



An
Bord
Pleanála

Inspector's Report PL27.249347

Development	Relocation of house, change of house type, relocation of percolation area, relocation of surface water run off to soak pit and associated ancillary works.
Location	Blackditch Farm, Newcastle, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/862
Applicant(s)	Blackditch Limited
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party V. Decision
Appellant(s)	Blackditch Limited
Observer(s)	No observers
Date of Site Inspection	18 th December 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located on lands at Blackditch Farm, Newcastle, Co. Wicklow. The farm has an overall area of c. 81 ha and is located south of Newcastle Village. The lands in the vicinity are predominantly agricultural in character and the landholding currently operates as a tillage farm.
- 1.2. The main vehicular access to the farm is from the L761 route to the west. To the north, part of the property's boundary fronts onto Sea Road and to the south, the farm bounds a local access road. There is a separate agricultural property to the east.
- 1.3. The farm and its associated buildings have been subject to extensive renovation works over the past number of years including the removal of a number of defunct agricultural warehouses and cattle sheds. The lands currently accommodate three main buildings comprising a two storey farmhouse, a single storey stone courtyard and associated buildings and a large agricultural shed. The stone courtyard consists of three long structures which form a quadrangle around a central courtyard.

2.0 Proposed Development

- 2.1 Permission was granted by Wicklow County Council in 2015 for the demolition of the existing farmhouse and the construction of a replacement dwelling to the east of the existing courtyard.
- 2.2 Under the current application it is proposed to amend the siting and design of the dwelling. The revised proposal relocates the dwelling approximately 53 metres to the south of the existing stone courtyard building c. 500 metres from the L761 and c. 600 metres from Sea Road. The design and scale of the dwelling is also proposed to be amended.
- 2.3 The revised dwelling will have an area of 609 sq. metres and the building plan comprises a symmetrical 'H' form with a central single storey entrance foyer area flanked by two storey wings. It is a contemporary design with a flat roof and predominantly stone finish. It is detailed in the application that large floor to ceiling height windows, with narrower horizontal windows in places, combined with vertical

and horizontal bands of a sand coloured stone, are the main compositional elements.

- 2.4 The overall height of the two storey wings are approximately 7.2 metres. The dwelling will accommodate 4 no. bedrooms and associated living, dining, kitchen and entertainment spaces. Vehicular access is to the front of the house from the existing roadway that serves the farmhouse that is to be demolished. 4 no. car parking spaces are provided. A separate service access is proposed on the eastern side of the dwelling via an existing route. The development also includes related ancillary works including provision of a service compound, hard and soft landscaping works and relocation of existing permitted percolation area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 To Refuse Permission for the following reason:

“Having regard to:

- *The location of the development in landscape which is classified under the County Development Plan 2016-2022 as an area of Outstanding Natural Beauty.*
- *The scale and modern design of the proposed development.*
- *The attractive form and pattern associated with the existing dwelling and courtyard buildings on site.*
- *The provisions of the Coastal Zone Management Plan which provides that proposed development take cognisance of and respect historical development patterns in the area, in particular the historical layout and building form of demesnes along the coast road between Newcastle and Rathnew.*
- *The visibility of the proposed development from the R761.*

It is considered that the proposed development would be out of character with the existing pattern of development at this point, would form a highly dominant and intrusive feature when viewed from the R761, would detract unduly from this highly sensitive landscape, would set a precedent for similar forms of inappropriate

development and would therefore impact detrimentally on the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report (31.08.17):

- Under PRR15/868 the principle of the demolition of the existing dwelling and its replacement with a new house was assessed and considered acceptable.
- The previously permitted development was located to the east of the courtyard in a location where old farm structures, now demolished, would have been originally positioned. The design and massing of the permitted dwelling had a modest form and was sympathetic to the original courtyard building and was set back further in the landscape when viewed from the Regional Road.
- It is considered that the location of the proposed dwelling would be visually prominent and would result in it having a significant impact in views from the Regional Road, would be visible from a longer distance along the Regional Road, and would be more significant in views than the previously permitted dwelling.
- The location of the dwelling forward of the courtyard would obscure this element which is an attractive feature of the original pattern of buildings.

3.2.2. Other Technical Reports

Environmental Health Officer (26.07.2017): No objection subject to condition.

3.3. Prescribed Bodies

Inland Fisheries (31.08.2017): No objection subject to conditions.

3.4. Third Party Observations

- No observations.

4.0 Planning History

Planning Authority Reference 15/868

- 4.1 Planning permission was granted in October 2015 for the demolition of the existing two storey detached farmhouse dwelling and the construction of a contemporary detached part two, part three storey dwelling with an area of 507 sq. metres. The development also provided for the connection of the dwelling to the bio-cycle WWTP approved under Reg. Ref. 14/1855.

Planning Authority Reference 15/286

- 4.2 Permission was refused by Wicklow County Council in May 2015 for a development comprising the demolition of the existing farmhouse and the construction of a contemporary replacement dwelling. The reason for refusal is similar to that in the current application and it was considered by the Planning Authority that the development would be out of character, form a highly dominant and intrusive feature when viewed from the R761 and unduly detract from this highly sensitive landscape.

Planning Authority Reference 14/1855

- 4.3 Permission granted in January 2015 for a) conversion of existing single storey courtyard buildings to provide: 1 no. one bedroom granny flat (113 sq. m.); a domestic (non commercial) gallery/stores associated with existing dwelling adjacent to courtyard (225 sq. m.); farm office/storage area, farm staff W.C and kitchen (b) provision of stables washout holding tank and associated drainage, provision of a new biocycle treatment system to replace existing septic tank and implementation of SUDS surface water measures to existing roofs and the existing dwelling adjacent. (c) minor elevational changes and alteration of ope sizes (d) all associated landscaping including new walled garden east of courtyard buildings and all ancillary works necessary to facilitate the development works. Retention planning permission was also sought for the conversion of part of the courtyard buildings to two storey farm managers accommodation unit (144.8 sq. m.). All within an existing farm complex and within the curtilage of a protected structure, hand pump – ref. no. 19-09.

Planning Authority Reference 14/1590

4.4 Permission granted in August 2014 for the demolition of 13 no. corrugated metal steel framed agricultural buildings and removal of 2 no. effluent tanks.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Wicklow County Plan 2016-2022. Appendix 5 of the Plan includes a Landscape Assessment of the County. The subject site is located in the northern coastline area of outstanding natural beauty. It is stated that development proposals within this landscape area should be evaluated to ensure natural heritage, views, prospects are adequately protected. Specific objectives for this area include:

1. *To promote the opening up of views from the coast road to the sea and to restrict development on the sea-ward side of the road where it would be injurious to the beach setting or injurious to tourism or where it would be visible between the road and the sea except where settlements already exist. Particular protection will be afforded to the coastal areas - The Breaches, Newcastle Beach, the East Coast Nature Reserve and the northern section of The Murrough.*
2. *To take cognisance of and respect historical development patterns in the area, in particular the historical layout and building form of demesnes along the coast road between Newcastle and Rathnew.*

5.1.2 Section 5.3.1 of the Landscape Assessment states that all applications for permission within open or highly visible areas may be required to be accompanied by a Visual Impact Assessment.

5.1.2 Appendix 2 sets out guidelines regarding single rural house design.

5.3 Natural Heritage Designations

5.3.1 The western boundary of the site immediately abuts and is partially within the Murrough Wetlands SAC and the Murrough SPA.

6.0 The Appeal

6.1. Grounds of Appeal

- Permission for a replacement dwelling has previously been permitted on the site. Following the advice of an architect, it is now proposed to amend the siting and design of the house. It is considered that the new location is more appropriate and that the sense of enclosure afforded by the established landscaping would complement the amenities of the proposed new house and would protect the amenities of the restored courtyard structure.
- The revised design of the dwelling incorporates a flat roof and a horizontal emphasis which is critical in retaining a low profile to the structure. The subdivision of the structure into three bays is effective in reducing its massing, particularly between the eastern and western elevations. The incorporation of floor to ceiling glazing also creates a lightness to the appearance of the elevations.
- It is considered that the development by reason of its distance from the L761, its low profile and horizontal form, soft colour of external stone and the extent of screening within the site and along the L176, will ensure that the development is not unduly obtrusive from views along the L176.
- The area surrounding the property is rural in character with a mixed development pattern. Roadside boundaries are extensively planted. The character of larger properties along the L761 is of extensive lands with large houses and ancillary buildings centrally located on the site. Visual access to these properties is limited. The subject site is consistent with this character of development. Whilst occasional glimpses of the existing farmhouse and courtyard can be seen, due to the distance of the buildings from the L761, they do not play a significant part in defining the character of the area.
- It is considered that the current proposal responds more appropriately to the scale and simple form of the courtyard building than that previously approved. The height and horizontal form is preferable to the more complex form, greater

height and considerable massing of the approved house. The proposed dwelling is also located a greater distance from the restored courtyard building than the permitted dwelling, allowing each building to be read as independent, albeit complementary entities.

- A detailed visual impact assessment is submitted with the application. A number of long range views are included to assess the visual impact. It is considered that these views demonstrate that the proposal will not have any significant impact and that the difference between the proposed development and that previously approved is not so significant as to warrant a refusal of permission.
- The existing courtyard structure and dwelling are located c. 500 metres from the L761 to the west and c. 800 m from Sea Road to the north. In the majority of the views, only occasional views of the house are visible, and the development is largely screened by existing vegetation. Recently planted trees will further screen the development in the future. Due to the location of the dwelling on the site and its set back from public roads, from such a distance, the perception of height and colour of the dwelling will only be vaguely discernible.
- It is not considered that the development would establish an undesirable precedent. The site does not form part of a group of highly visible buildings or buildings which form part of an architecturally coherent streetscape. Reference made to a previous decision by Wicklow County Council under Reg. Ref. 09/930 to grant permission for a two-storey house of contemporary design also located in an area of outstanding natural beauty.

6.2. Planning Authority Response

- No further response.

6.3. Observations

- No observations.

7.0 Assessment

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

- Principle of Development.
- Visual Impact.
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The proposed development comprises the construction of a large detached contemporary dwelling with an area of c. 609 sq. metres. It is noted that planning permission under Planning Authority Reference 15/868 was previously granted by Wicklow County Council in May 2016 for the demolition of an existing farmhouse and the construction of a replacement dwelling with an area of 507 sq. metres. The current application seeks to amend this existing permission by relocating the dwelling to a different position within the site and to amend the design.

7.2.2 The existing farmhouse to be demolished was constructed in the 1930's. This dwelling replaced an original farmhouse built in the 19th century. When the original farm house was demolished, the current stand-alone house was built separately to the west of the courtyard buildings. The dwelling is not a protected structure. It was deleted from the record of protected structures as part of the review of the Wicklow County Plan 2016-2022 on the basis that the dwelling had lost its original features as a result of renovations carried out in the 1970's. A structural report submitted with the application details that the house is generally in poor condition with evidence of water and moisture ingress. I have no objection to the demolition of the existing dwelling.

7.2.3 In terms of the replacement dwelling, Policy HD23 of the County Plan sets out the criteria where residential development will be considered in the open countryside. No. 4 of these criteria is the replacement of a farm dwelling for the needs of a farming family. The subject farm is an active agricultural farm and in this context, a replacement dwelling is considered acceptable.

7.2.4 The development also proposes a new waste water treatment system. A Site Characterisation Form is submitted which recommends a secondary treatment system and polishing unit with discharge to ground. The tests undertaken indicated a T value of 66.18/25mm indicating average percolation characteristics of the subsoil and a P value of 13.84min/25mm indicating good percolation characteristics of the topsoil. The Environmental Health Officer's Report (26.07.2017) had no objection to the proposed treatment system subject to condition. In this regard, having regard to the information on file, the proposed system once installed and maintained to the required specifications in conjunction with a polishing filter would be acceptable and would not give rise to public health concerns.

7.2.5 Having regard to the planning history of the site under which the demolition of the existing farmhouse and its replacement with a new dwelling was permitted, it is considered that the proposed development is acceptable in principle.

7.3 Visual Impact

7.3.1 The principle reason for the refusal by Wicklow County Council relates to the visual impact of the proposed dwelling. It is set out in the decision and Planning Authority Planner's Report that the concerns primarily relate to the visual impact of the development when viewed from the R761 and that the location, design and scale of the dwelling forward of the courtyard would obscure this element which is an attractive feature of the original pattern of buildings on the site.

7.3.2 The location of the previously permitted dwelling is c. 33 metres to the east of the existing courtyard. The dwelling comprised three interconnected rectangular elements with pitched roofs and a maximum height of 9.2 metres. On review of the permitted design, it was considered by the applicant that the dwelling presented as a single angled monolithic form in the landscape; that it was geometrically unrelated to and separate from the existing courtyard enclosure and that it did not establish a coherent relationship with the courtyard buildings. It was also considered that the permitted dwelling was out of scale, failed to respond to the horizontal layout of the courtyard and furthermore, that the internal layout and orientation did not optimise natural light.

7.3.3 The current application proposes to relocate the dwelling westwards of its permitted location to a position that is c. 50 metres to the south of the existing courtyard. It is

therefore aligned along an east west axis to establish a formal relationship with the courtyard. The plan of the building is considerably different with a symmetrical 'H' form with a central single storey entrance foyer area flanked by two storey wings. It has a flat roof and a distinctive contemporary design. The dwelling is positioned within a natural field enclosure and is thus visually less exposed than that permitted. It responds to the existing large field patterns and extensive deciduous planting to the west. It is detailed in the application, that it is considered that this symmetrical form and layout responds more appropriately to the dominant rectangular architectural form of the courtyard building.

- 7.3.4 I would concur with the views of the applicant that the form and design of the dwelling responds more appropriately to its setting, provides a more sympathetic relationship to the existing courtyard structures and integrates more successfully into its context. The existing courtyard, whilst not a protected structure, forms an interesting historic cluster of buildings. The scale and size of the courtyard create a distinctive feature in the landscape.
- 7.3.5 Whilst the proposed dwelling is considerably larger in area than that previously permitted, I am of the view that the horizontal and subdivided form of the dwelling coupled with the use of natural stone materials and extensive glazing are more complimentary to the courtyard and its distinctive quadrangle layout than the permitted dwelling. The permitted dwelling in contrast has a much more complex form and a greater height and massing than the current application. Furthermore, as it is located to the east of the courtyard and in closer proximity to it, it would protrude above the existing roofscape of the courtyard, thus impacting on the setting and character of the courtyard.
- 7.3.6 I consider that it is preferable for the new dwelling to be located separate to the courtyard structure where the two elements, the original and the new can be read as two distinct entities. With this approach, the courtyard retains its focus and setting with the landscape. Furthermore, the location of the new dwelling within a natural field with the retention of existing mature hedgerows and planting will further mitigate its visual impact and assist in assimilating the dwelling into the landscape.
- 7.3.7 In terms of visual impact, the position of the house and its set back from adjoining public roads must be considered. The proposed dwelling is located c. 500 metres

from the L761 and c. 600 metres from the Sea Road. It is also noted, as detailed in the application documentation, that over 50,000 deciduous trees have been planted across the site including extensive bands to the west along the R761 and to the south along an existing access road.

7.3.8 The R761 is a rural route that is characterised by a narrow carriageway, an absence of pedestrian footpaths and mature hedgerows. The principle visual receptors along this route are therefore passing motorists. Views towards the subject site are largely obscured, transient in nature and distant. I would concur with the applicant that visual access to the site is limited from adjoining roads with only occasional glimpses of distant development visible.

7.3.9 The visual impact assessment submitted with the application includes a number of viewpoints from the surrounding road network including the R761 to the west, Sea Road to the north and the local access road to the south. It is evident that the proposed dwelling is largely screened in these views and will not be clearly discernible. Each of the viewpoints was reviewed on site and having regard to the considerable set back from these roads and extensive existing and new planting, I do not consider that the impact of the dwelling would be more significant than that previously permitted. I am satisfied that the development will have no material adverse visual impact. I consider that it is adequately screened, has been designed to appropriately respond and assimilate with the existing landscape context, would not be visually obtrusive and would not significantly alter this landscape of outstanding natural beauty.

7.3.10 The Planning Authority also raised concerns that the site of the proposed dwelling is located forward to the south of the courtyard and thus would obscure this element of the original pattern of development. The proposed dwelling however, is set back from the front building line of the courtyard and is separated from it by a considerable distance. The demolition of the existing farmhouse to the west will open up views of this structure. I am satisfied therefore that the proposal will not obscure or impact on the setting or character of the courtyard in any significant way.

7.4 **Appropriate Assessment**

7.4.1 The subject dwelling is located c 300 metres to the west of the boundaries of the Murrough Wetlands SAC (Site Code 002249) and the Murrough SPA (Site Code

004186). The Murrrough SAC is a coastal wetland complex and accommodates a wide range of coastal and freshwater habitats. It is an important site for both wintering and breeding birds and supports a variety of species listed on Annex 1 of the EU Birds Directive. Conservation objectives of the SAC include to maintain or restore the favourable conservation status and condition of habitats and species of community interest.

7.4.2 The Murrrough SPA is an important site for wintering birds, being internationally important for Brent Goose and nationally important for Red-throated Diver, Greylag Goose, Wigeon, Teal, Blackheaded Gull and Herring Gull. It is the most important site in the country for nesting Little Tern. Conservation objectives include to maintain or restore the favourable conservation status and condition of habitats and species of community interest.

7.4.3 Having regard to the distance of the proposed dwelling from the SAC/SPA and the extent of intervening agricultural lands that form an effective buffer zone, it is not considered that the development will have any direct impacts on the Natura 2000 sites. The development will be served by a bio cycle waste water treatment system. Considering the source pathway receptor model, I am satisfied that the development is unlikely to have any significant indirect effects on the SAC's or SPA's conservation objectives.

7.4.4 It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites 002249 and 004186, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and the submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions for the reasons and consideration set out below.

9.0 Reasons and Considerations

9.1 Having regard to the planning history of the site, the design and form of the dwelling, the considerable set back from adjoining public roads and the extent of screen planting, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or unduly detract from this area of outstanding natural beauty. The proposed development would 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 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. Within one month of the occupation of the proposed dwelling, the existing dwelling on site shall be demolished in full.

Reason: In the interest of clarity, proper planning and sustainable development.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

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. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 18th day of July 2017, 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. Arrangements in relation to the ongoing maintenance of the systems shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the 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 are working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for

such works and services. These shall include that 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 to adjoining properties. Prior to the commencement of development, the applicant shall submit details of proposed surface water disposal arrangements for the written agreement of the Planning Authority.

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

8. The landscaping scheme shown on drg. no. PL. 09, as submitted to the planning authority on the 18th day of July, 2017 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. 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.

Erika Casey
Senior Planning Inspector

19th December 2017