



An  
Bord  
Pleanála

## Inspector's Report 302169-18

---

<b>Development</b>	Construction of dwelling, garage/store and demolition of derelict building and outbuildings. Change of house type from that approved under Planning Reg Ref No 17/50723.
<b>Location</b>	Glenagiveney, Lecamey, Carndonagh Co Donegal.
<b>Planning Authority</b>	Donegal Co Council.
<b>Planning Authority Reg. Ref.</b>	18/50730.
<b>Applicant(s)</b>	John James & Alice Mc Dermot.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	John James & Alice Mc Dermot
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	September 24 <sup>th</sup> , 2018.
<b>Inspector</b>	Breda Gannon.

## 1.0 Site Location and Description

- 1.1. The site is located in Glenagiveney Td, north-west of Greencastle in Co Donegal. It occupies an elevated hillside location on the north side of local road L-1361-4. The site, which is part of a larger landholding accommodates the ruins of a dwelling and a number of outbuildings. A right of way extends along the eastern boundary which is defined by a hedgerow. To the west there is a row of deciduous trees extending along part of the site boundary. Opposite the site there is an existing dwelling and farm outbuildings. The site which is irregular in shape slopes downgradient from the local road. There are panoramic views of Kinnagoe Bay from within the site and from the local road.
- 1.2. The area is one of undulating rural landscape. The pattern of development comprises predominantly single rural housing arranged in ribbon form along the road network, with isolated clusters.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of all existing buildings on the site and for a change of house type from that previously granted under Reg Ref No 17/50723. The house would have a stated floor area of 265 m<sup>2</sup> and a maximum ridge height of 6.4m.
- 2.2. The house would have a T-shaped configuration and would be split level. The western block, which would be single-storey and rectangular in shape, would accommodate the main living areas of the house. It would have a ridge height of 5.5m. This part of the house would be connected to the eastern section by a flat roofed entrance hallway accommodating the staircase. The eastern block, which is stepped down would have a lower finished floor level and would have a ridge level of 6.4m. It would be two-storey in scale, lie perpendicular to the western section of the house and would accommodate bedroom space. A detached garage /store with a pitched roof would be located to the front of the house.
- 2.3. The vehicular entrance would be located off the existing site access and recessed stone walls would define the front roadside boundary. Foul effluent would be treated in a wastewater treatment system and polishing filter prior to discharge to ground.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for the development on the grounds of visual amenity. It was considered that the design of the development which is located within an area of High Scenic Amenity would be out of character with adjoining vernacular development and would erode the rural character and the visual amenities of the area.

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

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

The planning officer's report of 26/6/18 notes the location of the site in an area defined as 'Stronger Rural Area' and in an Area of High Scenic Amenity.

Planning permission was previously refused on the site and it is considered that the previous reason for refusal has not been addressed. It is considered that the overall scale and in particular the design, form and finish of the proposed dwelling is not in keeping with the vernacular character and presents an incongruous and contemporary design that fails to integrate successfully in this area of high scenic amenity.

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

The Roads Department in their report of 7/6/18 raised no objection to the development, noting that similar conditions to planning permission Ref No 17/50723 should be attached.

The HSE in their report of 14/6/18 raised no objection to the development subject to conditions.

### **3.3. Prescribed Bodies**

None.

## 4.0 Planning History

**18/50127** – Planning permission refused for the construction of a storey and a half split level dwelling, and garage/store with connection to an on-site wastewater treatment system and demolition of existing derelict dwelling and outbuildings on visual amenity grounds.

**17/50723** – Planning permission granted for a single storey gable end pitched roof dwelling with a ridge height of 5.5m and a floor area of 200 m<sup>2</sup>.

**16/1594** – Planning permission refused for the construction of a dwelling house with connection to an on-site wastewater treatment system and demolition of existing dwelling and outbuildings on the grounds of (i) lack of evidence of compliance with rural housing policies, (ii) design and visual amenity issues, (iii) traffic safety grounds and (iv) the development would be prejudicial to public health on the basis that it had not been demonstrated that storm/surface water could be appropriately collected, managed and disposed.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the **County Donegal Development Plan 2018-2024**.

The policies and objectives in relation to rural housing are set out in Section 5.3 of the Plan. The site is located in an area defined as 'Stronger Rural Area'. In accordance with the provisions of the Plan, one-off rural generated housing will be facilitated in these areas subject to compliance with all relevant policies and provisions of the Plan (Policy RH-P-3). All proposals for rural housing are subject to the requirements of Policy RH-P-1 and RH-P-2.

It is a requirement of Policy RH-P-1 that the development will be subject to best practice in relation to siting, location and design as set out in Appendix 4. It is also a requirement that the house be sited and designed in a manner that enables it to be assimilated into the landscape and that it is sensitive to the integrity and character of the rural area as identified in Chapter 7 and Map 7.1.1

Policy RH-P-2 also facilitates proposals for rural housing where there is a demonstrated need, provided it is of an appropriate design quality, integrates successfully into the landscape and does not cause a detrimental change to, or, further erode the rural character of the area.

The site is located within an area designated High Scenic Amenity (Map 7.1.1 of the Plan). These areas are considered to have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape.

*Policy NH-P-7:* Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: Scenic Amenity, and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.

## 5.2. **Natural Heritage Designations**

There are no natural heritage designations on the site.

## 6.0 **The Appeal**

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

The grounds appeal may be summarised as follows;

- The principle of the development has already been accepted (Ref No 17/50723). The applicants' bona fides has been established.
- Whilst the planning authority state that there are no material planning considerations since the previous refusal, this is not correct. Submission were made directly addressing the planning authority's concerns in relation to visual impact.
- The differences in design, massing and scale between the current proposal and the approved dwelling are not so materially different to justify refusal of the proposal.

- The proposed development is a well designed, modern interpretation of vernacular architecture in this local area. It provides all of the characteristics of local traditional buildings including a long low building, vertical emphasis to gables, narrow plan, 35-55 degree roof pitch and vertical emphasis to fenestration.
- It accords with the well established principles of Location, Siting and Design. It is a replacement dwelling within the curtilage of the original farm house, within a well enclosed and landscaped site and it replaces derelict and visually unsightly roadside buildings.
- It is not accepted that the development is out of character with adjoining development and local vernacular architecture as contended. It is very similar in form to applicants' vernacular farm yard (Map MKA2 at Appendix MKA9) south of the appeal site, which has the former dwelling fronting onto the county road and an outbuilding located gable onto the roadside. There are a number of chalet bungalow holiday home developments located along this county road to the east and west. While the historic cluster is predominantly single storey, the physical characteristics of the appeal site facilitates the proposal with a split level storey and half element.
- It is not accepted that the proposal would be unduly prominent and visually intrusive considering the physical characteristic of the appeal site and the surrounding cluster. The finished floor level is 3.5m below the county road. Adjoining dwellings have ridge heights that are 6m higher than what is proposed. The three sheds closest to the appeal site are 2-3m higher than the proposal. Screening on the north eastern and north western boundaries filter and screen views of the proposal from critical viewpoints along the public road to the north west and south (copies of photographs attached). As the adjoining buildings are significantly higher and the appeal proposal is better screened, it is difficult to accept that the proposal can be considered prominent, visually intrusive or that it cannot be integrated into the local landscape.
- The courtyard element is the most visual element from the public road. The front elevation will be broken up into a number of building forms, have a

courtyard effect, with the garage breaking up the visible front elevation. Part of the front elevation is 250mm lower than the ridge height of the approved dwelling and while the gable end onto the county road is 450mm higher and the proposal has higher and longer gable elevations, this is not considered unacceptable having regard to the mature planting along the site boundary.

- In terms of massing, there is very little difference between the current proposal and the approved dwelling with floor areas of 265m<sup>2</sup> and 255m<sup>2</sup>.
- The house is for a permanent family home for an indigenous family. The house is designed to be a passive house and as such needs to be an L - shaped design to get maximum solar gains. The approved H shaped house will not achieve the same solar gain.
- Requests the Board to consider the planning gains and precedents outlined in the January submission to the planning authority.

## 6.2. Planning Authority Response

The planning authority notes the planning history on the site which includes two refusals, one of which was for an identical type dwelling (18/50127) and the other for a very similar type dwelling (16/51594). There was also a grant of permission (17/50723) for what the planning authority considered provided a well informed contemporary dwelling with siting, design and landscaping all informing the integrity of the proposal. This was considered to represent an appropriate design solution for this visually exposed site within a highly scenic landscape.

It is noted that following the adoption of the development plan the site is located within an area of High Scenic Amenity (HSA). These are landscapes that have *'capacity to absorb sensitively located development of a scale and design that will enable assimilation into the landscape and which does not detract from the landscape'*.

Having regard to both the planning history and the HSA designation of the subject site, the extant planning permission for a house that is considered to integrate successfully with the landscape, and the lack of any material consideration to address the previous reasons for the refusal, the concerns of the planning authority

remain that the proposal represents an inappropriate design solution for the subject site.

## 7.0 Assessment

- 7.1. The principle of a dwelling house on this site has been accepted by the planning (17/50723). The application seeks permission for a change of house type from that previously permitted. This assessment will therefore focus on the issues arising with regard to the suitability of the proposed house on the subject site and will not revisit other matters addressed by the planning authority with respect to the extant permission.
- 7.2. The current proposed house type is broadly similar to that previously refused by the planning authority under Reg Ref No. 16/51594 and 18/5012. The latter application proposed a reduction in the finished floor level of the two-storey part of the house, which is mirrored in the current application before the Board.
- 7.3. The existing permission on the site relates to the development of a house with a H-shaped configuration (17/50723). The road elevation would consist of a single-storey gable end pitched roof dwelling with a stated ridge height of 5.5m. The house, which would have a finished floor level of 138.5m would be positioned parallel to the local road. The front part of the house would be connected to the rear section by a link corridor. The rear section would have a similar rectangular plan and roof profile and would be positioned parallel to the front block of the house. Its ridge height would be similar and its finished floor level would be stepped down to 137.6m
- 7.4. Whilst I consider, given the overall size of the site, that a more compact building arrangement could be achieved on the site, the permitted development replicates elements of vernacular architecture including an elongated narrow plan, low roof pitch and vertically proportioned opes. It also mirrors the arrangement of some traditional homesteads consisting of a house with outbuildings located parallel to the rear.
- 7.5. The site lies within an area designated of High Scenic Amenity (HSA) and these areas are considered to have the capacity to absorb sensitively located development. Development must be of a scale and design that ensures that they can be effectively assimilated without detracting from its landscape quality. Under the



Location, Siting and Design Guide (Part B Appendix 4 of the Plan), it is recognised that the scale, mass and form of buildings in coastal areas requires particular and sensitive consideration.

- 7.6. The site is located on an elevated and exposed coastal hillside and is particularly sensitive to development. Whilst the appellants' argue that the design, massing and scale of the proposed house is not so materially different to that previously approved to warrant refusal of the application, I do not accept this is the case. I draw the attention of the Board to the elevations of the proposed house, which show that the current design departs from the more refined, simple form of the permitted house. The mass, bulk and scale of the house has increased significantly which results in a development which is more difficult to assimilate into its surroundings and is out of character with the scale, form and character of existing traditional housing in the locality. These differences are particularly evident on the side and rear elevations.
- 7.7. Whilst I accept that the site benefits from a shelter belt of deciduous trees, particularly to the west, the site is in a very prominent on the hillside and is highly visible in the wider area. The photographs presented show the trees to their best advantage with full foliage. During significant parts of the year these trees will not provide such an effective screen. There is also the question of potential damage during construction and the timeframe for new trees to establish which would result in a very exposed development, which would significantly detract from the visual amenities of the area.
- 7.8. I am in no position to comment on precedents noted by the applicants', including the development of a large two-storey dwelling permitted at Malin Head, which is stated to be positioned between the road and the sea on a site with little or no natural screening. I would point out to the Board that there is no precedent for similar development on the seaward side of the road in the vicinity of the appeal site. Any new housing development that has been permitted is located on the landward side and is generally simple in form, respecting the pattern and character of existing housing.
- 7.9. I do not consider that the proposed development represents the optimum design solution for this elevated and sensitive site. I consider that permitting a development of such scale, bulk and proportions would set an undesirable precedent for similar

development on the seaward side of the road, which would detract significantly from the visual amenities of the coastal area.

## **8.0 Appropriate Assessment**

- 8.1. The site is located c. 90m south of the North Inishowen Coast SAC 002012. It is of special conservation interest for a number of Annex 1 habitats and species. Due to the separation distance between the site and the SAC there is no potential for direct impacts on its qualifying features which would result in loss or fragmentation of habitats/species. There is potential for impacts to arise from the wastewater treatment system to be provided on the site. It has been established that ground conditions are suitable for the effluent that will discharge to ground following treatment.
- 8.2. Having regard to the location of the development and the nature of the receiving environment, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

## **9.0 EIA Screening**

- 9.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **10.0 Recommendation**

- 10.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the

planning issues, I recommend that permission be refused for the development for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

1. It is considered that the proposed change of house plan, due to its excessive mass, scale, bulk and proportions and its elevated position on a coastal hillside, in an area designated of High Scenic Amenity in the current development plan, would not be capable of effective assimilation in the landscape in this location. It is considered that the proposed development would further erode the rural character of the area and would be out of character with the scale, form and character of existing traditional housing in the locality in conflict with Policy RH-P-1 of the Plan. It is considered that the proposed development would create a precedent for similar type development which would seriously injure the amenities of the area and be contrary to the would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Breda Gannon  
Senior Planning Inspector

3<sup>rd</sup> October 2018