



An
Bord
Pleanála

Inspector's Report ABP-302931-18

Development	RETAIN side extension. Construct new side extension and Garage/studio flat.
Location	Seafield Cottage, Seafield, Quilty, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	18664
Applicant(s)	Patricia McKee Hanna
Type of Application	Permission.
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Willem & Úna Brinkman.
Observer(s)	None.
Date of Site Inspection	17 th January 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located c.1.4km south west of Quilty Village overlooking the Clare coast line. The site is separated from the coast by a local road (L-6206). There is an existing refurbished single storey dwelling on site which is accessed via a gated entrance from the local road.
- 1.2. The site is bounded by a wooden fence to the north east, a grassed earth bank to the west and an earth bank, hedge and low wall to the south. The site is fully visible from the public road.
- 1.3. Development within the immediate vicinity of the site consists of similar single storey dwellings on individual plots, many of which have been extended in some form. The dwelling is c. 20 metres from the coast line and has uninterrupted views of the coast.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Retention of existing side extension to dwelling house.
 - Construction of new side extension.
 - Construction of new garage and studio.

3.0 Planning Authority Decision

3.1. Decision

A split decision issued, permission was granted for the retention of existing extension and new side extension and permission was refused for the proposed garage and studio. Permission was subject to 5 conditions. Condition no. 4 is of relevance as follows:

4. The developer shall provide a fence to 1.8 metres in height to be constructed entirely within the applicant's property boundaries, extending along the line 'C'-'D' as shown on the site layout plan submitted on 16th August 2018. The base of the fence shall be at the existing ground level inside the site and shall not interfere with any existing bank, ditch or wall that

is in place along the property boundary. A revised site layout plan, revised contiguous elevation drawing and elevation drawings of the fence itself showing exact details of the treatment of the boundary shall be submitted to an agreed with the Planning Authority prior to the implementation of boundary treatments. The agreed boundary treatments shall be implemented in full within 6 months of the date of completion of the proposed extension.

The proposed garage and studio were refused for the following reason:

It is considered that the proposed development (garage and studio), by reason of its size, location and siting along with its layout and built form, would result in undue overlooking of the adjoining residential property, would constitute a haphazard style of development which is out of character with the pattern of development in the area and would constitute overdevelopment of the site. Furthermore, the Planning Authority considers that the proposed unit by reason of its size and scale would not be ancillary to the principle dwelling on site and would set an undesirable precedent for other such development proposals. The proposed development would therefore seriously injure the visual and residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with the planning authority decision.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- Department of Culture Heritage and the Gaeltacht – the site is less than 20 metres from the Carrowmore Point to Spanish Point and islands SAC and mid Clare Coast SPA. The Board must ensure that it is satisfied that the development will have no impact on the conservation objectives of the European sites.

3.4. **Third Party Observations**

Two submission were received and the issues raised are covered within the grounds of appeal.

4.0 **Planning History**

There is no recent history pertaining to the appeal site.

Adjoining site

16/567 – Permission was **granted** to extend the appropriate period for 11/288 to erect 2 no. dwellings.

5.0 **Policy and Context**

5.1. **Development Plan**

Clare County Development Plan 2017-2023

- Heritage Landscapes – areas where natural and cultural heritage are given priority and where development is not precluded but happens more slowly and carefully.
- A1.3 - Residential Development
- Objective CDP3.7 – Development in Clusters
- Objective CDP13.5 - Heritage Landscapes.
- Objective CDP 13.6 - New Single Holiday Homes in the Countryside

West Clare Municipal District Written Statement 2017-2023

- To ensure that future development reflects the distinctive character of the area in terms of scale, design and location;

5.2. **Natural Heritage Designations**

Carrowmore Point to Spanish Point and islands SAC and Clare Coast SPA are located c. 52 metres north west of the appeal site.

5.3. EIA Screening

The development is not of a class for the purpose of EIAR.

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeal has been submitted by the neighbouring property located to the south west of the appeal site. The issues raised within the grounds of appeal can be summarised as follows:

- Development is insensitive and intrusive on NHA.
- Flooding.
- Stone wall should remain.
- Drawings are misleading and not accurate
- Flat roof not in keeping with development in area.
- Retention permission is not considered to be acceptable and should not be permitted.
- Overlooking.
- Door would create nuisance for neighbouring property.
- Loss of light.
- Overdevelopment.
- Impact on natural environment.
- Contravenes objectives of Clare Development Plan.
- Development will impact areas ability to attract tourism.
- Condition no. 4 regarding the fence is not considered to be enough to address the appellants concerns. They have concerns regarding the noise and dust generated during construction.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- Condition no.4 was considered sufficient to address the appellants concerns.

6.4. Observations

- None

7.0 Assessment

7.1. The site is located within a rural area under Strong Urban Pressure and a Heritage Landscape outside of the development boundary on un-zoned lands. Residential development within these areas is accepted subject to restrictions set out within Section 3.2.5 of the Clare County Development Plan 2017-2023.

7.2. It is important to clarify at the outset that a split decision was issued by the Council. The appeal pertains solely to the items granted by the Council i.e proposed two storey extension and retained single storey extension. Whilst this assessment will have regard to these grounds of appeal, it is considered that a de novo assessment of the development is appropriate in this instance. Accordingly, I consider that the relevant issues in determining the current appeal before the Board relates to

- Compliance with Section 3.2.5 of the Clare County Development Plan.
- Design
- Overlooking & Impact on Residential Amenity.
- Overshadowing.
- Flood.
- Appropriate Assessment.

Compliance with Section 3.2.5 of the Clare County Development Plan

7.3. Concerns have been raised within the grounds of appeal as to the suitability of the site to accommodate an additional dwelling in the form of a garage and studio. There are a number of policies and objectives within the Clare County Development Plan pertaining to such types of development which include reference to both holiday homes and new single dwellings within the countryside. As mentioned in Section 7.1 above, the appeal site is located within an area of Special Planning Control and is

identified within the development plan as a Heritage Landscape in an area under Strong Urban Pressure. Section 3.2.5 of the development plan requires new single dwellings and holiday accommodation to comply with the requirements of objective CDP 3.11 and CDP 3.16.

- 7.4. It is of note that the applicant has not specified the intended use of the proposed studio flat and as such the proposed studio flat will be assessed against the requirements of both CDP3.11 and CDP3.16. Objective CDP 3.11 restricts the development of new single dwellings in such rural areas to the following:
- 1) local rural persons,
 - 2) persons working full time or part-time in rural areas and,
 - 3) persons whom have an exceptional health and/or family circumstance.
- 7.5. In the absence of any supporting information and the adequate demonstration of need for a dwelling at this location, the applicant has failed to comply with the requirements of objective CDP 3.11 and as such I consider the principle of this element of the development to be unacceptable.
- 7.6. Objective CDP 3.16 of the development plan relates to the development of holiday homes in the countryside. Objective CDP 3.16 seeks to only permit these types of new dwellings on appropriately zoned-lands within certain settlements. The appeal site, as mentioned above, is located within an un-zoned site in the rural area. The development of a studio flat at this location would therefore not comply with the requirements of objective CDP 3.16.

Design

- 7.7. It is noted within the grounds of appeal that concerns were raised in relation to the overall design of the development in terms of the window sizes and the provision of a flat roof at first floor. The County Clare Rural House Design Guide provides guidance for the extension of existing dwellings in the rural area and supports the development of contemporary extensions in such locations.
- 7.8. The existing single storey extension to the north east of the dwelling appears as a subservient and symmetrical addition to the dwelling and I consider the design of this element of the proposal to be in keeping with the character and appearance of the existing dwelling.

- 7.9. Whilst I acknowledge the appellants concerns in relation to the proposed flat roof within the north western element of the development, I note that this element of the proposal is stepped back from the front building line and by doing so the designer has significantly reduced the dominance of this element when viewed in conjunction with the existing dwelling. I also note that the proposed fenestration is vertical in emphasis and generally appears symmetrical within the front elevation, the provision of a recessed balcony within this elevation complements this contemporary design and is appropriate to this coastal location.
- 7.10. Overall the design of the existing single storey and proposed two storey extension is acceptable and in accordance with the requirements of the County Clare Rural House Design Guide.

Overlooking & Impact on Residential Amenity

- 7.11. The appellants have raised concerns within the grounds of appeal in relation to the proximity of the proposed two storey extension to their property. It is stated that the proposed large windows and doors within this element of the development will generate overlooking to their property. Further concerns have been raised within the grounds of appeal in relation to the obstruction of views from the Coast road to the open pasture to the rear of the existing appeal site and the generation of noise from the proposed side door at ground floor given its proximity to the side of their dwelling.
- 7.12. This two-storey element of the proposal will provide two ensuite bedrooms at ground and first floor. Obscured glazing is proposed at first floor within both the side and rear elevations and as such no overlooking issues will arise from this element of the proposal.
- 7.13. Views from the coast road to the lands behind the appeal site are not protected and the interruption of these views are not relevant to the assessment of the development.
- 7.14. It is proposed as part of the development to provide a 1.8 metre concrete post and timber fence along the south western boundary of the appeal site. The provision of such boundary treatment will provide an adequate level of privacy for both dwellings at this location and will adequately mitigate any potential nuisance arising from the side door at ground floor.

Overshadowing

- 7.15. The appellants contend that the proposed two storey side extension will result in a loss of light to their property. It is of note that the lands on which the appellants dwelling is sited are elevated above that of the appeal site. In addition, there is an existing single storey garage within the appellants lands along the boundary with the appeal site. The proposed two storey element will reach an overall height of c. 5 metres and is set back from the appellants site at an angle with a separation distance of in excess of 5 metres. Having regard to the limited height of the proposed extension, the proposed separation distances between the sites and the orientation of the dwellings in a west east direction I consider that overshadowing from the proposed development would be minimal and would not be so significant as to warrant a refusal. The proposed two storey extension is therefore considered to be acceptable in this regard.

Flooding

- 7.16. I noted at the time of site inspection that there was ponding within the front garden of the appeal site, this has been raised within the grounds of appeal also. The applicant will be required by way of condition to ensure that any development permitted on this site will be constructed in such a manner so as not to exacerbate any surface water flooding within the site or within neighbouring lands. Such types of ponding can be alleviated through the use of adequate surface water drainage.

Appropriate Assessment

- 7.17. As mentioned above the Carrowmore Point to Spanish Point and islands SAC and mid Clare Coast SPA are located c.52 metres to the west of the site (As measured from the EPA Appropriate Assessment online maps). It is of note that the Department of Culture Heritage and the Gaeltacht state a separation distance of 20 metres. Notwithstanding this, the site is located in a serviced built up site and is separated from the European Sites by an existing local road. It is prudent to note that the proposed development is an extension to an existing dwelling, development will therefore be contained within the boundary of the appeal site and will not interfere or encroach upon the SAC or SPA.
- 7.18. Having regard to the minor nature of the development, its location in a built up and serviced site, 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.

Conclusion

- 7.19. Having regard to the information submitted and the characteristics of the site I consider the proposed two storey extension and existing single storey extension, for which permission is sought to retain, to be acceptable forms of development. These elements of the development are in accordance with the requirements of the Clare County Development Plan 2017-2023 and the County Clare Rural House Design Guide.
- 7.20. The proposed garage / studio flat element of the proposal would result in a new single dwelling in an area under Special Planning Control. Based on the information submitted and in the absence of any supporting documentation in relation to the need for such a development the applicant has failed to demonstrate compliance with the requirements of both objective CDP3.11 and CDP3.16. The proposal would therefore be contrary to the provisions of these objectives and Section 3.4.5 of the Clare County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of this rural area. I therefore consider this element of the proposal to be unacceptable.

8.0 Recommendation

8.1. I recommend a split decision as follows:

1. Permission is refused for the proposed garage/studio flat.
2. Permission is granted for the retention of the existing single storey extension and the proposed two storey extension.

9.0 Reasons and Considerations (1)

1. The proposed garage/studio flat would provide a new single dwelling in the countryside in an area under Strong Urban Pressure and an identified Heritage Landscape. Objective CDP3.11 and CDP 3.16 of the Clare County Development Plan 2017-2023 apply and seek to restrict the development of new single

dwelling and holiday homes in rural areas under Special Planning Control. These objectives are reasonable. Based on the information submitted the applicant has failed to demonstrate a need for a new single dwelling and/or holiday home at this location and has therefore failed to comply with the requirements of both objective CDP3.11 and CDP3.16. The proposed development would therefore be contrary to the provisions of the Clare County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

10.0 Reasons and Considerations (2)

10.1. Having regard to the provisions of the Clare County Development Plan 2017-2023, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the single storey extension to be retained and the proposed two storey extension would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be retained 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 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.

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

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

Sarah Lynch
Planning Inspector

20th February 2018