



An
Bord
Pleanála

Inspector's Report ABP-300727-18

Development	Demolition of lean-to, refurbishment of derelict house, construction of extensions and alterations of existing entrances and effluent treatment tank.
Location	Bishopstown, Rosemount, Moate, Co. Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	17/7191
Applicant(s)	Eleanor Stanley
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Eleanor Stanley
Observer(s)	None
Date of Site Inspection	10 th May 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.3035 ha, is located in a townland referred to as 'Ballinaspick or Bishopstown', c. 9.4 km north east of Moate, in Co. Westmeath.
- 1.2. The appeal site is rectangular in shape, and it is located on the eastern side of a narrow cul de sac road which runs in a north-south direction, connecting to a local road to the north. The cul de sac appears to be a public road, the L53272, and it serves one occupied house, two derelict houses and agricultural lands. The house at the southern, terminating, end of the laneway is stated as being owned by a sibling of the applicant, with the applicant's original family home and farm is located to the south of this, accessed from the local road further to the south of the cul de sac.
- 1.3. The appeal site is occupied by a derelict detached single storey cottage style structure with associated outbuildings. The existing structure comprises rendered stonework, with corrugated fibreboard and corrugated metal roofing overlaying a thatch roof. The structure is in poor condition with partially collapsed walls and roof and missing windows. It is surrounded by mature hedgerows and planting.

2.0 Proposed Development

- 2.1. The proposed development is described in the statutory notices as follows:
 - the complete refurbishment and reuse of an existing derelict single storey traditional farm cottage structure including inter alia removal of an attached lean-to storage area and the construction of a single storey extension together with loft accommodation for sleeping and storage purposes, including also proprietary rooflights throughout, together with all associated services and proprietary effluent treatment tank and polishing filter;
 - the construction of a detached single storey conservatory/garden room incorporating existing stone walls of previous outbuildings; and
 - alterations to location of existing vehicular entrances onto adjacent public road along with provision of associated hedgerows and indigenous planting and

other ancillary site works. All proposed works similar in principle to an application previously granted on this site under planning ref. 07/4478.

- 2.1.1. The existing derelict structure has a stated gross floor area of 57.35 sq m. The proposed extension has a stated area of 27.3 sq m, while the proposed detached conservatory/garden room has a stated area of 15.5 sq m.
- 2.1.2. The application was accompanied by a Site Suitability Assessment, including Site Characterisation form and details of the proposed wastewater treatment system, a letter from an adjoining landowner consenting to the setting back of hedgerows, and a cover letter regarding rural housing need.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Westmeath County Council decided to grant permission. Conditions 2 and 11, which form the basis of the appeal are as follows:

- **C2:** The dwelling shall be finished in napped plaster or wet dash render of a neutral colour with locally sourced natural grey stone to subordinates as detailed on plans. Roofs shall be covered in blue/black slates only. The ridge tile shall match the colour of the roof. All rainwater goods, bargeboards, fascias and soffits shall blend with the roof. All cill faces shall be 100mm. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area.

- **C11:** A special levy in the sum of €9,000, in respect of a contribution towards the cost of restoration works to be carried out along this cul de sac Road No. L53272, which will facilitate the proposed development. This sum shall be paid to the Planning Authority prior to commencement of the development. Restoration works can be carried out to this section of road directly by the applicant if they wish subject to agreement with the Area Engineer regarding compliance with road construction details and specific requirements.

Reason: It is considered reasonable that the applicant should contribute towards the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority in accordance with Section 48c of the Planning and Development Acts 2000 and 2006.

3.1.2. The following summarised conditions are also noted:

- C3: Development contribution of €1,362.
- C4: Landscaping and set-back boundaries and sight splays.
- C6: Occupancy clause.
- C7: Permission supersedes the permission granted under Reg. Ref. 07/4478.
- C8: Detailed requirements for sightlines, entrance and driveway.

3.2. Planning Authority Reports

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

- Road is narrow and leads to a hairpin junction onto a secondary road where sight distances are severely restricted.
- Site is in a Strong Rural Area under Urban Influence.
- Given the building's status as derelict, local needs criteria apply. It is considered that the applicant qualifies.
- Siting and design is acceptable and the design reflects a sympathetic extension to an existing vernacular structure.
- The proposal would not give rise to significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites.
- Site is outside of any flood designated area.

3.3. Other Technical Reports

3.3.1. Area Engineer: No objection, subject to conditions.

3.4. **Prescribed Bodies**

3.4.1. None.

3.5. **Third Party Observations**

3.5.1. None.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. Reg. Ref. 07/4478: Permission granted for refurbishment and re-use of an existing derelict cottage and construction of extension.

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. **Westmeath County Development Plan 2014-2020**

5.1.1. Section 14.4 notes that It is the Council's intention to enable and enhance new development in the countryside to be absorbed in a sustainable way. Development shall reflect the vernacular aspects in design and treatment to ensure a respect for the local and traditional context, with minimal intrusion on the landscape and utilising appropriate design, scale and materials and use of planting and landscaping.

5.1.2. The following policies and objectives are noted:

- P-VB1: To encourage the rehabilitation, renovation and reuse of existing vernacular buildings, where appropriate.
- O-VB1: To carry out an audit of disused vernacular structures in Westmeath during the lifetime of the Development Plan, and promote their adaptation and re-use.

- P-REF2: To resist the demolition and replacement of traditional or vernacular rural housing, whose character merits retention, in order to protect the varied types of housing stock in the rural area and to preserve the rich built heritage in rural parts of the county.

5.1.3. Rural housing policies P-GRH1 to P-GRH8 and the provisions of the Westmeath Rural Design Guidelines are also noted.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located in or in close proximity to any sites with a natural heritage designation.

5.2.2. The closest such sites are the Ballymore Fen SAC (Site Code 002313), which is located c. 4.1km to the north and Ballynagrenia and Ballinderry Bog NHA, which is located c. 4.6km to the south west.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal against conditions was lodged on behalf of the applicant by Martin Murray Architects. The issues raised in the appeal can be summarised as follows:

- Appeal relates to conditions 2 and 11.
- Applicant does not object to controls intended by condition 2 but would like to retain the corrugated metal roof to the domestic store and extension.
- Such finishes are common within vernacular architecture throughout rural Ireland and are not visually incongruent to the site, which is itself in a visually unobtrusive location.
- With regard to condition 11, the applicant does not object in principle to the levy of monies, but is concerned that the monies are excessive and out of proportion to the intended modest residential end use of the property.

- Too much upgrade work on the rural road would have a negative effect on its overall ambience.
- Laneway is currently used and maintained by applicant's family.
- €9,000 is excessive for a very modest renovation of an existing cottage and would represent an unreasonably large proportion of the modest construction budget.
- A similar amount of money will have to be spent by the applicant to provide the sightlines requested by the Local Area Engineer.
- The development will not contribute any significant additional traffic onto the roadways. The condition should be removed or reduced to a level commensurable with the intended works.

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. **Nature of Appeal**

7.1.1. Having regard to the nature of the conditions under appeal, which solely relate to roof finishes and the payment of a special contribution, and the lack of third party observations or appeals, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider, therefore, that the appeal should be dealt with in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. Condition 2: Roof Finishes

- 7.2.1. The drawings submitted with the planning application indicate corrugated iron cladding on the roof of the proposed extension to the east of the existing cottage structure and on the roof of the proposed domestic store/outbuilding to the north of the cottage. The roof of the refurbished cottage and the proposed conservatory/garden room is shown as slate.
- 7.2.2. While the Planning Officer stated in her report that the proposed design integrated well with the existing dwelling and was acceptable, condition 2 requires the roofs to be covered in blue/black slates only.
- 7.2.3. The Westmeath Rural Design Guidelines state in respect of roofs, inter alia, that:
- “New materials for roofing, such as profiled aluminium or steel sheeting may also be laid to low pitches. They should be treated on their specific merits, as a new element in the vocabulary of roofs which echoes the corrugated iron roofs.
 - Modern metal roofs can be integrated successfully as a familiar rural roof covering.”
- 7.2.4. The existing structure on the site has a combination of corrugated fibreboard and corrugated metal roofing. Such corrugated roofs are a traditional feature in the Irish rural landscape, typically used on agricultural buildings, outbuildings or in vernacular dwellings to replace thatch. In this instance, the existing corrugated sheeting overlays thatch which has partially collapsed.
- 7.2.5. I consider that the proposed provision of a slate roof to the existing cottage with restrained use of corrugated metal roofing on the extension and the outbuilding is acceptable and appropriate in this instance, as it reflects the historic use of such materials and the ridge height of the proposed extension is reduced relative to the ridge height of the existing structure, such that the corrugated roof area will read as an addition to, and be subservient to, the main house. The use of corrugated roofing on the extension and the perpendicularly oriented outbuilding also serves to tie the two structures together in a manner which creates a sense of enclosure typically found in rural vernacular architecture, as expounded in the Westmeath Rural Design Guidelines. Furthermore, the proposed extension is to the side (east) of the existing

structure and will not be readily apparent from the public road. In conclusion, I therefore consider that the use of corrugated metal cladding on subsidiary elements of the proposed dwellinghouse contributes to the visual interest of the development, is consistent with the historic pattern of development for such rural cottages and is consistent with the provisions of the Westmeath Rural Design Guidelines.

7.2.6. I therefore recommend that the Board direct the Planning Authority to amend Condition 2 to allow the use of corrugated metal roof cladding as indicated on the drawings submitted with the planning application.

7.3. **Condition 11: Special Contribution**

7.3.1. Condition 11 requires the payment of a special contribution of €9,000 towards the cost of restoration works along the cul de sac road (L53272). The applicant considers that the sum sought is excessive with regard to the modest scale of the proposed development and the minimal additional traffic that it will generate.

7.3.2. The Memorandum from the Engineering Section to the Planning Officer stated that the basis of the contribution is as follows:

“Length of Sections of Road to be Restored, 300m (length) x 3.0m (Road Width) x €10/m² = €9,000.

The cost is estimated to cover road restoration works required to be carried out on the L13044 to facilitate the development. Works would include:

- Road restoration with wet mix or CI 804 and SD,
- Banking,
- Repairs to roadside drainage,
- Possible provision of passing bays.

The filling of potholes until the road is next scheduled for restoration has been tried and is unsuccessful.”

7.3.3. The reference to the L13044 in the Memorandum would appear to be in error, since the cul de sac road is referred to as the L53272.

- 7.3.4. On the date of my site inspection the local road to which the cul de sac road connects was in the process of being resurfaced/restored. I note that these works did not extend to the cul de sac itself.
- 7.3.5. The L53272 cul de sac currently only serves two derelict cottages and one occupied house. While the applicant states that the road is maintained by her family, it appears to be a public road, and as such the applicant or her family would generally not be in a position to undertake maintenance works to the road without the consent of the Local Authority. The road surface of the laneway is currently in relatively poor condition and it will experience additional traffic arising from construction works and the use of the proposed development. Given the nature of the road, i.e. that it is a public roadway that will only serve two houses following construction of the proposed development, I consider it reasonable that the applicant should be required to pay a contribution towards its restoration/repair. The appeal site is located a distance of 300m from the start of the cul de sac, and I consider that a contribution towards the restoration of this length of roadway is reasonable. The amount sought by the Planning Authority equates to €10 per sq m, which I consider to be a reasonable level of contribution.
- 7.3.6. I therefore consider Condition 11 to be reasonable and appropriate, and I recommend that the Board direct the Planning Authority to attach Condition 11.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, the separation distances from the nearest Natura 2000 sites, and the absence of any pathway linking the appeal site to any Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the

reasons and considerations set out below, directs the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to ATTACH Condition 11 and to AMEND Condition 2 as follows:

2. The dwelling shall be finished in napped plaster or wet dash render of a neutral colour with locally sourced natural grey stone to subordinates as detailed on plans. Roofs shall be covered in corrugated metal cladding or slates only, as detailed on the drawings submitted with the planning application. The ridge tile shall match the colour of the roof. All rainwater goods, bargeboards, fascias and soffits shall blend with the roof. All cill faces shall be 100mm. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area.

9.0 Reasons and Considerations

- 9.1. It is considered that, having regard to the provisions of the Westmeath County Development Plan 2014-2020 and the Westmeath Rural Design Guidelines, which recognise the need to protect vernacular architecture and which recognise the use of corrugated metal in the rural built environment, respectively, the proposed use of corrugated metal roofing on part of the proposed development would be consistent with the historic pattern of development for such rural cottages and the provisions of the Westmeath Rural Design Guidelines and would not be visually incongruous. It is therefore considered that condition 2 should be amended accordingly to allow the use of corrugated metal roofing as indicated on the drawings submitted with the planning application. It is also considered appropriate that the applicant make a contribution towards the costs of restoring and repairing the length of cul de sac public road which would primarily benefit the proposed development and it is therefore considered that condition 11, which requires the payment of a special contribution of €9,000 under the provisions of section 48(2)(c) of the Planning and Development Act 2000, as amended, is justifiable and reasonable and should therefore be attached.

Niall Haverty
Planning Inspector

11th May 2018