



An
Bord
Pleanála

Inspector's Report ABP 302018-18

Development	Retain partially completed extension to side of cottage
Location	Seaview Cottage, Ballyconnigar, Blackwater, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180571
Applicant(s)	Cormac Cullinane
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	Applicant v Refusal
Appellant(s)	Cormac Cullinane
Observer(s)	None
Date of Site Inspection	September 2018
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.264ha and is in a rural area at Ballyconnigar Upper, Castel Talbot, County Wexford about three kilometres east of Blackwater and 16kms north of Wexford town. Structures on the site comprise an original single storey house which is roofed in corrugated sheeting, the proposed dormer extension and outbuildings. The dormer extension is linked to the original house by an unroofed/un-rendered passageway. The extension remains rendered also.
- 1.2. The OS maps show a pond within the site but this appears to be ephemeral. The site is accessed over a narrow unmetalled private access which has a junction with a narrow public road that in turn links to the R742 Blackwater/Wexford regional route. The public road from this junction with the private lane which serves the application site to its junction with the regional route is narrow, without public lighting, footpaths, pedestrian crossings or cycle paths and in places is in poor structural condition but serves a conspicuously large number of houses.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of a substantially complete extension to an existing cottage at Seaview Cottage, Ballyconnigar, Blackwater, County Wexford.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission because;

- The proposed development is a self-contained residential unit.
- The proposed development does not comply with the building regulations and would give rise to fire hazard.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planner's report recommended refusal for the reasons set out in the managers order.

3.2.2. Other Technical Reports

The **Area Engineer** recommended refusal because escape was via a spiral staircase and the first-floor windows do not meet the fire escape standards.

The **Environment section** recommended permission subject to conditions.

3.3. **Prescribed Bodies**

No comments

3.4. **Third Party Observations**

No submissions.

4.0 **Planning History**

No relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The site is un-zoned in the Wexford County Development Plan 2013-2019.

5.2. **Natural Heritage Designations**

Not relevant

6.0 The Appeal

6.1. Grounds of Appeal

- The extension will be connected to the main house when works are completed. The connection will be through an existing bedroom which would be affected by dust if the connection were opened early.
- The development may be redesigned to meet the requirements of the chief fire officer.

6.2. Planning Authority Response

- No comment.

6.3. Observations

- No observations

6.4. Further Responses

None.

7.0 Assessment

7.1. Nature of application.

7.2. The Wexford County Development Plan (18.13.3) states that the Council will consider the provision of self-contained residential unit for occupation by a family member. The self-contained unit should be connected to the main dwelling house and be designed so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. The Council may consider the provision of a detached self-contained unit where the need for such a unit is demonstrated. The Council will require the following;

- Details of the need/occupant of the unit

- Need for a detached unit, where applicable
- The unit should not consist of more than a combined kitchen/dining/living area, a WC bathroom and no more than two bedrooms
- Vehicular access to the unit shall be shared with the main dwelling house
- Private open space shall be shared with the main dwelling house

Required separation distances from wastewater treatment systems shall be achieved.

- 7.3. The public notice states that the application relates to retention of a substantially complete extension to an existing house. The planning authority refused, in part, because it considered that the structure comprises a separate dwelling house. The applicant makes the point in the grounds of appeal that the connection between the existing house and the new accommodation will be opened when works are complete and that to open the connection earlier would render the bedroom through which the connection is to be made useable as a bedroom.
- 7.4. The submitted drawings indicate that there are two bedrooms upstairs and a bathroom in the new accommodation but do not confirm the proposed uses of the ground floor rooms, nevertheless the layout at ground floor is reflective of a kitchen/dining and living room layout. This layout combined with a separate front door establishes to my satisfaction that this is a separate dwelling house which renders the public notice of application inaccurate.
- 7.5. **Compliance with Building Regulations.**
- 7.6. The Fire Officer's advice is that the windows and spiral staircase are not compliant with the building regulations.
- 7.7. The Buildings Regulations Technical guidance document B Fire Safety in Dwelling Houses require that the bottom of the window opening intended to be a fire escape should not be more than 1100mm above the floor level or less than 600mm. It appears that the proposed gable end bedroom does not comply with this standard because window sill is less than 600mm off the floor and the second bedroom does not comply because the roof light is more than 1100mm off the floor. I agree the fire officer that the spiral staircase is non-compliant. The appeal makes the point in

relation to compliance with fire safety requirements that these matters may be dealt with by redesign through submission of further information.

7.8. I conclude that the application has not demonstrated compliance with the Building Control Technical Guidance Document B in relation to fire safety and that the proposed development would therefore endanger public safety. I recommend refusal on this point.

7.9. **Traffic Safety**

7.10. The submitted drawings show an existing two-bedroom single storey house on site. The public road which serves the site is substandard in width and alignment, is without public lighting, a median line or public footpaths. There is a multiplicity of access points onto this public road serving both residential and agricultural development. The application site is accessed over a narrow unsurfaced private lane which serves an additional two houses between the application site and the public road. The application drawings state the applicant has a right of way over this lane but is unclear as to if works could be carried out to improve the access by the applicant.

7.11. The proposed development would give rise to additional traffic movements on a substandard public road network and on a narrow unsurfaced private laneway which would endanger public safety by reason of traffic hazard.

7.12. **Effluent Disposal.**

7.13. The application states that the septic tank appears to be in good structural condition and the proposal will not affect the occupancy rate of the house. The planning authority's Environment Section recommended a grant with conditions but the report also states that there should not be any additional bedrooms when the submitted drawings show two.

7.14. The EPA Code of Practice for Wastewater Treatment and Disposal Systems serving Single Houses is the applicable standard in relation to rural houses served by domestic waste water treatment systems (DWWTS). The County Development Plan (section 18.32) states that where it is proposed to serve a house with a DWWTS that the application should demonstrate that effluent may be disposed of in accordance

with the EPA code of practice. No site suitability assessment was submitted with the application and the proposed development, at a minimum, comprises a doubling of bed spaces on site and, therefore, substantially increases the effluent loading arising within the site.

7.15. Having regard to the foregoing I recommend that permission for the proposed development be refused because the Board is not satisfied that the it would not give rise to water pollution and be prejudicial to public health.

7.16. **Appropriate Assessment Screening**

7.17. Having regard to likely modest scale of emissions from the proposed development 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.

7.18. **Environmental Impact Assessment Screening**

7.19. Having regard to nature of the development comprising a residential use and the likely emissions 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 permission be refused.

Reasons and Considerations

1. The Wexford County Development Plan provides that the provision of self-contained residential unit for occupation by a family member is open for consideration provided that such a self-contained unit is connected to the main dwelling house and designed so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. The Board is not satisfied, on the basis of the submissions made

in connection with the application and appeal that proposed development is connected to the main house on site and that it can be incorporated into that unit in future. Therefore, it is considered that the proposed development would materially contravene a provision in the County Development Plan and would be contrary to the proper planning and development of the area.

2. The Board is not satisfied that the avenues for escape from the proposed development in the event of fire comply with Building Regulations 2017 Technical Guidance Document B and therefore the proposed development would endanger public safety and be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied on the basis of the material submitted with the application and appeal that the site is suitable for the safe disposal of the foul effluent likely to be generated by the proposed development. The proposed development would, therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.
4. The proposed development is served by an unsurfaced private laneway and by a public road network which is inadequate in horizontal and vertical alignment, without a median line, public lighting, footpaths or cyclepaths. The proposed development would give rise to additional traffic movements on this inadequate private laneway and public road network which would endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

28th September 2018