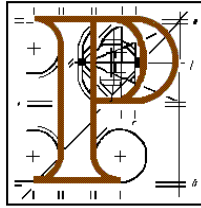


**An Bord Pleanála**



**Inspector's Report**

**Development:** Change of house type previously granted under reg. ref. 06/30520 (11/30045 also refers) and to change condition no.4 to provide for the location of the revised house type of the approved site, at Muntermellan, Horn Head, Dunafaghy, Co. Donegal.

**Planning Application**

Planning Authority: Donegal County Council  
Planning Authority Reg. Ref.: 15/51692  
Applicant: Margaret McClean  
Type of Application: Permission  
Planning Authority Decision: Grant with conditions

**Planning Appeal**

Appellant(s): Caroline McFadden and others  
Type of Appeal: 3rd Party v decision

Date of Site Inspection: 30/06/2016

**Inspector:** S. Kehely

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site of 0.216 hectares is located in an elevated rural coastal setting overlooking Dunafaghy Harbour almost 2km outside Dunafaghy Village. It is on the south east side of Horn Head peninsula - an area where there are small clusters of houses and sheds. It is on the coastal side of the road at a markedly lower level. There are houses on both sides of the road at higher and lower levels than the subject site. These houses are typically single storey and of modest scale and proportion. Render finishes and slate coloured roofs are also typical finishes in the area.
- 1.2 Site works had commenced on site on inspection. Attached photographs of the site show its immediate environs and also the coastal headland setting as viewed from across the harbour. The latter photographs were taken during overcast and wet conditions when visibility was less defined.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development is for a revised house type with a floor area of up to 243sq.m. from a previously permitted 104 sq.m. The revision includes a substantial extension in the form of a dormer roofed structure linked by a corridor to the approved house structure. Roof height is increased from 5.4m to up to 6.4m. The taller western gable incorporates a roof level clear light to a double height space.
- 2.2 The site layout is modified by shifting the permitted house westwards by 2.8m and southward down the site by about 8m increasing the setback from the road from a distance of 52.85m to 61m. A slope is retained and the house layout incorporates steps between the varying ground levels.
- 2.3 The accommodation is revised whereby the original approved house provides for three bedrooms, dressing-room and two bathrooms. The proposed new block provides open plan kitchen/dining/living areas with the link section providing storage, entrance and utility areas. A first floor area is proposed. In initial plans this was 5.8m by 4.4m and incorporated a dormer of 4.4m in width. In revised plans this was revised to take account of reduced gable depth and the office/snug area spans 8.2m by a width of up to 4.95m and also incorporates a south facing terrace over the harbour. The floor to ceiling height is provided by a wider south facing large dormer window than initially proposed in the drawings submitted in December
- 2.4 In initial plans the ridge height is 6m and 6.4m in the sleeping and living blocks respectively.
- 2.5 In revised plans submitted as further information these ridge heights are revised to 5.985m and 6m respectively.
- 2.6 The levels are also revised in the further information such that there are six steps down to the living block rather than two.

### **3.0 PLANNING AUTHORITY REPORTS**

#### **3.1 Internal Reports**

In view of the nature of the application involving a change of house type for an extant permission there were no substantive issues arising from the technical divisions concerning Roads, Environmental Amenities, Effluent Treatment, Surface Water or Water Supply.

#### **3.2 Planner's Report**

The principle of extending the house with a second gable ended block is generally acceptable and accords with the prior agreed approach.

The report acknowledges the objections in the context of planning history related to the proposed development and refers to concerns about the visually open and exposed nature of the site on elevated lands and the proposal to increase the size of the dwelling by 2.5 times. A significant reduction in the scale of the proposal was considered necessary to address these concerns. In this regard the planning authority sought revised plans in a request for further information to incorporate:

- A reduction in the gable width of the kitchen living block to a maximum of 6m
- A reduction in the bedroom block to a maximum of 7m
- A reduction in the height to a maximum of 6m over ground level at any point.
- A reduction in the finished floor level of the bedroom block so as to provide a minimum of 1m step down from [to] the Living/kitchen block.

The revised plans as submitted in further information were considered to be substantially acceptable with the exception of the box shaped dormer projection.

### **4.0 PLANNING AUTHORITY'S DECISION**

Planning permission was GRANTED subject to five conditions.

- Condition 2 requires the omission of the box window and balcony at first floor level and revision of the block- all subject to agreement.
- Condition 3 requires compliance with the parent permission
- Condition 4 specifies floor level limits of 74.95 of the bedroom block and 73.93m for the living kitchen block.

### **5.0 APPEAL GROUNDS**

The grounds of appeal may be summarised as follows:

- Excessive relative to parent permission and planning policy:  
Original application was refused on grounds of being unduly

prominent when viewed from a designated scenic route. A single storey was considered to more likely integrate with the established cluster

- The proposed doubling of size and increase in height to two storeys will be apparent from many views and does not adequately address issues raised in further information
- Site notice was not visible
- Reliance on parent permission not appropriate.
- The letter of objection is attached which also refers to occupancy.

## **6.0 RESPONSES**

### **6.1 Planning Authority**

No further comments.

### **6.2 Applicant**

In a letter, dated 5<sup>th</sup> May, the applicant makes the following points:

- The appellants are of the one family and live in a dwelling on the opposite side of the road. A photograph of the view from this property is attached
- It is clarified that the applicant living in the local family house on 32 acre farm holding.
- The house was not built in 2008 due to financial circumstances. The proposed house was revaluated in light of current standards. A revised design follows the advice of the Senior Planner in the Planning Authority
- It is submitted that the objection is based on obstruction of view and that the appeal is vexatious and should be dismissed.

## **7.0 PLANNING HISTORY**

Planning Authority Register Reference 06/30520 refers to a grant of permission for a 104 sq.m four bedroom dwelling on the site. The total overall ridge height is 5.4m. Condition 4 requires a 12m maximum set back from the northern boundary. This was extended to 30/7/2016,

## **8.0 PLANNING POLICY**

### **8.1 Donegal County Development Plan 2012-2018**

#### **Policy RH-P-2**

It is a policy of the Council to permit a new rural dwelling which meets a demonstrated rural need (see Policies RH-P-3–RH-P-6) **provided the development is of an appropriate quality design, integrates successfully into the landscape, and does not cause a detrimental change to, or further erode the rural character of the area.** In considering the acceptability of a proposal the Council will be guided by the following considerations:-

1. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;
2. A proposed dwelling shall not create or add to ribbon development (see definitions);
3. **A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;**
4. **A proposed dwelling will be unacceptable where it is prominent in the landscape;** and shall have regard to Policy T-P-15.
5. **A proposed dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration.** Proposals for development involving extensive or significant excavation or infilling will not normally be favorably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings (as elaborated below).

## 8.2 Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

Section 3.3.3 deals with 'Siting and Design'

## 9.0 ASSESSMENT

- 9.1 This appeal relates to an application to increase a previously approved dwelling of 104 sq.m. to a substantially larger dwelling of 243 sq.m in a prominent elevated coastal site. I consider the appeal to be valid. I do not consider a de novo assessment of the principle of a house appropriate in view of the planning history. The core issue in the appeal and in the considerations of the planning authority relates to **visual impact**. There is also an issue in relation to the **status of the permission** having regard to the parameters of the parent permission from which it is proposed to vary.
- 9.2 The proposal involves constructing a similarly gabled block to that previously permitted and connecting the two blocks with a passage. It is also proposed to increase the depth of the permitted gabled block and to raise its height from 5.4 to 6m. The new block is of even greater proportions with a ridge height at 6.4m and depth of 7m as proposed in the initial drawings. In addressing the concerns of the planning authority the new block was scaled down to a ridge height of 6m but this incorporates a terrace and very large flat roofed dormer 'window' in order to provide habitable accommodation at roof level.

- 9.3 I note that the site is outside but close to the designated Area of Especially High Scenic Amenity that extends over most of the Horn Head peninsula to the north and east of the site. I also note that there is a clustering of houses and sheds in the vicinity of the site and this intensifies to the west of the site on approach to the urban area. It appears that it is in this context that permission was granted for a dwelling at this location however the site is in a scenic setting and is highly prominent, as is particularly evident I note when viewed from amenity areas in the seaside village and beaches across the harbour. It is apparent that for this reason the planning authority has sought to restrict the scale, massing and height of development. I consider this to be appropriate to the site context. I say this also having regard to the wider context of the site being located in the vicinity of an area of especially high scenic amenity and the emerging pattern of suburbanisation extending from the village along the Horn Head Road and the potential to exacerbate this pattern to the detriment of the scenic quality of the headland.
- 9.4 The prevailing built form of dwellings in this elevated and exposed location is typically simple gable ended and of modest single storey proportions. In this manner the planning authority is open to the principle of an extension by way of an additional simple block. While I concur with this approach I consider the proposed additional block to be excessive relative to its context: it is an even larger and more elaborately designed block in terms of height, roof profile and window styles and arrangement and subordinates the original permitted house block. While I note the stepped contouring and lower roof level, it does not reduce its dominant scale. While I appreciate that the orientation of the site and block approach has informed and re-ordered the layout, I consider that the overall scale is excessive and unwarranted for this location. While the revised proposal reduces the height, the overall length of the block remains although, I accept somewhat foreshortened by angling and juxtaposition. The dormer roof as revised would also be a dominant and incongruent feature in the roof profile.
- 9.5 In my judgement in addition to the omission of the dormer roof profile, the proposed additional block should be substantially reduced in scale and massing. While the Board could modify this by condition, in view of the sensitivity of the site, the detailed design should be apparent prior to a final grant.
- 9.6 There is however also an issue with the timeline of the extant permission which expires on 30 July of this year. Strictly speaking a grant of permission to vary the parent permission would accordingly expire on this date also. While it could be argued that as the extension of duration option has already been used the application seeks in effect to start the clock again I do not hold this view.
- 9.7 In conclusion I am of the opinion that the proposed dwelling as varied, by reason of its scale, roof design and extent on a prominent site would form a discordant and obtrusive feature in the landscape and accordingly

seriously injure the visual amenities of the area. Furthermore the proposed development would set an undesirable precedent for other such development in the vicinity of this scenic area. Permission in these circumstances would be contrary to the provisions of the development plan in respect of siting and design of dwellings.

## **10.0 APPROPRIATE ASSESSMENT**

10.1 As this appeal relates to an application for revised housed design of an approved dwelling and septic tank and there is a reduction in bedrooms I do not consider the issue of appropriate assessment arises.

## **11.0 RECOMMENDATION**

I recommend that the decision of the planning authority be overturned and that permission be REFUSED for the following reasons and considerations.

### **REASONS AND CONSIDERATIONS**

1. The proposed house design by reason of its scale, roof design and extent in a prominent and exposed site overlooking Dunfanaghy Harbour would constitute a discordant and obtrusive feature on the peninsular landscape and would be seriously injurious to the visual amenities of the area. It is considered the proposed development would be conflict with the current Donegal Development Plan policy RH-P-2 in respect of siting and design of dwellings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Suzanne Kehely**  
**Senior Planning Inspector**  
01<sup>st</sup> July 2016