



An
Bord
Pleanála

Inspector's Report PL03.247634

Development	Renovate and extend house and site works
Location	Ballyhickey, Quin, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P16/683
Applicant(s)	Shane Felle and Ailin McAlister
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sinead and Eamonn McGeehan
Observer(s)	None
Date of Site Inspection	3 rd March 2017
Inspector	Rónán O'Connor

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1.0 Site Location and Description

1.1. The subject site is located in a rural area to the north of the village of Quin in Co. Clare. It is accessed via a local road. There is a single storey cottage on the site. To the south of the appeal site is a two-storey dwelling with an associated garage structure which forms part of the boundary of the site. To the immediate north is an open field with a two-storey dwelling beyond approximately 100m to the north-west. To the east and south east of the site, on the opposite side of the road there is a cluster of three dwelling houses.

2.0 Proposed Development

2.1. It is proposed to renovate the existing cottage and to construct part-single storey, part-two storey extension to the rear.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission. There are no conditions of note.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The application was considered under the previous County Development Plan 2011-2017 (as amended). The report of the planning officer reflects the decision of the planning authority. Main points are as follows:

- Siting, design and form were considered to be acceptable.
- Will not detract from amenities of neighbouring sites
- Recommendation to grant.

3.2.2. Other Technical Reports

Environmental Scientist – Recommends conditions

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. One submission was received in relation to the application. The issues raised are covered in the grounds of appeal.

4.0 Planning History

4.1.1. None

5.0 Policy Context

5.1. Development Plan

5.1.1. Clare County Development Plan 2017-2023

Appeal site is designated as being in a Rural Area Under Strong Urban Pressure.

The following objectives are relevant in this instance.

- CDP17.2 Universal Design
- CDP 17.4 Design and the Built Environment

5.2. Natural Heritage Designations

5.2.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal, as submitted by the appellants occupying the neighbouring property, are as follows:

- Public notice inadequate – fails to describe the extension, the proposed waste water treatment.
- OS Map inaccurate.
- Boiler house as indicated on the drawings is the location and pump house for the well.
- Negative impact on residential amenities and in contravention of Clare County Councils Rural Dwelling Guidelines.
- Plot ratio is significantly higher than surrounding developments.
- Will impact ability of the site to accommodate surface water management, on site water supply and waste water management.
- Insufficient and inaccurate information provided in relation to foul and surface water treatment and water supply.
- Existing trees to the west will not provide screening to the south.
- Development will result in overlooking.
- Development will result in additional pressure on well supply.
- Aquifer is identified as being of local importance and vulnerability is 'extreme'.
- Percolation area is close to the wells supplying appellant's property and applicant's property.
- Wells are not identified on the plans.
- There is no mains water supply.
- No reference to EPA guidance in relation to waste water management.
- Well on appeal site frequently ran dry in the summer months.
- No surface water proposals.

6.2. Applicant Response

- Public notice adequately describes the development.
- Existing well is regularly serviced and is in perfect working order.

- OS Map meets validation requirements.
- Boiler House referred to on the map is in fact the pump house for the well.
- Proposal will be smaller in height and area than the majority of neighbouring dwellings.
- Extension does not radically alter or compromise the vernacular integrity of the existing cottage.
- Will not result in overlooking of appellant's property due to location of windows on this property.
- Foul water treatment will be similar to the existing treatment system on appellant's site and will provide a higher quality discharge than the existing septic tank.
- Do not foresee any issue with surface water also percolating through these soil layers.
- Rain water harvesting system will be used in addition to the well.

6.3. **Planning Authority Response**

6.3.1. No comment on appeal.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. A further response was received from the appellants. This is summarised below:

- Location of the well has not been verified.
- Will require a new well.
- Response of the Council has been to inform applicant to connect to a mains that does not exist.
- Applicant has not provided adequate proof that sufficient water supply exists.

- Waste water treatment system on appellants site was completed in 2007, prior to the current EPA Guidelines.
- Groundwater direction needs to be verified.
- Building mass is 40-50% more dense than surrounding development.
- Proposal to install a rainwater harvesting system was not contained in the original submission and should not be considered.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of the proposed development.
- Design and Visual Amenity Impact.
- Residential Amenity.
- Waste Water and Water Supply.
- Appropriate Assessment.

7.2. Principle of the Proposed Development

7.2.1. There is no objection in principle to an extension to an existing residential dwelling, subject to the considerations below.

7.3. Design and Visual Amenity Impact

7.3.1. The extension is a modern addition to an existing cottage which is in the traditional rural vernacular. The extension reads as a contemporary form in contrast to the existing dwelling. This takes reference from the neighbouring property to the north which is distinctly modern in appearance. As such the design approach taken here is the correct one.

7.3.2. In terms of scale and massing, the extension adds significantly to the existing dwelling. I note the existing dwelling has a relatively small floor area in comparison to the site area, and in comparison to surrounding dwellings. As such there is scope in this instance for an increase in scale and massing. The location of the extension to

the rear of the dwelling minimises the visual impact of the proposal. Views towards the extension from the south are limited due to the existing dwelling and associated garage structure to the south of the appeal site. Views from the north are more prominent, due to the lack of development on the site immediately to the north, and due to the bend in the road which gives a line of sight from the road towards the rear of the dwelling. However, the design of the extension is such that it will appear as an appropriate addition to the existing dwelling which is in keeping with the modern appearance and scale of neighbouring developments.

7.4. Residential Amenity

7.4.1. The appellants have raised concerns in relation to the impact of the proposed development on their residential amenities. The appellant's dwelling to the south has windows to the northern elevation. However, from a site visit these appear to be secondary windows and the main living areas are served by windows to the front and rear which do not face towards the appeal site. There is also sufficient distance (33m) from the windows of the proposed extension to ensure that no overlooking of the appellant property will occur. Additional shielding is provided by the existing garage structure on the appeal site. Screening can also be provided by additional planting on the southern boundary of the site.

7.4.2. No overshadowing or loss of outlook will result due to the distance from the appeal site to the neighbouring property.

7.5. Waste Water/Water Supply

7.5.1. In relation to water supply the applicants are proposing to utilise an existing well on site. I note the appellants have stated that this will be inadequate to serve the development, although this is disputed by the applicant. However, it is considered that a condition requiring details of the well, including yield, will be sufficient in this instance.

7.5.2. In relation to waste water, a packaged wastewater treatment system and polishing filter is proposed which will discharge to ground via raised percolation areas.

7.5.3. The GSI Groundwater maps show that the site is located within an area with an Aquifer Category of 'Locally Important' (LI) with a vulnerability classification of 'Extreme' (X), representing a GWPR response of R2¹ under the EPA Code of

Practice. According to the response matrix, on-site treatment systems are acceptable in such areas subject to normal good practice.

- 7.5.4. The trial hole assessment submitted by the applicant encountered bedrock at a depth of 0.8m BGL which demonstrates shallow soil depth on site, requiring the use of raised percolation areas.
- 7.5.5. The site characterisation records a T-test value of 20.00. A T value of greater than or equal to 3 and less than or equal to 50, means that the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater. P tests were also carried out and a P value of 11.56 was recorded. Table 6.3 of the EPA Code of Practice (COP) advises that where the P value is greater than 3 and less than 75 then the site is suitable for a secondary treatment system with polishing filter at ground surface or overground.
- 7.5.6. The extended dwelling will be served by an existing well at distance of approximately 40m from the percolation areas. The appellants have indicated the location of their well which is a similar distance from the percolation areas. Table B3 of the COP provides guidance in relation to the separation distances to wells, which are upgradient, downgradient and at gradient with percolation areas.
- 7.5.7. I note the Site Characterisation Report (completed by Octech Services Ltd) submitted with the application states the groundwater flow direction is unknown.
- 7.5.8. The applicant's submission to ABP details a letter from Octech Services Ltd which states the groundwater flow is away from the location of the well on site and from the adjacent well on the appellant's site.
- 7.5.9. The existing site layout plan indicates a slight downward slope where the percolation area is proposed. As such it is likely there is a flow away from the direction of the wells. Notwithstanding this, the distance from the proposed percolation area from the wells is approximately 40m which is relatively close to the minimum distance required (45m) where groundwater is flowing towards existing wells. It is further noted that context of the site is one with an existing dwelling with septic tank, and I concur with the opinion of Clare County Council's Environmental Scientist that the proposed treatment system will provide a higher level of protection to the well on site, and on the adjacent site, than the existing septic tank on site.

7.5.10. In conclusion therefore I consider that the site is suitable for the wastewater treatment proposed and that no significant risk of ground or surface water pollution exists.

7.6. **Appropriate Assessment**

7.6.1. The closest designated European Site is the Old Domestic Building (Keevagh) SAC which is located 1.6km south-east of the site. The Conservation Objective of this site is to maintain or restore the favourable conservation condition of the Annex I habitat of the Lesser Horseshoe Bat. Newgrove House SAC 4.6km is located to the north-east of the site and this also has the Conservation Objective to maintain or restore the favourable conservation condition of the Annex I habitat of the Lesser Horseshoe Bat.

7.6.2. Slieve Aughty Mountains SPA is located approximately 5.7km to the north-east of the appeal site. The Conservation Objective of this site relates to the protection of 2 bird species including the Hen Harrier and Merlin. The River Shannon and River Fergus Estuaries SPA is located approximately 6.5km south-west of the appeal site. The Conservation Objective of this site relates to the protection of 22 bird species.

7.6.3. Having regard to the scale and nature of the proposed development, being an extension to an existing dwelling, with a wastewater treatment system that presents no significant risk of ground or surface water pollution, and having regard to the distance to the nearest European Sites, and the absence of an evident pathway to the nearest European Sites, I am of the view that no appropriate assessment issues arise and the proposal would not be detrimental to the Conservation Objectives identified above and would not be likely to have a significant effect, individually or in combination with other plans or projects, on any designated European site.

8.0 **Recommendation**

8.1. Grant permission

9.0 Reasons and Considerations

- 9.1. Having regard to the pattern of development in the vicinity and the policies of the current Clare County Development Plan 2017-2023, it is considered that the proposed development would not seriously injure the visual or residential amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 05th Day of September 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 interests of clarity.

2. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 5th day of September 2016 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type

proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the extended 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. The southern boundary of the site shall be planted with a line of native broadleaf trees (minimum size: Heavy standard 12-14cm girth). The landscaping shall be implemented not later than the first planting season after commencement of the development. Any planting that is diseased or fails within 2 years of planting shall be replaced.

Reason: In the interest of visual amenity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In order to prevent pollution.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

8. 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 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.

Rónán O'Connor
Planning Inspector

09th March 2017