



An
Bord
Pleanála

Inspector's Report ABP 301359-18

Development	Demolish extension to the rear of dwelling and construct new rear extension. Replace septic tank with new effluent treatment system. (Protected Structure)
Location	Ballystraw, Templetown, New Ross, Co. Wexford.
Planning Authority	Wexford Co. Council.
Planning Authority Reg. Ref.	20180032
Applicants	Cormac Wallace & Helen Duffin
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Cormac Wallace & Helen Duffin
Observers	None
Date of Site Inspection	26/7/18
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ballystraw, Templetown, New Ross, Co. Wexford. It is situated circa 1km to the south of the village of Duncannon and 300m to the south of the R373. The site is situated on the western side of the local road. The area is characterised by tourism uses including a caravan park to the north and various hotel and B&B accommodation within Duncannon. Duncannon beach is located 100m to the west of the site.
- 1.2. The site has a stated area of 0.57 hectares. The site has frontage of circa 150m. It contains Ballystraw House, previous called Prior Hill. Ballystraw House is a Protected Structure. The property is a detached three-bay two-storey farmhouse with dormer attic. It was built in 1771 and is a fine example of the later eighteenth-century domestic built heritage of south County Wexford. The property is in reasonably good condition however modern extensions and works to the interior have impacted the character and integrity of a farmhouse.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
- (1) Demolition of extension to the rear of the dwelling which is a Protected Structure.
 - (2) Construction of new two-storey extension to the rear of the dwelling.
 - (3) Replacement of the existing septic tank with a new effluent treatment system.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for 3 reasons.

1. The proposed extension, by virtue of it siting, scale, roof form and detailed design, would result in an incongruous form of development which fails to

appear subordinate to the original dwelling, particularly having regard to its status as a protected structure, contrary to Section 18.13.1, Section 14.6.1 and Section 18.25 of the Wexford County Development Plan 2013-2019, and the proper planning and sustainable development of the area.

2. The Architectural Heritage Impact Assessment which has been submitted in support of the application includes insufficient detail for an assessment of the impact of the proposed development on the protected structure and the setting of the protected structure. The proposed development is therefore contrary to the Department of Arts, Heritage and the Gaeltacht, 'Architectural Heritage Protection Guideline for Planning Authorities' (2011), Section 14.6.1 and Section 18.25 of the Wexford County Development Plan 2013-2019, and the proper planning and sustainable development of the area.
3. The proposed percolation area is located on a slope and to ensure that there is an even distribution of wastewater along the percolation trenches, the percolation area must be either stepped, or the ground built up so that the trenches are level. The cross-section submitted does not show the existing ground level in relation to the percolation area. Furthermore, the photographs of the trial hole, photographs of the percolation test hole, and supplementary maps have been submitted in black and white and not in colour and thus cannot be examined properly. As such, the proposed development would endanger public health and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded that the details submitted in relation to the Architectural Heritage Assessment were insufficient to determine if the development would have a detrimental impact upon the Protected Structure. It was also concluded that the siting, design and scale of the proposed extension would detrimentally impact the Protected Structure. The Planning Authority were not satisfied with the information submitted in relation to the proposed effluent treatment system. Permission was refused on that basis.

3.2.2. Other Technical Reports

Senior Executive Scientist – Environment: Further information requested regarding the provision of a revised cross-section through the percolation area showing the ground levels, colour photographs of the trail hole and percolation test holes and further maps indicating aquifer, bedrock, subsoil and vulnerability maps.

3.3. Prescribed Bodies

Department of Arts Heritage & the Gaeltacht – Further information was requested in relation to the submission of a detailed photographic survey of the Protected Structure with photographs indicating the historic/original features to be removed retained. Details of specification of proposed finishes to the extension to clearly distinguish the Protected Structure and the proposed extension. Details of specifications of doors and windows to reverse the effect of the inappropriate installation of aluminium fittings to the Protected Structure.

3.4. Third Party Observations

- 3.4.1. The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

The Wexford County Development Plan 2013 – 2019 is the statutory Development Plan for the area. The relevant sections of the Development plan as they apply to this development are as follows;

- Section 14.6.1 – refers to Protected Structures - A Protected Structure is a structure that the Council considers to be of special interest from an

architectural, historical, archaeological, artistic, cultural, scientific, social or technical point of view. Details of Protected Structures are entered by the Council in its Record of Protected Structures which is part of the Development Plan. Each owner and occupier of a Protected Structure is legally obliged to ensure that the structure is preserved and that the Protected Structure, or any element of it, is not endangered through harm, decay or damage, whether over a short or long period, through neglect or through direct or indirect means.

- Section 18.13.1 – refers to House extensions:

The proposed extension should be of a scale and position which would not be unduly incongruous with its context.

- The design and finish of the proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More contemporary designs and finishes often represent a more architecturally honest approach to the extension of a property and can better achieve other objectives, such as enhancing internal natural light.
 - The proposed extension should not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.
 - The proposed extension should not impinge on the ability of adjoining properties to construct a similar extension.
 - Site coverage should be carefully considered to avoid unacceptable loss of private open space.
 - The degree to which the size, position and design of the extension is necessary to meet a specific family need, for example, adaptations to provide accommodation for people with disabilities.
- Section 18.25 – refers to Architectural Heritage - All works to a Protected Structure shall be carried out in accordance with best conservation practice. A planning application for works to a Protected Structure shall be accompanied by an Architectural Heritage Impact Assessment prepared in accordance with

Appendix B of the 'Architectural Heritage Protection-Guidelines for Planning Authorities (DEHLG, 2004). The report shall be prepared by an appropriately qualified and competent professional.

5.2. Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011

Section 6.8 refers to Extensions - If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure.

5.3. EPA's Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses

This policy document provides guidance on the assessment of on-site wastewater disposal systems for single house. The government considers that the implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

5.4. Natural Heritage Designations

The following Natura 2000 sites are located in the vicinity of the proposed development site:

- River Barrow and River Nore SAC (Site Code 002162) is circa 100m to the west.
- Bannow Bay SPA (Site Code 004033) is circa 4km to the east.
- Bannow Bay SAC (Site Code 000697) is circa 4km to the east.
- Hook Head SAC (Site Code 000764) is circa 7km to south-east.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was submitted by Ian Doyle Planning Consultant on behalf of the applicants Cormac Wallace and Helen Duffin. The main issues raised concern the following;

- The appellants have concerns regarding the assessment made by the Planning Officer. It is noted that there were no comments on file from the County Architect or Heritage Officer.
- The Department of Cultural Heritage and the Gaeltacht did not recommend that the proposed development be refused. Further information was requested in their report in order to facilitate a full assessment.
- The further information requested is not considered to amount to *“significant concerns”*. A photographic survey was requested and details of materials proposed to be used and retain.
- The Environmental Scientist also requested further information in relation to a redesign of the percolation area to take account of its location on a sloped site.
- The applicants strongly disagree with the Planning Officer’s assessment of the design and scale of the proposed extension to the Protected Structure.
- It is accepted that the proposed extension is a *“large scale extension”*. Section 14.6.01 of the County Development Plan refers to Change of Use and Extension of Protected Structures. The policy does not specifically state that extensions should “appear subordinate to the original dwelling.”
- It is noted that the Development Plan promotes contemporary design in extensions.
- Policy 18.13.1 of the Development Plan refers to the design and finish of extensions. It states that *“design and finish of proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More contemporary designs and finishes often represent a more*

architecturally honest approach to the extension of a property and can better achieve other objectives, such as enhancing natural light.”

- The proposed extension is designed to maximise the southern aspect and natural light. The proposed design would facilitate modern living to meet the requirements of the applicants and their family.
- The second reason for refusal refers to the Architectural Heritage Impact Assessment which was submitted with the application. It is accepted that the information submitted in support of the proposal was lacking clarity. A revised Architectural Heritage Impact Assessment has been submitted to address this.
- The applicants stated that they intend to replace the windows and doors with period specific timber and sash windows.
- A photographic survey has been submitted as part of the appeal.
- The proposed extension will sit behind the dwelling and would not be visible from the front elevation. It is argued that the extension would not impact upon the scale, style and proportions of the original dwelling.
- The proposed exterior finish of the existing Protected Structure will consist of natural hydraulic lime with nap floated paint finish.
- In relation to the issues concerning the proposed percolation area, a cross section drawing has been submitted along with a number of colour photographs of the trial hole and percolation test holes. Maps indicating aquifer, bedrock, subsoil and vulnerability maps were also included with the appeal submission.
- The applicants state that there are not justifiable grounds to refuse permission. They also state that the Planning Authority did not fully consider that the proposal would result in the refurbishment, preservation and reuse of a Protected Structure which is in somewhat poor condition.
- It is requested that the Board grant permission for the reasons set out in the appeal.

6.2. Planning Authority Response

- The appellant makes reference to a pre-planning meeting held (REF. P20150484). It should be noted that the pre-planning advice is given without prejudice to what the Planning Authority will decide at the time of receiving a planning application. No plans were submitted as part of the request for pre-planning advice.
- As stated in the Planning Officer's report the Planning Authority does not object to the extension of the dwelling nor do they object to a contemporary design.
- The concerns raised in the Planning Officer's report refer to the siting, scale, roof form and detailed design of the proposed extension within the context of the Protected Structure which is of regional importance.
- It is requested that the Board uphold the decision of the Planning Authority to refuse permission.

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design and impact on Protected Structure
- Effluent Treatment system
- Appropriate Assessment

7.1. Design and impact on Protected Structure

- 7.1.1. The first and second refusal reasons refer to the design of the proposed extension and the potential impact upon the Protected Structure. The Planning Authority were not satisfied with content of the Architectural Heritage Impact Assessment which was submitted with the application. The applicants have sought to address this with the

submission of a revised Architectural Heritage Impact Assessment and photographic survey of the property.

- 7.1.2. Ballystraw House a two-storey farmhouse is a Protected Structure (RPS No WCC0661). It is listed in the National Inventory of Architectural Heritage (Ref – 15618028). It is rated of regional importance based on architectural artistic and historical social considerations.
- 7.1.3. The property was constructed in circa 1771. The exterior of the building appears to be reasonably well maintained with the roof and exterior walls all intact. However, I note that the windows have been fitted with aluminium frames which detracts from the original character. The principal elevation addresses the public road to the east. The property is served by a landscaped front garden. The roadside boundary is formed by a low rubble stone wall and box hedgerow. There is pillared gated entrance with roughcast piers supporting flat iron double gates.
- 7.1.4. The architectural merit of the building as set out in the appraisal of the structure in NIAH is resultant from the use of the proportions and style of a grander house. Features of note within the building include the diminishing in scale of the openings on each floor producing a graduated visual impression; and the floating pediment-like miniature gablet embellishing the roofline.
- 7.1.5. The current proposal comprises a two-storey extension to the rear of the building. I would have no objection in principle to the proposed development provided it would not unduly impact upon the character or setting of the Protected Structure. In terms of overall floor area including the proposed garage it has an area of approximately 170sq m. The existing dwelling has an area of circa 160sq m. The proposed ridge height at 8m matches that of the existing house.
- 7.1.6. As set out in Section 4.1.2 of the Architectural Heritage Guidelines extensions or any works have the potential to materially affect the character of a protected structure. It is advised in Section 6.8.1 of the Guidelines which refers to extensions that it will often be necessary to permit appropriate new extensions to protected structures in order to make them fit for modern living and keep them in viable economic use. Section 6.8.2 of the Guidelines advises that in general, principal elevations of a protected structure not necessarily the façade should not be adversely affected by new extensions. The Guidelines further advise that a high quality contemporary

design approach will be promoted when larger scale extensions are proposed, or for new buildings in the curtilage of Protected Structures.

- 7.1.7. In terms of the merits of the proposed design, while I note that it is proposed to the rear of the principal elevation, the northern section would extend beyond the existing gable by 5.5m, presenting a new two-storey element. I do not consider that design approach is sympathetic to the design character of the principal elevation in the following respects. Firstly, the proposed hipped roof detracts from the primacy of the existing pitched roof. Secondly, I consider the proposed design would have a significant impact upon the existing symmetry exhibited in the façade of the dwelling particular as the diminishing scale of the openings on each floor is not mirrored with the use of two identical square windows at ground and first floor. Overall, I do not consider the extension when viewed from the front would appear subordinate to the original building.
- 7.1.8. In relation to the proposed rear elevation, I consider that the proposed hipped roof is entirely out of character with that of the main dwelling. While I note that a timber glazed link is proposed between the main dwelling and the extension, I am not satisfied that an adequate separation has been provided to ensure that the new development is discernible from the original property. Regarding the design and elevational treatment of the rear elevation, I do not consider that the proposed fenestration in any way reflects the architectural merit and design proportions of the existing farmhouse. This combined with the hipped roof would provide a built form which would be entirely unsympathetic with the form and character of the original farmhouse. In my opinion a contemporary extension of the farmhouse could successfully be achieved with a more light-weight design approach incorporating a glazed box form with a flat roof.
- 7.1.9. As advised in the Heritage Guidelines, careful consideration of the palette of materials can mediate between a modern design idiom and the historic fabric of the structure. The Guidelines note that extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time. Regarding the proposed materials and finishes I note that high quality materials and finishes are proposed including cement rendered finish and painted hardwood timber window frames and doors. Notwithstanding the quality of the proposed materials and finishes, I do not consider that it would serve to mitigate

the lack of cohesion between the design and scale of the proposed extension and the original dwelling.

7.1.10. Furthermore, in relation to the proposed siting and design of the extension I would note that care should be taken regarding the siting of proposed extensions to ensure that they do not have an adverse effect on the character of the structure or its curtilage. Ballystraw House, a farmhouse is set within a historic farmyard. A curtilage which in its original design intent included a very balanced relationship between the hierarchy of buildings and spaces. Therefore, the design and siting of the proposed extension should display a careful and sympathetic understanding of this relationship. I would have strong concerns that the proposed design as put forward does not show a design sensitivity and a robust understanding of the intrinsic attributes of Ballystraw House. If permitted it would not be a qualitative design approach which would respect and harmonise with the existing built form and character of this protected structure and its setting.

7.1.11. An important vista to examine in relation to the character and setting of the protected structure is that of the south facing elevation. This is the elevation which address persons approaching the property via the existing driveway. The building and farmyard when viewed from this perspective would appear significantly altered and overtly dominated by the siting, built form, scale and massing of the two-storey extension.

7.1.12. Accordingly, in conclusion, I would concur with the Planning Authority that the proposed development, if permitted, would materially affect the character and setting of Ballystraw House.

7.2. Effluent treatment

7.2.1. It is proposed to install a bio-crete wastewater treatment system and polishing filter. It is proposed to locate the percolation area 26m to the north of the dwelling and also downhill of the dwelling. Table 6.1 of the EPA Manual – Treatment Systems for Single Houses sets out the minimum separation distances, the minimum distance from a watercourse or stream to a percolation area is stated as 10m and the minimum distance from a road to the percolation area is stated as 4m. There are no watercourses/streams within 100m of the site.

- 7.2.2. The site suitability assessment indicates that a T value of 4.33 was recorded on site. A T value of greater than or equal to 3 and less than or equal to 50, means that the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater. The recorded T value indicates a very fast rate of infiltration due to the nature of the existing soil conditions i.e. marine sands. No water table or rock was encountered up to a depth of 2.10m below ground level during the site testing. The groundwater protection response for the area is R1 which means the site is suitable for an on-site system subject to normal good practice.
- 7.2.3. No P tests were carried out. It is proposed to construct a subsurface polishing filter of circa 72sq m from imported permeable soil. The proposed soil polishing filter has a thickness of 900mm and a 4 no. trenches with a trench length of 9m. A drawing indicating a cross section of the proposed percolation area was submitted with the appeal. It shows the ground built up to the northern side to take account of the slope on site. I consider this satisfactorily indicates that the proposed polishing filter can be constructed on site.
- 7.2.4. It is proposed to discharge the treated effluent to ground water. The Environmental Protection Agency Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses 2010 provides guidance on the provision of wastewater treatment and disposal systems for new single houses. Annex B of the publication refers to Groundwater Protection Response. It is stated that when choosing a site consideration should be had to any nearby groundwater sources and the vulnerability of the underlying groundwater. The Code of Practice sets out that the risk from onsite wastewater treatment systems is mainly influenced by its proximity to a groundwater source, the value of the groundwater resource and the depth of the water table. In relation to proposed site, it lies in an area where there is a poor bedrock aquifer which is generally unproductive except for local zones.
- 7.2.5. Having regard to the information submitted including the site characterisation report and the proposal to install a secondary treatment system with soil polishing filter, I consider that the site is suitable for the proposed on-site effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude, 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 a European Site.

8.0 Recommendation

- 8.1. I recommend that permission is refused.

9.0 Reasons and Considerations

1. The proposed extension, by reason of its siting, design, height and massing would present an unsympathetic relationship with the protected structure. It is considered that the proposed development would materially affect the character and setting of Ballystraw House. The proposed development would, therefore, be contrary to the provisions of the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht (2011) and would be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

28th of August 2018