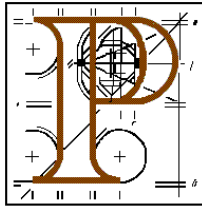


# An Bord Pleanála



## Inspector's Report

**PL26.246526**

**DEVELOPMENT:-**

Permission to construct an extension and to refurbish existing derelict house with all associated site works at Tara Hill, Courtown, Co. Wexford.

**PLANNING APPLICATION**

**Planning Authority:** Wexford County Council

**Planning Authority Reg. No:** 20151249

**Applicant:** John Dempsey

**Application Type:** Permission

**Planning Authority Decision:** Grant

**APPEAL**

**Appellant:** Brian Naughter

**Type of Appeal:** 3<sup>rd</sup>-v-Grant

**DATE OF SITE INSPECTION:** 02<sup>nd</sup> August 2016

**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.66 hectares, is located on the south-western shoulder of Tara Hill, on high ground with panoramic views towards the surrounding area and the sea. It is approximately 4km north east of Gorey. Access to Tara Hill is by way of a County Road from the N-11, and from Gorey / Clonattin which meets the former at Kilmurry and encircles Tara Hill. Tara Hill is a local landmark. It is highly visible from a large area and in particular on the approach roads from Gorey, Kilmurry, and Ballymoney. Tara Hill accommodates a number of one-off dwellings, accessed via a series of narrow and winding access roads. Many of the houses on the Hill are extremely elevated, with many extremely visible from a wide area. The subject site is accessed via a steep, narrow and winding third class road which culminates in a T junction. Access to the subject site is via a private laneway which appears to serve approx. 3 no. dwellings. The laneway is surfaced in concrete. The subject site is located to the south-east of a prominent red bricked dwelling. No access way exists to the site. The site appears to have undergone significant clearance in the recent past, with evidence of earth moving and tree removal. A stone structure in ruins exists on the eastern boundary of the subject site. The subject site is split level with ground variations of greater than 20m from north to south. An old stone wall is visible at the southern end of the site. To the east of the subject site runs a narrow unsurfaced laneway which serves the subject site and a single dwelling. The site is bounded on all sides by hedgerows. On the western boundary, the hedgerow line is interspersed with leylandii.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought to construct an extension and to refurbish existing derelict house with all associated site works. The proposal entails refurbishment of the existing derelict single-storey dwelling (33 square metres) and its extension with a part single-storey part two-storey split level extension giving a dwelling with a total floor area of 199 square metres. The dwelling is to feature a mixture of external finishes including render, stone cladding and a natural slate pitched roof on the refurbished structure and a trocal ribbed membrane pitched roof on the extension. It is proposed to install a proprietary wastewater treatment system and water supply is to be from a private well. Access to the site is to use an existing driveway serving a dwelling located to the west of the site which has an existing vehicular access onto the public road to the south west of the site.

### 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

#### 3.1

- (a) Environment Section (26/01/16): Further information required including revised proposal for a wastewater treatment system with PE of 6 and submission of longitudinal sections through the polishing filter.
- (b) Planning report (16/02/16): Further information required as per the Environment Section report.
- (c) Environment Section (29/03/16): Grant of permission recommended subject to conditions.
- (d) Planning report (04/04/16): The proposal to refurbish the existing dwelling on site was considered acceptable in the context of Development Plan policy. The design and scale of the overall development was considered satisfactory. The proposal was also considered acceptable in the context of wastewater treatment and traffic safety. A grant of permission was recommended subject to the following conditions.

### 4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to five conditions all of which are standard in nature.

### 5. PLANNING HISTORY

- 5.1 PL26.231737: Permission refused to demolish ruins of a house and erect a dwelling, garage and site works. Refused for three reasons...

1. *The site is located within an area which is designated in the current Wexford County Development Plan 2007-2013 as an "Area under Strong Urban Influence", as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, and outside lands identified for residential development, where it is the policy of the planning authority to restrict housing development. On the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the proposed development comes within the criteria for rural generated housing need for a further dwelling at this location. The proposed development would contribute to the encroachment of random rural development in this sensitive, vulnerable and highly scenic area and would militate against the preservation of the rural environment. The proposed development would, therefore, conflict*

*with the provisions of the development plan and be contrary to the proper planning and sustainable development of the area.*

2. *It is the policy of the planning authority, as expressed in section 10.07.1 of the Wexford County Development Plan 2007-2013, that a site should be capable of accommodating a dwellinghouse so that it blends into the landscape and is not visually prominent and does not detract from scenic views. The proposed development (involving significant alterations to ground levels) would be located on an exposed and elevated site, would contribute to the erosion of landscape in a visually sensitive area surrounding Tara Hill, would seriously injure the amenities of the area, would be inconsistent with the policies of the planning authority and would, therefore, be contrary to the proper planning and sustainable development of the area.*
  
3. *It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic movements the development would generate on a narrow substandard road network which has poor alignment, poor visibility and where sightlines are frequently restricted.*

5.2 2008/0178: Permission for a single dwelling refused on the grounds that the proposed dwelling would have a significant visual impact on the visual amenities of the area.

5.3 2007/3097: Planning permission refused for a dwelling refused on the grounds that the proposed dwelling would have a significant visual impact on the visual amenities of the area, traffic hazard and insufficient sightlines at the junction of the private laneway and public road.

## 6. PLANNING POLICY

6.1 The relevant plan is the Wexford County Development Plan 2013-2019. The site is located in a rural area with policy in regards to Sustainable Rural Housing contained under Section 4.3.

The site is in an area classified as Under Strong Urban Influence. The criteria for individual rural housing in this area type is set out under Table No. 12 of the County development Plan (attached).

Policy in regards to replacement of dwellings and refurbishment of non-habitable dwellings is under Table no. 13 (attached).

## Landscape Character Assessment

For the purposes of landscape character the site is classified as being in the Lowlands area defined as follows...

“the Lowlands area generally comprises gently undulating lands and relates to extensive areas of the county. The landscape has characteristics which provide it with a higher capacity to absorb development without causing significant visual intrusion. The landscape is characterised by higher population levels and more intensive agriculture. It is punctuated by many of county’s hills and ridges, the more sensitive of which have been defined as Landscapes of Greater Sensitivity”.

Tara Hill is defined as a Landscape of Greater Sensitivity.

Under the publication ‘Sustainable Rural Housing: Guidelines for Planning Authorities’, the site is located in an ‘Area under Strong Urban Influence’.

## 7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Brian Naughter, 5 Castle View, Ballinteer Road, Dundrum, Dublin 16. The grounds of appeal are as follows...

- It is noted that the proposal would be injurious to the visual amenities of the area due to its elevated site and location in a sensitive and scenic landscape. It also noted that the proposal would give rise to non-essential housing in the rural area. It is noted that the application was not assessed properly in regards to landscape character under Development Plan policy.
- It is noted that the access arrangements are unsuitable and would give rise to a traffic hazard.
- The appellant questions the accuracy of the details provided in regards to the applicants connections to the site and local area.
- The appellant notes that under a previous application on site the existing structure was described as being the ruins of a house and notes that the application is presenting the structure as a substantially intact dwelling.

## 8. RESPONSES

8.1 Response by Molloy Architecture on behalf of the applicant John Dempsey.

- The applicant notes that the design and scale of the proposal is satisfactory in the context of landscape character and visual amenity and entails refurbishment of a vernacular dwelling.

- In regards to access the applicant notes that access is using the existing driveway serving his brother's house to the west (right of way) and not using the existing laneway to the east of the site.
- The applicant goes through the planning history on the site and notes that all previous reasons for refusal have been dealt with.
- It is noted that the description of the project including the works to the existing structure are accurate.
- Any works carried out on the laneway to the east is irrelevant as it is outside of the site boundary.
- The applicant has submitted a report on the existing structure on site including its history, condition and nature of works required.

## 9. OBSERVATION

9.1 An observation has been submitted by Damian Marshall, Ballinacarraig, Tara Hill, Gorey, Co. Wexford.

- The observation notes that the access arrangements are inappropriate and would endanger the public.
- The observation notes that the drawings submitted do not show both dwellings located on the site to the west.

## 10. ASSESSMENT

10.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Design/visual amenity/landscape character/ adjoining amenity

Traffic safety

Wastewater treatment

Other Issues

### 10.2 **Principle of the proposed development:**

10.2.1 The proposal is described as refurbishment of an existing derelict dwelling and extension of the existing dwelling. The site is located in a rural area and was assessed on the basis of table No. 13 which relates to replacement of dwellings and refurbishment of non-habitable dwellings. In regards to refurbishment of derelict dwellings the criteria is that "the walls of the structure must be substantially intact. The design must be in scale with the structure and the modifications shall be appropriate to the character of structure. The development shall be subject to the Development Management Standards in

Chapter 18. Occupancy conditions and Permanent residence will not be attached to these permissions”. The proposal entails refurbishment of an existing derelict dwelling. At the time of the site visit I would note that the condition of this structure is extremely poor and it is clear that residential use of this structure has been long abandoned. I would also question whether this structure could be refurbished without the need to demolish it completely. Notwithstanding such the proposal is compliant with development plan policy as written as the existing structure has walls that could be regarded as substantially intact despite the very rudimentary and basic nature of construction and their existing condition.

### **10.3 Design/visual amenity/landscape character/ adjoining amenity:**

10.3.1 The appeal site is an elevated site located on the upper slopes of Tara Hill, which is defined as a Landscape of Greater Sensitivity. The proposal entails refurbishment of a derelict single-storey dwelling and an extension larger than the footprint of the existing structure on site. The change in levels on site is such that the two-storey extension will not be higher in ridge height than the existing structure with the main body of the new extension having a marginally lower ridge height. As noted that the extension is substantially bigger than the existing derelict dwelling to be refurbished. Despite this fact the extension does not impact adversely on the character of the existing structure due to the fact a corridor link is provided between the existing and the main body of the extension to allow for the proportions and character of the existing dwelling to be retained. I would consider that the split level nature of the proposal takes adequate regard of the change in levels on site and in conjunction with the significant level of existing landscaping/tress and hedgerows along the boundaries of the site and landscaping proposals, I am satisfied that the design proposed has adequate regard to the visual amenities of the area and the landscape character at this location. In this regard I would consider that the proposal would be satisfactory in regards to the visual amenities of the area and landscape character assessment.

10.3.2 I would consider the design, scale and orientation of the dwelling is satisfactory in the context of the residential amenities of adjoining properties. I would note there is sufficient separation between the proposal and appeal site, and adjoining dwellings as well existing screening vegetation to prevent any adverse impact upon existing residential amenities.

### **10.4 Traffic Impact:**

10.4.1 There have been previous proposals on site for a new dwelling (demolishing existing structure) refused on the basis of traffic hazard. The last proposal subject to appeal ref no. PL26.231737 was refused among other reasons due to the fact it “would endanger public safety by reason of traffic hazard because of the additional traffic movements the development would generate

on a narrow substandard road network which has poor alignment, poor visibility and where sightlines are frequently restricted". I would note based on the principle of refurbishment of a derelict dwelling regard must be had to the existing structure and to the fact that the proposal does not entail an additional dwelling but refurbishment of an existing one. I would consider that the access arrangement are not ideal as they do not facilitate independent access to the dwelling, I would however consider that such would be able to accommodate the development proposed without resulting in the creation of a traffic hazard.

## **10.5 Wastewater Treatment:**

10.5.1 The proposal entails installation of a proprietary wastewater treatment system. Site characterisation was carried out including trial hole and percolation tests. The area is noted as having a regionally important aquifer with extreme vulnerability. The groundwater protection response is R1. Within such areas the EPA manual on waste water treatment systems states that sites are acceptable subject to normal good practice. The trial hole test notes that the water table level was not encountered in the depth of the trial hole, bedrock was encountered at 1.2m. The percolation tests results for T tests carried out by the standard method and for deep subsoils and/or water table, and P test carried out by the standard method and for shallow soil/subsoils and or water table indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The layout and separation distances between dwellings existing wastewater treatment systems and water supplies appears to be consistent with the required separation distances set down under the EPA Code of Practice. In this regard the proposal would be acceptable in the context of to public health.

## **10.6 Other Issues:**

10.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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**

I recommend a grant of permission subject to the following conditions.

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the Wexford County Development Plan 2013-2019 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the



proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in the context of traffic safety and convenience. The proposed development would, therefore, 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 and as amended by the further plans and particulars received on the 16<sup>th</sup> day of March 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and no surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road.

**Reason:** In the interest of public health

3. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tiles shall be the same as the colour of the roof.

**Reason:** In the interest of visual amenity.

4. The external walls shall be finished in neutral colours such as grey or off-white.

**Reason:** In the interest of visual amenity.

5.

(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 21<sup>st</sup> day of December, 2016 and as amended by the further details submitted on the 16<sup>th</sup> day of March 2016, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is

working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of 2 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Colin McBride  
04th August 2016