



An  
Bord  
Pleanála

## Inspector's Report ABP-305254-19

### Development

To construct a single-storey extension to the side and rear of the existing house, a new dormer at first floor level, upgrading of existing percolation area, new garage and stable block to the rear of the site and widening of an existing vehicular entrance. Also, retention permission for a dormer extension to the rear of the original cottage and all associated site works.

### Location

Kilcoole, Rathoe, Co. Carlow

### Planning Authority

Carlow County Council

### Planning Authority Reg. Ref.

19/133

### Applicant(s)

Eamon O'Reilly

### Type of Application

Permission and Retention

### Planning Authority Decision

Grant permission.

### Type of Appeal

Third Party

### Appellant(s)

Liam & Lily Quigley

### Observer(s)

None

**Date of Site Inspection**

12<sup>th</sup> November 2019

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.45 hectares is located in the townland of Kilcoole Co. Carlow, to the north of the L3050-69 local road and is approximately 450 m to the east of the junction with the N80 National Secondary Road. The site is approximately 9 km to the south east of Carlow town centre.
- 1.2. There is a detached house located to the front of the site and the front boundary consists of a timber post and rail fence with a recently planted hedgerow on the inside. A concrete edging/ rubbing strip has been provided on both sides of the site entrance with bollards. The entrance is set back from the roadside edge however the house/ entrance is located on a bend with relatively poor sightlines.
- 1.3. The area is characterised by detached houses on individual sites on both sides of this local road. A semi-derelict house is located to the north west of the site and appears to have been abandoned for some time. A dormer house is located to the east of the site and lands to the rear are primarily in agricultural use.

## 2.0 Proposed Development

- 2.1. The development consists of:
  - Construction of a single-storey extension to the side/ north west and rear/ south east of the existing house. Extension to provide for an additional 81.5 sq m.
  - New dormer window at first floor level facing north west.
  - New garage and stable block to rear of the site/ north east corner with a stated floor area of 80 sq m.
  - Upgrade an existing percolation area.
  - Widening of existing site entrance.
  - Retention of a dormer extension with a stated area of 61 sq m to the rear/ north west of the house.
  - All associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. The further information was with regard to the number of horses to be housed in the stables, detail of the stables drainage, rainwater drainage from the roof of the stables/ garage and details on whether the horses will be washed down and if so how this was to be disposed of. In response, two horses to be accommodated, dry bedding to be provided and suitably disposed, a soak pit is to be used for drainage and details of a holding tank have been provided.
- 3.1.2. Specific conditions relate to materials matching the existing structure, use of the stables/ garage to be limited, details regarding the site entrance, drainage of the site and drainage of the stables to comply with relevant requirements and revisions to the wastewater treatment system.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions.

#### 3.2.2. Other Technical Reports

**Environment:** Following further information submission, no objection subject to conditions.

**Transportation:** No objection.

**Water Services:** No objection subject to conditions.

**Chief Fire Officer:** No objection subject to conditions.

**Muinebheag Municipal District:** Note that sightlines are poor, and that surface water is not to enter onto the public road.

#### 3.2.3. Prescribed Bodies Reports

**Irish Water:** No objection subject to condition.

### 3.2.4. **Objections/ Observations**

Three separate letters of objection were received, and submissions include:

- Mr & Mrs Glynn who reside to the south west of the subject site have no objection to the extension to the house and retention of existing works but do have serious reservations regarding the garage/ stable block and the widening of the entrance. Traffic safety was raised regarding the entrance and concern that the garage/ stables could be used to subdivide the site in the future.
- Mr & Mrs Tunstall who reside to the east of the site have no objection to the proposal to extend the house. Concern was raised regarding the sightlines at the entrance which are of a poor quality and Carlow County Council has carried out localised works to alert drivers. The provision of the stables would give rise to noise, equine waste in an area near to an existing well and would be an intensive agricultural business in a residential area.
- Mr & Mrs Quigley live to the east of the site and who also have no objection to the extension to the house. Concern is raised regarding the scale of the stable/ garage block and the widening of the entrance. Concern is also expressed that the widened entrance could allow for subdivision of the site in the future. It is noted that three previous applications on this site were refused permission, though it is acknowledged that the subject application is not for a new house.

The applicant has submitted a response to these comments and the following points are made:

- There is no proposal to subdivide the site and the applicant proposes to 'clean up this site'.
- The garage and stables are for domestic use and will not give rise to pollution in the area.
- Noise will not be an issue in this rural area.
- The revisions to the entrance are to improve sightlines; there is no other intention in this regard. This will not impact on the recently completed works carried out by Carlow County Council.

## 4.0 Planning History

The following refer to the subject site:

**P.A. Ref. 15/357** and **ABP Ref. PL01.246711** refers to a September 2016 decision to refuse permission for a dormer dwelling, wastewater treatment system and the widening of an existing entrance to allow for shared entrance to an existing house in addition to the proposed dwelling. Three reasons for refusal were issued and, in summary, they referred to; traffic hazard due to additional vehicular movements on a poor quality road; the development would give rise to ribbon development and the development does not demonstrate a local rural-generated housing need and would therefore be contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government, 2005.

**P.A. Ref. 15/226** refers to a September 2015 decision to refuse permission for a dormer style dwelling, garage, wastewater treatment system, new entrance, connection to existing water mains and all associated site works. Two reasons for refusal were issued and, in summary, they referred to; traffic hazard due to poor visibility on a bend; and, would conflict with the Carlow County Development Plan which seeks to prevent excessive ribbon development.

**P.A. Ref. 07/1262** refers to a February 2008 decision to refuse permission for a dormer dwelling house, domestic garage, sewerage treatment system with polishing filter and associated site works. Five reasons for refusal were issued and, in summary, they referred to; traffic hazard, ribbon development, precedent of development in an area lacking services, overdevelopment of the site and contrary to County Development Plan Policy regarding rural development.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. Under the Carlow County Development Plan 2015 – 2021, the site does not lie within any Development Boundary area, however, it is located within an 'Area Under Urban Influence'.

- 5.1.2. Chapter 2 – ‘Development Strategy’ includes the *Core Strategy, Settlement Structure For Carlow* and *Rural Settlement Strategy*. The *Rural Settlement Strategy* includes sections on *One-off Housing in the Countryside, Rural House Design Guidance, and Ribbon Development*.
- 5.1.3. Chapter 10 – ‘Environmental Management, Infrastructure And Water Services’ includes a section on *Water Services*.
- 5.1.4. Chapter 11 – ‘Design and Development’ includes a section on *House Extensions*.

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Liam & Lily Quigley, who reside to the east of the appeal property, have engaged the services of DCM Developments, to prepare a third-party appeal against the decision of Carlow County Council to grant permission. The following issues have been raised:

- The proposed garage/ stables at 80 sq m on a site of 0.45 hectares is large and combined with the proposed widening of the driveway, there is concern with regards to its future use.
- The widening of the driveway could give rise to separate entrances over time and there is nothing to be gained by widening the entrance by 10 m.
- The development would endanger public safety by reason of intensification of use.
- Concern about potential subdivision of the site and use of the stables as a house.
- Issue of public health due to the intensification of effluent on the site and proximity of the site to a well nearby.

- Refute the report of the Carlow County Council A/ Senior Engineer's report that sight lines can be improved. The site layout plan is based on an ordnance survey map and is not an accurate topographical survey of the road layout.
- There is no objection to the proposed works to the dwelling house.

## 6.2. Applicant Response

The applicant has submitted a response to the appeal and the following points are made:

- There is no proposal to subdivide the site, despite the planning history and the applicant proposes to 'clean up this site'.
- The garage and stables are for domestic use/ storage purposes and will not give rise to pollution in the area.
- Noise will not be an issue and will be no greater than existing noise sources.
- The existing entrance is an existing one in place since the 1930's. The revisions to the entrance are to improve sightlines; there is no other intention in this regard.
- The revisions to the entrance will not impact on the works carried out by Carlow County Council.

## 6.3. Planning Authority Response

The Planning Authority have responded and state that the development was assessed on its merits in accordance with the submitted plans/ details and there is no concern regarding the combined garage/ shed subject to conditions. The entrance will improve sightlines looking east and the Carlow County Council Transportation Department had no reason to recommend refusal of permission.

## 7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Traffic Safety
- Design and Visual Impact on the Character of the Area



- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

## **7.2. Traffic Safety**

- 7.2.1. The appellants are concerned about the revisions to the site entrance in relation to traffic safety and the implications for the future development of this site. Concern has been raised that the widened entrance may allow for the future subdivision of this site. Whilst this concern is noted, such a development does not form part of this application and is not considered relevant. Any such development would require a separate application to the Planning Authority for assessment and any future unspecified development intentions by the applicant cannot be considered in this appeal.
- 7.2.2. The applicant has provided very basic details regarding the revisions to the site entrance and the submitted site layout plan and the comments of the applicant are not consistent. From the submitted plans it appears that the vision splay will be extended by 10 m in a north westerly direction and will include the removal/ relocation of an electricity pole. The existing boundary fence and immature hedgerow within, would appear to be proposed for removal. The applicant has stated that the works carried out by Carlow County Council in the form of the concrete plinth along the roadside edge will not be impacted upon by the revised entrance.
- 7.2.3. From the site visit, it was evident that the existing sightlines at this entrance are poor in both directions. The revisions to the entrance will not comply with minimum standards for site entrances, however, there has been a house on this site for a significant length of time and consequently a vehicular entrance to this site has been in place. I do not foresee that the extensions to the house and the provision of a garage/ stable block will result in a significant intensification of use of the entrance. Previous applications on this site were refused on traffic reasons, but that was due to the provision of an additional house on the site and in such cases, it could be expected that there would be an intensification of use of the entrance. The proposed

revisions to the entrance are unlikely to increase any traffic hazard on this section of public road. Any improvement to the available sightlines is to be welcomed. A refusal of permission for the revised entrance does not prevent the use of the existing access point onto the public road.

- 7.2.4. Any alterations by the applicant to the works undertaken by the County Council will have to be agreed in advance and such works would normally be undertaken by the County Council. The submitted plans do not make clear if a new set of gates are to be provided at the revised site entrance.

### **7.3. Design and Visual Impact on the Character of the Area**

- 7.3.1. The alterations and retention of extensions to the existing house are acceptable and will not negatively impact on the visual amenity of the area. The proposed design and material finishes will integrate with the existing house.
- 7.3.2. The proposed garage/ stable block is also visually acceptable. This will be located to the rear of the site and will not be visually dominant when viewed from the front of the site. The design and finishes of this building will visually integrate with the house. It is accepted that the block at 80 sq m is large, however it has a dual use as a garage and stables and such structures are not unusual in rural locations. I noted several large agricultural and semi-commercial structures in the area on the day of the site visit. The submitted plans indicate that trees and shrubs will be planted throughout the site and these will provide for a suitable screening of the development.

### **7.4. Impact on Residential Amenity**

- 7.4.1. The extensions/ alterations to the house will increase the available floor area and provide rooms of adequate size. Overlooking leading to a loss of privacy of neighbouring property's is not foreseen and similarly overshadowing leading to a loss of light is not foreseen.
- 7.4.2. The garage/ stable block similarly is acceptable in terms of the impact on existing residential amenity. The surrounding area is primarily in agricultural use and I would consider the presence of horses in the area to not be unusual. The stables have a

relatively small floor area at approximately 25 sq m and therefore they do not appear capable of accommodating any significant number of horses.

## **7.5. Other Issues**

- 7.5.1. The Planning Authority have conditioned details regarding the upgraded wastewater treatment system. These are to ensure that the treatment system complies with the relevant EPA code of practice.
- 7.5.2. The Planning Authority following the receipt of a report from the Executive Scientist, have no concern regarding the use of dry bedding for the horses and the provision of a suitable effluent collection system for the washing down of horses. I note these reports and the submitted details are acceptable.

## **7.6. Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, the intervening distances and to the lack of hydrological connections to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Carlow County Development Plan 2015 - 2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the rural, residential or visual amenities of

the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4<sup>th</sup> day of July 2019, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The existing dwelling and proposed/ retained extensions 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.</p> <p>(b) The garage/ stable block shall be used for domestic purposes only, shall not be used for human habitation and shall not be sold, rented or leased independently of the house on site.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>The external finishes of the proposed extensions and the stable/ garage block (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such</p>

	<p>works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
5.	<p>(a) 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.</p> <p>(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.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent pollution.</p>
6.	<p>(a) The septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.</p> <p>(b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.</p> <p>(c) Within three months, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the percolation area is constructed in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>(a) Sightlines at the entrance to the public road shall be provided in accordance with the details indicated on the 'Proposed Site Layout Plan' (Drawing No. PL:003-EOR-15) received by the Planning Authority on the 8<sup>th</sup> of April 2019.</p>

	<p>(b) The roadside verge shall be permanently kept free from obstruction and shall be maintained so as not to impede lines of sight at the entrance.</p> <p>(c) Any road opening works on the public road necessary to facilitate the development, shall be subject to a Road Opening Licence in accordance with '<i>Guidelines for Managing Openings in Public Roads (2007)</i>'. The Road Opening Licence shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
8.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) Details of all proposed hard surface finishes, including details of the driveway surfaces within the development;</p> <p>(b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>(d) Any gates shall be inwards opening only.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of visual amenity and the proper planning and sustainable development of the area.</p>
9.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
10.	<p>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.</p>

	<p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>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 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.</p> <p><b>Reason:</b> 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.</p>

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Paul O'Brien  
Planning Inspector

14<sup>th</sup> November 2019