



An
Bord
Pleanála

Inspector's Report ABP-300308-17

Development	To erect two storey extension to front of existing dwelling.
Location	Parisee, Cloverhill, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	17/120
Applicant(s)	Colette Gaynor
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Colette Gaynor
Observer(s)	None
Date of Site Inspection	16 th February 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 2.37 ha, is located in a rural area in the townlands of Shancorn and Parisee, c. 2.4km west of the village of Cloverhill, Co. Cavan. The appeal site is located on an elevated location on the southern side of a local road, overlooking Round Lough which is located c. 70m to the north. Two other lakes, Tonawolly Lough and Tullyroane Lough, are located c. 170m and c. 470m to the west and east, respectively.
- 1.2. The appeal site is occupied by a very large two storey building which has a stated floor area of 1,017 sq m, with a large detached garage structure to the east. The front elevation of the building faces north towards the local road, and it features single storey projections to either side, with a large single storey projection to the rear (south). The building is stone clad with a slate roof. While the building has the appearance of a single large house, it appears from the floor plans and planning history that it is internally divided into two houses, with a shared swimming pool and games room in the central area.
- 1.3. The site location map indicates that the appeal site forms part of a larger landholding which extends to the north and west. The closest house to the appeal site is located to the north east, c. 95m from the proposed extension.

2.0 Proposed Development

- 2.1.1. The proposed development, as amended on foot of a request for further information, would entail the construction of a two storey extension to the front (north) of the existing house. The extension would comprise a portico supported by four circular columns, and would have a maximum height of 8.5m, width of 8.1m, and would project 6.9m forward of the front elevation of the existing house. Under the portico would be a two storey 8.1m wide and 2.7m deep extension to the floorplan of the house, which would extend the ground floor hall area and first floor games room area. A curved balcony is proposed at first floor level, which would extend across the full 8.1m width of the portico and which would be accessed via double doors within the games room.

- 2.2. The proposed finishes comprise stonework and roofing to match the existing building, and a render finish to the front of the portico.
- 2.3. The existing house has a stated gross floor space of 1,017 sq m, and the proposed development would result in an additional c. 18.75 sq m of internal floor space, under an additional roof area of c. 56 sq m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cavan County Council decided to refuse planning permission for the following reason:

- Having regard to the elevated nature of the site in a rural area located opposite a lake which is a designated Natural Heritage Area and Special Area of Conservation and identified as being within the lakelands landscape character area type in the Cavan County Development Plan 2014-2020, it is considered that the size, scale and design of the proposed extension contravenes policies and objectives of the Cavan County Development Plan 2014-2020, in particular objectives DM08 and DM010 and Appendix 7, Design Guide for Single One-off Rural Houses within Cavan Rural Countryside sub-section 2 House Design and would be contrary to the proper planning and sustainable development of the area due to the adverse visual impact of the proposed development.

3.2. Planning Authority Reports

- 3.2.1. The Planning Officer's reports can be summarised as follows:

- No requirement for Appropriate Assessment as the proposal would not impact directly on any Natura 2000 sites.
- Existing house was designed and built without any due consideration for visual impact and an extension of this scale would exacerbate the bulk and mass of the existing building.
- Revised plans have reduced scale and width but same height.

- Design remains unaltered with 4 tuscan style columns with pitched roof over and balcony on first floor.
- Policy DM08 states that all applications shall comply with the Design Guide for Single One-Off Rural Houses with Cavan Rural Countryside'. Page 18 states that in all cases cosmetic features such as mock classical columns and balustrades should be avoided.
- Proposed design is not in compliance with the Design Guide and Policy DM08.
- Notwithstanding the landscaping proposals, the proposed development would be incongruous in this rural setting and contrary to Development Plan policy.
- Existing dwelling is located on an elevated site overlooking Round Lough which is a designated NHA and SAC. Visual impact in this sensitive landscape would be unacceptable and create a precedent for similar such development.
- Applicant was given the opportunity to address the concerns of the Planning Authority but it is not considered that the revised plans have addressed these concerns.

3.3. Other Technical Reports

3.3.1. **Municipal District Engineer:** No objection.

3.4. Prescribed Bodies

3.4.1. **Inland Fisheries Ireland:** No objection, subject to conditions.

3.4.2. **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs:**

- Site is adjacent to Lough Oughter and Associated Loughs SAC and Department is of the view that the development has the potential to damage the 'Natural Eutrophic Lakes' habitat which is listed under Annex I of the Habitats Directive.
- Potential impact would arise through the disposal of excavated materials from construction activities into the designated area.

- In order to mitigate this potential impact, it is recommended that a condition be attached requiring the location for infilling of excavated material be agreed with the Planning Authority.

3.5. **Third Party Observations**

3.5.1. None.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. **Reg. Ref. 98/1138:** Permission granted to erect 2 No. two storey houses and 1 No. swimming pool.

4.2. **Surrounding Area**

4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

5.0 **Policy Context**

5.1. **Cavan County Development Plan 2014-2020**

5.1.1. The applicable Development Plan is the Cavan County Development Plan 2014-2020. Section 10.14.4 relates to extensions to dwellings in a rural location and states:

“The County Council recognises the importance of maintaining use of existing dwellings in rural location and this along with changing families and lifestyles may necessitate extensions to dwellings. It is essential that such extensions do not interfere with the existing character of the dwelling or by its size and design render a dwelling out of character with its rural setting, extensions should;

- Be designed so as to relate to the character of the existing dwelling.
- Be constructed with similar finishes, where appropriate and with similar windows to the existing building so that they will integrate with it.

- Have a pitched roof, particularly when visible from the public road.
- Not obscure the main features of the existing roof, i.e. should not break the ridge or eave lines of the roof.”

5.1.2. This is supported by the following Objectives:

- **DMO8:** To require all applications for rural houses to comply with the ‘Design Guide for Single One-off Rural Houses within Cavan Rural Countryside.’
- **DMO10:** Extensions to dwellings which are considered to interfere with the character of the dwelling or overwhelm it by virtue of their size and design shall not be permitted in rural locations.

5.1.3. The appeal site is located within the ‘Lakelands’ Landscape Character Area. Appendix 7 of the Development Plan is the ‘Design Guide for Single One-off Houses within Cavan Rural Countryside’ and states in respect of this LCA that “much of this area lies within Natural Heritage Areas and the European Designations of Special Area of Conservation and Special Protection Areas. Dwellings in the lakelands area should be sympathetic to the scenic beauty and natural heritage value of these lakes.”

5.1.4. Section 2 of the Design Guide relates to house design, and includes the following guidance:

- **Cosmetic features:** In all cases cosmetic features such as mock classical columns, Spanish arches, verandas, balustrades to the front/side elevation should be avoided.
- **Balconies:** Balconies on the front or side elevations of dwellings are generally considered to be unacceptable.
- **Porches:** An entrance “porch” should be of solid construction and be in character and proportion with the dwelling.

6.0 The Appeals

6.1. Grounds of Appeal

6.1.1. A first party appeal was made on behalf of Colette Gaynor by Michael Fitzpatrick Architects Ltd. The grounds of appeal can be summarised as follows:

- Proposed development is compliant with Objective DM08. The proportions of the extension are in keeping with the scale and massing of the existing house, the windows and doors are in keeping with the design guidelines and the porch is of solid construction and in character and proportion with the dwelling.
- Roof design is in compliance with the design guidelines, having a suitable pitch and materials.
- Extension is constructed of materials to match the existing structure.
- With regard to Objective DM010, the extension does not interfere with the character of the dwelling nor overwhelm it by virtue of its size and design. Extension breaks up the linear emphasis of the dwelling and adds to its aesthetics.
- Meeting was held with Planning Authority prior to submission of further information at which the proposed alterations were discussed and, after numerous suggestions and alterations, agreed before submission. Applicant feels exceptional frustration about this.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- Proposed design is not in compliance with the Design Guide and Policy DM08.
- Size and scale of proposed columns and balcony will interfere with the character of the dwelling and this sensitive rural location.
- Dwelling overlooks Round Lough which is an NHA and SAC. Visual impact in this sensitive landscape would be unacceptable.

- Planning Authority suggest that the recommendation for refusal is upheld.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. I consider that the key issues in determining the appeals are as follows:

- Visual amenity.
- Construction and demolition waste.
- Appropriate assessment.

7.2. Visual Amenity

7.2.1. As noted above, the appeal site is located within the 'Lakelands' Landscape Character Area and the 'Design Guide for Single One-off Houses within Cavan Rural Countryside', which is contained within the Development Plan, states that dwellings in the Lakelands LCA should be sympathetic to the scenic beauty and natural heritage value of these lakes.

7.2.2. The existing house is extremely prominent within the local area due to its size, particularly its length of c. 34m, and its elevated position on an exposed site overlooking the local road, Round Lough and Tonawolly Lough. I therefore consider that any proposed extension to the existing house would need to be carefully considered so as to ensure that the scenic beauty and visual amenities of this sensitive lakelands area are protected.

7.2.3. Objective DMO8 requires all applications for rural houses to comply with the 'Design Guide for Single One-off Rural Houses within Cavan Rural Countryside'. This Objective is contained within Section 10.14.4 of the Development Plan, which relates to extensions, and I therefore consider that it applies to the proposed development.

Section 2 of the Design Guide states that cosmetic features such as mock classical columns and balustrades to the front elevation should be avoided and that balconies on the front or side elevations of dwellings are generally considered to be unacceptable. It also states that an entrance “porch” should be in character and proportion with the dwelling.

7.2.4. Having regard to these provisions, I do not consider that the proposed extension with its use of c. 6m high classical columns, its large first floor balcony and its overscaled ‘porch’ or portico would be in compliance with the Design Guide. In this regard I also note that Objective DMO10 states that extensions to dwellings which are considered to interfere with the character of the dwelling or overwhelm it by virtue of their size and design shall not be permitted in rural locations.

7.2.5. While the existing house is very large and prominent within the landscape, it’s detailing is relatively simple and restrained. I consider that the proposed portico extension to the front elevation is excessive in terms of height and depth, which allied to its complexity of form would interfere with the character of the existing house, resulting in a visually intrusive development in this rural area.

7.2.6. A landscaping plan was submitted in response to a request for further information, and while the proposed screening planting would eventually lessen the adverse visual impact of the proposed development to a certain degree, I consider that the height and extent of the proposed development, and its elevated nature in a sensitive landscape is such that it would remain visually intrusive and out of character with both the existing house and the pattern of development in the area. I therefore recommend that planning permission should be refused for the proposed development.

7.3. Construction and Demolition Waste

7.3.1. The appeal site is located in close proximity to Round Lough, and is elevated above the lake. The submissions from IFI and the Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs raise issues in respect of protection of watercourses and habitats during the construction process. In response to the request for further information, the applicant indicated that c. 5 cubic metres of demolition and

excavation material would be produced during the proposed works and provided a list of potential registered contractors for the disposal of this waste.

- 7.3.2. Given the scale of the proposed extension I consider that the volume of material to be disposed of, while likely to be in excess of 5 cubic metres, is unlikely to be significant. I consider that the implementation of standard best practice construction methods for works in the vicinity of watercourses would be sufficient to ensure that the watercourses are protected during construction. If the Board is minded to grant permission, I therefore recommend that a condition should be included requiring a construction management plan, incorporating waste management proposals, to be submitted to the Planning Authority prior to commencement.

7.4. Appropriate Assessment

- 7.4.1. The appeal site abuts the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code 00007) to the north. The nearby loughs to the east and west are also within the SAC. The qualifying interests of the SAC are as follows:
- Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]
 - Bog woodland [91D0]
 - Lutra lutra (Otter) [1355]
- 7.4.2. The Conservation Objective for the SAC is to maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected.
- 7.4.3. The submission from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs states that they were of the view that the development has the potential to damage the 'Natural Eutrophic Lakes' habitat which is listed under Annex I of the Habitats Directive. They considered that this potential impact would arise through the disposal of excavated materials from construction activities into the designated area and in order to mitigate this potential impact, they recommended that a condition be attached requiring the location for infilling of excavated material be agreed with the Planning Authority.

- 7.4.4. While the appeal site is elevated above Round Lough and the SAC, I consider that the extent of excavations associated with construction of the proposed development would be limited, having regard to the nature and scale of the extension. I also note that the applicant is not proposing to dispose of excavated material into the European site and has provided a list of licenced contractors in the area who could dispose of this waste.
- 7.4.5. I consider that standard best practice construction methods for works in the vicinity of watercourses would be sufficient to ensure that no excavated materials or silt-laden runoff enters the designated site. If the Board is minded to grant permission, I therefore recommend that a condition should be included requiring a construction management plan, incorporating waste management proposals, to be submitted to the Planning Authority prior to commencement.
- 7.4.6. In conclusion, 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 the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code 00007), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the following reason.

9.0 Reasons and Considerations

1. Having regard to the elevated nature of the appeal site above Round Lough, and its location within the 'Lakelands' Landscape Character Area, where the Cavan County Development Plan 2014-2020 requires dwellings to be sympathetic to the scenic beauty and natural heritage value of the lakes, it is considered that the proposed extension by virtue of its height, massing and design would form a visually discordant and obtrusive feature which would be out of character with the existing house and the pattern of development in the vicinity, which would be detrimental to the scenic amenities of the area, and

which would not be in compliance with the requirements of the Design Guide for Single One-off Rural Houses within Cavan Rural Countryside. The proposed development would therefore contravene Objectives DMO8 and DMO10 of the Cavan County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.

Niall Haverty
Planning Inspector

28th February 2018