



An  
Bord  
Pleanála

## Inspector's Report ABP-305387.

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<b>Development</b>	Retain ancillary living accommodation, provide link to connect to adjacent house and front entrance to the house.
<b>Location</b>	Naran, Portnoo, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council.
<b>Planning Authority Reg. Ref.</b>	18/51971.
<b>Applicant</b>	Stephen Myles.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First / Third Party
<b>Appellant</b>	Stephen Myles.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	28 <sup>th</sup> of November 2019.
<b>Inspector</b>	Mairead Kenny.

## 1.0 Site Location and Description

- 1.1. The site is located in the relatively built-up area of western Donegal and the pattern of development appears to comprise a mix of permanent residential units and holiday home developments including a caravan park.
- 1.2. The subject site which is accessed from the eastern corner and is located along this coastal route is a plot of stated area of 0.35 ha. The original house on site is a 60 m<sup>2</sup> single storey cottage, which is accessed from the rear and which is relatively elevated within the site. There is a timber chalet also on a lower position on the site, which is laid out as a separate residential unit and which appeared at the time of my inspection to be presently unoccupied. I formed the impression by contrast that the main house is in permanent occupancy. The site is centrally positioned within a high level of one-off residential development which characterises this area.
- 1.3. At the western end of the site where the natural ground contours are lower than the level part of the area has been built up to accommodate percolation associated with the septic tank.
- 1.4. Photographs which were taken by me at the time of inspection are attached.

## 2.0 Proposed Development

Permission is sought for:

- Retention of ancillary accommodation adjacent an existing dwellinghouse
- Link to existing dwellinghouse to include new entrance to the house
- Septic tank and percolation area
- Site works.

The application form details indicate that the gross floor area of proposed works is 32 m<sup>2</sup>, that the area of work to be retained is 51m<sup>2</sup> and the gross floor area of existing buildings 67.8 m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for the reasons summarised below:

- The development in an area designated 'especially High Scenic Amenity Area' and subject to objectives RH-O-5 and at a single storey unobtrusive dwellinghouse by virtue of lack of integration with the character of the design of the existing house and the haphazard design approach would result in an unbalanced and disjointed extension to the dwellinghouse, constitute overdevelopment of the restricted site and constitute disorder and an incongruous form of development in the countryside.
- Contrary to objectives of development plan and set an undesirable precedent for similar type development in the countryside.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report notes as follows

- This is the third application for the same development at the site the difference in this case been being the link proposed.
- Notwithstanding the proposed link the log cabin/hut type design and scale of the image does not integrate with a compliment the character of the existing dwelling.
- The proposal makes provision for use of the existing septic tank on site and it is proposed to upgrade the percolation area. The EHO has requested further information in relation to a properly sized percolation area. This information is not required as the proposal will not be favourably considered due to design in principle.
- Permission should be refused.

- AA screening determination is that an appropriate assessment can be excluded on the basis of objective scientific information.

### 3.2.2. Other Technical Reports

EHO – applicant to indicate how a properly sized percolation area will fit into the site according to the EPA code of practice 2009. The wastewater treatment systems at adjacent lands must also be indicated.

Roads – no objections subject to conditions.

### 3.3. Prescribed Bodies

No reports received.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

There were two previous applications both of which were withdrawn which related to ancillary accommodation/correction of an ancillary studio. Planning Reg Ref 18/50932 and 17/51443 refer.

## 5.0 Policy Context

### 5.1. Development Plan

The development site is located in an area which is classified as an 'Especially High Scenic Amenity' (EHSA) area.

RH-O-5 is to promote rural housing that is located, designed and constructed in a manner that is sustainable and does not detract from the character or quality of the receiving landscape having regard to the landscape classifications.

### 5.2. Natural Heritage Designations

The site is within 50 m of 'West of Ardara / Maas Road SAC'.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main points of the first party appeal are:

- There is a requirement for additional space to accommodate visiting family members at this 60 square metre house which is now a permanent place of residence.
- The design is representative of vernacular buildings and it is of small scale and a low profile. Permission has been granted by the planning authority for similar structures and other houses in the last two years.
- The EHSA designation does not take into account the high-density development at this location. The site is larger than others.
- If required alternative treatment to the walls can be made.

### 6.2. Planning Authority Response

No comments were received.

### 6.3. Observations

None.

### 6.4. Further Responses

None.

## 7.0 Assessment

I consider that the matters which warrant consideration are:

- Design of proposal and related matters.
- EPA Code of Practice
- Appropriate Assessment.

### 7.1.1. Design and related matters

In relation to the need for additional accommodation I accept that the 60m<sup>2</sup> house can reasonably be described as highly restrictive and that the applicant requires additional space to accommodate visitors and cater for hobbies. I consider that the location of the house in a Structurally Weak area is not material.

I agree with the comments made in the appeal that the designation of the area as an EHSA does not take into account the level of housing in the area but the designation stands and in view of the coastal amenities of the area is appropriate. RH-O-5 promotes rural housing design that is sustainable and does not detract from the character or quality of the receiving landscape having regard to the landscape classifications.

The existing house is a very low profile house, which is accessed from the rear and which is a **modest structure in terms of its visual impact**, including by comparison to other nearby structures. The house is **well screened in views** including by the backdrop of vegetation and elevated lands to the rear and I agree is visible for a short distance along the coast.

Regarding the detailed design I would not disagree with the appeal statements that the design is acceptable. The **use of two different materials is not unsympathetic** to the character of the area in my opinion and there is some merit in the suggestion that there is a vernacular character – in particular the arrangement of the extended house on site is such that the dwellinghouse would read as two separate modules. Nevertheless I am of the opinion that the additional built form which is the subject of this appeal and the **elongated nature of the resulting house** are such that the development would detract from the landscape character in this rural area purely by contributing to the extent of built form. The issue of **overdevelopment** is raised in the decision of the planning authority and in my opinion this has merit when the small site size and lack of options for site landscaping is considered.

The appellant notes the high density of housing in the area and I would agree with the comments made but nevertheless consider that the merits of this case need to be considered and balanced with the applicant's needs. In this regard it is appropriate to question the **purpose of the development** and in particular the need for two separate kitchen dining areas. Until that is clarified and subjected to control if

necessary there should be no relaxation of standards and the decision of the planning authority should be upheld. This is a large extension relative to the existing house. Regarding the precedents references I consider it reasonable to note that the chalet which it is proposed to retain and merge into the house appears to be a separate residential unit (albeit one which is internally connected to the main house) and not a subservient ancillary space.

In summary I consider that there is merit in the conclusion of the planning authority that the development may be described as haphazard and would by reason of the two separate units appear to me to constitute over development of the site.

#### 7.1.2. **EPA Code of Practice**

The EHO has raised the matter of **separation distances under the Code of Practice** and the appeal does not address this matter. The issue is unresolved and requires to be clarified having regard in particular to the number of existing houses in the immediate vicinity all served by individual systems the nature and location of which are unknown and to the small size of the site.

The application **site suitability assessment report** dated June 2018 is noted. The site suitability assessment report states that permission to retain the existing septic tank and percolation area, which has recently been upgraded is part of the application.

Some of the specific relevant details in this report are:

- The recommendations take into account the fact that **bedrock was encountered at 1.5 m** below ground and describe an invert level for the percolation area, which it is stated would ensure satisfactory percolation.
- In view of the very steep gradient at the rear of the site it is proposed to install **an interceptor drain**, which will be placed 5 m distant of gradient of the percolation area to ensure surface water run-off is diverted away from the percolation area.
- **Imported material will be required to raise levels** and in order to aid percolation existing compact subsoils will need to be removed and broken up.

- The tank has not been inspected by the assessor. Modifications would include installation of a **new distribution box and an additional 18 m of perforated piping** to cater for a PE of 4, to cater for the auxiliary accommodation, which **will not in any instance be used as stand-alone residential unit.**
- There is other reference to **36 m perforated piping to increase the PE to 6.** It is confirmed that the tank is sufficient to cater for the increased loading. Elsewhere in the submissions it is stated that the design will be based on a maximum number of 4 bedrooms.

Having regard to the above it is clear that the applicant has given consideration to the potential public health / ecological impacts which could arise from the proposed development and is proposing to upgrade the system to accommodate additional development. However, I consider that the exact nature of the proposal, its likely effectiveness and the ability of the applicant to implement elements is not clearly demonstrated. In particular the following need to be resolved before the Board could consider any significant extension to the existing house:

- In terms of the principle of the development there is no information provided in relation to the infrastructure for **wastewater treatment at the adjacent sites.** As such compliance with the separation distances under the EPA Code of Practice is not evident.
- I consider that there is **confusion about the exact PE** used as the basis for design and as a consequence the length of additional piping proposed is unproven in terms of its suitability.
- I am not convinced that the approach involving provision of additional percolation pipes is adequate in the context where it is not evident that there is **information about what pipes are in place and their performance.**
- It is not clearly stated that the site assessor had direct knowledge about the recently installed septic tank. The **new distribution box** is welcome.
- The improvement of the **interception drain needs to be described.** In particular any measures upstream, if required, need to be considered and consent demonstrated.



In the absence of all of the above the development comprises overdevelopment of the site by reason of the provision of what is effectively a separate residential unit, notwithstanding the statements that there will be no independent use.

The matter of wastewater treatment has not been addressed in the first party appeal or explicitly in the decision of the planning authority. However, as it is clearly raised in the application submission by the EHO the Board may consider that it would not constitute a new issue. My recommendation below addresses only the matter of overdevelopment, which encompasses part of the issue but the Board may wish to comment more explicitly in its Direction.

## 7.2. **Appropriate Assessment**

The site is located only 50 m from 'West of Ardara / Maas Road SAC'.

The qualifying interests are:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Large shallow inlets and bays [1160]
- Annual vegetation of drift lines [1210]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Embryonic shifting dunes [2110]
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
- Decalcified fixed dunes with *Empetrum nigrum* [2140]
- Atlantic decalcified fixed dunes (*Calluno-Ulicetea*) [2150]
- Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*) [2170]
- Humid dune slacks [2190]
- Machairs (\* in Ireland) [21A0]
- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]
- Northern Atlantic wet heaths with *Erica tetralix* [4010]
- European dry heaths [4030]
- Alpine and Boreal heaths [4060]

Juniperus communis formations on heaths or calcareous grasslands [5130]  
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\* important orchid sites) [6210]  
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]  
Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]  
Blanket bogs (\* if active bog) [7130]  
Depressions on peat substrates of the Rhynchosporion [7150]  
Alkaline fens [7230]  
Vertigo geyeri (Geyer's Whorl Snail) [1013]  
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]  
Euphydrias aurinia (Marsh Fritillary) [1065]  
Salmo salar (Salmon) [1106]  
Lutra lutra (Otter) [1355]  
Phoca vitulina (Harbour Seal) [1365]  
Petalophyllum ralfsii (Petalwort) [1395]  
Najas flexilis (Slender Naiad) [1833]

The conservation objective is to maintain or restore the favourable conservation conditions of the habitats and / or species for which the site has been selected.

Detailed information which is available on the NPWS website shows maps which indicate that the following qualifying interests are present in the immediate vicinity of the proposed development site:

- Phoca vitulina (Harbour Seal) [1365]
- Lutra lutra (Otter) [1355]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Large shallow inlets and bays [1160].

I have considered the likely impact types and significance including in relation to loss of habitat area, fragmentation of habitat, disturbance, impacts on species population density, impacts on water resource and on water quality. I consider that the only possible impact type relevant is that of potential water quality impacts in the event wastewater treatment proposals are insufficient to protect groundwater, which ultimately could also affect coastal waters.

Having regard to the qualifying interests which are present in the immediate vicinity of the site, to the natural tidal flushing which would occur in the coastal area and to the specific ecological characteristics of the qualifying habitats and species in the immediate area, I agree with the conclusion of the planning authority that it can be excluded on the basis of objective scientific information that the proposed development will have a significant effect on this Natura site.

I also note the presence of nearby special protection areas and having regard to the nature of the development and special conservation interests, I do not consider that these are relevant for the purposes of appropriate assessment.

## **8.0 Recommendation**

- 8.1. I recommend that the Board uphold the decision of the planning authority and that permission be refused for the reasons and considerations below.

## **9.0 Reasons and Considerations**

The site of the proposed development is located in an area which is designated as an Especially High Scenic Amenity Area and which is subject to policy RH-0-5 to promote rural housing that does not detract from the character or quality of the receiving landscape under the Donegal County Development Plan 2018-2024. It is considered that the development having regard to the scale of the extension relative to the existing house, its internal configuration and the length of the façade, would constitute overdevelopment of the site and would be contrary to the provisions of the development plan.

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**Mairead Kenny**  
**Senior Planning Inspector**

**18<sup>th</sup> of December 2019**