



An  
Bord  
Pleanála

## Inspector's Report ABP-301405-18

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<b>Development</b>	One and a half storey extension to the side of existing dwelling
<b>Location</b>	Rockhill, Portnablagh, County Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	18/50066
<b>Applicant(s)</b>	Jon McClintock
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sarah Fyffe
<b>Observer(s)</b>	Fiona Connolly
<b>Date of Site Inspection</b>	18 <sup>th</sup> June 2018
<b>Inspector</b>	Una O'Neill

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## 1.0 Site Location and Description

- 1.1. The subject site is located in Portnablagh, approx. 3km east of the town of Dunfanaghy, along the northwest coast of County Donegal. The site is accessed from a local road off the N56 road.
- 1.2. The site, which has a stated area of 0.02 ha, occupies the land between the road and the beach at Portnablagh and is approx. 250m west of the pier. The local access road from the N56 to the pier comprises a ribbon form of detached dwellings of various designs on the landward side of the road, with a number of dwellings also on the seaward side, these being primarily bungalow in form facing the road.
- 1.3. The site comprises a detached bungalow, which was converted in the past from a boathouse to a dwelling. There is a caravan located to the eastern side of the dwelling. The boundary with the road comprises a stone wall, with the remaining boundaries open to the coast and to the neighbouring dwelling/two storey garage. The site is approx. 4m above the adjoining beach.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Construction of a one and a half storey extension to the eastern gable of an existing dwelling, to comprise a bedroom, bathroom, sauna, wc at ground floor level and at first floor level, a den and bedroom. The existing entrance to the dwelling is from the seaward side of the dwelling. The proposed extension will incorporate an entrance from the road facing side of the dwelling.
  - The two storey element of the extension is 5.5m wide, with an additional single storey WC to the side being 1.9m wide. The overall height of the extension is 6m and the existing dwelling is 5.1m high. The rear building line of the extension is in line with an existing single storey extension to the rear.
  - The gross floor area of the proposed works is 94 sqm. The gross floor area of the existing dwellings is 70sqm.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

GRANTED, subject to three conditions, including the following:

C3: The existing mobile home on site shall be removed from the site in its entirety within 3 months of the date of Final Grant of Planning Permission.

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

##### **3.2.1. Planning Reports**

The Planning Officer's report generally reflects the decision of the planning authority to grant permission.

##### **3.2.2. Other Technical Reports**

Roads and Transportation Planning Report – No objection subject to conditions.

#### **3.3. Prescribed Bodies**

None.

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

Two observations were received, the grounds of which are largely addressed within the grounds of appeal.

### **4.0 Planning History**

1651459 – Retention permission GRANTED for a concrete walkway from dwelling house to adjoining beach.

1030010 – Permission GRANTED for the construction of a single storey extension to the front (northern/beach facing side) of the dwelling house.

0830722 – Permission REFUSED for the demolition of house and erection of replacement house.

PL05B.212075 – Permission GRANTED by ABP to convert existing garage and boat house to a dwelling.

## 5.0 Policy Context

### 5.1. Donegal County Development Plan 2018-2024

- The site in question is not governed by a specific zoning objective.
- Settlement Structure: Portnablagh is identified as ‘Layer 3 Rural Towns and Open Countryside’.
- Rural Area Type: Stronger Rural Area
- Scenic Amenity Designation: Area of Especially High Scenic Amenity, along the coast at Portnablagh.
- **UB-P-27:** Proposals for extension to a dwelling shall be considered subject to the following criteria:
  - (a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement
  - (b) Provision is made for an adequate and safe vehicular access and parking; and
  - (c) The proposal would not adversely affect the amenity of adjoining properties.
- **NH-P-6:** It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.
- **NH-P-8:** It is the policy of the Council to safeguard the scenic context, cultural landscape significance, and recreational and environmental amenities of the County's coastline from inappropriate development.
- **NH-P-9:** It is the policy of the Council to manage the local landscape and natural environment, including the seascape, by ensuring any new developments do not

detrimentally impact on the character, integrity, distinctiveness or scenic value of the area.

- **NH-P-15:** It is a policy of the Council to safeguard prominent skylines and ridgelines from inappropriate development.
- **NH-P-17:** It is a policy of the Council to seek to preserve the views and prospects of special amenity value and interest, in particular, views between public roads and the sea, lakes and rivers. In this regard, development proposals situated on lands between the road and the sea, lakes or rivers shall be considered on the basis of the following criteria:
  - Importance value of the view in question.
  - Whether the integrity of the view has been affected to date by existing development.
  - Whether the development would intrude significantly on the view.
  - Whether the development would materially alter the view.

In operating the policy, a reasonable and balanced approach shall be implemented so as to ensure that the policy does not act as a blanket ban on developments between the road and the sea, lakes and rivers.

## 5.2. **Natural Heritage Designations**

The subject site is not located within or adjacent to a Natura 2000 site. Horn Head to Fanad Head SPA (004194) is located approx. 300m-400m to the northwest and northeast of the appeal site. Horn Head And Rinclevan SAC (000147) is approx. 900m to the northwest. Sheephaven SAC (001190) is approx. 1.2km to the southeast and Sessiagh Lough SAC (000185) is approx. 600m to the southwest.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A third party submission has been received from a resident of Omagh, Co. Tyrone. The submission is summarised as follows:

- The landscape cannot absorb the holiday home. The proposal is contrary to policy RH-P-12 of the Donegal Development Plan. This dwelling has been intensely developed over the years without any regard to environmental impact or legal requirements.
- The existing dwelling was originally a boathouse developed without permission in the late 1970s/80s. A caravan has remained on the site for over 15 years adjacent to the dwelling in spite of a planning condition relating to it (planning ref 04/3343).
- The area of the site has been extended seaward over the past 20 years via unauthorised dumping and has been overdeveloped.
- The proposal will affect the natural habitat sand dunes. The site consists of sand. The site is regularly eroded by high tides and storms. The road collapsed due to coastal erosion in the winter of 2016-17 and was repaired by the county council.
- The proposed extension given its scale and height will negatively impact the prominent skyline and ridgeline of this beautiful cove and is contrary to NH-P-15.
- Development will have a negative impact on the sensitive setting, habitat, visual amenities, and coastal landscape character.
- As per objective 7.1.12 and NH-P-17, which relates to development between the road and seas/lakes/rivers, the proposal will intrude significantly on the view of the sea, pier and beach from the public road. The extension would materially alter these views and would impact on tourism.
- Portnablagh is an area of outstanding beauty and incorporates scenic Horn Head, from which this proposed extension would be clearly visible and would also be visible from the Portnablagh shoreline, and from other designated viewing points on the Wild Atlantic Way, on the N56, the West Donegal Coastal Route.
- Policy NH-P-8 refers to the safeguarding of the scenic context of the county's coastline. Policy NH-P-9 refers to safeguarding the scenic value of an area from new developments.

- This is not a genuine rural housing need, will lie idle for the majority of the year, and does not give regard to environmental conditions. It does not protect natural heritage by in essence building on the sand dunes.
- The proposed entrance has been created without planning permission and infringes upon an existing right of way to the beach, see photographs attached. There is a post and chain fence along the boundary which obstructs the right of way to the beach. This is a health and safety issue as it is the quickest way to the beach in an emergency. Public access is now also unsafe with conflict between the entrance, cars parking and pedestrian users.
- There are limited sightlines to the site given the position of the existing concrete pillar supporting the harbour light at the entrance, which cannot be moved.
- Proposal will set a precedent for further extensions on the seaward side of the road. A similar development, reference PL05B240667 was refused.

## 6.2. Applicant Response

The applicant has responded to the third party's grounds of appeal, which is summarised as follows:

- A new residential entrance is not proposed and the applicant is not required to comply with current sight line requirements.
- Concerns raised in relation to lights from house affecting the visibility of the harbour light is not considered a sustainable point of objection.
- Issues regarding unauthorised works should be addressed to the enforcement section of the council.
- The applicant proposes to remove the caravan on site as part of this application.
- Application is for an extension to an existing dwelling, the onus is on the applicant to ensure the lands can accommodated same structurally.
- The principle of residential development is already established on the site.



- It is the responsibility of the applicant to protect his property and to ensure that same is not at the mercy of marine erosion.

### 6.3. **Planning Authority Response**

None.

### 6.4. **Observations**

One observation has been received from the resident of Merton Cottage in Portnablagh, the grounds of which are summarised as follows:

- The proposal will intrude significantly on the view of the sea, pier and harbour from the public road, as can be seen from the photos attached. The proposed extension at a storey and a half will be the highest extension on the sea-side of the road. This is the only part of the road where the beach can be viewed from and is therefore contrary to objective 7.1.12, NH-P-17 of the development plan.
- The proposal is not in accordance with guidelines in Appendix 4, specifically RH-P-12 whereby the landscape cannot absorb this holiday home or where the holiday home would impact negatively on the landscape.
- The proposal is no more than a few metres from the Navigation Lights maintained by the Commissioners of Irish Lights which navigate the safe passage of local fishermen and light craft into the harbour.
- This area is an SPA designated site, incorporating SACs and pNHAs. There is no assessment of this.
- Undesirable precedent will be set for future extensions on the seaward side of the road. Similar developments, eg PL05B240667, were refused.
- Given scale and location in a highly sensitive location, the proposal will impact negatively on the sensitive setting, habitat, visual amenities and coastal landscape character of the area.

- The site was originally sand dunes and is located no more than 5m from the high tide water line. There are obvious coastal erosion issues and is contrary to natural heritage section 7 of the development plan.
- There is unauthorised development by way of a caravan on the site.
- The existing access is unauthorised and blocks right of way to the beach.
- Public access because of the unauthorised entrance is unsafe with conflicting traffic and pedestrian movements.
- Proposal will impact on tourism, which is significant in this area.

## 7.0 **Assessment**

- 7.1. The applicant proposes to construct an extension to the side of an existing bungalow, which will involve the removal of an existing caravan from its current location on the site.
- 7.2. The third party contends that this is a holiday home development and the proposal given its impact on the landscape is contrary to policy RH-P-12.
- 7.3. The extension proposed is to an existing dwelling, which use has been permitted in the past. Having regard to the established residential use on the site, I consider that the proposal to extend this existing dwelling is acceptable in principle and policy RH-P-12 does not apply.
- 7.4. The primary issues for assessment include;
- Design & Impact on Visual Amenity
  - Other Matters
  - Appropriate Assessment

### **Design & Impact on Visual Amenity**

- 7.5. The third party and observer consider the extension as proposed will impact negatively on the skyline and scenic value of this area. It is contended that the extension proposed is contrary to NH-P-6, NH-P-8, NH-P-9, NH-P-15 and NH-P-17 and that the proposal will impact negatively on the sensitive setting, habitat, visual amenities and coastal landscape character of the area. It is considered that the

proposal will impact negatively on existing sand dunes, and there has been a lack of consideration of coastal erosion and flooding.

7.6. The applicant has responded that the principle of residential development has been established on the site. Issues in relation to marine erosion and structural stability are stated to be the responsibility of the applicant. The existing caravan is proposed to be removed from the site and no changes are proposed to the site entrance. The applicant states that concerns raised in relation to lights from house affecting the visibility of the harbour light is not considered a sustainable point of objection.

7.7. I have considered fully the policies of Donegal Development Plan 2018-2024. Policy NH-P-17 in particular refers to views between public roads and the sea. It is stated that development proposals situated on lands between the road and the sea shall be considered on the basis of the following criteria:

- Importance value of the view in question.
- Whether the integrity of the view has been affected to date by existing development.
- Whether the development would intrude significantly on the view.
- Whether the development would materially alter the view.

It is further stated that in operating the policy, a reasonable and balanced approach shall be implemented so as to ensure that the policy does not act as a blanket ban on developments between the road and the sea.

7.8. The local access road to Portnablagh pier and beach comprises a number of detached dwellings, both on the land and seaward side of the road. The appeal site is the end dwelling in a row of approx. five dwellings on this side of the road on the approach to the pier. While the proposed extension does impact on a view of the coast from this road, given this dwelling is part of a ribbon of dwellings along the seaward side of this section of the road and considering the scale and pattern of development along this section of the road, I do not consider the scale of the extension as proposed will intrude significantly on the view from this road or on the integrity of the views from this road. Furthermore, given the position of the road at a lower level to the national road, and given the context of the surrounding area and neighbouring dwellings when viewed from both the local road and from the beach,

the extension when viewed from the wider area will not in my view be visually obtrusive.

- 7.9. Overall, I am of the view that the extension proposed is modest in scale being 5.9m high (1m higher than the existing dwelling and 1m lower than the dwelling to the west) and the proposal will not significantly impact on the visual amenities of this area or its scenic value.

### **Other Matters**

- 7.10. The third party raises concerns in relation to flooding and coastal erosion. I note that no information has been presented to identify a specific flood risk and the site is not within a flood risk area, as illustrated on the OPW website [www.floodinfo.ie](http://www.floodinfo.ie). I further note that the finished floor level of the existing dwelling and proposed extension is approx. 4m above sea level. I therefore do not consider that a flood risk assessment is required.
- 7.11. With regard to concerns raised in relation to unauthorised developments, any unauthorised issues are a matter for the planning authority and not An Bord Pleanala.
- 7.12. I did not observe a right of way at the location of this proposed extension, which is proposed on the site of an existing caravan, and the pathway evident on site, which leads from the existing entrance to the beach is not impacted upon by this proposal. Should there be concerns in relation to rights of way, I would draw the Board's attention to section 34(13) of the Planning and Development Regulations 2001, as amended, which states a person shall not be entitled solely by reason of a permission under this section to carry out any development.
- 7.13. With regard to issues of traffic safety, the vehicular entrance exists and is not proposed to be amended as part of this development. The proposed extension is west of the vehicular entrance and will not give rise to such an intensification of use as to raise concerns in relation to traffic safety.
- 7.14. With regard to the lighting column on the site, the proposed extension is 13m from this lighting column and I do not consider the extension to an existing dwelling, which has lights and which is along a stretch of road comprising existing dwellings, would give rise to safety issues.

## **Appropriate Assessment**

7.15. The site is not located within or adjacent to a Natura 2000 site. I note that the closest Natura 2000 site is approx. 300m-400m to the northeast and northwest. The existing house is connected to the public water and sewer network. Having regard to the minor nature of the development, its location in a serviced area, and the separation distance to any 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.

## **8.0 Recommendation**

8.1. It is recommended that permission be granted.

## **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of Donegal County Development Plan 2018-2024, the existing pattern of development in the area, and the nature and scale of the proposed extension, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not significantly interfere with any views or prospects of the sea from the public road or give rise to issues of traffic safety. The proposed development would, therefore, 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. The existing mobile home on site shall be removed from the site in its entirety within 3 months of the date of Final Grant of Planning Permission.

**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture

**Reason:** In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the visual amenities of the area.

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Una O'Neill  
Senior Planning Inspector

31<sup>st</sup> July 2018

