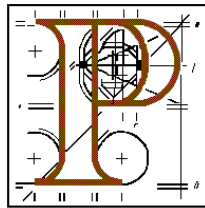


An Bord Pleanála



Inspector's Report

PL15.245979

DEVELOPMENT: Permission for extension to side of existing dwellinghouse, internal alterations and all associated site works,
at Mountain Park, Carlingford, County Louth.

PLANNING APPLICATION

Planning Authority: Louth County Council

Planning Authority Reg. No.: 15/444

Applicants: Peter and Olivia Hill

Application Type: Permission

Planning Authority Decision: **GRANT PERMISSION**
subject to 6 Conditions

APPEAL

Appellants:

1. Christine Tumilty
2. Irene Tylicki

Type of Appeal: **THIRD PARTY (2)**

Observer: None

DATE OF SITE INSPECTION: 11th March 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 0.38 hectares in area and were described as follows in the Planning Report for the Planning Authority:

‘The application site is located within Mountain Park, Carlingford. The existing dwelling on site is a modest dormer dwelling set below the public road with a matching dormer dwelling on the adjoining site. There is a dense development of one-off dwellings on small sites within this part of Mountain Park.’

2.2 A vehicular access off the public road serves the above two ‘matching dormer dwellings’ on adjoining sites – which access also serves a single-storey dwelling ‘The Cottage’ on an adjoining site, see Photographs 3-4 in Appendix B.

2.3 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

The proposed development comprises as specified in the Public Notices: ‘Permission for extension to side of existing dwellinghouse, internal alterations and all associated site works, at Mountain Park, Carlingford, County Louth.’

3.2 Further Information Request

The Planning Authority by letter dated 20th August, 2015 sought Further Information including as follows:

‘The applicants are advised that there is some concern with regard to the scale of the proposed extension on this confined site and the replacement of existing velux windows with dormer windows having

regard to the confined nature of the established pattern of development within the area and the potential for a negative impact on the residential amenities of adjoining occupiers. The applicants are requested to submit a revised proposal for the extension with the omission of the dormer windows, an improved fenestration design overall and reduction in the scale of the proposed extension.'

3.3 Further Information Submission

Further Information was received on 17th November, 2015 including Revised Floor Plans and Elevations 'showing the proposed extension redesigned. This includes omission of the dormer windows, improved fenestration and reduction in the scale of the extension.'

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

4.1 Third Party Submission of Christine Tumilty

The Submission received from the owner of 'The Cottage' and the adjoining dormer dwelling at No. 1 Mountain Park, objected to the proposed development by reason of loss of privacy and light and overdevelopment in regard to both properties and loss of sea view from 'The Cottage'.

4.2 Third Party Submission of Irene Tylicki

The Submission received from the occupier of 'The Cottage' objected to the proposed development by reason of loss of privacy and light and loss of sea view further to the proposed development.

4.3 Planning Report for Planning Authority

- The Planning Report, dated 19th August, 2015 included a Site Description and documented the Planning History of the subject site and relevant provisions in the Development Plan.
- Under 'Design Issues' was stated as follows:
'The proposed extension is a two storey extension to the side of an existing modest dwelling on a confined site. The dwelling on site is the same design as an adjoining dwelling. Both are of a simple traditional cottage type design. The proposed extension is a storey

and a half extension extending to a height of 8 metres whilst the main dwelling is 7.7 metres high. It is also proposed to change existing velux windows to dormer windows which is out of keeping with the character of the design of the existing dwellings immediately in the vicinity of the site.'

- Under Impact on 'Adjoining Properties' the Planning Report stated: 'Given the orientation of the proposed extension relative to the private amenity space of the adjoining dwelling, it is considered that a loss of privacy to this dwelling may ensue as a result of the proposed extension which includes three dormer windows to replace existing velux windows. Having regard to the drop in ground levels within the site and the orientation of the dwellings on site, it is not considered that a loss of light or shadowing will occur.' It was recommended that Further Information be requested.

4.4 Planning Report on Further Information Submission

- This report, dated 3rd December, 2015 included stating as follows: 'Revised plans have been submitted showing the proposed extension revised to include the omission of the dormer windows, improved fenestration and reduction in the scale of the extension. The revised design for the proposed extension is considered acceptable at this site. The existing form and character of the dwelling on the site is being retained and the extension has been scaled back in terms of its bulk and fenestration to be more in keeping with that of the dwelling on site.'
- Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

4.5 Notification of Decision of Planning Authority

The Planning Authority, Louth County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development as revised subject to 6 standard-type Conditions.

5. APPEAL GROUNDS

5.1 Third Party Appeal of Christine Tumilty

- The First Party Appeal Grounds received from the owner of the adjoining single-storey dwelling 'The Cottage' and the adjoining dormer dwelling at No. 1 Mountain Park, included submitting in regard to the effect of the proposed development on 'The Cottage' as follows:
 1. Carlingford's Heritage – This is an old, traditional cottage and has been here for generations and is famous in the local area as being the homestead of the Murphy family.....
 2. Light – This is going to be a large extension extending the original roofline of the existing property (8 metres in height) and coming forward on ground level towards the cottage by 2.085 metres, overall increasing the total floor area by approximately 55%. This will block out light in the garden, patio, bedroom and porch of the cottage.
 3. View towards the sea – This traditional cottage has stood here for a very long time (over 125 years), and has always had the benefit of a sea view. This sea view will certainly now be lost. (Please see attached photograph, Appendix 3).
 4. Overdevelopment – There are currently 3 properties within this development; an extension of this size and increasing the total floor area by 55% would lead to overdevelopment of the site...'
- The Appeal Grounds submitted in regard to the dwelling at No. 1 Mountain Park that 'Loss of Privacy would result from the proposed 'new ground floor living room window' and that Overdevelopment and Loss of Light would result as set out.

5.2 Third Party Appeal of Irene Tylicki

The Third Party Appeal Grounds received from the occupier of 'The Cottage' dwelling including stating that the existing dormer dwelling on the subject site was for sale and also as follows:

'I am only a tenant in 'The Cottage' which is for over 100 years in Carlingford and has got indeed a beautiful sea view which would be totally lost in case of a development of an extension (picture attached). The Cottage was renovated by the landlord with a lot of work and a keen eye to detail to ensure the preserving of its history and features. Many people who come to Carlingford to walk up the mountain stop at The Cottage only to enjoy another old and very traditional cottage.'

6. APPEAL RESPONSES

6.1 Applicant's Response

This Appeals Response was received too late for consideration.

6.2 Appeal Observation

No Appeal Observation was received.

6.3 Planning Authority Appeal Response

This Appeal Response received 3rd February, 2016 included stating: 'The proposed extension is a two storey extension to the side of an existing modest dwelling on a confined site. The dwelling on site is the same design as an adjoining dwelling. Both are of a simply traditional cottage type design. Following a request for further information the proposed extension was simplified and scaled back on site. The design of the extension and the principle of an extension to this dwelling is considered acceptable and does not detract from the residential amenities of any adjoining occupiers.'

7. PLANNING HISTORY

The Planning Report for the Planning Authority documented the Planning History of the subject site/area including the permission granted in 2005 (Reg. Ref. 05/301) for two dwellings including the dwelling on the subject site, within the curtilage of 'The Cottage'.

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:-**

- The Planning Report for the Planning Authority documented relevant provisions in the Development Plan as follows:
'The application site is located within the boundaries of Carlingford Settlement Plan and is zoned as 'Strategic Reserve'.'
- Section 2.19.14 – 'Extensions to Dwellings'.

9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

Proposed Development and Third Party Appeal Grounds (2)

- The proposed development comprises as specified in the Public Notices: ‘Permission for extension to side of existing dwellinghouse, internal alterations and all associated site works, at Mountain Park, Carlingford, County Louth.’
- The subject site adjoins the site of a similar-type dormer dwelling to the west and the site of a single-storey dwelling ‘The Cottage’ to the south – which three dwellings are served by a single vehicular access off the public road at a higher level – see Photographs 3-4 in Appendix B and the submitted Site Layout Plan drawing.
- The Further Information Request of the Planning Authority included stating in regard to the proposed two-storey extension to the side of the existing dwelling that ‘the applicants are advised that there is some concern with regard to the scale of the proposed extension on this confined site...’
- I note the Further Information Submission received by the Planning Authority on 17th November, 2015 including Revised Floor Plans and Elevations ‘showing the proposed extension redesigned. This includes omission of the dormer windows, improved fenestration and reduction in the scale of the extension.’
- I note the Planning Report for the Planning Authority on the Further Information Submission which included stating as follows:
‘The revised design for the proposed extension is considered acceptable at this site. The existing form and character of the dwelling on the site is being retained and the extension has been scaled back in terms of its bulk and fenestration to be more in keeping with that of the dwelling on site.’
The Planning Authority, Louth County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development as revised subject to 6 standard-type Conditions.

- The submitted Third Party Appeal Grounds (2) of the owner of the adjoining two dwellings and the occupier of 'The Cottage' dwelling, objected to the proposed development including by reason of adverse impact on the residential amenity and loss of sea view from 'The Cottage' dwelling, and 'overdevelopment' as stated: 'There are currently 3 properties within this development; an extension of this size and increasing the total floor area by 55% would lead to overdevelopment of the site.'
- The Planning Authority Appeal Response included stating: 'Following a request for further information the proposed extension was simplified and scaled back on site. The design of the extension and the principle of an extension to this dwelling is considered acceptable and does not detract from the residential amenities of any adjoining occupiers.'
- At the outset I note an inaccuracy on the submitted Planning Application Form where the area of the subject site is stated as 0.382 hectares. The Planning Report for the Planning Authority documented the Planning History of the subject site/area including the permission granted in 2005 (Reg. Ref. 05/301) for two dwellings including the dwelling on the subject site.
- The Planning Report on this planning application noted that 'this site is a large curtilage (of) a small cottage sited immediately to the south-east of the proposed development', and also that this site 'has an overall area of 0.131 hectares' as specified on the completed Planning Application Form. The submitted Site Layout Plan included specifying as follows in regard to adjoining lands: 'This area to be retained by existing cottage.'
- The subject site as such is limited in extent and adjoins two existing dwellings also on restricted sites. The proposed two-storey extension as revised in the Further Information Submission is a marked improvement on the original proposed development in regard to its impact on the adjoining residential property 'The Cottage'.
- The originally proposed new dormer windows on the Proposed Front Elevation drawing replacing existing rooflights, and the proposed new window, and the proposed extension at first floor level projecting from the front building line of the existing dwelling, towards 'The Cottage' dwelling, have been removed as indicated on the revised Proposed Front Elevation drawing. The Extension

Floor Area as revised is 62.5 square metres comprising a Ground Floor Area (40 square metres) as originally and a reduced First Floor Area (22.5 square metres).

- The revised Proposed Side Elevation drawing includes a window at first floor level which would be located adjacent to the narrow pedestrian pathway which ascends to the Mountain Park residential area, see the submitted Site Layout Plan and Photograph 1 in Appendix B of this report. This proposed first floor window would overlook across the pedestrian pathway the rear garden of the 'existing dwelling' to the north-west as specified on the Site Layout Plan drawing, see also Photographs 3 and 4 in Appendix B.
- In my opinion on balance and having considered all the submissions on file, the density of the previously permitted development (Reg. Ref. 05/301) of two dormer dwellings on restricted sites in conjunction with the adjoining 'The Cottage' dwelling -- which three dwellings are served by a single vehicular access off the public road -- is such that the now proposed two-storey extension albeit reduced in scale to the dormer dwelling on the subject site, would constitute overdevelopment of a restricted site which would seriously detract from the residential amenities and visual amenities of the area by reason of the existing density of residential development of these lands.

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

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area, having regard to the relevant provisions of the 2015-2021 Louth County Development Plan

which are considered reasonable. Accordingly, I recommend that permission be refused for the proposed development for the Reasons and Considerations stated in the Schedule below.

DECISION

REFUSE permission for the proposed development for the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS

The proposed two-storey extension to the side of the existing dwelling on a restricted site in conjunction with the density of the existing residential development on the two adjoining restricted sites where the three dwellings are served by a single vehicular access off the public road, would constitute overdevelopment of a restricted site which would seriously detract from the residential amenities and visual amenities of the area, and would therefore be contrary to the proper planning and sustainable development of the area

DERMOT KELLY
SENIOR PLANNING INSPECTOR

14th April, 2016.

sg

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