



An
Bord
Pleanála

Inspector's Report PL03.248420

Development	Demolish shed and construct extension to the side
Location	Knocknaguille, Lisdoonvarna, County Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P17/101
Applicant(s)	Melyssa MacGillivray
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	James Droney
Observer(s)	An Taisce
Date of Site Inspection	06 th July 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

The appeal site is located in a rural area to the NE of Doolin and SW of Lisdoonvarna in West County Clare and the surrounding area is rural in character. The site is located within a small cluster of detached houses and farm buildings. The site is occupied by an existing single storey house with side garage and the site boundaries are defined by a mix of native hedges, trees and fences. The site is bound to the E and W by existing houses, to the S by grazing land and to the N by the local road with a house and farm buildings beyond. Photographs and maps in Appendix 1 describe the site and surroundings in more detail.

2.0 Proposed Development

Planning permission is being sought to demolish the single storey garage and construct a 2-storey extension to the side of the existing house:

- The existing c.140sq.m. house occupies a 0.2ha site.
- The 2-storey c.78sq.m side extension would replace the c.15sq.m. garage.
- The proposed extension would be c.4.8m wide, 11m deep and 6m high.
- Install velux roof windows to the existing front and rear roof profiles.
- Associated site works

The application was accompanied by the following documentation:

- A Site Report (existing septic tank)

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant planning permission subject to 6 conditions.

- Condition no. 2 required the submission of a Site Characterisation Report and a detailed proposal for an appropriate WWTS.

3.2. **Planning Authority Reports**

Planning Reports

The decision to grant planning permission reflected the recommendation of the planning officer.

Other Technical Reports

The Environmental Services raised serious concerns in relation to the adequacy of the existing septic tank and percolation area and requested that the applicant be required to submit a Site Characterisation Report and proposals for a WWTS based on the results of the assessment.

3.3. **Third Party Observations**

One letter of objection raised concerns in relation to the self-contained nature of the extension; inadequate WWTS; and overlooking and loss of privacy.

4.0 **Planning History**

Reg. Ref.10-546: permission refused to retain a mobile home for habitable purposes on the site, decking and connection to the septic tank for 3 reasons related to: - undesirable density and overcrowded & disorderly development would injure visual amenity; non-compliance with rural housing policy & material contravention of Policy CDP66; and inadequate spare capacity in the existing septic tank.

Reg. Ref. 09-1219: permission refused to retain a mobile home for habitable purposes on the site, decking and connection to the septic tank.

Enf. Ref. UD09-093: enforcement proceedings initiated in 2009 in relation to the mobile home for habitable purposes, decking, construction of a septic tank, and erection of a timber utility shed. Case now closed.

5.0 Policy Context

5.1. County Clare Development Plan 2017 to 2023

The site is located in a rural area that is covered by the County Clare Development Plan and within a Settled Landscape.

5.2. Natural Heritage Designations

The site is located with 15k of the following European site:

- Black Head to Poulsallagh Complex SAC & pNHA

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant owns the house on the adjoining site, and their amenities will be seriously injured.
- Compliance with Condition no.4 is not possible as the public road is several feet higher than the site, surface water could not discharge from the site to the road, both surface and waste water generated on the site will drain to the adjacent site and boundary drainage ditch.
- Condition no.6 will not be implemented as the rooms in the extended house will be let separately to different people, and the extension and the existing house will function as two separate self-contained units.
- Condition no.2(d) – the time period for the WWTS maintenance contract should be extended from 3 to 10 years to guarantee compliance, and any future seepage into the adjacent site would contaminate cattle grazing land.
- Untreated sewerage from the appeal site already enters the boundary drain.
- The proposed windows will give rise to overlooking and loss of privacy, and the use of frosted glass in the ensuite bathroom is not acceptable.

6.2. **Applicant Response**

No response.

6.3. **Planning Authority Response**

No new issues raised.

6.4. **Observations**

An Taisce raised concerns in relation to the effective functioning of the septic tank system and surface water run-off into the adjoining property.

7.0 Assessment

The main issues arising in this case are:

- Principle of development
- Visual & residential amenity
- Environmental services
- Other issues

7.1. Principle of development

The proposed development would be located within a rural area which is covered by the County Clare Development Plan 2017 to 20123 and the proposed extension to the side of an existing house is acceptable in principle.

7.2. Visual and residential amenity

The proposed development would be located within a rural area and within a small cluster of detached houses and farm buildings.

The proposed extension would be located to the side of an existing single storey house, which contains two attic bedrooms. The existing c.140sq.m. house is approximately 12m wide, 7.5m deep and 6m high. The proposed c.78sq.m. extension would be approximately 4.8m wide, 11m deep and 6m high and it would also contain an attic bedroom. The proposed extension would be similar to the existing house in terms of height, design, external finishes and fenestration. The front elevation would respect the front building line whilst the rear elevation would project out c.3.5m beyond the rear building line. The proposed development would be acceptable in terms of visual amenity.

The proposed extension would be located within approximately 6m and 20m respectively of the site boundary and side elevation of the neighbouring house on the adjoining site to the E. The proposed side elevation would contain two windows and a door to a utility room at ground level, and a bathroom window at first floor level. The proposed extension would not overshadow or overlook the neighbouring house

to any significant extent, provided that the first floor bathroom window is permanently fitted with obscure glazing.

The proposed extension would be integrated at ground and first floor levels with the existing house and it would provide for an acceptable standard of amenity for current and future occupants.

The concerns raised by the Appellant in relation to the potential use of the extension as a separate self-contained unit could be addressed by way of a planning condition which would ensure that the house and extension are jointly and permanently occupied as a single residential unit.

7.3. Environmental services

The c.0.2ha site slopes down very gently from N to S and it is located within Flood Zone C and is therefore not prone to flooding. The existing septic tank is located in the SW section of the site and to the rear of the existing house. The extended house would contain three double bedrooms with a person equivalent (p.e.) of 6.

The Applicant did not submit a Site Characterisation Report although they did submit a Site Report in relation to the existing septic tank.

The Site Report stated that the soil type is Complex-Mountcollins-Kilrush, the underlying Aquifer is Locally Important (Li) with Moderate Vulnerability, there is a Groundwater Protection Scheme in place and the Groundwater Protection Response is R1. The report stated that the soil type can be either free draining with good percolation properties or it can be poorly drained. Given that no well is proposed, the Groundwater Protection Response rating of R1 is acceptable subject to normal good practice with 1.2m unsaturates and suitable solid beneath the invert of the percolation trench for a septic tank system, or 0.9m for a more advanced system.

The Site Report stated that the site looks suitable for the treatment and disposal of wastewater at the proposed percolation area in the SW section of the site. Target at risk is groundwater, however the absence of rushes and drainage ditches on the percolation site suggests free draining soils with good percolation properties for the

treatment of wastewater. The report states that care should be taken to ensure minimum separation distances from the site boundaries and dwellings.

The Site Report also stated that the existing septic tank is in a good state of repair with an estimated capacity of c.3.5 cubic metres and that it is proposed to retain this facility. The report noted that there is no evidence of a distribution box or vent pipes around the percolation area, although a new percolation area was probably installed recently with the use of imported soil. The report recommended the installation of a distribution box which should be connected to the existing percolation pipes to distribute the effluent over the entire percolation area. The report also recommended that willow trees be planted around the perimeter of the percolation area to prevent any seepage during periods of prolonged wet weather.

The report of the Council's Environmental Scientist confirmed that there is an existing septic tank on the site although there appears to be no evidence of a percolation area. The report states that if a percolation area was installed after the septic tank at the current level, it is highly unlikely that it would operate effectively. From a visual observation and taking account of the land conditions on the site, the report stated that there is unlikely to be sufficient vertical separation between the water table and the percolation trench base. The report concluded that the site would appear only suitable for a raised/partially raised polishing filter or percolation area. The report recommended the applicant should submit a full site characterisation report along with proposals for a WWTS based on the assessment results.

When I carried out my site visit in early July, the ground was reasonably firm underfoot, there were no rocky outcrops or any sign of surface water ponding, however there were drainage ditches along the site boundaries. I also noted clumps of rushes growing in the NW section of the site which could indicate some localised waterlogging to the NW of the septic tank area. The site is relatively flat and I did not see any evidence of a percolation area.

Given that there is already an existing habitable house on the site which it is proposed to extend, I am satisfied that this concern could be addressed by way of a planning condition. The applicant should be required to submit a Site Characterisation Report along with detailed proposals for a waste water treatment system, the design of which should be based on the results of the site assessment and in accordance with EPA guidelines. This information should be submitted to the planning authority for their written agreement before development commences.

7.4. **Other issues**

Appropriate assessment: The proposed development would not affect any European Sites having regard to the nature of the works and the absence of a direct connection to any SACs or SPAs in the wider area.

Heritage: The proposed development would not affect any Recorded Monuments, Protected Structures or NHAs located in the wider area.

Financial contributions: The standard Section 48 requirements apply.

8.0 **Recommendation**

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

9.0 **Reasons and Considerations**

Having regard to the provisions of the County Clare Development Plan 2017 to 2023, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would

not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

The following wastewater treatment requirements shall be complied with:

- (a) The developer shall submit a Site Characterisation Report along with detailed proposals for a wastewater treatment system. The design of the system should be based on the results of the site assessment and in accordance with the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009." Details to be agreed in writing with the planning authority before development commences.
- (b) The wastewater treatment facility shall be located, constructed and maintained in accordance with the details submitted to and agreed with the planning authority 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 and agreed with the planning authority in response to (a) above shall be installed unless agreed in writing with the planning authority.

- (c) 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.
- (d) 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 development 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.
- (e) 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 wastewater treatment system.
- (f) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity

4. The first floor window in the side elevation shall be permanently fitted with obscure glazing.

Reason: In the interest of residential amenity.

5. 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.

6. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of Irish Water and the planning authority for such works.

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

7. 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 the interest of traffic safety, residential amenity and to prevent pollution

8. The developer shall pay to the planning authority a financial contribution of €220.14 (two hundred and twenty euro and fourteen cents) 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. The application of any indexation required by this condition 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.

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.

Karla Mc Bride
Planning Inspector

18th July 2017