



An
Bord
Pleanála

Inspector's Report ABP-305368-19

Development	House
Location	Cloncool, O'Callaghans Mills, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	19498
Applicant(s)	John O Brien.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	John O Brien.
Observer(s)	None.
Date of Site Inspection	28 th November 2019.
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.263ha and is located on the southern approach road to the village of O Callaghans Mills in Co Clare. The site is currently occupied by a bungalow type dwelling (110m²) set back circa 7m from the public road edge and a garage building to the side and rear. There is an agricultural barn structure and a derelict cottage to the south also within the same landholding. To the north is a single storey dwelling. Levels fall to the rear of the site towards the Derryrane River which flows within 30m to the southeast.

2.0 Proposed Development

- 2.1. The proposal involves the construction of a new independent two storey dwelling 270m² with basement including a new effluent treatment system and the subsequent demolition of existing dwelling including all associated site works.

3.0 Planning Authority Decision

3.1. Decision

By order dated 16th August 2019, Clare County Council issued notification of its decision to refuse permission for the following reason:

“It is considered that the proposed development, by reason of its height, scale, massing, material finishes and overall design, would result in a form of development which would not integrate satisfactorily with the established pattern of development in this rural area, and which would detract from the visual amenities of the area. Furthermore, it is considered that the proposal by reason of its siting relative to adjoining properties to the north would result in overlooking of these properties. The proposed development would therefore seriously injure the visual and residential amenities of the area, would set an undesirable precedent for other such proposals and would be contrary to the proper planning and development of the area.”

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planner's report outlines no objection in principle however the design inappropriate. Proposals with regard to wastewater treatment unclear.

3.2.2. Other Technical Reports

None

3.3. **Prescribed Bodies**

No submissions

3.4. **Third Party Observations**

None

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan**

The Clare County Development Plan 2017-2023 refers. The site is outside the settlement boundary. The site is outside an "Area of Special Control"

CDP3.12 refers.

"Within parts of the countryside outside of areas of special control to permit an application or single house by persons who seek a dwelling as their principal private residence and will, therefore, contribute to the social and economic well-being of the area."

CDP3.14 Replacement of Substandard Habitable Houses in the Countryside.

It is an objective of the Development Plan:

A)To permit the proposed demolition of a habitable but substandard dwelling and its replacement with a new single dwelling, subject to normal site suitability considerations.

5.2. Natural Heritage Designations

The site is not within a designated area.

- Slieve Bernagh Bog SAC (Site Code 002312) 4.5km northeast of the site from the site.
- Cloonloun More Bog NHA 0.5km to the west of the site.
- Doon Lough NHA 1.4km to the south of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, and to 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.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is summarised as follows:

- The existing dwelling constructed in 1964 is structurally compromised and lacks insulation.
- Proposed two storey house is not out of character within the area.
- Proposed dwelling area of 181sq.m and garage of 81m2.
- A simple material finish is proposed.
- Design when broken down is consistent with many recent developments across the county.

- No third-party objections.
- Proposal incorporates 40degree roof pitch save for turret which is 30 degrees. This could be uniform.
- Basement proposal was introduced to capture valuable space having regard to the gradient of the site.
- Impact on neighbouring dwelling family home considered in the design. Additional planting will be incorporated into the design.

6.2. Planning Authority Response

6.2.1 The Planning Authority has no objection in principle to the demolition of the existing dwelling on site and the redevelopment of the site with a new dwelling as per pre planning advice.

Design detail was not submitted at preplanning stage.

The proposed design is out of character with the established pattern of development as a result of the height, scale, massing, material finishes and overall design in this rural village.

The development would lead to a visual dis-amenity in this area and would set an undesirable precedent.

7.0 Assessment

7.1. From my review of the file. all relevant documents and this appeal can be dealt with under the following broad headings:

Principle of Development

Servicing

Design and Visual impact

Appropriate Assessment

7.2 Principle of development

7.2.1 As regards the principle of the proposal to demolish the existing dwelling and construct a replacement dwelling, the existing dwelling on site is of no particular architectural merit, is located close to the public road and as noted within the grounds of appeal has a number of structural defects. I consider that there is no objection in principle to the proposal to replace it with a dwelling which provides modern standard of design, accommodation and construction in accordance with CDP3.14 of the Clare County Development Plan 2017-2023. Thus, the proposal is acceptable in principle subject to detailed matters.

7.3 Servicing

7.3.1 As regards wastewater treatment it is proposed decommission the existing septic tank on the site and provide for a new treatment system comprising a mechanical aeration system with polishing filter. Site suitability assessment outlines that within the trial hole excavated to 2.2m in depth neither water table nor bedrock were encountered. Soil is described as loam topsoil with sand gravelly silt clay at 0.6m. Evaluation refers to moderate draining soil profile with possible elevated water table during wet weather. A T value of 32.28 was determined and a P value of 33.78. It is considered that the upgrade of the existing septic tank system on site with a system in accordance with the relevant EPA standards represents an environmental improvement and is appropriate.

7.4. Design and Visual Impact

7.4.1 This is the key issue arising in the appeal. The first party appeal asserts that elements of the proposal are evident in developments throughout the County and whilst this may indeed be the case, it is the amalgamation of these numerous elements and the bulk, scale and complexity of the proposed design which renders it entirely out of character and obtrusive in its setting. I note that proximity to the agricultural barn structure and location of the site within a ribbon of random house designs as well as the topography of the site would allow for the design to set its own character and I would not rule out a two-storey structure or the provision of a basement or split-level dwelling to take advantage of the site slope. However, the design would need to set itself into the site and work with the natural contours. The

proposal as set out is suburban in character and entirely out of context in this setting. I also consider that the amalgamation of house and garage increases the bulk of the proposal and places it at odds with development in the vicinity, particularly the adjacent cottage.

7.5 Appropriate Assessment

7.5.1 On the matter of Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the 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 and projects on a European site.

8.0 Recommendation

8.1. Having read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission be refused for the following reasons and considerations.

Reasons and Considerations

Having regard to the scale, bulk, design, finish and layout of the proposed dwelling, it is considered that the proposed development would constitute a visually obtrusive element in the landscape which would be out of character with and militate against the preservation of the rural environment. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Brid Maxwell
Planning Inspector

5th December 2019