



An  
Bord  
Pleanála

## Inspector's Report ABP-300707-18

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<b>Development</b>	Demolition of buildings and construction of a two-storey house, garage and wastewater treatment system
<b>Location</b>	Crislaghmore, Fahan, County Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	17/51686
<b>Applicant(s)</b>	Jacinta Mussett
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Jacinta Mussett
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> April 2018
<b>Inspector</b>	Colm McLoughlin

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Crislaghmore, approximately 2.5km southeast of Fahan and 2.5km northwest of Burnfoot in north County Donegal. The surrounding area is characterised by agricultural fields bordered by a mix of ditches, stonewalls, trees and hedging, interspersed with rural housing and agricultural yards.
- 1.2. The site contains a two-storey farmhouse that has been subject of recent renovation works and is situated adjacent to a cluster of outbuildings that open onto a rear yard and a local road (L-7581-1). The site comprises approximately 70m frontage onto the local road, which connects with the R238 regional road via local roads to the northwest and southeast of the site. The roadside boundary of the appeal site is not marked on the ground, while the side and rear boundaries are marked by a mix of walls and outbuildings. Land levels across the site do not vary significantly, while levels in the surrounding area feature a gradual 50m incline from the coast to the site and a much steeper incline to the rear of the site moving eastwards. When viewed from the R238, the site (50m Ordnance Datum [OD]) is set against the backdrop of Ardslevin Hill and Scalp Mountain, approximately 2.5km and 4.5km to the northeast.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
- demolition of farmhouse and associated outbuildings,
  - construction of a four-bedroom detached two-storey dwellinghouse with a stated gross floor area (GFA) of c.283sq.m;
  - construction of a detached single-storey garage with a stated GFA of c.38sq.m;
  - removal of existing septic tank/soak pit and installation of a wastewater treatment system;
  - vehicular access off a local road;
  - connection to mains water supply;

- all associated groundworks and landscaping.

**2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by land registry details, a letter of support from a local representative relating to the applicant's housing need and a site suitability assessment report addressing on-site disposal of effluent.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority issued a notification of a decision to refuse permission for the proposed development for two reasons:

Reason No.1 – loss of a building listed in the National Inventory of Architectural Heritage (NIAH);

Reason No.2 – inadequate visibility splays.

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

3.2.1. Planning Report

The initial report of the Planning Officer (November 2017) noted the following:

- the site is within an 'area under strong urban influence', but as the application includes proposals only for a replacement house, the applicant does not need to submit details to show compliance with local housing need policy;
- the existing dwelling on site, proposed to be demolished, is included in the NIAH (Reg. Ref. 40903825);
- the existing NIAH building and associated outbuildings make a positive contribution to the built heritage of the region and in the absence of an evidenced-based assessment or considered rationale for its demolition, the principle of demolishing this building is not acceptable;
- demolishing the building would be contrary to Policies BH-P-4 and BH-P-5 of the Development Plan;

- 90m visibility in both directions is required from the new access, but this is not achieved and a traffic survey to provide rationale for reduced visibility has not been provided;
- the Environmental Health Officer has no objection to the wastewater treatment system or means of disposal of surface water.

#### 3.2.2. Other Technical Reports

- Environmental Health Officer – not objection, according to the Planning Officer's report;
- Executive Engineer (Roads) – further information required.

### **3.3. Prescribed Bodies**

3.3.1. None received.

### **3.4. Third-Party Observations**

3.4.1. None received.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. I am not aware of any recent planning applications relating to the appeal site.

### **4.2. Surrounding Sites**

4.2.1. There have been a number of planning applications for residential and agricultural development on the neighbouring lands, including the following recent applications:

- DCC Ref. 18/50418 – Extension of Duration of Permission (DCC Ref. 12/50796) granted in May 2018 for a two-storey house and wastewater treatment system c.120m to the northeast of the appeal site;
- DCC Ref. 14/50421 – Permission granted in August 2014 for a two-storey dwellinghouse and wastewater treatment system c.150m to the northwest of the appeal site;

- DCC Ref. 12/50014 – Extension of Duration of Permission (DCC Ref. 07/71356) granted in August 2012 for a machinery storage shed c.200m to the south of the appeal site.

## 5.0 Policy Context

### 5.1. National Guidance

#### National Planning Framework – Project Ireland 2040

- 5.1.1. Objective 19 of the National Planning Framework outlines that within areas under urban influence, single housing in the countryside will be facilitated based on the core consideration of a demonstrable economic or social need to live in the rural area.

#### Sustainable Rural Housing Guidelines for Planning Authorities

- 5.1.2. The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns. The appeal site is located in an area under strong urban influence, as set out under Section 5.2 below.

### 5.2. Donegal County Development Plan 2012-2018

- 5.2.1. The policies and objectives of the Donegal County Development Plan 2012-2018 are relevant. The site is not within any settlement envelope and Map 7 of the Plan identifies the appeal site area as being within ‘an area under strong urban influence’.

The following rural housing objectives of the Plan are relevant:

- RH-O-3: To ensure that new residential development in rural areas provides for genuine rural need;
- RH-O-5: To promote high design quality and the successful integration into the landscape of new rural housing.

- 5.2.2. Section 6.2 of the Plan addressing Architectural Heritage is relevant and this highlights that Donegal’s homes and farm buildings, often referred to as rural vernacular architecture, have been built over years by using local materials to meet

their own needs within specific site restraints. The Plan also outlines that there are many vernacular buildings, which add to the beautiful and rugged landscape synonymous with the County, that are not present in the Record of Protected Structures (RPS),. The addition of these structures to the RPS is an area the Council are exploring, in an attempt to prevent these buildings being demolished, while also working within rural housing policy to encourage the re-use of many of the derelict cottages and buildings.

- 5.2.3. Objectives BH-O-1 and BH-O-2 aim to preserve and reuse the vernacular architectural heritage of the County. Policies BH-P-3 and BH-P-4 outline that works to historic structures should preserve the character of such structures, in accordance with best practise. Policy BH-P-5 states the following:

‘It is a policy of the Council to ensure the repair, reuse and appropriate refurbishment of vernacular/historic buildings, which make a positive contribution to the built heritage of the area including those as referred to on any National Inventory of Architectural Heritage listing’.

- 5.2.4. Chapter 10 of the Plan outlines requirements with respect to new vehicular accesses.
- 5.2.5. ‘Building a House in Rural Donegal: A Location Siting and Design Guide’ forms Appendix B to the Plan and includes technical and development management guidance for rural housing in the County.
- 5.2.6. A Draft Donegal County Development Plan 2018-2024 is currently under preparation and the site remains within an ‘area under strong urban influence’ based on the provisions of the Draft Plan. The Draft Plan includes Objective BH-0-2 ‘to further consolidate and protect the built heritage of the County through a systematic programme of additions to the Record of Protected Structures having regard to Ministerial recommendations arising from the NIAH survey of Donegal’.

### **5.3. National Guidelines**

- 5.3.1. The following National Guidelines are relevant:
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

#### Architectural Heritage

- it is accepted that the house on site is included within the NIAH list and that policy supports the retention of such structures;
- while the external appearance of buildings on site appears fine, closer internal inspection, would highlight the difficulties encountered by the applicant when attempting to renovate the property, including wet rot to rafters and floors, purlins holding the roof comprising weathered tree stumps, internal support walls impacted by the elements and cracked, the existing stairway has rotted and all four chimneys have suffered from serious dampness;
- walls would require treatment by electric osmotic process to remove dampness, as the original damp proofing has perished;
- ivy is growing through the roof of some outbuildings;
- photographs are included to show the situation on site;
- the financial outlay required to bring the house back to habitable status is not viable;

#### Traffic Safety

- a Traffic Survey accompanies the grounds of appeal and a site layout plan and map to show the visibility available from the proposed new entrance is provided;
- demolition of an outbuilding on the southern end of the site frontage would significantly improve road conditions in the area;

#### Other Matters

- the existing wastewater treatment system to be replaced does not conform to EPA standards, nor does it meet planning policy;



- proposed house design would be in keeping with the character of other larger recently-constructed houses in the immediate area.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority response to the grounds of appeal can be summarised as follows:

- on the basis of the information submitted and the absence of a Structural Report or a Conservation Report, it is not evident that the possibility of repair, reuse and refurbishment of the buildings have been fully explored;
- the findings of the traffic survey are acknowledged, including the necessity for 70m visibility splays. However, the vision lines illustrated on the revised site layout plan and map do not accord with the approach set out in Figure 7 of Chapter 10 to the Development Plan and visibility would be dependent on the demolition of outbuildings.

## **6.3. Observations**

6.3.1. None.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The proposed development would comprise construction of a two-storey detached house and a garage, serviced by a wastewater treatment system and a new vehicular access, replacing an existing house, outbuildings and a septic tank on site. I am satisfied that the applicant does not need to provide justification for a rural-generated housing need given the existing house on site. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Impact on Architectural Heritage;
- Traffic Safety;

- Siting & Design;
- Wastewater Treatment.

## **7.2. Impact on Architectural Heritage**

- 7.2.1. The proposed development would involve the demolition of a detached four-bay two-storey house, which was built circa 1820, according to the NIAH records in which it is registered under reference no. 40903825. The Planning Authority's first reason for refusal was based on the proposals being contrary to Policies BH-P-4 and BH-P-5 of the Donegal County Development Plan 2012-2018, which require retention of historic structures in accordance with best practise and the reuse of historic structures included in the NIAH. The grounds of appeal acknowledge that the existing house on site is included within the NIAH, however the external appearance of the house may appear fine, following commencement of renovation works to the house, various difficulties were encountered including extensive rotting and weathering to the roof, staircase and floors, as well as to the internal walls. Significant water ingress was also noted and the grounds of appeal assert that the significant financial outlay required to bring the house back to habitable status would not be viable.
- 7.2.2. The farmhouse is not included within the Record of Protected Structures accompanying the Development Plan, but it does exhibit distinctive features of vernacular rural architecture, as supported by its inclusion within the NIAH. Having visited the site and house on site, it is clear that significant works have commenced and that significant works would be required to renovate the house and that various internal elements of the structure are in a poor state. I note that the grounds of appeal do not refer to any significant problems relating to the structural integrity of the external walls or windows to the house. It is these external features that the NIAH record refers to foremost when describing the architectural merits of the house. Furthermore, the NIAH list refers to an outbuilding to the rear as being 'a rare survivor with distinctive features including its stone external staircase and integral carriage arch'. The grounds of appeal indicate that this outbuilding would now be maintained as part of proposed development.
- 7.2.3. According to the Draft Donegal County Development Plan 2018-2024, there are 2,228 structures included in the NIAH for Donegal, alongside 377 Protected

Structures and that the Council has commenced a programme of additions to the Record of Protected Structures over the plan period based on the NIAH. Policy BH-P-4 of the current Development Plan requires work to historic structures to be undertaken in accordance with best practise. Policy BH-P-5 of the Plan aims ‘to ensure the repair, reuse and appropriate refurbishment of vernacular/historic buildings, which make a positive contribution to the built heritage of the area, including those as referred to on any National Inventory of Architectural Heritage listing’. When considering the impact of demolition proposals on architectural heritage, the Architectural Heritage Protection Guidelines for Planning Authorities (2011) refer to the need to consider whether ‘exceptional circumstances apply’. As noted by the Planning Authority in their response to the grounds of appeal, the application or appeal was not supplemented by a Structural Report or a Conservation Report outlining the exceptional circumstances specific to this case to allow for the demolition of the house on site as part of the proposed development.

- 7.2.4. In conclusion, I consider that the proposed demolition of the house on site, included within the NIAH, which makes a significant contribution to the architectural heritage of the area, would be contrary to Policies BH-P-4 and BH-P-5 of the Development Plan, as exceptional circumstances for its demolition has not been provided and the proposed development would fail to preserve the architectural heritage and character of the area. Accordingly, I recommend that permission should be refused for this reason.

### **7.3. Traffic Safety**

- 7.3.1. The Planning Authority’s second reason for refusal was based on the inadequate sight visibility at the proposed vehicular entrance to the redeveloped house site. In this regard I note that the proposed development would need to accord with the technical requirements outlined within chapter 10 of the Development Plan. The Planning Officer noted in their report that 90m visibility would be required in both directions, and I note that this would need to be from a distance 2.4m set back from the roadside based on Table 23 of the Plan. The Plan also states that visibility requirements are determined by the category and speed of road and for local roads with a demonstrably effective speed limit of 60km/hr or less, the visibility distance may be relaxed by one speed step in difficult circumstances. Within the grounds of

appeal the applicant sought to address this by way of submission of a traffic survey to highlight actual achievable traffic speeds along the local road fronting the site and to justify reduced visibility distances of 70m in both directions at the proposed new access.

7.3.2. Traffic speeds along the local road fronting the appeal site are significantly curtailed by virtue of the horizontal alignment of the road, including a blind bend at the southern end of the site around one of the outbuildings on site and the narrowness of the road itself. In response to the grounds of appeal the Planning Authority noted that 70m visibility splays would be suffice but that the vision lines illustrated on the revised site layout plan and map submitted do not accord with the technical requirements of chapter 10 of the Development Plan, as the vision lines would be dependent on the demolition of outbuildings. In this regard I note that the outbuildings would have to be demolished to facilitate the house. As identifiable on the NIAH record, a boundary wall previously existed on site and the main entrance to the property was from a similar location to the proposed location, albeit closer to the roadside, where there are more restrictive vision lines than those now proposed. Boundary treatment details within the planning application are not fully detailed within the application, but it is clear from the site layout plan that there is scope to realign the front boundary to enable greater visibility. There would also be scope to shift the entrance further to the northwest along the roadside frontage and this would improve vision lines further, as it is visibility to the southeast which is most constrained by the road alignment.

7.3.3. In conclusion, having visited the area and noted traffic speeds along the local road fronting the site, I consider that the proposed development would provide for improved sight visibility serving a dwellinghouse on site and that the proposed development would have less potential for resulting in traffic hazard along the local road, given the proposed demolition of outbuildings and the set back to the roadside boundary. I also consider that there is scope for alterations to the boundaries and access location to improve the vision lines further and that this could be achieved via condition. In conclusion, the proposed development should not be refused for reasons relating to the impact of the development on traffic safety.

## **7.4. Siting & Design**

- 7.4.1. The proposed development is for a two-storey detached dwellinghouse and a garage replacing an existing house and outbuildings. The local road serving the subject site follows the 50m OD contour on the lower western slopes of Ardslevin Hill (384m OD) and Scalp Mountain (481m OD) and, with the exception of the area immediate to the site, the proposed house would not be visible from the local roads in the vicinity due to topography, trees and field boundaries. The existing house is visible from the R238 regional road approximately 800m to the west and the proposed development would be visible from here also. The area is not of high-scenic amenity and there are no protected views or prospects in the immediate area, as illustrated within Map 8 of the Development Plan. Where visible from the regional road to the southwest, the development would be viewed against the backdrop of Ardslevin Hill and Scalp Mountain, including one-off housing on much higher ground. Furthermore, the proposed house and site layout arrangement would be in accordance with the provisions set out within Appendix B to the Development Plan, relating to the location, siting and design guidance for 'Building a House in Rural Donegal'. Consequently, I am satisfied that the siting and design of proposed house would accord with the provisions of the Development Plan and the development should not be refused for this reason.

## **7.5. Wastewater Treatment**

- 7.5.1. The Site Suitability Assessment Report submitted with the application indicated that the T-value of the soil on the site was 16 and that there was a depth of more than 1.8m of unsaturated soil. These parameters indicate that the site is suitable for the treatment and disposal of domestic foul effluent to groundwater by means of a septic tank and percolation area. The other indications in the Report submitted are consistent with the observations of ground conditions on site and in the wider area made at the time of inspection and are accepted. I would also note that the proposal would involve the replacement of an existing dated septic tank system serving the house on site. The proposed development would not, therefore, be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area.

## **8.0 Appropriate Assessment**

- 8.1.** The Lough Swilly candidate Special Area of Conservation (cSAC) (Site Code: 002287) and Lough Swilly Special Protection Area (SPA) (Site Code: 004075) are located approximately 1.5km to the west. Other designated sites within 15km of the appeal site include the Leanan River SAC (Site Code: 004087) approximately 14.5km to the west, the Lough Foyle SPA (Site Code: 002012) approximately 13km to the southeast and the Horn Head and Fanad Head SPA (Site Code: 004194) approximately 14.5km to the northwest. An Appropriate Assessment Screening Report was not submitted with the application. Having regard to the Source-Pathway-Receptor model, there would not be a direct pathway between the proposed development and the Natura 2000 sites. The nearest pathway to the aforementioned designated sites from the appeal site is a stream, approximately 200m to the north.
- 8.2.** Having regard to the nature and scale of the proposed development, the existing development on site, the nature of the receiving environment and proximity to the nearest European site, 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.

## **9.0 Recommendation**

- 9.1.** I recommend permission be refused for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the location and the existing development on site, which contribute to the architectural heritage and character of the rural area, the policies of the Donegal County Development Plan 2012-2018 and the provisions of the Architectural Heritage Protection – Guidelines for Planning Authorities, notwithstanding the additional details that accompanied the appeal, it is considered that the proposed development, by reason of the loss of an existing building included within the National Inventory of Architectural

Heritage (NIAH), for which sufficient rationale has not been justified by the applicant, would detract from the character of the rural area, would be contrary to Policies BH-P-4 and BH-P-5 of the Donegal County Development Plan 2012-2018, which aim to maintain and reuse historic structures including those in the NIAH and would be contrary to the requirements set out in the Architectural Heritage Protection – Guidelines for Planning Authorities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

26<sup>th</sup> June 2018