



An
Bord
Pleanála

Inspector's Report ABP-301803-18

Development	Single storey extension and first floor balcony including all ancillary site works within the curtilage of a protected structure (RPS 614) at the old coastguard Boathouse,
Location	Liscannor , Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	1882
Applicant(s)	Paul & Michelle Mulcair
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Bridget Donnell.
Observer(s)	None.
Date of Site Inspection	10 th of September 2018
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The site contains a storey and half dwelling, converted boathouse, which fronts onto the harbour at Liscannor, Co. Clare. The site is accessed from a local road which also provides access to a slipway and a number of dwellings which also front onto the harbour. A local access road runs along the side of the dwelling, north, providing access for an adjoining derelict hotel and 6 no semi-detached dwellings.
- 1.2. The site is bound to the side and rear by c. 2m high brick wall and the front boundary, north east, has a small brick wall with pedestrian access. There is private amenity space within the confines of the site which consists of paved and stoned areas.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Single storey rear extension (3.2m by 4.3m),
 - First floor balcony to the front of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 3 no. conditions of which the following condition is of note:

C 3- All external finishes shall be consistent with the existing building.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information on the following:

- Concern was raised in relation to unauthorised works which had been undertaken on the site, not within the previous grant of permission on the site

PL03.244902 (Reg Ref 14/807) ,which included parking area at the front and boundary wall and change in ground levels along the north west of the site and construction of boundary wall. The change in the site size was noted but the planner did not consider it appropriate to regularise in this application. The justification for the inclusion of a front boundary wall, flood protection, was accepted.

- Concern over the impact of the balcony on the protected structure and the residential amenity in the vicinity. The balcony was reduced in size and the external materials altered to respect the overall character of the protected structure.

3.2.2. Other Technical Reports

Conservation Officer- Request for additional information.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One observation was received from the appellant and the issues raised are reiterated in the grounds of appeal.

4.0 Planning History

PL 03.244902 (Reg Ref No 14/807)

Permission granted for the change of use of Liscannor Old Coastguard Boat house to dwelling, to include boundary walls, conservation, restoration and renovation works within the curtilage of a protected structure RPS No. 614.

Condition No 9 required the provision for an enclosed and sunken area of open space and the accompanying car parking space to be fully provided and retained insitu for the duration of use as a boathouse as a dwelling.

Reg Ref 14/319

Permission refused for a change of use for the Liscannor Old Coastguard Boathouse to a dwelling for reasons of the impact of the proposed balcony and the lack of detail on the structural stability, the restricted site area with insufficient space for amenity and off-street car parking, the use of an existing private right of way and the construction of a footpath along a narrow public road.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.2. **Clare County Development Plan 2017-2023**

Liscannor is a small town within the West Clare Municipal District.

The site is zoned as **existing residential** where it is an objective *“To conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and uses that enhance existing residential communities”*.

The subject site is a **protected structure**, therefore the following polices apply.

CDP15.2 Development Plan Objective: Protected Structures

It is an objective of Clare County Council:

To protect, as set out in the Record of Protected Structures, all structures and their settings, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest;

The site is located 50m from the **designated Scenic Route** to the north of the site.

Appendix 5- Scenic Routes

Table 3.1- Refurbishment of structures are permitted along designated scenic routes

The front of the site is partially located within **designated flood risk zone “B”**.

5.3. Natural Heritage Designations

The site is located 1.2km to the south west of the Inagh River Estuary SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal area submitted from a resident of adjoining property to the south and the issues raised are summarised below:

- The planning authority did not adequately consider the issues raised in the initial submission.
- This is the third application on the site since 2014, the first Reg Ref 14/319 was refused whilst Reg Ref 14/807 was granted permission and the development does not comply with this grant.
- The four reasons for refusal under 14/319 included the restricted site area, lack of amenity space and parking, impact of the balcony on the residential amenity. The proposed development does not overcome these reasons for refusal.
- A further reason for refusal (Reg Ref 14/319) related to works outside the control of the applicant, which the applicants have built a wall. No enforcement action has been taken.
- The site is vulnerable to coastal flooding and the walls along the front have been reinforced with sandbags to protect the dwelling and the application should be required to comply with those national guidelines on flood risk assessment.

- The report of the area planner notes the loss of open space for the extension of poor quality.
- The applicant's did not sufficiently address the request for further information on the unauthorised works for example not providing a car parking space. These were included in previous reasons for refusal.
- The planner acknowledges the area floods. Permission should not be granted on sites liable to flood and there are problems with the public sewer system.
- The septic tank at the adjoining Liscannor Hotel backups the public sewerage system
- The site is used for holiday accommodation which provides an increase in loading on the sewerage.
- There is concern the large balcony will be built and not enforced by the Council. The balcony will affect the enjoyment of the applicants' garden and cause overlooking.
- Consent should not be provided for unauthorised development.
- The walls built around the site are not in accordance with a previous permission
- The planner's report accepted the unauthorised development had occurred on the site.

6.2. Applicant Response

An agent on behalf of the applicant responded to the grounds of appeal as summarised below:

- There is no reason for the appellants to object to the revitalisation of a derelict protected structure.
- A number of the appeal statements are not concerned with planning matters.
- The concerns in relation to the boundaries are addressed with the further information.

- The use of the front boundary wall is required to mitigate against the tidal flooding.
- The rear extension is modest. Poor quality open space will be lost and the new balcony will compensate for this.
- The amended design for the balcony will be located 30m from the appellant's east facing boundary and will not cause any overlooking.
- The applicant leases the building out during high season.

6.3. **Planning Authority Response**

The response from the planning authority may be summarised as follows:

- A background on the site and relevant planning history is provided.
- The removal of the amenity space at the rear for the extension would be mitigated by the provision of the balcony space on the first floor.
- The design of the balcony was altered to remove the section along the south of the dwelling which was in close proximity to the adjoining residential and was revised during further information.
- Information submitted was submitted to the planning authority for compliance for Condition No 2 and 3 of Reg Ref 14-807 and therefore the grounds levels are acceptable.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:-

- Planning History
- Impact on the Residential Amenity
- Impact on Visual Amenity and Built Heritage

- Other
- Appropriate Assessment
- Environmental Impact Assessment

Planning History

- 7.2. The proposed development is for alterations to an existing dwelling, previously converted from a boathouse, and includes a single storey rear extension and a first floor balcony to the front of the dwelling. The grounds of appeal have raised concern in relation to unauthorised development on the site, including the removal of a parking space, available open space and change to ground levels.
- 7.3. PL 03.244902 included permission for the change of use from the boathouse to the current dwelling and plans and particulars illustrated 55m² of private open space along the side, west, and rear, North West, of the site. Private off street parking was included at the front of the site. Condition No 9 required the enclosed and sunken area of open space and the accompanying car park to be fully provided for and remain insitu for the duration of use as a dwelling.
- 7.4. Private off street parking is not provided on the site and non-compliance with the parent permission was questioned in a further information request. The response to the further information referred to the use of a front boundary wall to mitigate against coastal flooding and based on the use of the dwelling for occasional holiday letting, car parking would only be required at weekends. In addition to the parking, a query on the ground levels detailed the use of materials to reinstate the area closer to the original use. Whilst the planner report noted and accepted the principle of these alterations it was stated that these would require authorisation in a separate planning application.
- 7.5. I have addressed the issue of flooding and open space separately below and I consider these alterations to the original planning permission materially contravene Condition No 9, which was included by the Board in PL 03.244902. In the absence of this condition, I do not consider the principle of the conversion to a dwelling would have been accepted and it is of note the use of the dwelling for holiday and/or multiple occupation was not considered by the Board.

7.6. Therefore, having regard to the nature of the proposed development, which extends an existing dwelling, I consider the conditions of the parent permission PL03.244902 are applicable.

Impact on the Residential Amenity

- 7.7. The proposed extension to the rear of the site removes some of the open space provision for the dwelling. The grounds of appeal note the lack of amenity space. The response from the applicant and the report of the area planner considered the loss of amenity space is mitigated by the provision of the balcony. The grounds of appeal considers this balcony has a negative impact on their residential amenity.
- 7.8. Open space: PL 03.244902 included 55m² of private open space for the dwelling. The proposed extension is c. 14m² and is located to the rear of the dwelling on an area currently used for bin storage. The remainder of the open space provision includes gravel and there is outside seating along the front of the site, area previously approved for parking. As stated above the loss of the rear open space is justified by the inclusion of the balcony c. 6m² in size. Having regard to c. 45m² of open space remaining along the south of the site I consider the provision of open space reasonable.
- 7.9. Overlooking: The side of the existing dwelling is located c.30m from the site of the closet dwelling to the south, the appellant's. The appellant's dwelling has two side windows on both the ground and first floor of the northern elevation. Following a further information request the scale of balcony was reduced, restricting it to the front of the first floor facing north east towards the harbour and I do not consider the location of the balcony is orientate towards the adjoining dwelling. Therefore, based on the size and orientation of the balcony and location from the side windows of the adjoining property, there will be no significant overlooking on any dwelling.
- 7.10. Therefore, having regard to the size and scale of the rear extension and balcony to the front, I do not consider the proposed development would have a significant negative impact on the amenity of the existing residents or those in the vicinity of the property.

Impact on Visual Amenity and Built Heritage

- 7.11. The existing building is a Protected Structure and is located 50m south of a designated scenic route. The proposal includes a single storey rear extension and a first floor balcony.
- 7.12. Balcony- Policy CDP 15.2 of the County Development Plan requires the protection of protected structures including their setting. Following a request from the Conservation Officer in relation to concern over the scale, design and materials of the balcony, an amended design reducing the size to c. 5.6m², omitting the southwest facing section and the use of timber deck and cast iron balustrades and hand rail for materials was submitted. No further response from the Conservation Officer was noted in the planners report. I note the scale and use of materials to the front of the dwelling, adjoining an existing double height opening and I do not consider it would have a negative impact on the character or setting of the protected structure.
- 7.13. Extension- Chapter 7 of the national guidelines Architectural Heritage Protection Guidelines for Planning Authorities states that alterations and additions to a protected structure should use appropriate materials to match the original and respect the historic building. The proposed extension to the rear of the site is modest in nature and will not be visible from the front of the site. The external materials consist of nap plaster and black natural slates which I consider will complement the brick detail on the existing dwelling. The report of the Conservation Officer did not raise any concerns in relation to the overall design of the extension. I note the location, scale and design and I do consider the extension would have a negative impact on the character and setting of the protected structure.
- 7.14. Scenic Route- The site is located along a local road which radiates off a designated scenic route c. 50m to the north. The dwelling has been previously refurbished under Reg Ref 14/807 permission. Table 3.1 of the County Development Plan allows the refurbishment of derelict dwellings. I do not consider the scale or nature of the proposed development would have negative visual impact on the adjoining scenic route.
- 7.15. Having regard to the size and scale of the proposed works and the use of materials, I do not consider the proposed development would have a negative impact on the

visual amenities of the area nor would it have a negative impact on the character or setting of a protected structure.

Other

- 7.16. Flooding: The site is located in a designated as flood risk zone “B” in the development plan. Following a further information request on non-compliance with the parent permission, the applicant’s response referred to the coastal flooding and the need to include a physical barrier (wall) and a flood gate to prevent damage to the dwelling from tidal flooding. The response to the further information also stated that the applicant would be willing to open the car park entrance should they be required to do so. Having regard to the assessment of the planning history above, I consider the inclusion of a carpark space necessary to prevent a traffic hazard along the adjoining local road and I consider the use of a flood gate could be utilised for the car parking opening.
- 7.17. Waste Water- The dwelling connects to the public sewer system. The parent permission was for conversion of a boathouse to a dwelling. The grounds of appeal refer to the use of the dwelling for multiple holiday accommodation. The response from the applicant to the grounds of appeal confirmed the same use within the dwelling. Volume 3d of the Clare County Development Plan (West Clare Municipal District) states that although there is a public wastewater network a new treatment plant is required and any further residential development will be subject to the upgrade of this system. The development plan refers to the strain on this infrastructure during peak holiday months. Having regard to the capacity issues with the public sewerage system and the coastal location of the village, I consider the use of the dwelling as a single residential unit appropriate and a condition relating to the same should be attached to any grant of permission.

Appropriate Assessment

- 7.18. Having regard to the nature and scale of the proposed development within a serviced area and separation distance 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 and projects on the conservation objectives of any European site.

Environmental Impact Assessment

7.19. Having regard to the nature and scale of the proposal within an existing building there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the Existing Residential zoning objective in the Clare County Development Plan 2017-2023 , the location of the site, the design and layout of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of properties in the vicinity or have a significant negative impact on the character or setting of a protected structure. 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

3. 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.

4. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 21st of August 2015 under appeal reference number PL03.244902, planning register reference number 14/807, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

Karen Hamilton
Planning Inspector

17th of September 2018