



An
Bord
Pleanála

Inspector's Report PL05E.247415

Development	Extension to dwelling house and all associated site works at Croaghbeg, Kilcar, Donegal PO, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	16/51167
Applicant(s)	Emer Carr
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	Thomas and Margaret McColl
Observer(s)	None
Date of Site Inspection	19 th January 2017
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.24 hectares is located within the townland of Croaghbeg, Kilcar, Co. Donegal. The site currently contains a two-storey detached dwelling with detached structure to side.

2.0 Proposed Development

- 2.1. The proposed development, as described in the submitted public notices, comprises permission to build an extension to a dwelling house plus all associated site works at Croaghbeg, Kilcar, Co. Donegal. The proposed works accommodate extended kitchen and new bathroom at ground floor level and walk-in wardrobe with en-suite at first floor level. The height of the proposed extension matches that of the existing dwelling.
- 2.2 The stated floor area of the proposed works is approximately 35 square metres.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED subject to four no. conditions

3.2. Planning Authority Reports

The report of the area planner reflects the decision of the planning authority

3.3. Other Technical Reports

Environmental Health Department: Further Information requested in relation to the nature, age and capacities of the existing wastewater treatment and disposal arrangements.

4.0 **Planning History**

4.1. 50960/15

Application WITHDRAWN for permission for two-storey extension to dwelling

04/203

Permission GRANTED for two-storey extension to dwelling

5.0 **Development Plan**

5.1. The Donegal County Development Plan 2012-2018 is the operative County Development Plan for the area.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- Concerns regarding existing septic tank and its operating standards
- Concerns not of aesthetic nature but are of environmental nature
- Effluent appears to be discharging into adjoining stream, which passes through their property to Shawly Beach
- Submitted drawings fail to show converted barn which has been connected to this septic tank- gives false impression of loading capacity of existing septic tank
- Request details of capacity of septic tank- unable to get this information from planning authority or applicant
- Concerns of EHO were ignored- further information requested with regards issues raised in previous application Reg. Ref 50960/15, which was

withdrawn-questions why further information was not requested in this instance

- Requests condition be attached to any grant of permission that prior to commencement of development a suitably qualified engineer provide details of existing septic tank, its capacity and discharge area

6.2. Planning Authority Response

A response was received from the planning authority which may be summarised as follows:

- Proposal does not entail construction of any additional bedrooms and thus would not affect any increase in the population equivalent of the house- in this regard considered FI was not required
- On Sept 7th 2016, percolation area was inspected by Executive Planner and no evidence of foul water ponding, bad odours or any other evidence of water pollution in the vicinity of the percolation area was found
- On foot of a complaint to Water and Environment Section by appellants, an Executive Scientist with Donegal County Council, Dr. Joe Ferry inspected the site on Sept 13th 2016 and found no evidence of any discharge of septic tank effluent, or other waste streams to the adjacent watercourse, which he noted appeared to be in good condition along its course through the applicant's property- a copy of letter from Dr. Joe Ferry sent to current appellants is attached
- With regards claims made in relation to converted barn, it is the opinion of the planning authority that this barn was formerly used as an artists' studio by applicant's late husband and is now in use as storage- no evidence of barn being used for human habitation on 7th September 2016

- With regard modern septic tank technical requirements, only if development would materially affect the loadings on the existing septic tank would the Planning Authority seek proposals for the upgrading the sewerage to EPA Code of Practice requirements- the current proposal is not effecting the material loading
- Reasonable and just entitlement of the applicant to upgrade her existing house by construction of a minor extension without detriment to the amenity of any neighbouring properties or to environmental quality

6.3. **Other Party Responses**

6.4. A first party response was received and many of the issues raised are not relevant to this current appeal. The relevant issues may be summarised as follows:

- Effluent from septic tank flows into a percolation area and not into subject stream
- Confirms that converted barn is not and has never been connected to the septic tank- presently used as a store room
- Acknowledges importance of environmental issues

6.5. **Observations**

None

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Drainage issues
- Appropriate Assessment

7.2 Drainage Issues

7.2.1 This issue is one of the greatest concerns raised within the appeal submission. The appellants raise concerns regarding the standard and capacity of the existing septic tank, together with concerns regarding discharge into an adjoining stream. These concerns are considered reasonable. Firstly, I note that the proposal does not include for any additional bedspaces and as such, the population equivalent is not being increased on site. In addition, I note the documentation attached to the file which addresses the concerns raised. Firstly, I note the response of the planning authority to the appeal who state that on Sept 7th 2016, the percolation area was inspected by an Executive Planner of the planning authority and no evidence of foul water ponding, bad odours or any other evidence of water pollution in the vicinity of the percolation area was found. Further, on foot of a complaint to Water and Environment Section by appellants, an Executive Scientist with Donegal County Council, Dr. Joe Ferry inspected the site on Sept 13th 2016 and found no evidence of any discharge of septic tank effluent, or other waste streams to the adjacent watercourse, which he noted appeared to be in good condition along its course through the applicant's property. A copy of the letter from Dr. Joe Ferry sent to current appellants is attached. The appellants contend that due diligence of their submission to the planning authority was not undertaken. I would not agree with this assertion. The submission to the planning authority is noted in the Recommendation of Executive Planner and each point raised is addressed individually. I would concur with the planning authority that an upgrade of the existing septic tank is not usually considered necessary when the proposed development would result in no additional loading. In this instance, the proposal is for an extension to an existing kitchen at ground floor level, together with a new bathroom and the provision of an en-suite and wardrobe at first floor level. This is considered to be a relatively minor development of stated floor area of 35 square metres. Having regard to all of the information before me, I am satisfied that the proposed development, if permitted would not be prejudicial to public health.

7.2.2 Having regard to all of the above, I consider that the proposed works to be acceptable and consistent with the proper planning and sustainable development of the area.

7.3 **Other Issues**

7.3.1 Issues raised in relation to the use of the converted barn and land ownership are outside the remit of this appeal.

7.3.2 The height, design and scale of the proposed extension is considered acceptable and would integrate well with the existing dwelling. I concur with the opinion of the planning authority that in order to avoid overlooking of the adjoining property, all windows at first floor level to the proposed southern elevation should be permanently comprised of obscure glazing.

7.4 **Appropriate Assessment**

7.4.1 There is an established residential use on the subject site. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or 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.

8.0 **Recommendation**

8.1. I recommend that planning permission should be granted, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Donegal County Development Plan 2012-2018 and to the nature, scale, height and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area and would not be prejudicial to public health. 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, 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 disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. All proposed windows at first floor level to western side elevation shall be permanently comprised of obscured glazing and shall be top pivot hung

Reason: To avoid overlooking of adjoining properties

4. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

REASON: In order to safeguard the amenities of property in the vicinity.

Lorraine Dockery
Planning Inspector

23rd January 2017