



An
Bord
Pleanála

Inspector's Report 247155.

Development	Change in house type, re-orientation of dwelling and location of percolation areas from that permitted under 13/50631
Location	Faugher (Ards), Letterkenny PO, Co Donegal.
Planning Authority	Donegal Co Co
Planning Authority Reg. Ref.	16/50813.
Applicant(s)	Adam Simons.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	Adam Simons.
Date of Site Inspection	8/12/16
Inspector	Dolores McCague.

1.0 Site Location and Description

- 1.1. The site is located in a rural area where a cluster of buildings of various ages and styles are situated away from and higher than the public road. The public road leads to the beach at Marble Hill Strand, not visible from the site, about half a mile away. There is a large trailer park a few hundred metres from the site on the opposite side of the public road. Site works, indicating the building of a house, are being carried out near the public road, between it and the site.

2.0 Proposed Development

- 2.1. The proposed development is a change in house type, re-orientation of dwelling and location of percolation areas from that permitted under 13/50631.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse planning permission for reason which refers to Policy RH-P-2: a new rural dwelling must be 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; modernist design – flat roof, extensive glazing and timber cladding; and orientation at right angles to access road; being out of character with the simple gable ended pitched design of adjacent dwellings and the predominant orientation of dwellings adjacent, facing the adjoining road.

- 3.1.1. The decision was in accordance with planning recommendation.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. Planning report – 25/7/2016 – recommending refusal

Site not located in an EHSA (Area of Especially High Scenic Amenity) or Natura site, near a RPS structure of NIAH feature.

The development is acceptable in principle.

The approved site layout plan provided for the dwelling to be located parallel to the adjoining access road at FFL 106.44m.

The proposed site layout plan provides for the dwelling to be sited at right angles to and 4.73m from the access road to the east. The submitted plans provide for a two-storey flat roof dwelling of modernist design with significant glazing and timber cladding.

The vehicular entrance is at a materially different location, to which there are no objections.

It is not considered that the development will result in any additional impact on environmental amenities. Screening for appropriate assessment is not required.

Effluent treatment – the development provides for a slight relocation of the percolation areas for the existing dwelling to the west and the proposed dwelling permitted under 13/50631. The same site assessment as submitted under said permission has been submitted. 13/50631 provides for a new WWTS and percolation area for the dwelling to the north. This application only provides for a slight relocation of said percolation area and the percolation area for the new dwelling.

Per EHO - The revised location of the 2 no. percolation areas meet all necessary minimum EPA separation distances from the nearby dwellings and are further away from the 2 dwellings.

It is considered that the revised position of the percolation area meets all necessary EPA requirements and will not cause a public health nuisance.

No objections re. surface water.

Refusal recommended: orientation vis a vis road, CDP RH-P-2, modernist design – flat roof, extensive glazing and timber cladding, orientation at right angles to access road – visually incongruous and discordant. Predominant orientation of dwellings adjacent facing road.

3.2.3. **Other Technical Reports**

- 3.2.4. HSE - EHO - 7/7/2016 – recommending refusal – excessively high waste water treatment development density would result in an excessive loading rate for the locality and / or potential nuisance.

There is no indication of the septic tanks and percolation area for the dwellings on the plan behind the site. There is only an approximate position of an existing septic tank serving two dwellings, the exact location is required.

- 3.2.5. HSE - EHO - 27/7/2016 following discussions with the site agent and taking the recommendations for the previous application 13//50631 into account: conditions re. septic tank and percolation area, including:

The existing septic tank/sanitary services serving the existing dwelling must be decommissioned under the supervision of a suitably qualified competent person who can verify same.

- 3.2.6. Roads - The site layout plan provides for the vehicular entrance to be located at a materially different position than that permitted under 13/50631. On the basis that the new entrance will be located on a private access road and further from the corner from the south, to that previously permitted, it is not considered that it will cause a traffic hazard.

4.0 **Planning History**

13/50631 – Adam Simmons – permission granted for erection of a dwelling and wastewater treatment plant, decommissioning of existing septic tank and provision of wastewater treatment plant for existing dwelling and all associated site works, also retention of garage.

5.0 **Policy Context**

5.1. **Sustainable Rural Housing Guidelines**

In assessing the design aspects of specific rural housing proposals, planning authorities should make well balanced and informed judgements on the merits of each proposal, taking on board the degree to which a site is sensitive in visual and

other terms, the character of surrounding development and the wider area and the need to encourage innovation in design and construction techniques, while avoiding an overly prescriptive approach, such as an outright ban on particular materials e.g. brick, across all proposals in a given area in relation to the designs and finishes chosen.

The siting and design of new dwellings should take account of and integrate appropriately with its physical surroundings.

5.2. Development Plan

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.

5.3. Appendix B - Building a House in Rural Donegal, A Location Siting Design Guide.

The orientation of a house should recognise prevailing winds, prospects and the path of the sun. The linear plan form is of particular and historic rural reference, considering a narrow plan, modest in scale with a vertical emphasis to the gables. Historically a 35-45 degree roof pitch provides maximum wind and rain resistance and is of particular rural reference. The expression of the building layout, in plan and elevation, is informed by the component parts; the roof, windows and doors, materials and details. Simplicity of elevation is a familiar characteristic of rural dwellings and should be carefully considered when dressing the building.

5.4. Natural Heritage Designations

Sheephaven Bay SAC (site code 001190) is located c 500m away.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Bond Architects, have submitted an appeal on behalf of the first party against the decision to refuse. The grounds includes:
- 6.1.2. Planning permission was received for a dwelling on the same site ref. 13/50631, which had been tailored following meetings with planners. They were left with the option of investing in a design which did not fully meet their requirements or of making a further investment of time, money and emotional commitment to try to secure something that they would be happy for their growing family to live in for the foreseeable future.

House design

- 6.1.3. The house design is the result of a long briefing and design process. It is modest in size both in floor area and overall height, has a simple form and massing and is finished in one low maintenance ecologically friendly and renewable material. The glazing has been designed to have maximum passive heat performance on the south, west and east elevations. The north elevation has minimum glazing. To allow light and particularly sun penetration to the strong design feature of the multi-use space across the north side of the house, the flat roof design was introduced as the most effective way of achieving this requirement. This space has then been extended at both west and east sides with reflecting gables tied into significant features in the landscape. These features have been carefully planned to give the desired effect of a bright sun filled living and study area on the north side of the house, make full use of the available space, and connect to the outside. This could not have been achieved with a pitched roof, an option which was explored.
- 6.1.4. The building has been designed for lifetime living.

- 6.1.5. The house has been placed along the contours with the same orientation as all the immediately surrounding houses. It forms a small yard to the north, entrance side, giving a sense of protection from the elements and screening the storage shed.
- 6.1.6. The footprint was pegged out and adjusted with the clients to give the best balance of space around the home.
- 6.1.7. The site is heavily wooded and as many of the existing trees as possible will be retained and new trees planted. The proposed dwelling will be surrounded by trees.
- 6.1.8. The house will be difficult to see from the public road. The materials and colours selected were chosen to blend into the back drop of trees. It has a simple well-proportioned form to fit into the site.
- 6.1.9. The surrounding buildings are a mix of styles. There are two older traditional farm buildings, behind seven bungalows; a mix of painted render and concrete roof tiles, dormer bungalows with manmade slate roofs; and a stone storey and a half house with natural slate roof. The proposed house blends with the landform, existing trees and vegetation, requires no significant excavation or infilling and will blend unobtrusively with the surroundings. The narrow plan is a traditional form (long house) with a string of single spaces, one after the other and with a minimum of circulation, and is more traditional than many of buildings surrounding.
- 6.1.10. The first party considers that the design presents an overwhelming case for approval, meeting the majority of requirements set out in all the design guidance available from government, planning and professional institutions.
- 6.1.11. It is not unusual that positive design objectives have been compromised by the planning process; making it difficult, time consuming and expensive to challenge decisions which appear to be inconsistent, arbitrary and prescriptive.

6.1.12. The Sustainable Rural Housing Guidelines for Planning Authorities, 2005 and design guidances are cited.

- High quality contemporary style house design is encouraged on suitable sites. Indeed it is important to create a contemporary architectural legacy for future generations.
- Site your building to capitalize on passive solar gain and shelter from the prevailing wind.
- Design your building to provide for maximum sunlight, creating spaces for entertaining and safe play.
- Entrances and doorways should be located and designed to provide shelter from the prevailing wind. Where possible utilise existing trees to provide a shelter belt from the wind and rain.
- Consider presenting the gable to the exposed windward situation, well sheltered areas enable planting to succeed and contribute further to the visual integration of buildings in the countryside.
- Consider the location of internal rooms to maximise the path of the sun; morning sun into your kitchen, setting sun furnishing the living room, and thus informing the building foot print.
- Orientation of the house shall be determined by factors such as sun, wind and land form, not the alignment of the nearest road.
- A narrow plan footprint allows for dual aspect and can benefit from 100% solar gain and day-lighting.
- Good design learns from what has gone before and interprets traditional forms and materials in a contemporary context.

6.1.13. The reorientation of the dwelling has considered potential sunlight and views.

6.1.14. The relocation of the percolation area was to avoid use and loss of a natural site feature: a small rock quarry.

- 6.1.15. The house will screen the large shed to the north. Naturally weathering dark grey larch/cedar cladding will integrate the dwelling with the existing woodland. By relocating the percolation area, a group of mature trees, on the south portion of the site that provides natural screening, is retained. The simple forms break down the mass of the building and allow the overall height to sit below the background of trees, neighbouring dwellings and below the ridge level of the previous application.
- 6.1.16. The reflecting gables open a vista to Muckish mountain and a large sycamore tree. This space is expressed externally by projecting walls and a roof profile that wrap around the elevations to form a balcony, blending internal and external spaces.
- 6.1.17. Attached to grounds is a drawing showing orientation of proposed and adjacent dwellings.

6.2. Planning Authority Response

- 6.2.1. On the basis of the proposed modernist design inclusive of flat roof, extensive glazing and timber cladding the PA consider that the proposed dwelling would be visually incongruous and out of character with the predominantly gable ended pitched roof design of the adjacent dwellings. Furthermore on the basis of the proposed siting of the dwelling at right angles to the adjoining private road the authority considers that the dwelling would be visually discordant vis a vis the siting of the said adjacent dwellings which predominantly face the adjoining road structure.

7.0 Assessment

- 7.1. The issues which arise in relation to this appeal are house design and orientation and appropriate assessment and the following assessment is dealt with under these headings.

7.2. House Design and Orientation

- 7.3. The first party submission states that the orientation and design have been carefully considered, respond to the context, achieve solar gain and respond to the first party's needs. The house was pegged out on the site and adjusted with the first parties to give the best balance of space around the home in relation to outdoor

space, possible overlooking and relationship with boundaries. The site is heavily wooded and as many of the existing trees as possible will be retained and new trees planted so the proposed new dwelling will be surrounded by trees. Due to the reduced height from the approved design the building will be difficult to see from the public road. The materials and colours for the external finishes were purposely chosen to recess and blend the building into the back drop of trees

7.4. The site is within a cluster of houses, among buildings of various styles where it will be provided with natural screening. The location is at a remove from the public road.

7.5. The house is relatively modest in scale. The plan form is shallow and long, similar to the plan form of a traditional dwelling. In other respects it is a very contemporary building making use of solar gain, taking advantage of site features, and using windows to frame views.

7.6. As the grounds of appeal demonstrates the orientation is similar to other dwellings in the area. The location is a considerable distance from the public road and the orientation relative to the private road is of little relevance.

7.7. Although flat roofs are not traditional in this area and although a pitched roof is favoured by the Donegal rural design guide, the flat roof proposed is an intrinsic part of the house design; the grounds states that the design could not have been achieved using a pitched roof. The cluster of buildings within which the proposed building will be located is not of uniform design or possessing of any particular quality such that the character demands protection. The house will be viewed in the context of a backdrop of buildings and a foreground of screening. The setting will ensure that the building will not be an obtrusive or discordant feature.

7.8. Having regard to the siting and natural screening it is considered that the design of the proposed dwelling is acceptable and that the orientation and design should not be a reason to refuse permission.

7.9. **Appropriate Assessment**

8.0 Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

9.0 Recommendation

- 9.1. In accordance with the foregoing assessment I recommend that planning permission be granted for the following reasons and considerations.

10.0 Reasons and Considerations

It is considered that the change in house type, re-orientation of the dwelling and alteration to the location of percolation areas from that permitted under 13/50631, would, subject to compliance with the following conditions, not erode the rural character or setting of the area; that the wastewater would be treated and disposed of to current EPA standards; and that the proposed development would be in accordance with the proper planning and development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where 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. Subject to the alterations hereby permitted, the proposed development

shall comply with the terms and conditions of the previous permission, reg. ref. 13/50631, including the duration of that permission.

Reason: In the interest of orderly development.

- 3 Details, including colours, of external finishes shall be submitted for the written agreement of the planning authority, prior to commencement of development.

Reason: In the interest of orderly development.

Planning Inspector

14/12/2016

- 1 Photographs
- 2 Extracts from Donegal County Development Plan 2012-2018
- 3 Extracts from Sustainable Rural Housing Guidelines