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Bord  
Pleanála

## Inspector's Report PL93.247958

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<b>Development</b>	Construction of single storey garage and greenhouse.
<b>Location</b>	Portally, Dunmore East, Co. Waterford
<b>Planning Authority</b>	Waterford County Council
<b>Planning Authority Reg. Ref.</b>	16/727
<b>Applicant(s)</b>	Mannix Carney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to Conditions
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant(s)</b>	Mary Halley Mary Hegarty
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> April 2017
<b>Inspector</b>	Susan McHugh

## 1.0 Site Location and Description

- 1.1. The appeal site is located in a coastal rural area in the townland of Portally approximately 3 kilometres southwest of the village of Dunmore East in County Waterford. The site overlooks the coastline and is located off a narrow local road which terminates as a cul-de-sac. The road serves a number of dwellings including a group of dwellings north of the subject site.
- 1.2. The site comprises of the existing split level house with driveway to front and generous side and rear private gardens. The ground levels slope down from the road from by approximately 4m.
- 1.3. The adjoining site to the north east, which is one of the appellants' houses, comprises of a single storey traditional thatched cottage with outbuildings, which in part form the boundary with the subject site. These outbuildings have windows which face directly onto the appeal site. The south eastern boundary adjoins open lands. The other third party's property is also thatched and is located on the opposite side of the road, a little further to the north. It is noted that neither thatched property is designated as a protected structure.
- 1.4. The area of site relating to the proposed development is stated as 0.35 hectares.

## 2.0 Proposed Development

- 2.1. Permission is sought for a single storey vehicle garage and attached green house to rear located in the side garden of the house. External finishes are to match those of the existing house.
- 2.2. The overall area of the garage is stated as being 32sq.m. It is located approximately 9m from the road to the north west, and is set at a slight angle to, but roughly in line with the front building line of the exiting house. There is a separation distance of approximately 10.25m between the house and the proposed garage. It is set back from the boundary with the adjoining thatched cottage to the north east (the appellants house) by approximately 11.3m.

- 2.3. The proposed garage will have a pitched roof with a ridge height of 5.15m at the front gable, rising to 6.12m to the rear. The vehicular entrance to the garage is located on the front gable elevation and comprises of a sliding door approximately 2.2m in width.
- 2.4. The side elevation (south west facing) comprises of double entrance glazed door and three windows. Universal access is provided to the side entrance door via a ramp with railings from the front and steps and railings to the rear.
- 2.5. The greenhouse will have an area of 16sq.m and can be accessed internally from the garage via double doors and steps. The proposed greenhouse will have pitched roof with glazed roof panels. The side and rear elevations of the greenhouse will be set over a low stub concrete wall. The rear elevation will include an entrance door with steps down to the rear garden.
- 2.6. It is proposed to drain to the existing wastewater treatment plant and rainwater harvesting system. Existing natural boundaries are to be retained and strengthened with planting.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority decided to grant permission subject to 3 conditions.

Condition No. 3 required amendments to the proposed development and revised drawings to be submitted for written agreement, specifically in relation to the *'lowering of the overall height of the structure above the existing ground level by 250mm over the entire length of the structure. This can be achieved by way of lowered finished floor level or reduced ridge height.*

*Reason: In the interests of visual amenity and the proper planning and sustainable development of the area'.*

#### 3.2. Planning Authority Reports

- 3.2.1. The **Planner's** report dated **11/01/2017** notes:

- The layout and scale of the current proposal in relation to the existing house and the previous proposal.
- The provisions of the County Development Plan in particular that the site is located within an area zoned agriculture.
- In principle, the development is acceptable subject to a reduction in the overall ridge height and recommends a grant of permission.

### 3.2.2. Other Technical Reports

- **Surface Water Drainage** – The report 13/01/2017 recommends no objection subject to condition.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Objections to the proposal received by the planning authority have been forwarded to the Board and are on file for its information. The issues raised are comparable to those in the two 3<sup>rd</sup> Party appeals summarised in section 6 below.

## 4.0 Planning History

### 4.1. *Garage Site*

**PA Ref. No. 16/255** – Permission refused (June 2016) for a garage and green house similar to that currently proposed for one reason.

The reason referred to the policy of the Waterford County Development Plan 2011-2019, to protect and improve rural amenity in areas outside settlement boundaries where no specific landuse zoning is indicated, to the design, scale and location of the proposed development in a rural area where there is an excessive density of development, which is ad hoc and disorderly in character, to the recent planning history and unsustainable pattern of development in the immediate vicinity, and that the development would contravene the policies in the development plan and set an

undesirable precedent which would be contrary to the proper planning and development of the area.

#### 4.2. *Overall Parent Permission*

**PA Ref. No. 14/600060** – Permission granted (September 2014) for retention for changes to the elevations, simplified plan shape, site layout and floor levels of the previously permitted house under 07/1485.

**PA Ref. No. 07/1485** – Permission granted (February 2008) for a low carbon ‘passivhaus’ type split level bungalow dwelling with attached boiler room, certified wastewater treatment, entrance, and associated site works.

#### 4.3. *Neighbouring site to the south west*

**PA Ref. No. 15/344, ABP Ref. PL.93.245386** - Permission refused (January 2016) for a dwelling for two reasons.

The first reason referred to existing development in the vicinity, that the proposed development would constitute an excessive density of development and perpetuate an ad hoc and disorderly pattern of development in an unserviced rural area.

The second reason referred to the nature of the existing alignment of the public road serving the site, the substandard nature of the overall road network, and that the additional traffic generated by the proposed development would give rise to a traffic hazard and interfere with the safety and free flow of traffic.

The Board noted that it was ‘not satisfied that the applicants had demonstrated sufficient housing need in the context of national policy in respect of urban generated housing versus rural generated need in an area under strong urban influence.’

The immediate area has also been the subject of several planning applications including refusals on appeal in relation to PL.24.228247, PL.24.234474 and PL.24.236829.

## 5.0 Policy Context

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

- 5.1.1. **Appendix A9** relates to Scenic Landscape Evaluation and details landscape sensitivity based on the capacity of the environment to absorb new development under the varying classifications including degraded areas; robust; normal areas; sensitive and vulnerable areas. The site is within an area described as normal in the key map for the county but is in relative close proximity to sensitive and vulnerable areas related to the coast.
- 5.1.2. Section 4 of A9 relating to criteria for evaluation does refer to capacity to absorb development and disproportionate visual impacts. Factors which are important include topography as development in elevated areas will usually be visible over a wide area; vegetation and development.

### 5.2. Natural Heritage Designations

The nearest European site is the Tramore Dunes and Backstrand SAC, at a distance of 4.5km to the northwest.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two 3<sup>rd</sup> Party appeals against the decision to grant permission by the planning authority have been lodged. In both cases a copy of the original submission to the planning authority is included.

**Third Party Appeal No. 1-** Mary Halley, Brownstown Head, Dunmore East.

In summary, it states:

- Although the planning application is made in the name of Mannix Carney, he has never resided at the attached dwelling, and has lived abroad for many years. His parents John and Brigid Carney reside in the attached dwelling.

- This is the third house which they have now accumulated in Portally having sold the first house and are renting the second.
- The existing house is monstrous in size compared to other buildings in the area which are characterised by small thatched dwellings. The proposed garage will encroach on more of the extraordinary beautiful landscape and destroy views enjoyed by many.
- The addition of more unnecessary ugly buildings in the area will be an eyesore which will cause damage to the tourism industry in the region.

### **Third Party Appeal No. 2 – Mary Hegarty, Portally Cove, Dunmore East.**

In summary, it states:

- Appellants house is a traditional mud walled thatched building and together with the bathroom, dressing room and thatched outbuildings are on the boundary line with the proposed site (owned and lived in by John Carney, father of the applicant Mannix Carney).
- Concerned about the affect the proposed pitched roof garage would have on her property which is located on the boundary line.
- Essential sun would be blocked from the building which is needed in these traditional buildings to keep dampness at bay.
- The vibration from additional vehicular traffic near the thatched house could cause damage due to the type of structure of the appellant's house.
- Drainage between both properties is primitive and building so close to the thatched house could cause flooding or dampness to the thatched house.
- The existing split level house beside the proposed detached garage and greenhouse was built differently to the approved plans, and concerned that this could also happen with the proposed development in a way which might adversely affect the appellant's property and amenities.
- Further modern buildings are out of keeping with this rural area of outstanding beauty and with the cluster of traditional thatched houses.

- Appellants house and lands were not shown on the submitted drawings/plans so it is difficult to assess the precise distance from the proposed detached garage to the thatched cottage as this distance is not stated on the submitted drawings.

## 6.2. Applicant Response

No response received.

## 6.3. Planning Authority Response

No response received.

## 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:

- Visual Impact
- Residential Amenities
- Site Considerations
- Appropriate Assessment

## 7.2. Visual Impact

7.2.1. In relation to designations specific to the site, the site does not appear to be within any specific area of visual importance designated in the key map of Appendix A9 of the county plan which refers to scenic landscape evaluation and is located in what is described as a normal area. The site is, however, located in an area in proximity to the coastal area considered to be sensitive and there is a visually vulnerable area to the north.



- 7.2.2. The proximity of these areas is an important consideration and the development at A9 requires that all sites are evaluated in terms of site suitability and a range of technical considerations.
- 7.2.3. In relation to the design of the proposed garage and greenhouse, the design has taken into consideration the gradual fall in level in a south easterly direction in proposing a split level footprint for the garage and greenhouse. The design is relatively simple and I have no issue with the scale as proposed. The ridge height which rises from 5.15m at the front gable to 6.12m to the rear, however, does seem excessive given the exposed nature of this coastal site. I would concur with the planning authority that a reduction in the overall ridge height would help assimilate the proposed development into the existing landscape. A reduction in height can be achieved by lowering the site levels, or the ridge height. It is also noted that the applicant made no observations on the appeals or conditions attached to the decision by the planning authority, and in particular to condition no. 3 which related to the reduction in height of the proposed development. I would suggest that a reduction in site levels would be preferable, as this would not interfere with the design of the proposed development. This can be dealt with by way of condition.
- 7.2.4. The proposed development has also been designed to minimise the visual impact in relation to the overall design by breaking up the mass of the structure. I consider that it will harmonise with the existing modern split level house in terms of finishes and materials. Given the open nature of the landscape any form of development will be visible but the scale of visual impact will be local to the immediate area. As the proposed development will be at a lower level to the road, I consider that it will not be obtrusive when viewed from the wider area.
- 7.2.5. I am satisfied that the separation distances to the boundaries and adjoining properties are generous, acceptable and appropriate. I would concur with the planning authority in their assessment when comparing the current proposal to the previously proposed layout. The current proposal, which is for a smaller structure to

the side of the existing house, with its gable towards the road, would not result in a serious visual disamenity.

### **7.3. Residential Amenities**

- 7.3.1. The proposed garage and greenhouse is located in the side garden of the existing split level house. There is, however, an unusual relationship with the immediately adjoining thatched property to the north east. The appellant notes that her traditional mud walled thatched house together with bathroom, dressing room and thatched outbuildings, are on the boundary line with the appeal site. It is also noted from the appeal and site inspection that there are several very small windows in the house and outbuildings which face directly onto the appeal site and which have a south western orientation.
- 7.3.2. I consider, given the size of the windows and the rooms they serve, the separation distance of approximately 11.3m between the proposed garage to this boundary, the set back of approximately 9m from the front building line of the existing thatched house, the fact that there are no windows proposed on the north eastern elevation of the proposed garage facing the cottage, and the orientation of the side elevation of the cottage that there will not be any significant disamenity to the existing cottage. The existing cottage benefits from open coastal views from larger windows to the rear of the property. It is also noted that there are no windows on the side gable of the appellants thatched house across the road, and their view of the appeal site is essentially blocked by the existing thatched cottage located opposite.
- 7.3.3. I would note that there is reference in one of the appeals to previous permissions for the existing split level house, but the application requires to be considered in the context of the current position. It is reasonable to consider the current proposal in the context of what prevails at present and the scale of development which currently exists.
- 7.3.4. I am satisfied that the current proposal addresses the previous reason for refusal by the planning authority. I consider that the appeal site forms part of a cluster of

development and that the proposed development would not constitute disorderly development or overdevelopment of the site.

#### **7.4. Site Considerations**

- 7.4.1. The proposal is to provide a water supply via the existing public mains supply. The primitive nature of the existing surface water drainage between both properties was noted by the appellant and the risk of potential flooding or dampness to the adjoining thatched cottage was cited. However, I observed the drainage arrangements on site between both properties and it appeared satisfactory. I consider given the separation distances and south western orientation of the existing thatched cottage, that this should not be an issue.
- 7.4.2. It is proposed to connect to the existing waste water treatment plant and rainwater harvesting system which serves the existing dwelling, which is considered acceptable, as there is no additional loading to the system.
- 7.4.3. It is proposed to use the existing vehicular entrance to access the proposed garage, and I do not consider that there will be any intensification of use of this entrance to warrant concern or that would cause damage to the adjoining thatched / appellants house.

#### **7.5. Appropriate Assessment**

Having regard to the nature and small scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 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 nature and scale of the development, the location of the site and pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential 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, 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, 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 garage and greenhouse shall be used for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying out of any trade or business and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

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

3. The proposed development shall be amended as follows:

(a) The ridge height of the garage and greenhouse shall be reduced in height by 250mm above ground level. This can be achieved by way of lowered finished floor levels.

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 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

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Susan McHugh  
Planning Inspectorate

2<sup>nd</sup> May 2017