



An
Bord
Pleanála

Inspector's Report ABP-302234-18

Development	Extend existing dwelling, install a new proprietary wastewater treatment along with associated site works.
Location	Breaffy South, Miltown Malbay, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	18112
Applicant	Mary Irving
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Niall & Marion Allen
Date of Site Inspection	27 September 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Breaffy South, Miltown Malbay, Co. Clare, between the public road, the R482, and the sea; where the rear of the site extends to the shore. Breaffy South is 2.3km west of Miltown Malbay and 1.2km north of Spanish Point. The speed limit along this stretch of road is 80kph. The house on the subject site is one of a pair of semi-detached cottages within 5m of the edge of the public road. There are other houses in the vicinity. There is another pair of cottages on the seaward side of the road to the north and an older house and modern bungalow on the seaward side of the road to the south; and a number of houses on the landward side. The site is rectangular in shape, extending from the road to the shoreline.
- 1.1.2. The site is given as 0.133ha.

2.0 Proposed Development

- 2.1.1. It is proposed to alter and extend the existing dwelling, alter the existing front boundary wall and install a new proprietary wastewater treatment along with associated site works. The works to the existing dwelling house involve: a) demolishing and replacing the existing front porch, b) demolishing the existing rear extensions and constructing a new single storey extension, and c) removal and replacement of the existing pitched roof.
- 2.1.2. The layout drawings show that the original cottage has an internal floor area of c 51.04 sq m (46.84 sq m and a porch of 4.2 sqm). The demolition is stated to involve 46.5 sqm although the drawings indicate an old extension of c 35 sqm to be demolished. A garage to the side has already been partly demolished. The total floor area is stated to be 146m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to six conditions, including:

2 The proposed development (drawings as received by the Planning Authority on the 30th May 2018) shall be amended as follows:

- (a) The rear extension shall be revised such that same is located not more than 2.5m from the adjoining (north/eastern) boundary.
- (b) The proposed 1.8m high wall along the north western boundary shall be replaced by a 1.2m high wall which shall not extend past the rear building line of the proposed extension.

Revised drawings providing for the above, including any internal design changes to the extension shall be submitted to the Planning Authority for agreement and approval prior to the commencement of development.

Reason: In order to provide for greater separation distances between the proposed extension and the adjoining dwelling to the northeast in the interests of residential amenity.

3a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage. Details in this regard shall be submitted to the Planning Authority prior to the commencement of development.

Reason: In the interests of traffic safety and to prevent pollution.

4a) The wastewater treatment system

5 Notwithstanding any drawings submitted, the following schedule of materials/finishes only shall be used in the proposed development:

- a) The pitched roof of the existing cottage and the proposed extension shall be finished in natural quarry slate (salvaged or new) black, dark grey or

clue/black in colour. The colour of the ridge tile shall match the colour of the roof and shall be of concrete or clay manufacture without raised edges or ribs.

- b) No changes are permitted to the agreed window sizes, materials or designs. All windows on the front elevation of the cottage and on the porch shall be wooden finish.
- c) The proposed front door on the front elevation shall be wooden finish.
- d) The barges and the fascia and soffits on the porch, shall be wooden finish.
- e) The fascia and soffits on the original cottage, shall be wooden finish.
- f) The proposed chimneys on the original cottage, and on the extension shall be constructed in blockwork and shall be a minimum of 1.5m width (front to back) in order to ensure the traditional dimensions are replicated.
- g) The external wall finishes of the proposed extension shall be smooth plaster. Stone finishes shall be of local natural stone only.
- h) No floodlighting of the proposed development is permitted.

Reason: In the interests of visual amenity and in order to ensure a standard of materials and finishes appropriate to the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on the file.

The first recommending further information on 1 point which issued:

The Planning Authority has concerns that the proposed rear extension may detract from the vernacular heritage of the area by negatively altering the integrity and character of the building which dates from the early 19th century.

It is considered that the relationship of the proposed rear extension with the host cottage will appear bulky and incongruous, and will diminish the appearance of the cottage and will negatively affect the visual amenities of the area. It is considered that the proposal to extend the cottage represents an opportunity to restore the property in accordance with the Planning

Authority's policy objective for vernacular architecture, set out in CDP 15.4 of the County Development Plan 2017-2023, which seeks to support proposals to refurbish vernacular structures that are in a run-down or derelict condition, provided that: such proposals for extensions to vernacular structures are reflective and proportionate to the existing building and do not erode the setting and design qualities of the original structure which make it attractive; Submit proposals.

The house occupies a prominent position on the R482 road along the coast between Spanish Point and the junction with the N67 (Miltown - Lahinch Road).

The existing low roadside boundary wall is to be partly demolished in order to allow cars to drive in and drive forwards out of the site, rather than reversing out. It is not intended to allow parking to the rear of the house and this can be controlled by condition.

The wastewater treatment unit will replace an existing septic tank.

3.3. Other Technical Reports

3.3.1. Architectural Conservation Officer –

The house is on the 1839 OS map

Although not a protected structure or located in an ACA the building, which appears to be in good structural condition, is a fine example of vernacular architecture and retains its traditional proportions and fabric and makes a significant contribution to the scenic West Clare Wild Atlantic Way coastal landscape.

This fine four bay house represents a type of building and use of local materials which characterised the Clare rural landscape and is now becoming increasingly rare. CDP policies are designed to protect vernacular heritage.

The house due to its rural coastal setting, age, condition, design and use of local, natural materials falls within the category of vernacular buildings of significant heritage and amenity value and care must be taken to protect its fabric, character and setting.

No objection in principle to an extension provided it is subservient and retains the vernacular character of the host building.

3.3.2. Environment Section – proposal for upgrade is acceptable.

3.4. Architectural Conservation Officer – The second Architectural Conservation Office report - satisfied with the revised drawings and that the proposed revision will serve to preserve the character of the early 19th century vernacular house. The revised extension reflects the proportions of the host dwelling while not dominating it, while the scale and proportions of fenestration reflect the dimensions of traditional vernacular windows. No objection.

3.5. Planning Report – The second planning report, recommends permission.

3.6. **Third Party Observations**

3.6.1. Third party observations have been read and noted.

4.0 **Planning History**

To southwest

00/2625 Permission to retain first floor extension and rear extension, granted.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. The Clare County Development Plan 2017-2023 is the operative plan. Relevant provisions include:

15.4 re. vernacular heritage - It is an objective of the Development Plan:

a To seek the retention, appreciation and appropriate revitalisation of the vernacular heritage of County Clare, in both towns and rural areas, by deterring the replacement of good quality vernacular buildings with modern structures and by protecting (through the use of ACAs and the RPS and in the normal course of Development Management) vernacular buildings where they contribute to the character of an area or town and/or where they are rare examples of a structure type;

b To support proposals to refurbish vernacular structures that are in a run-down or derelict condition, provided that:

Appropriate traditional building materials and methods are used to carry out repairs to the historic fabric;

Proposals for extensions to vernacular structures are reflective and proportionate to the existing building and do not erode the setting and design qualities of the original structure which make it attractive; While direction for the design should be taken from the historic building stock of the area, it can be expressed in contemporary architectural language.

Chapter 13 landscape

To require all proposed developments within Seascape Character Areas to demonstrate that every effort has been made to reduce the visual impact of the development. This must be demonstrated by assessing the proposal in relation to:

- Views from land to sea;
- Views from sea to land;
- Views along the coastline.

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura sites are: Carrowmore Point to Spanish Point and Islands SAC 001021, located less than 100m away and Mid-Clare Coast SPA, site code 004182, located c 300m away.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.2. John D Jones, Chartered Engineer, has appealed the decision to grant permission on behalf of the third party. The grounds includes:
- The proposed development is in a Heritage Landscape Area, a Seascape Character Area and on the Wild Atlantic Way scenic route, however a visual impact statement has not been submitted. Contrary to CDP objectives 13(4) Seascape Character Areas and 13.5 Heritage Landscapes. No visual impact statement, visual representations or 3D perspectives.

- The proposed development is overdevelopment – more than double the area of the retained building.
- Section A 1.3.1 of the CDP states that a minimum frontage of 30m and a minimum site area of 0.2ha (0.5acres) is required to accommodate a rural dwelling. The frontage is 16.5m and site area 0.133ha (0.33ac). This results in a building of depth 16m. Only the external walls of the original dwelling are being retained and therefore it is essentially a new building and does not comply.
- The report of the Clare Conservation Officer is referred to. The extension consists of two pitched roof masses in an effort to comply with CDP objective 15.4. The overall form, scale and rooflines are not proportionate to the existing vernacular building and the proposal is not subservient to the original architectural form. The impact on the vernacular character of the property would have been very evident if a visual impact statement with visualisations had been included.
- The proposal changes the dominant elevation by 90 degrees and the character of the property into a twin gabled U form house. The character of the original long house is lost.
- The proposed structure is three times deeper than the original structure.
- The proposed new roofs are not subservient and the total extent of additional roof is visible from the public road, increased by almost 200%.
- Overbearing on the adjacent property – 5m extension 5m high gable wall within 1.135m from boundary loss of light and visual amenity. It is unclear how condition 2 (2.5m separation) would impact, e.g. will the rear building line be extended even further, which would negate the benefits of increased separation.
- Does not respect the established rear building line. Moved an additional 5.5m, significant loss of light and visual amenity.
- Does not comply with any of the basic principles in the County Clare Rural House Design Guide which relate to extensions.

- The original longhouse is not parallel to the public road, the effect of this is that when viewed from the public road, the full extent of the proposed extension is visible.
- The rear is visible from the amenity walk around nearby Cream Point, Fintra Beg across the sea inlet; and from the nearby headland at Cleadagh Bridge.

6.3. Applicant Response

6.3.1. The applicant has responded to the grounds of appeal, which includes:

- Outlining stages in the development of their proposal.
- The photograph submitted showing impact from third party's window is taken from worst possible angle and provides a misleading view.
- The grounds ignores the issue of proportionality. What is proposed is not a large industrial factory or a housing estate. It is a small modest extension which will result in a gross increase of less than 20 sqm. It is not a listed building.
- There is no absolute requirement for a visual impact statement.
- The statement that the proposed development is visible from public views on all sides is incorrect. It is not visible from the front or the northeast. It will only start to become visible further south; based on this the dominant elevation will remain the front façade.
- It is not overdevelopment, it is an existing house site.
- An exempted extension could be built which would be more injurious to the neighbours.
- The current drawings were prepared in response to the requirement of the Architectural Conservation Officer and his report of 12th June is referred to.
- It will be one of the smallest residential properties in the area.
- A map indicating the location of other rear extensions in the vicinity is provided in response to the statement that it breaches the rear building line.

- The grounds does not refer to the strategic goals in the CDP, not the aims to repopulate, nor the settlement hierarchy which denominates Spanish Point as a small village.
- The condition of the cottage is referred to and photographs supplied.
- There are three options: its continued deterioration; an exempted extension which would more adversely affect the neighbours and would not restore the vernacular of the original cottage; and the development as permitted by Clare Co Co.

6.4. **Planning Authority Response**

6.4.1. The Planning Authority has responded to the grounds of appeal, which includes:

- Further information sought to address the provisions of Clare CDP. Observations were considered. Condition No 2 sought to address the issue of residential amenity.

7.0 **Assessment**

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, environmental impact assessment, landscape impact / scale in relation to the host dwelling, and impact on residential amenity and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. **Environmental Impact Assessment**

7.3.1. 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 environmental

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.4. Landscape impact / scale in relation to the host dwelling

- 7.4.1. The site of the proposed development is located in an area designated as a heritage landscape which is also a rural area under strong urban pressure, along a scenic route and an area of special control.
- 7.4.2. The first party states that in the settlement hierarchy Spanish Point is a small village. It should be noted that the village of Spanish Point is identified at a location some distance to the south.
- 7.4.3. The third party states that the original longhouse is not parallel to the public road, the effect of this is that when viewed from the public road the full extent of the proposed extension is visible; and that the rear is visible from the amenity walk around nearby Cream Point, Fintra Beg across the sea inlet; and visible from the nearby headland at Cleadagh Bridge.
- 7.4.4. The first party states that the statement that the proposed development is visible from public views on all sides is incorrect. It is not visible from the road at the front or the northeast; it will only start to become visible further south; based on this the dominant elevation will remain the front façade.
- 7.4.5. The site is located between the road and the sea along a scenic touring route, a section of the Wild Atlantic Way, where the shoreline adjoins the rear of the site. The proposed development will significantly increase the scale and visibility of what is at present a modest semi-detached cottage.

7.5. Scale

- 7.5.1. Scale in relation to the host dwelling and impact on the character of the vernacular building is raised as a concern by the third party. The dwelling on this site is a modest, semi-detached traditional long house which predates 1839, as the Ordnance Survey map of that date includes this house.
- 7.5.2. The Architectural Conservation Officer's report states that this fine four bay house represents a type of building and use of local materials which characterised the Clare rural landscape and is now becoming increasingly rare; that the CDP policies

are designed to protect vernacular heritage; and that due to its rural coastal setting, age, condition, design and use of local, natural materials it falls within the category of vernacular buildings of significant heritage and amenity value such that care must be taken to protect its fabric, character and setting. He further advises that there is no objection in principle to an extension provided it is subservient and retains the vernacular character of the host building. Following receipt of the revised design the Architectural Conservation Officer has no objection to the development.

7.5.3. The third party in the grounds of appeal states that the extension consists of two pitched roof masses and that the overall form, scale and rooflines are not proportionate to the existing vernacular building and the proposal is not subservient to the original architectural form. He states that the impact on the vernacular character of the property would have been very evident if a visual impact statement with visualisations had been included; that the proposal changes the dominant elevation by 90 degrees and the character of the property into a twin gabled U form house; that the character of the original long house is lost; that the proposed structure is three times deeper than the original structure; and that the proposed new roofs are not subservient and the total extent of additional roof is visible from the public road, increased by almost 200%.

7.5.4. The original cottage is c 47sqm in floor area (the porch is an additional 4.2 sq m) The proposed extension is stated to be 90.5 sq m – to achieve a total of 146 sqm. An existing extension is to be demolished, stated to be 46.5 sqm. The extension to be demolished appears to be less than this but a garage/shed to the side of the house has already been partly demolished, may be included in the figure. It appears to me that the proposed extension is excessive in view of the scale of the original cottage. The first party states that they have the option of providing an extension as an exempted development of 40 sqm, which would have a more adverse impact on the neighbours. It may be that they can avail of exempted development but it does not appear to be the case that such an exemption could be in addition to the extension already provided to the rear of the dwelling (currently proposed for demolition), as the floor area for exemption is cumulative and earlier extensions would have to be taken into account. I note that in the revised proposal, the window proportions, chimney proportions and treatment of the exterior in terms of materials and finishes would respect the original house but I accept the argument made by the third party

that the proposed development would change the dominant elevation by 90 degrees and transform the character of the property into a twin gabled U form house, in which the character of the original long house would be lost. I note that the importance of vernacular architecture is enshrined in the Development Plan where it is stated that proposals for extensions to vernacular structures should be 'reflective and proportionate to the existing building and do not erode the setting and design qualities of the original structure which make it attractive.' In my opinion the disproportion in scale between the proposed extension and the host dwelling is such as to diminish the host dwelling. This disproportionate increase in scale of a vernacular dwelling in a very sensitive landscape is a reason to refuse permission.

7.6. Amenities of Adjoining Residential Property

- 7.6.1. The third party considers the proposed extension overbearing on the adjacent property, stating that it is a 5m extension, with a 5m high gable wall, within 1.135m of the boundary, with consequent loss of light and visual amenity and they query how condition 2 (2.5m separation) would impact, e.g. will the rear building line be extended even further, which would negate the benefits of increased separation. They consider that it does not respect the established rear building line.
- 7.6.2. The first party refers to the development of the proposed design and that they have attempted to address the neighbour's concerns. Three options are referred to as allowing the continued deterioration of the dwelling, an exempted extension which would more adversely affect the neighbours and would not restore the vernacular of the original cottage and the development as permitted by Clare Co Co.
- 7.6.3. It appears to me that the main impact on the adjoining dwelling is loss of a substantial degree of seashore view that they currently enjoy. The protection of a private view is not a function of the planning system and should not be a reason to refuse permission.

8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

The site is located between the road and the sea along a scenic touring route, which is a section of the Wild Atlantic Way, where the shoreline is visible from the public road. The proposed extension would significantly increase the scale and visibility of the existing semi-detached cottage, would not be subservient to the host dwelling, would diminish the character of this vernacular dwelling, and would seriously detract from the quality of the landscape in this sensitive area. The proposed development would therefore and be contrary to the proper planning and sustainable development of the area.

Planning Inspector

12 December 2018

Appendix 1 Photographs

Appendix 2 Extracts from the Clare County Development Plan 2017-2023