



An
Bord
Pleanála

Inspector's Report ABP-303856-19

Development	House Extension
Location	Harbour View, Woodside Road, Barnacullia, Sandyford, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1157
Applicant(s)	Theresa Doyle
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Theresa Doyle
Observer(s)	n/a
Date of Site Inspection	24 th May 2019
Inspector	Mary Crowley

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14.0 Conditions **Error! Bookmark not defined.**

1.0 Site Location and Description

- 1.1. The appeal with a stated area of 0.0102 ha is located in an elevated site that affords panoramic views of Dublin city and the surrounding landscape. There is an existing house on the site comprising a single storey cottage style dwelling with a large two storey extension to the side that resembles a second dwelling. A raised garden is positioned to the north and west of the dwelling. A detached garage, car port and other sheds are located within the curtilage. The wider area is characterised by a proliferation of one off housing and liner development in various styles and sizes.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail

2.0 Proposed Development

- 2.1. Permission is sought for the following:
- Demolition of the single storey cottage (34.6sqm) to the south of the existing house
 - Construction of a new single and two-storey extension (157.6sqm) to the north of the existing detached house
 - Construction of a new single storey porch and utility room to the south
 - Minor amendments to the elevations of the existing building
 - Internal refurbishment and remodelling works to the existing house
 - New wastewater treatment system for the dwelling
 - New hard and soft landscaping to the front and sides of the house and
 - All associated drainage and site development works
- 2.2. The application was accompanied by a Site Characterisation Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC issued a notification of decision to refuse planning permission for the following reason:

The proposed demolition of the existing cottage would be detrimental to the rural character of the landscape and the proposed extension is considered out-of-scale and character with the area, as well as overly-dominant and incongruous for this elevated and prominent rural site. The proposals are contrary to Section 8.2.3.6 Rural Housing of the County Development Plan 2016-2022 and takes insufficient account of the location of the site in a transitional zonal area. If permitted, the proposals would create a precedent for similar unsympathetic developments in the area, contrary to the proper planning and sustainable development of the area.

Note: *The applicant's attention is drawn to the concerns raised in relation to foul and surface water disposal and these should be addressed in any future application*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** having considered the scheme recommended that permission be refused for a single reason relating to the overly-dominant and incongruous nature of the proposed scheme for this elevated and prominent rural site. In addition specific attention was drawn to the concerns raised in relation to foul and surface water disposal and that these should be addressed in any future application. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Planning** – Requested further information in relation to surface water disposal and hardstanding areas.

- **Environmental Health Officer** – Requested further information in relation to the proposed waste water treatment system and the decommissioning of the existing septic tank.
- **Transportation** – No stated objection subject to conditions relating to the construction activities and works.

3.3. Prescribed Bodies

3.3.1. There are no reports from any prescribed bodies on the planning file.

3.4. Third Party Observations

3.4.1. There are no observations recorded on the planning file.

4.0 Planning History

4.1. There is no evidence of any previous planning application or appeal at this site.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective B** where the objective is *to protect and/or improve rural amenity and to provide for the development of agriculture*. **Section 8.2.3.4(i)** deals with extensions to dwellings. **Section 8.2.3.6** deals with Rural Housing. **Section 8.2.7.3** deals with High Amenity Landscapes, Views & Prospects. It is further noted that the site is within 30m of land Zoned G where the stated objective is *to protect and improve high amenity areas*.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development comprising the demolition of the existing single storey cottage, the construction of a new single and two-storey extension to the existing detached house and new wastewater treatment system there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been prepared and submitted by NODE Architects on behalf of the applicant against the decision to refuse permission and may be summarised as follows:

- The works will not adversely affect the character of the existing environment and the proposal is consistent with the objectives of the development plan.
- The site can comfortably accommodate the interventions proposed and the style of the new work complements the existing building
- The scale and massing of the new works has been broken down through the use of recessed elements and materials which blend into the landscape reducing the apparent scale of the overall proposal
- The construction of the proposed extension will be a welcome addition to the property and should ensure that this house will be maintained in good order for many years to come
- The building will be upgraded internally and externally which will sustain its long term viability and appearance in this sensitive location
- The proposed development is consistent with the proper planning and development of the area and as such is considered to be entirely in line with the zoning objective of the site.

- Matters raised by the EHO in relation to the new waste water discharge system and surface water could be dealt with by way of condition.
- There is no evidence to suggest that the proposed development would be detrimental to the amenities of the more environmentally sensitive Transitional Zone Area.

6.2. Planning Authority Response

- 6.2.1. DLRCC refers to the previous Planners Report and states that *the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.*

6.3. Observations

- 6.3.1. There are no observations recorded on the appeal file.

6.4. Further Responses

- 6.4.1. There are no further response recorded on the appeal file.

7.0 Assessment

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Scale & Design
- Wastewater Disposal
- Other Issues

8.0 Principle

- 8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective B where the objective

is to protect and/or improve rural amenity and to provide for the development of agriculture and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. I am satisfied that the principle of the development is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

9.0 Scale & Design

- 9.1. DLRCC issued a notification of decision to refuse permission for the (a) demolition of the existing cottage as it would be detrimental to the rural character of the landscape and (b) the proposed extension as it was considered to be out-of-scale and character with the area, as well as overly-dominant and incongruous for this elevated and prominent rural site. It was stated that the proposals are contrary to Section 8.2.3.6 Rural Housing of the County Development Plan 2016-2022.
- 9.2. The existing house consists of the original cottage with a two storey extension added approximately 30 years ago. It is evident that because of the nature of the site which banks very steeply to the rear, the house is not very deep in plan and is therefore limited in size. It is submitted that the two buildings which form the overall existing dwelling do not integrate very well in either plan or in elevation where they appear as two separate dwellings. I agree with this observation. While I also agree with the Case Planner, in part, that the existing cottage to be demolished has a vernacular and traditional rural appearance, it remains that it is not a protected structure. Taken together with the incongruous nature of the adjunct two storey extension it is my view that the overall contribution of this cottage to the area has been lost both in terms of preserving traditional architecture and in the wider character of the area. Accordingly there is no objection to the demolition of the existing cottage.
- 9.3. In terms of elevational treatment the proposed extension and associated works will eliminate any trace of the existing building on site and the substantial works proposed are in my view more akin to a replacement dwelling. While there is no objection to the contemporary style and design, concern is raised with the scale of the works proposed and its appropriateness or otherwise at this elevation location.

- 9.4. As set out previously the site affords magnificent views of over the city and Dublin Bay. I note the Case Planners comments that the proposed proposal would contribute to the cumulative erosion of the character of the rural landscape in an area zoned for rural amenity and agricultural purposes and close to protected views and lands zoned for high amenity. Notwithstanding this description it was evident on day of site inspection that this rural location is characterised by a proliferation of one off housing and liner development in various styles, designs and sizes. Overall I consider the proposed development to be compatible with site conditions and that it would not be dominant, intrusive or incongruous in the landscape. Having regard the particular circumstance pertaining to the topography of the site and its setting this modern extension has had due regard to its context and is therefore acceptable.
- 9.5. In general terms I am satisfied that the scheme will not result in unacceptable levels of overshadowing, overbearing and overlooking and that the remaining rear private open space, in its orientation and usability is acceptable.
- 9.6. In conclusion I do not consider that the works would be out-of-scale and character with the area, and that they would not be overly-dominant or incongruous at this elevated and prominent rural site. It is recommended that the reason for refusal is set aside.

10.0 Wastewater Disposal

- 10.1. DLRCC in their reason for refusal set out the following "note":

Note: The applicant's attention is drawn to the concerns raised in relation to foul and surface water disposal and these should be addressed in any future application

- 10.2. As part of the proposed development permission was also sought for a new wastewater treatment system for the dwelling. The application was accompanied by a Site Characterisation Report.
- 10.3. In their assessment of the scheme DLRCC Environmental Health Officer (EHO) requested further information in relation to the proposed waste water treatment system and the decommissioning of the existing septic tank.
- 10.4. As set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 site assessment and the design of waste water treatment systems and percolation areas

shall generally conform with the Environmental Protection Agency's 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses', (2009) and the requirements of the Environmental Health Office.

10.5. I refer to the Site Characterisation Report together with the site plans contained within the report. While I agree with the conclusions that the site is suitable for a packaged wastewater treatment system and polishing filter I share the concerns raised by the EHO that there is inadequate information in relation to when and how the existing septic tank will be decommissioned; position of waste water treatment systems (including percolation areas) of neighbouring dwellings; surface water disposal and the provision of a cross sectional drawing of the site layout demonstrating the finished level of the proposed waste water treatment system. Overall it must be demonstrated that the proposal is in compliance with all relevant elements of the Environmental Protection Agency's 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses', (2009).

10.6. I consider that in all likelihood the risk to public health is much greater in respect of an existing septic tank that does not comply with current EPA standards whereby the introduction of a modern compliant system is to be encouraged. However in the absence of the foregoing information it is recommended that a precautionary approach be taken and permission be refused.

11.0 Other Issues

11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the demolition of the existing single storey cottage, the construction of a new single and two-storey extension to the existing detached house and new wastewater treatment system and its 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 or projects on a European site.

11.2. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it

is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

12.0 Recommendation

12.1. It is recommended that permission be **REFUSED** subject to conditions for the reasons and considerations set out below.

13.0 Reasons and Considerations

1. As set out in Section 8.2.3.6(ix) Rural Housing Waste Water Treatment Systems of the Dun Laoghaire Rathdown County Development Plan 2016-2022; site assessment and the design of waste water treatment systems and percolation areas shall generally conform with the Environmental Protection Agency's 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses', (2009) and the requirements of the Environmental Health Office. This policy is considered reasonable. Having regard to the inadequate information available with the application in relation the safe disposal of waste water the Board cannot be satisfied that the proposal complies with the Environmental Protection Agency's 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses', (2009). The proposed development, would, therefore, contravene this policy, and would be prejudicial to public health.

Mary Crowley

Senior Planning Inspector

27th May 2019