with the proposed design.*'
- In my opinion the proposed development on a site area of 0.0204 hectares approximately and to a cumulative floor area of 217 square metres – where the Planning Authority accept that a cumulative floor area of 205 square metres would be acceptable in this case and that the proposed development would not detract from the visual amenities of the area – is acceptable in this case in the context of the low-rise single-storey nature of the existing dwelling and the appropriate design without any increase in ridge height of the proposed residential extensions to this dwelling which

was constructed in 1998 and which has previously not been extended, and the capacity of the subject site at 0.2024 hectares in area to assimilate the proposed development without detracting from the visual amenities of the area.

- Accordingly I recommend that further to the provisions of Section 139 of the 2000 Planning and Development Act as amended that Condition No. 1(b) of the notification of decision of the Planning Authority should be REMOVED and Condition No. 1 AMENDED as set out hereunder.

Appropriate Assessment

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

It is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. In this context, therefore, I recommend that Condition No. 1(b) of the Planning Authority notification of decision be REMOVED and Condition No. 1 AMENDED as set out hereunder further to the provisions of Section 139 of the 2000 Planning and Development Act as amended.

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000 as amended to REMOVE condition number 1(b) and AMEND condition number 1 so that it shall be as follows for the reason set out.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of June, 2015 and by the further plans and particulars submitted on the 15th day of October, 2015.

Reason: In the interest of clarity.

REASONS AND CONSIDERATIONS

It is considered that condition number 1(b) requiring the omission of the proposed kitchen extension (area 12 square metres) is unnecessary in this case by reason of the acceptable design of the proposed residential extension to the existing low-profile single-storey long-established dwelling on the site without any increase in the existing ridge height of the dwelling and the capacity of the site to assimilate the proposed development without detracting from the visual amenities of the area.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

2nd March, 2016.

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APPENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
APPENDIX C - DEVELOPMENT PLAN