



An
Bord
Pleanála

Inspector's Report

ABP-305225-19

Development	Alterations to house, construction of a two-storey extension, detached shed and ancillary site works.
Location	Nemestown, Kilmore, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20190781
Applicant(s)	Esmonde Keane & Susan Gilvarry.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Esmonde Keane & Susan Gilvarry
Date of Site Inspection	24 th October 2019
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.2947 hectares, is located approximately 1.7km north east of Kilmore Quay. The appeal site is occupied by an existing two-storey dwelling that is accessed off a private laneway that runs on north south axis down to the coast (approximately 200m from the site). There is an existing dwelling located on the adjoining site immediately south of the appeal site and agricultural lands adjoining the northern and eastern boundaries of the site. Existing boundaries on site consist of hedgerow along the northern, southern and eastern boundaries.

2.0 Proposed Development

2.1. Permission is sought for alterations to an existing house including a two-storey extension, construction of a detached shed and ancillary site works. The proposed extension has a floor area 108sqm and a maximum ridge height of 6.756m. The extension features a profiled metal cladding and three pitched roof sections. The proposed shed has a floor area of 52sqm and a ridge height of 5.450, it features a pitched roof and an external finish of corrugated sheeting. The proposal entails the provision of a new wastewater treatment system and percolation area.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. The application site is located within a landscape designed as a 'Coastal Zone'. It is the policy of the Council within these Coastal Areas to ensure that developments are appropriately designed so as to ensure they do not detract from the visual amenity of the area, are in keeping with the scale and character of the surrounding area, and they do not present as visually obtrusive and incongruous with their setting. The proposed development, by reason of its excessive mass and scale, would present as a visually obtrusive and dominant feature within this highly sensitive Coastal location. The proposed development would be wholly incongruous

within the surround landscape, and would set an undesirable precedent for further inappropriate development in such a sensitive location. The proposed development is contrary to Objectives L03, L04, CZM07, CZM13 and CZM17, and Section 18.13.1 of the Wexford County development Plan 2013-2019, and to the proper planning and sustainable development of the area.

2. It is the policy of the Council to require that domestic garages/stores have a maximum height not exceeding 5m, and a maximum internal floor area of 80sqm. The proposed storage shed has a height of 5.45m, which does not comply with the policy for such structures. As such the proposed development would be contrary Section 18.13.2 of the Wexford County Development Plan 2013-2019, and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (24/07/19): The design and scale was deemed to be inappropriate in the coastal zone and the garage was noted as being excessive in height and scale and contrary Development Plan policy for domestic garages. Refusal was recommended based on the reasons outlined above.

3.3. Prescribed Bodies

3.3 None.

3.4. Third Party Observations

3.4.1 None

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Wexford County Council Development Plan 2013-2019.

Chapter 13 Coastal Zone Management

Objective CZM07

To ensure that developments in the coastal zone are correctly sited and designed having regard to visual impact on the coastal zone and the coastal landscape character unit.

Objective CZM13

To ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area.

Objective CZM17

To ensure that development is in keeping with the scale and character of the coastal settlement, and that the design positively contributes to and enhances the coastal landscape setting.

Chapter 14 Natural Heritage

Objective L03

To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.

Objective L04

To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

18.13.1 House Extensions

The adaptation and extension of existing homes to meet changing circumstances, aspirations and technological requirements will, in general, be facilitated by the Council.

Extensions to a dwelling house shall not be used, sold, let or otherwise transferred or conveyed separately to the main dwelling unless this was expressly authorised in the planning permission.

Each planning application will be considered on its merits having regard to the site's context and having regard to the following:

- The proposed extension should be of a scale and position which would not be unduly incongruous with its context.
- The design and finish of the proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More contemporary designs and finishes often represent a more architecturally honest approach to the extension of a property and can better achieve other objectives, such as enhancing internal natural light.
- The proposed extension should not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.
- The proposed extension should not impinge on the ability of adjoining properties to construct a similar extension.
- Site coverage should be carefully considered to avoid unacceptable loss of private open space.

- The degree to which the size, position and design of the extension is necessary to meet a specific family need, for example, adaptations to provide accommodation for people with disabilities.

The Council will consider exemptions to the above in the case of adaptation required to provide accommodation for people with disabilities. This will be assessed on a case-by case basis.

Section 18.13.2 Domestic Garages/Stores

The development of a domestic garage/store for use ancillary to the enjoyment of the dwelling house will be considered subject to the following standards:

- The garage/store shall have a maximum floor area of 80m² and a maximum height of 5m.
- The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.
- The garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.

The Council may consider exceptions to these criteria having regard to the need for the development and the characteristics of the site.

5.2. **Natural Heritage Designations**

None.

5.3. **EIA Screening**

In this circumstance, upon preliminary examination, it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by O'Driscoll Lynn Architects on behalf of the applicants, Esmonde Keane & Susan Gilvarry, 35 Wellington Place, Dublin D04H3K1.

- It is noted that the design approach to the extension of the dwelling is appropriate at this location and that the design of the shed is as an agricultural type structure.
- It is noted that the proposed development would not be unduly obtrusive in the landscape with a visual impact study demonstrating such. The extension is located to the rear and is not highly visible from the nearest public area and is screened by existing vegetation. It is noted that the design has adequate regard to its coastal location and would have no significant or adverse impact on the coastal landscape character unit.
- The proposed development is consistent with Development Plan policy in regards to extensions under Section 18.13.1 of the plan.
- The proposal entails reinstatement of an existing/disused dwelling and complies with rural housing objectives in the Sustainable Rural Housing Strategy.
- In relation to the height of the shed it is noted that such could have been dealt with by way of further information or a condition requiring submission of revised plans with a lower ridge height. The appellants/applicants request that a condition be included to deal with this matter in the event of a grant of permission.

6.2. Planning Authority Response

6.2.1 The Planning Authority have no further comment to make.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Design, scale, visual amenity/landscape character.

Wastewater treatment

Appropriate Assessment

7.2. Design, scale, visual amenity/landscape character.

7.2.1 The proposal entails the construction of a two-storey extension to the rear of an existing two-storey dwelling within the 'Coastal Zone' area. The design and scale of the proposed extension was considered inappropriate being visually obtrusive and incongruous. The appeal site is located within the coastal zone and a short distance from the coast with a number of policies indicating that the design and visual impact of development in this area must have regard to its location within the coastal landscape character unit.

7.2.2 The design of the extension provides for a contemporary style extension to the rear of the existing dwelling that is distinctive in character and provides a contrast in terms of architectural form and external finishes to the existing dwelling. The extension is a significant extension being a two-storey extension that has a floor area of 108sqm, which doubles the floor area of the existing dwelling (106sqm). The proposed extension has a marginally higher ridge height than the existing dwelling (0.983m). Despite being a significant extension to the floor area of the existing dwelling, the design approach in this case is of a good standard. The existing dwelling is a vernacular style dwelling and the proposed extension allows for the proportions and character of the existing dwelling to be retained while providing for a new extension that is a clear distinction between what is old and new. Despite the contrast I would consider that the new extension integrates well with the existing dwelling and provides for a design of good architectural character. I would consider

that the design of the proposed extension complies with Development Plan policy for extensions as set down under Section 18.13.1.

7.2.3 The appeal site despite being located within the coastal zone is not a prominent site. The site is located in a low lying relatively flat landscape and the appeal site has existing hedgerow boundaries. The appeal site is not particularly visible from any public road due to its location off a private laneway and is sufficient distance from the coastline so as to have no significant or prominent visual impact. Despite the extension doubling the size of the existing dwelling, I would be of the view that it is of a scale and design that would not be a visually obtrusive element within the landscape. The first party appellants have included a visual impact study showing the appeal site from a number of views in the surrounding area including the coastline and intervening area. I am satisfied that this study adequately demonstrates that the visual impact of the proposed development would not be significant at this location. The external finish of the proposed extension is profiled metal cladding. No colour is indicated however the finish is clearly darker than the finish of the existing dwelling. The 3D views indicate a dark red colour. I am satisfied that this issue of external colour could be dealt with by way of a standard condition requiring agreement with the Planning Authority. I am satisfied that proposal is for an extension to an existing dwelling that is satisfactory in terms of design and scale and would be acceptable in the context of its visual impact and landscape character.

7.2.4 The proposal entails the construction of a shed along the southern boundary of the site. The shed has a floor area of 52sqm and a ridge height of 5.450m. Section 18.13.2 of the County Development Plan notes that a “garage/store shall have a maximum floor area of 80m² and a maximum height of 5m”. It is noted under this Section “that the Council may consider exceptions to these criteria having regard to the need for the development and the characteristics of the site”. The appellants have suggested that a condition be applied reducing the ridge height of the shed to 5m. Viewed on its merits I would be of the view that the overall design and scale of the shed is satisfactory in the context of the visual amenities of the area. I see no reason to apply a condition reducing the ridge height and if anything such would

provide for a shallower pitched roof that would be less aesthetically appealing with the pitch of the roof more in keeping with the vernacular style. I would note that the policy does allow for deviation from the 5m height and in this case I would consider the proposal to be acceptable in the context of Development Plan policy and the visual amenities of the area.

7.3 Wastewater treatment:

7.3.1 The proposal entails the provision of a new wastewater treatment system and percolation area (although such has not been indicated in the public notices). The documents submitted include a site characterisation form. The results indicate that the site is suitable for operation of a wastewater treatment system subject to a site specific design. Notwithstanding the results of site characterisation, the proposal for a new wastewater treatment system to serve an existing habitable dwelling is satisfactory in regards to public health with it reasonable to assume that a new wastewater treatment system is a significant upgrade over the existing wastewater treatment facilities on site and therefore acceptable in the context of public health.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity 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.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the scale, layout and design of the proposed extension and shed, it is considered that, subject to compliance with conditions set out below, the

proposed development would not seriously injure the residential of amenities of adjoining properties or the visual amenity of the coastal area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

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

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

6.

(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 6th day of June, 2019, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of

the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

06th November 2019