



An  
Bord  
Pleanála

## Inspector's Report PL93.247740.

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<b>Development</b>	Partial demolition of a pair of semi-detached houses and reconfiguration and extension to form a single house.
<b>Location</b>	Mount Airy, Knockmahon, Bonmahon, Co. Waterford.
<b>Planning Authority</b>	Waterford City & County Council
<b>Planning Authority Reg. Ref.</b>	16/571
<b>Applicant</b>	Jamie Power
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions.
<b>Type of Appeal</b>	Third party vs. grant
<b>Appellants</b>	Enda and Caroline Kiernan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> February 2017
<b>Inspector</b>	Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Bonmahon village. Bonmahon village is located on the Waterford coastline and is approximately 21km west of Tramore. The village is a small seaside village surrounding a small inlet along the coast of County Waterford. There is a holiday mobile home park to the west of the site and surfing shops and cafés in the village. The coastal route, the R675 road, runs to the north and west of the site and onwards through the village.
- 1.2. The appeal site is located at the end of a cul-de-sac known locally as The Lane. The Coast Guard operates from this cul-de-sac. As well as the Coast Guard office there is a mix of single, one and a half, and two storey dwellings either side of the road. The road slopes upwards from east to west and overlooks the R675 road to the north and west of the site. The subject site is at a higher elevation to its neighbours being at the end of the road.
- 1.3. The subject site comprises a pair of semi-detached dwellings. A public right of way runs in front of the dwellings to provide access to the sea. The dwellings break the building line of the northern side of the road as they sit forward of the neighbouring properties, albeit it would appear that the subject site is much older than its neighbouring properties. The appellants live in the property immediately to the east.
- 1.4. The dwelling on the right of the pair has a projecting porch to the front and a rear extension with a sloping roof which runs to the rear of the house on the left. The rear extension floor level is c.1.8m below the front portion of the dwelling. The unusual sloping roof extension is seen on a number of the dwellings along the road. A wall of c.2m high forms the eastern boundary with its neighbour (the appellants). The dwellings appear to have been vacant for some time and, while in a poor state of repair, are not derelict.
- 1.5. Appendix A includes maps and photographs.

## 2.0 Proposed Development

- 2.1. The development is described in the public notices as the partial demolition of existing two storey semi-detached buildings and the construction of a new one and a half storey extension to the same including the demolition of existing rubble stone

wall and the construction of a new rustic stone wall to surround the new dwelling along with all associated site works and drainage.

- 2.2. The proposal involves combining a pair of semi-detached dwellings into one dwelling unit. The semi-detached dwellings are owned by the applicant's family and have a stated floor area of 155sq.m on a site of 0.057Ha. The proposal will incorporate three different roof heights including an increase in the roof height in the middle section of the new single dwelling from an existing ridgeline of 18.777m to 19.888m. The west face of the new dwelling incorporates a double height living area that is glazed from ground to first floor. To the rear of the dwelling (north face) there will be five rooflines of different heights incorporating concrete roof barges, as well as external stairs. The proposed new area is stated as being 240.85sq.m plus retention of 50.76sq.m.
- 2.3. Following a request for Further Information the applicant submitted revised drawings reducing the roof ridgeline of the western portion by 571mm by lowering the floor level. The surrounding rubble wall was reduced in height also. The roof barges to the east and west gables were removed.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority issued a decision to **grant permission** subject to 7 conditions, including a condition that the first floor windows (3 no.) on the southern elevation serving the first floor lounge are to be glazed with opaque glazing and the first floor master bedroom window (on north face) is to be glazed with opaque glazing or a fixed louvre system set at an angle to restrict the view into the neighbour's property/sunroom.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Reports**

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Site is located on lands zoned for low density residential use and is occupied by semi-detached properties.

- Notes there are 12 properties accessed from the cul-de-sac which are single storey in design.
- There is a stone boundary wall just north of the site which is included in the NIAH. There are no heritage or amenity designations pertaining to the site.
- Requests Further Information in relation to: the scale and bulk of the proposal given the elevated nature of the site, considers the first floor lounge will overlook excessively the private open space of the single storey dwelling to the south of the site, connections to services should be clearly identified, the design incorporates vernacular design references but the use of concrete barges is excessive given the complexity of the roof design, and turning spaces for vehicles should be provided to avoid impeding the public right of way.
- Following the response to the request for Further Information the Planner recommends a grant of permission subject to conditions.

The decision was in accordance with the Planner's recommendations.

### 3.2.2. Other Technical Reports

- **Water Services:** Proposal is generally acceptable but no connection details provided. Notes that the site is served by the existing sewer and considers that the increase in floor area will not generate a substantial extra volume. Water supply is not a problem in the area and connection is already there.

### 3.3. Third Party Observations

A third party submission was made by the appellants which will be dealt with in more detail in the appeal below. Concerns raised include the scale and massing of the proposal, vehicle parking and turning, sewerage and water and Architectural Heritage.

A representation in support of the development was submitted by a Local Councillor.

## 4.0 Planning History

There is no recent planning history pertaining to the site.

WCC Reg. Ref. 80/318: Planning permission granted for a change of roof.

There have been a number of planning applications for general domestic extensions and changes in roof profiles on The Lane over the past number of years.

## 5.0 Policy Context

### 5.1. Waterford County Development Plan 2011 - 2017

Chapter 3 refers to the Core Strategy, Chapter 4 refers to Settlement, Chapter 5 to Housing, Chapter 7 to Infrastructure, Chapter 8 to Environment and Conservation, and Chapter 10 to Development Standards.

Chapter 3 identifies Bonmahon as a 'Stronger Rural Area'. Chapter 4 notes that Bonmahon is one of 9 Local Service Centres which provides a lower range of services and facilities for the population of the immediately surrounding hinterlands.

Chapter 5 refers to Building Re-Use and Brownfield Site Development. It notes that the Council will encourage the re-use of vacant dwellings for use as permanent homes.

Chapter 7 notes that the Bonmahon Sewerage Scheme has been included for upgrading. Chapter 8 identifies the Mid-Waterford Coast SPA which is just south of the site.

Section 10.4 of Chapter 10 provides minimum open space standards for dwellings. For new residential detached units, a minimum of 150sq.m private amenity space is required. Section 10.19 refers to Replacement of Habitable Dwellings. It notes that *'It is a policy of the Council to retain vernacular architecture and to preserve, where possible cottages and traditional outbuildings. The Council may allow, in limited circumstance, a replacement dwelling where it is deemed that the existing habitable dwelling is of little or no architectural or historical merit. This assessment shall be made during the Development Management Stage of any prospective application and may require specialist reports if deemed necessary by the Council'*.

For extensions Section 10.24 notes *'The Council shall only look favourably on extensions that respect the scale and character of the existing structure, and that afford protection to the existing residential amenity of the area'*.

Volume 2 of the Plan contains the Land Use Zoning Maps. The Bonmahon/ Knockmahon map identifies the site as zoning '**R2** –Protect amenity of existing residential development and provide new residential development – low density (clustered housing, serviced sites, large plot size)'.

Development Objectives for Bonmahon include:

**DO<sub>4</sub>** – *It is an objective of the Council to protect and promote the amenity and pedestrian access to the beach and enhance existing public walkways and riverside routes.*

**DO<sub>12</sub>** - *It is an objective of the Council to protect the vistas and settings of protected structures and the streetscape through the retention of vernacular houses such as the thatched houses and houses on Osbourne Terrace and other structures associated with the mining heritage of the village, and rubblestone walls, water pumps and post boxes as identified on the NIAH survey.*

The R675 is a designated scenic route in Bonmahon.

**Scenic Route 14.** *From Ballyvoyle Head east on the R675 to the junction with the R677. Continuing south along the R675 to Bunmahon, east via Kilmurrin and Annestown and Northeast to Fennor. East onto Tramore and north to Waterford City;*

## 5.2. **Scenic Landscape Evaluation – Appendix 9.**

The appendix to the Development Plan designates Coastlines as vulnerable. Main areas designated as sensitive include Bunmahon Bay which is listed under Inland and Salt Marshes.

6.6(b) Policy with Regard to Scenic Routes states: *Scenic routes indicate public roads from which views and prospects of areas of natural beauty and interest can be enjoyed. Sightseeing visitors are more likely to be concentrated along these routes. The onus should be on the applicant for permission to develop in the environs of a scenic route, to demonstrate that there will be no obstruction or degradation of the views towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas.*

### 5.3. Natural Heritage Designations

The Mid Waterford Coast SPA (Site Code 004193) is located approximately 250m south of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal has been submitted by the occupants of the house adjacent to the site (north-eastern side). In summary, it states:

Scale and massing of the proposed development:

- Elevational drawings of the north-eastern part of the proposed structure, which is closest to appellant's property, show the building being retained and another drawing shows this part having a parapet.
- The new roof near the appellant's property is shown as having three additional roof windows which may add to overlooking.
- The overall main ridge of the house showed the ridge being 1.2m higher than it currently stands on the building. The revised drawings show a reduction in the ridge height of 571mm. This leaves the proposed ridge height as being increased by 600mm. This increase will detract from the overall character of the structure and the bulk and massing will alienate it from the modest surrounding dwelling houses.
- The addition of two new windows on the north-eastern wall overlook the appellant's property. Even though they are bathrooms, they are within 2m of their boundary and clearly overlook the private amenity space.

Parking:

- There is no turning area for the cul-de-sac. The design of the parking shows cars parked longitudinally within the site and having extremely tight turning area using all space up to the front wall to turn, all the while trying to maintain a clear right of way across the front of the property. The proposal falls down should there be parking visitors.

#### Sewerage and Water:

- It is not clear how it is intended to connect to the sewerage or water system. It has not been demonstrated how these connections take place or that the systems are capable of taking the additional loading.
- It is not clear if there was on-site testing for the proposed soakaway.

#### Architectural Heritage:

- The existing building appears on the Register for Architectural Heritage, Ref: 22812024.
- The increased scale and massing of the proposed structure will alienate the proposed building proportions in an already exposed setting. When viewed from the south the proposed structure will bear no resemblance to the existing building on the site.
- The addition of doors and windows on the northern elevation will change the aesthetic and will lead to a building which is unsympathetic of the existing building's heritage.

## 6.2. Applicant Response

The applicants responded to the appeal. In summary the response includes:

- Applicants are both natives of Bonmahon and renting in Stradbally. The dwellings are owned by their family and have been continuously occupied by their family for over 140 years. The applicant's mother lives in the house across the road to the south of the site. The appellant's house was built in the 1970s as part of the Coastguard Road development.
- Rooflights in the eastern elevation are designed to provide natural light and are positioned 2.5m above floor level and comprise fixed/non-opening frames.
- Revisions were made at Further Information stage to address concerns about bulk and massing as requested by WCCC Planners.
- The two bathroom windows in the east gable will be frosted and applicants willing to make them bottom hinge, top-opening, to remove any concerns about overlooking.



- From the outset the applicant's consultants retained the existing proportions, heights and layout footprint of the eastern end of the dwelling.
- Applicants willing to remove the upstairs master bedroom window – there would be sufficient light from the rooflights and the window to the south. The remaining window on the northern elevation is central in the building and not in 'occupyable' space.
- Parking: There is a turning space on the cul-de-sac 20m from the appellant's entrance. Applicants strongly contest that their private property should be used to provide a turning area for the road.
- Space within the curtilage of the site designated for parking is capable of holding additional visitor cars.
- The applicants are not preventing any pedestrian traffic through their property, but note that there is no public right of way designated on any planning authority or land registry records.
- Water and sewerage services are pre-existing. There is no intention to remove services already connected. A suitable pumping system that would not require any modifications to the existing sewer has been established.
- Significant cost and time have been invested to produce a detailed site specific soakaway design.
- Architectural Heritage: The existing building is not listed on the NIAH register. NIAH register reference 22812024 is not on and does not relate to the applicant's property. The 'special interest' feature listed on the NIAH refers to the pathway known locally as 'the back lane' and forms an uncontested right of way to the R675 and is outside the boundary of the applicant's property.
- The design is within the footprint of the original dwelling and almost exactly matches the profile of the building that historically occupied the site. The applicant's dwelling is seen on a photograph from the National Library of Ireland archives dated May 1906 (copy included). The intention of the applicants is to design and build a home that is sympathetic to its surroundings and to the historical significance while at the same time complying with current building regulations and planning guidelines.

- The applicants include a petition signed by every household on Coastguard Road in support of the application.

### 6.3. Planning Authority Response

No response was received from the Planning Authority.

### 6.4. Further Responses

The appellants were provided an opportunity to comment on the applicant's response to the appeal. In summary, it is stated:

- The duration of existence of either building or personal situation is irrelevant.
- Whether the roof feature is called a 'parapet' or 'eaves barges' does not alter the fact that these elements increase the height and negative impact on the appellants.
- The proposal is converting two houses into one unit and design still needs to increase the height by over 0.6m – this can only be described as increasing the bulk and massing of the existing structure.
- Offering to make changes to the Board with different hinges and mechanical opening and closing up windows does not negate the flaw of the impact of these windows.
- The appellants are not suggesting the applicants use part of their property for turning space but are making the point about lack of turning space on the cul-de-sac. It is envisaged that there will be an on-going serious problem with parking in this area.
- Regarding the soakaway design, the appeal was attempting to establish whether trial pits had been constructed on site or not – letter of 12<sup>th</sup> January 2017 confirms no physical on-site testing carried out.
- The 'back lane' runs adjacent to the applicant's property. One boundary of the 'back lane' provides the boundary of the applicant's property. The item listed on the NIAH forms the side wall of the back lane leading to the curtilage of the application site.

- The overall increase in height and the remainder of the possible overlooking needs to be addressed by redesign – this can only be achieved by a formal new submission to the Local Authority.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design of dwelling/Scale and massing
- Parking and Services
- Architectural Heritage
- Appropriate Assessment

I draw the Board's attention to the various spellings and place names used throughout the submitted documentation and in various policy documents. The area is spelled as 'Bunmahon' and 'Bonmahon' in various documents. The road is known locally and identified as 'The Lane' as well as the 'Coastguard Road'.

### 7.2. **Design of Dwelling/Scale and Character**

The existing structure is currently a semi-detached pair of dwellings. However, the layout is unusual as the dwelling to the left is much smaller and a rear extension of the dwelling to the right runs along the rear of the left hand dwelling. The rear extension floor level drops significantly to address the relatively steep slope to the north which overlooks the R675 road.

Notwithstanding the unusual layout, the existing front façade is very traditional with a consistent roof ridgeline of +18.77m across both dwellings. Both dwellings comprise two windows each on the front façade at ground and first floor levels. A projecting porch forms part of the dwelling to the right. The eaves height to the front is +16.97m. The upper floor bedroom ceilings extend above the eaves.

The proposed design reads as three separate components to the new single dwelling. The section to the east maintains the original structure but removes the upper floor windows to the front façade. A bathroom is located in the first floor which has enabled the roof ridgeline of +18.77m to be maintained. The middle section is new build and the roof ridgeline is raised to +19.888m with concrete roof barges either side. A new projecting entrance porch is located in this central section. The section to the west is also new build and following the response to Further Information is now at a roof ridgeline of +18.95m. The western section extends over the footprint of the existing yard area and the rubble wall, and comprises the floor to ceiling windows overlooking the sea.

The rear view of the proposal comprises 5 roof planes and external stairways.

The north-eastern corner has retained the same footprint as the existing dwelling and does not extend closer to the appellant's property. However, the middle section of the dwelling now includes a rear bedroom window at the new first floor level which would likely overlook the appellant's sunroom. I note the applicants have stated that they are willing to remove this window in its entirety as there will be sufficient light provided from other windows/rooflights. I would recommend that should the Board be minded to grant permission a condition to this effect is included. With the removal of this window and the fact that the other windows on the north and eastern boundary are to bathrooms and with opaque glazing, I am satisfied that there will be no overlooking issues with the appellant's property. I am also satisfied that the location of the window to the south is in the atrium void area and overlooking is not possible. The two other windows to the south are conditioned to be opaque in nature and I would recommend that this condition is included should the Board be of a mind to grant permission.

I note that the existing building pre-dates its neighbours by a substantial amount of time, however, I consider that the dwellings on the road read as modest single storey bungalows. I have concerns that the subject proposal will introduce an overly fussy design, particularly at roof level. I would also draw the Board's attention to the fact that the rear of the house, with the 5 roof planes, concrete barges and external stairs, will be visible from the R675, a designated scenic route. The house is at an elevated position both from the existing 'Lane', as well as when viewed from the R675. I would consider that a much simpler roof design would be more appropriate

and would recommend that should the Board consider granting permission that the concrete roof barges are removed completely which will reduce the potential visual impact from the R675 below.

I accept that for compliance with the latest Building Regulations there is a need to increase the overall height at first floor. I note that following the request for Further Information, the roof of the western section only was lowered by lowering the ground floor level. The middle section was not lowered and remains at +19.88m.

Section 10.24 of the Plan refers to Extensions. However, the nature of this proposal involves the retention of only a small portion of the existing dwelling and almost a complete rebuild of the site. The Development Plan states with respect to Building Re-Use and Brownfield Site Development that the Council will encourage the re-use of vacant dwellings for use as permanent homes. Section 10.19 of the Plan refers to Replacement of Habitable Dwellings and states that the Council may allow, in limited circumstances, a replacement dwelling where it is deemed that the existing habitable dwelling is of little or no architectural or historical merit.

While the development is described as a partial demolition and extension to the buildings, I consider that the policies for replacement of habitable dwellings and the re-use of vacant dwellings must be considered and the subject development can be considered to be in compliance with the policies.

The appellants' express concerns with the mass and scale of the proposal. The proposal is substantially larger than the existing dwelling. The existing structure is stated as being 155sq.m, while the new proposal is 291.61sq.m (new build plus retained structure). The proposed dwelling, while being almost twice the size of the existing dwellings, does follow the footprint of the two existing dwellings and the yard and is orientated such that the eastern gable end retains the outline of the existing gable end.

In summary, the proposal does follow the footprint of the existing dwellings and yard area. While the resulting dwelling is much larger than the existing dwellings, I consider that with amendments to the windows and the roof design, the proposal is acceptable.

### 7.3. **Parking and Services**

The appellants express concern with the parking layout. I agree with the applicant's contention that their private property should not be expected to provide a turning circle for the Lane. I note that the applicants state that they have no intention of precluding pedestrian access through their property even though it is stated that there is no public right of way notated on any land registry or planning documentation. I am satisfied that there is sufficient parking and access maintained with the proposed design.

The dwellings are served by water and waste services. The appellants state that it has not been demonstrated that the systems are capable of taking additional loading. It is proposed to replace two dwellings with one dwelling, so I do not agree with the appellants. The file was referred to the Water Services department and they have no issues with the proposal. I am satisfied that the parking and services are adequate for the proposal.

### 7.4. **Architectural Heritage:**

The proposal is to partly demolish the existing two storey semi-detached dwellings and convert them into one dwelling. The applicant states that the dwelling has been in his family for over 140 years and provides a photograph from the National Library indicating a dwelling in this location in May 1906.

There is no reference to the subject house on the Record of Protected Structures. The NIAH does include Ref. 22812024. It is described as '*Sections of random rubble stone retaining walls, c.1800, bounding excavated pathway with lime mortar. Now mostly overgrown. Set into hill*'. The location of the wall is outside the subject site. Therefore, I am satisfied that the existing house and rubble wall to be removed are not identified in any statutory document as Architectural Heritage. I consider that should the Board consider granting permission a condition to the effect of ensuring that the wall referred to in the NIAH is sufficiently protected during construction will suffice to preserve the wall.

## 7.5. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely a fully serviced location, 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 subject to conditions for the reasons and considerations as set out below

## 9.0 **Reasons and Considerations**

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards in the Waterford County Development Plan 2011 - 2017, 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 or of property in the vicinity. 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 3<sup>rd</sup> November 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. The proposed development shall be amended as follows:
  - (a) The rear bedroom window at first floor level shall be omitted.
  - (b) Windows on the eastern and northern facades at first floor level shall be permanently glazed with opaque glazing.
  - (c) 2 no. mezzanine lounge windows at first floor on the south face shall be permanently glazed with opaque glazing.
  - (c) Concrete roof barges shall be removed.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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

4. 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.

5. Prior to commencement of development, a construction methodology statement indicating the means proposed during construction to ensure the protection of the fabric of the feature listed on the National Inventory of Architectural Heritage register reference 22812024 which refers to the pathway known locally as 'the back lane' shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the retained structures.

6. 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 the interest of the amenities of the area.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

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Ciara Kellett

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Senior Planning Inspector

15th March 2017