



An  
Bord  
Pleanála

## Inspector's Report PL17.247684

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<b>Development</b>	Construction of part single/party two-storey extension including 3 rooflights to rear of house and all associated landscaping.
<b>Location</b>	6 Blackarch Wood, Headfort Demesne, Kells, County Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	KA/161001.
<b>Applicants</b>	Fergal and Kathryn Murtagh.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party -v- Refusal
<b>Appellants</b>	Fergal and Kathryn Murtagh.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> February 2017
<b>Inspector</b>	Paul Caprani.

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## **1.0 Introduction**

- 1.1. PL17.247621 relates to a first party appeal against the decision of Meath County Council to issue notification to refuse planning permission for the construction of a part single/part two-storey extension to the rear of a dwellinghouse at Headfort demesne outside the village of Kells in County Meath. Meath County Council issued notification to refuse permission on the grounds that the proposed extension would significantly alter the character of the house which is located within an Architectural Conservation Area and the proposed extension would adversely effect of the visual amenities of the area.

## **2.0 Site Location and Description**

- 2.1. The appeal site is located within a small residential estate comprising of seven detached dwellings within the Headfort Demesne and to the east of Headfort House. The site is located approximately 2.5 kilometres to the east of Kells Town Centre. Each of the detached dwellings are located centrally within large residential plots (c.0.2 hectares in size). Individual dwellings are set in amongst mature woodland. The subject site No. 6 Blackarch Wood is located at the eastern end of the residential cluster adjacent to the main access road serving the site. No. 7 Blackarch Wood is located immediately to the north while No. 5 is located on adjacent lands to the south-west. Lands to the rear of the residential development comprise of open farmland. Mature woodland surrounds the site to the north and east.
- 2.2. The site itself is irregularly shaped and is slightly smaller than the adjoining residential plots at 0.1557 hectares (1,557 square metres). The existing house within the site is centrally located and is roughly rectangular in shape and comprises of a two-storey structure with a neo-Georgian type design with a single storey sunroom on the north elevation. The front elevation faces westwards towards the front boundary of the site. A two storey garden shed and games room is located to the south-east of the main dwellinghouse in south-eastern corner of the site.

### **3.0 Proposed Development**

3.1. Planning permission is sought for a one and two storey extension at the north-eastern corner of the site. At ground floor it is proposed to extend the existing kitchen area to incorporate a larger living area and playroom and outside terraced area. A stairwell is to be incorporated on the northern elevation of the proposed extension to provide access to a guest bedroom above the playroom. The guest bedroom incorporates an en-suite bathroom. On the eastern elevation of the dwellinghouse it is also proposed to incorporate a walk-in wardrobe for the master bedroom at first floor level. It is also proposed to incorporate three rooflights within the proposed roofpitch. It is not altogether clear from the drawings submitted but it appears from information elsewhere on file that the external elevation is to comprise of wood panelling together with a render finish. The proposed extension is contemporary in design and incorporates a mixture of flat and mono-pitched roofs. Ground floor extension extends to an area of 55.1 metres while the first floor extension is 34.3 metres giving an overall extended area of 89.4 square metres.

### **4.0 Documentation Submission**

The application was lodged on 12<sup>th</sup> September, 2016. It was accompanied by:

- A planning application form and fee.
- A copy of the newspaper notice and site notice.
- Drawings on the scale of 1:200.
- A planning report setting out the planning context and a proposed development design impact statement.

#### **4.1. Planning Report**

The planning report sets out the planning history associated with the site and national and local policy as it relates to the proposed development. The report notes that no submissions have been received in relation to this application. An Appropriate Assessment Screening Report states that the proposed development would not give rise by itself or in combination with other developments to impacts on any Natura 2000 site in the vicinity. The planning report notes a previous decision by

the Board at no. 3 Blackarch Wood (PL17.217246) where permission was refused for a two-storey extension which would significantly alter the character of the area by reason of height and scale and disruption and it is argued that the Board's decision creates the expectation that only very minimal extensions or ancillary developments would be acceptable. A report from the conservation officer (received by the Board on the 16<sup>th</sup> of January) also questions how the proposed extension can be constructed without damaging the roots of two adjoining beech trees. The conservation officer's report also considers that the guest bedroom would be visible from the front of the site and that the proposed two storey element to the rear to accommodate a walk-in wardrobe overwhelms the rear elevation of the house. The conservation officer's report considers that the proposed extension would have a negative impact on the house and therefore should not be permitted. The planning report agrees with this conclusion and considers that the proposed extension would significantly alter the character of the original development by reason of its scale, height and disruption of the spatial relationship between the houses and would therefore injure the amenities of the area and the character of the Architectural Conservation Area. It is therefore recommended that planning permission be refused for the proposed extension.

In its decision dated 26<sup>th</sup> October, 2016 planning permission was refused for the following reason:

*Having regard to the location of the site in a planned group of houses within an Architectural Conservation Area, it is considered that the proposed part two-storey development would significantly alter the character of the original development by reason of its scale, height and disruption of the spatial relationship between the houses and would, therefore be injurious to the amenities of the area and character of the Architectural Conservation Area and depreciate the value of residential property in the vicinity. The proposal would therefore not be in the interest of the visual amenities of the area, would set an undesirable precedent for future development of this kind, be contrary to Condition No. 16 of Planning Ref. 98/1205 and would therefore be contrary to the proper planning and sustainable development of the area.*

## 5.0 Planning History

5.1. Details of the planning history associated with the site are set out below.

Under **Reg. Ref. 96/850** Meath County Council granted permission for the conversion of existing stable yard buildings to 30 dwellings units, a reception area, a restaurant and fitness centre together with 24 no. two storey dwellinghouses. Permission was granted on 23<sup>rd</sup> May, 1997 (details of this decision is attached in pouch to the rear of the file).

Under **Reg. Ref. 98/1250** planning permission was granted to revise the proposed development to include an increase of 8 residential units (from 54 units to 62 units).

Condition No. 16 of this grant of permission stated that *“no garage, shed, awning or other structures (whether exempted or not) shall be erected on the site of the proposed development without planning permission”*.

**Reason:** In the interest of the orderly development of the area.”

(A copy of the manager’s order together with the planning report is attached in a pouch to the rear of the file).

Under **Reg. Ref. KA/20196** permission was sought to retain a conservatory to the side of the dwellinghouse at No. 6 Blackarch Wood (subject site). Permission is also sought to construct a two storey garage incorporating a garden shed and games room. Meath County Council in its decision dated 6<sup>th</sup> August, 2002 granted retention for the conservatory to the existing dwellinghouse and refused permission for the two storey garden shed and games room (the details of the decision are not contained on file).

Under **Reg. Ref. KA/20402** Meath County Council granted permission for the erection of a two storey garden shed and games room to the rear of the dwelling subject to six conditions.

On a separate site at No. 3 Blackarch Wood, planning permission was sought for the construction of an extension to the side of an existing residence. Meath County Council granted permission subject to conditions. However, the decision was overturned by the Board on appeal under PL 17. 217246 for the following reason:

*“Having regard to the location of the site in a planned group of housing within the curtilage of a protected structure, it is considered that the proposed part two storey development would significantly alter the character of the original development by reason of its scale, height and disruption of the spatial planning relationship between the houses and would therefore seriously injure the amenities of the area and property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”*

File No. PL17.217246 is not attached.

## **6.0 Grounds of Appeal**

- 6.1. The decision of Meath County Council to issue notification to refuse planning permission was subject to a first party appeal submitted by Sheridan Woods Architects on behalf of the applicant. The grounds of appeal are briefly summarised below.

It states that the applicants are residents of the property and are applying for permission to improve their accommodation to meet the needs of their family. The appeal notes that the dwelling was constructed as part of a group of replica Georgian houses constructed in the late 1990s or early 2000s. The grounds of appeal outline the policy statements contained in the Development Plan in relation to Headfort House which is an Architectural Conservation Area for Headfort House Demesne. Reference is also made to the planning history associated with the site and its surroundings. In particular reference is made to the planning history associated with the adjoining dwelling No. 7 Blackarch Road where permission was granted by Meath County Council on two separate occasions for rear storey extensions including a two storey extension under Reg. Ref. KA/80/2029.

- 6.2. The grounds of appeal go on to describe the existing site and it is stated that the proposed development of the extension is designed as a distinct addition to the existing dwelling so the original form is easily distinguishable. The extension is contemporary, however the materials proposed are contextual with the incorporation of timber windows and cladding and render. Section 2 sets out detailed grounds of appeal.

- 6.3. In terms of the impact of the proposed development on the character of the Architectural Conservation Area it is argued that the proposed development will in no way detract from any of the areas of special character. The proposed extension is not visible and does not impact on the woodland itself and is sufficiently remote from the main house and stables so as not to have an impact on their setting.
- 6.4. In terms of the impact on Blackarch Wood, it is stated that Blackarch Wood is a contemporary addition to the historic landscape. The proposed extension is to the rear of the dwelling and will not be visible from the cul-de-sac on Blackarch Road. In terms of the visual impact from the former demesne service avenue, it is argued that the extension has a neutral visual impact from the former demesne service avenue.
- 6.5. With regard to other houses on Blackarch Road, it is stated that there are sufficient separation distances between the dwellings.
- 6.6. With regard to the impact on the character of the existing dwelling, a separate report is prepared by Mr. Dermot Nolan, Conservation Architect (Grade II) is attached to the grounds of appeal. This report concludes that the design is sensitive to its surroundings, relates in an intimate way to the existing landscaping and trees on site. It is also subordinate in terms of mass and scale and incorporates an appropriate palette of external finishes which relate well to the existing site.
- 6.7. In terms of the impact on the root system of adjoining trees, it is stated that detailed consideration was given to the protection of tree routes during the design stage. The architects are aware of the shallow root system of the trees on site and have designed the extension as a lightweight timber structure with a series of ground beams that will span across the tree roots. This will minimise the need for extensive excavation.
- 6.8. With regard to impact on adjoining neighbours it is stated that the proposed development has been designed to ensure that there will be no impact on the residential amenity of adjoining dwellings. Fenestration arrangements have been designed to ensure that no overlooking exists. It is further argued that the proposed extension therefore will not depreciate the value of dwellings in the vicinity and will not give rise to an undesirable precedent.
- 6.9. Finally, reference is made to Condition No. 16 attached to permission Reg. Ref. 98/1205. It states that this condition excludes the opportunity to carry out work that



would be considered exempted development. It is argued that the proposal in itself is not contrary to Condition 16 of the parent permission and this should be dismissed as grounds for refusal. It is argued that if the Board are amenable to the development but are still of the opinion of the two storey elements are an issue it is requested that consideration be given to the omission of one of the two storey elements such as the proposed guestroom. The applicant would be willing to accept a condition to this effect.

- 6.10. Appendix C of the grounds of appeal includes a conservation report prepared by Dermot Nolan, Conservation Architect.

## **7.0 Planning Authority's Response to the Grounds of Appeal**

- 7.1. A response by Meath County Council states that the Planning Authority is satisfied that all matters outlined in the submission was considered in the course of its assessment of the planning application. The Planning Authority's view that the two storey elements of the proposed extension, and in particular the guest bedroom element, would be visible from the front of the site and would upset the established pattern of development and have a negative effect on the relationship of the houses in Blackarch Wood and the established character of the Architectural Conservation Area. It is the Planning Authority's view that the two storey element overwhelms the rear elevation of the house and it has not been demonstrated that the proposed extension would not cause damage to the roots of the mature trees on site. It is noted that a previous application at No. 3 was refused by An Bord Pleanála on the grounds that the two storey extension would significantly alter the character of the area by reason of its height, scale and destruction of the spatial relationship between the houses. It is the view of the Board, that Condition No. 16 of the parent permission proposes a type of 'social contract' between the Planning Authority and the owners of the houses that creates the expectation that only very minimal extensions or ancillary developments would be acceptable. A report received by Meath County Council Conservation Officer states that extensions and ancillary developments to date within Blackarch Wood have been generally low-key which do not detract significantly from the overall character of the area. The proposed two

storey development would not accord with these principles. The Planning Authority respectfully request that An Bord Pleanála uphold the decision to refuse permission for the said development.

## 8.0 Development Plan Provision

8.1. The site is governed by the policies and provisions contained in the Meath County Development Plan 2013 – 2019. Appendix 9 of the Development Plan specifically relates to Architectural Conservation Areas including Headfort Demesne. It states that the historic demesne of Headfort House is a highly complex landscape and a site of enormous cultural significance. The site encompasses a major country house of international architectural and artistic value. The house is set within expertly conceived and well preserved designed landscape of harmoniously overlaid lairs and is one of the most notable examples of the picturesque English landscape garden in Ireland. The objective in relation to Headfort House architectural conservation area are as follows:

1. To preserve the character of the demesne, its designed landscaped and built features by limiting the extent of new development permitted within the demesne and requiring that any such development both within the demesne and the surrounding area should not have an adverse effect on the special qualities of the demesne.
2. To require that all works for the maintenance and repair, additions or alterations to existing buildings or built features within the demesne shall protect the character of those buildings and features by the use of appropriate materials and workmanship.

8.2. Headfort Demesne is listed on the Development Plan's listed protected structures. There is one listed view and prospect in the Development Plan, View 85 which is identified as the view of the River Blackwater from Headfort Bridge with the estate landscape visible. This is deemed to be of local significance.

- 8.3. Section 9.6.12 of the Development Plan specifically relates to Architectural Conservation Areas. It states that all works should have a material effect on the special character of an Architectural Conservation Area that needs planning permission. Piecemeal alterations on individual non-protected structures can have a significant cumulative impact on the streetscape. Specific policies as they relate to Architectural Conservation Areas include the following:
- CHPOL17 to identify places and special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and where appropriate to define them as Architectural Conservation Areas.
  - CHPOL18 seeks to require that all development proposals within an ACA should be appropriate to the character of the area, including its general scale and materials and be appropriately sited and sensitively designed having regard to the advice given in the statements of character for each area.
- 8.4. In terms of objectives, CHOBJ21 is relevant. It seeks to ensure that any new development within or contiguous to an ACA is sympathetic to the character of the area and the design is appropriate in terms of scale, height, plot, density, layout, materials and finishes.
- 8.5. In terms of designed landscapes, historic parks, gardens and demesnes, CHPOL19 seeks to encourage the protection, promotion and enhancement of heritage gardens and parks in the county and support public awareness, enjoyment and access to these sites.
- 8.6. CHOBJ22 seeks to encourage development that will to a loss of, or cause damage to the character, principal components or setting of historic parks, gardens and demesnes of heritage significance.

## 9.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the Planning Authority's reason for refusal. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Impact of the Proposed Extension on the Architectural Conservation Area.

- Compliance with Relevant Guidelines.
- Impact on Surrounding Residential Amenity.
- Precedent Decisions.
- Impact of the Proposed Extension on the Roots of Trees

## 9.1. **Impact of the Proposed Extension on the Architectural Conservation Area**

- 9.1.1. With regard to the potential impact on the Headfort Demesne Architectural Conservation Area, the existing dwellinghouse and proposed extension are located a considerable distance from Headfort House and associated stables and farm buildings. Neither the dwellinghouse nor the extension is visible from the protected structures in question. Furthermore, the dwelling and extension are situated within existing woodland and as such will in no way impact on the setting and character of the designated landscape around Headfort House.
- 9.1.2. While the proposed extension would be partially visible from the demesne service road which runs along the eastern boundary of the site, the extension is located within a verdant landscaped woodland and therefore only partial and occasional views would be apparent from the service road. I would agree with the views expressed in the grounds of appeal that the use of natural timbers in the cladding softens the design approach and results in an extension, that while contemporary in design, does not result in a strident addition to the existing building. The fact that the main body of the extension is located to the rear of the dwelling and between the canopies of two mature beech trees also assists in visually assimilating the extension within the site. The Board will also note from the photo's attached to this report that a timber-clad finish exists on the two storey garage/games room to the rear of the main house.
- 9.1.3. Overall therefore and despite the conclusions reached in the local authority conservation officer's report, I consider that the extension while contemporary, is sufficiently concealed and screened and incorporates sympathetic materials in terms of the external elevation so as not to impact on the character and setting of the Architectural Conservation Area.

## 9.2. Compliance with Relevant Guidelines

Having regard to my assessment in the previous section, I consider the proposed extension fully accords with Policy CH18 which requires that all development proposals within an ACA should be appropriate to the character of the area, inclusive of its general scale and materials, and are appropriately sited and sensitively designed.

It should also be borne in mind that the dwelling itself is of very little historic architectural value. As the planning history indicates the dwelling is not contemporaneous with the house and historic gardens but rather dates from the late 1990s/early 2000s. While the dwellings in question are of Georgian style they are of little or no historic interest from an architectural perspective.

Notwithstanding this point, it is important to assess the proposed extension in terms of its aesthetic contribution to the overall setting of this existing house and its surroundings. I have argued above that the use of timber materials, while contrasting with the main residential dwelling on site nonetheless in my view represents a sympathetic approach to extending the house having regard to the sylvan and woodland setting of the site. The extension in my view relates well to the environment in which it is set.

It is also clear that the proposal is not contrary to the Architectural Heritage Protection Guidelines which sets out criteria for assessing proposals within architectural conservation areas. Section 3.10.1 of the Guidelines specifically relate to proposals for new development. The guidelines state that "*where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged*". The guidelines go on to further state that "*the palette of materials and typical details for the facades and other surfaces should generally reinforce the character's area*". The proposal in my view accords with such policy statements.

## 9.3. Impact on Surrounding Residential Amenity

I note that the reason for refusal did not specifically refer to the proposed extension's impact on surrounding residential amenity. I have assessed the proposal in terms of

its impact on surrounding residential amenity and I am satisfied that the proposal will not give rise to any adverse impacts in terms of overlooking or overshadowing due to the location and orientation of the windows on the proposed extension, the level of natural screening afforded within the site and its surrounding, and the separation distances between buildings. I am therefore satisfied that the proposed extension will not in any way impact on the privacy of adjoining dwellings.

#### **9.4. Precedent Decisions**

The planning report prepared on behalf of the local authority makes reference to precedent decisions as justification to refuse planning permission for the extension in this instance. While precedent decisions are an important consideration in order to ensure consistency and transparency in any decision making process, it is equally important that each application is assessed on its own merits and in accordance with the proper planning and sustainable development of the area. The local authority planning report rightly in my view makes reference to a precedent decision by the Board in respect of PL17.217246 where planning permission was refused for a two storey extension at No. 3 Blackarch Wood to the west of the subject site. Details of this planning file are not attached and therefore details of the overall size, scale and design of the proposed extension are not apparent. I do note however that the planner's report indicates that the extension has a floor area of 120 square metres which is larger than the extension currently before the Board. I also note that Meath County Council recommended a grant of planning permission in respect of the proposed extension in the first instance. The current application for an extension is somewhat more modest at 89 square metres.

It should also be noted that Meath County Council granted planning permission for a two storey extension to the rear of No. 7 Blackarch Wood in February, 2009.

It can be reasonably argued in my view that there is no formal precedent in respect of dealing with applications or extensions within the subject estate and that the proposed development in this instance should be assessed on its merits.

With regard to Condition No. 16 of the parent permission Reg. Ref. 98/1205, this condition required that planning permission for any garage awning or other structure which might be otherwise been exempted development, would be required. The Planning Authority's report argues that the implication of this condition was that even

minor alterations would be of consequence. I would argue in respect of this condition that any alteration proposed should be evaluated on its merits. I have argued above that the proposed extension while contemporary is generally sympathetic to the existing environment and does not detract either from the house in question or the overall setting of the Architectural Conservation Area. The extension therefore should be assessed on its merits and in accordance with the proper planning and sustainable development of the area. The Board therefore should not be precluded from considering granting planning permission in the context of Condition No. 16 of the parent permission.

#### **9.5. Impact of Proposed Extension on Roots of Adjoining Trees**

The conservation officer's report expressed concerns that the proposed extension being located between two large beech trees would result in the damaging of the root system to these trees. The applicant in his response to the grounds of appeal indicates that the trees in question can be protected during construction with the use of localised piled rather than strip foundations so as to ensure that the trees in question are not unduly damaged. I consider that this issue could be adequately dealt with by way of condition.

#### **10.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the proximity to the nearest European site, the River Boyne and River Blackwater SAC (Site Code: 002299) which is located c.350 metres away no appropriate assessment issue 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 and projects on a European site.

#### **11.0 Conclusions and Recommendation**

11.1. Arising from my assessment above I consider that the Board should overturn the decision of the Planning Authority and grant planning permission for the proposed development on the grounds that the overall design and materials proposed as part of the extension are acceptable and would not detract from the visual amenities of the area or the setting and character of the Architectural Conservation Area.

Furthermore, it is considered that the proposed development will in no way injure the amenities of adjoining residents. I therefore recommend that planning permission be granted for the proposed extension.

## 12.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 13.0 Reasons and Considerations

It is considered that the proposed extension is acceptable in terms of size, scale and design and would not seriously injure the amenities of the area or of property in the vicinity, would not detract from the character and setting of the Headfort Demesne Architectural Conservation Area, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 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 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 the 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. A detailed construction method statement shall be submitted to and agreed with the planning authority prior to commencement of development to ensure that the roots of the adjacent beech trees to the proposed extension are protected during the course of the construction works.

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

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Paul Caprani,  
Senior Planning Inspector.  
15th February, 2017.