



An
Bord
Pleanála

Inspector's Report

ABP-305984-19

Development	Change of house type to that previously granted Reg.Ref. 17/17, along with revised boundaries, a domestic garage/artist's studio ancillary to the revised dwelling and the re-positioning of the dwelling on the site
Location	Drumass , Inniskeen , Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	19318
Applicant(s)	Martin & Shelia Lynch
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Martin & Shelia Lynch
Observer(s)	James Russell
Date of Site Inspection	20 th of February 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The site of the proposed development is located on a local secondary road in the townland of Drumass approx. 3kms from Inniskeen village. The site is defined along the northern boundary by a private laneway flanked by a dry stone wall. The roadside boundary is partially defined by hedgerow. The southern boundary is defined by a 1.5m high conifer hedgerow associated with the adjoining dwelling. I noted on site that there is no hedgerow along the roadside frontage of the site. The level of the site falls gradually away from the public road. Lands to the rear (east) of the site rise upwards.
- 1.2. The site is located within the rural area, but adjacent to a number of other one-off houses of varying designs. These have individual accesses to the local road and waste water treatment systems and are served by private wells. The site is not located within a restricted speed area.

2.0 Proposed Development

- 2.1. Permission is sought for a Change of House Type to that previously granted under Planning Ref. no. 17/17 along with permission for revised boundaries, a domestic garage/artist's studio ancillary to the revised dwelling and the re-positioning of the dwelling on the site to include all associated site works.
- 2.2. Drawings including a Site Layout Plan, Floor Plans and Elevations have been submitted.
- 2.3. Details have been submitted regarding waste water treatment.
- 2.4. A letter has been submitted relative to transfer of land ownership to the applicants.

3.0 Planning Authority Decision

3.1 Decision

On the 31st of October 2019 Monaghan County Council refused permission for the proposed development for the following reasons:

1. The applicant has failed to demonstrate compliance with Table 15.4 “Design guidelines for Rural Housing” by reason of its design, form, proportions, materials and detailing. Consequently, the development would, if permitted as proposed, materially conflict with Policy RHP 1 of the Monaghan County Development Plan 2019-2025 and be contrary to the proper planning and sustainable development of the area.
2. The applicant has failed to demonstrate compliance with Policy RDP 18 “Domestic garages, stores and outbuildings” by reason of the development’s layout, design, size, scale bulk, form and materials. Consequently, to permit the development as proposed, would be contrary to Policy RDP 18 of the Monaghan CDP 2019-2021 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planner’s Report

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made and to the interdepartmental reports. Their assessment included the following:

- Precedent/principle is established on-site under the *Live* permission.
- They note the changes in the proposal and have regard to planning policy and requested that F.I be submitted.
- They noted that an AA was not required.

Further Information request

- In the interests of residential amenity and appropriate design, the proposed house type is considered to be unacceptable. A revised house design to include revisions to ridge height and to comply with Policies RDP 24 and RHP1 of the CDP was requested.
- The garage artists/studio design (incl. positioning) is considered to be unacceptable. They were requested to submit revised drawings details and/or documents that comply with Policy RDP 18.

- They were requested to review and respond to the submission made.

Further Information response

Noel McGahon Architectural Design & Planning Services response on behalf of the Applicants included the following:

- A detailed written response from the Applicant.
- Comparison elevational drawings of that previously granted and that currently being proposed.

Planner's Response

The Planner had regard to the F.I submitted and their assessment included the following:

- The dwelling element of the proposal is considered to be in accordance with Policy RDP 24 'Residential Amenity' of the CDP.
- Concerns remain about the proposed design and the extensive glazing to the front elevation. The proposed dwelling fails to meet the design guidelines for rural housing.
- The proposal is considered contrary to Policy RDP 18 'Domestic Garages/stores/ancillary outbuildings of the CDP.

3.3. Other Technical Reports

Environmental Health

They noted that the water supply is a well. They had regard to and did not object to the proposed wwts subject to recommended conditions.

3.4. Prescribed Bodies

No responses on file.

3.5. **Third Party Observations**

A submission was received from a local resident concerned about overlooking, loss of privacy, from the proposed development relative to his property. His concerns have been noted in the Planner's Report and are considered further in the context of his Observation relative to the grounds of appeal below.

4.0 **Planning History**

The Planning History of the subject site includes the following:

- Reg.Ref. 17/17 – Permission granted by the Council subject to conditions to Marion Mulligan for a 1 & 1/2 storey type dwelling house, a waste water treatment system, a new site entrance and all associated site works.

In proximity

Reg.Ref.01/204 – Permission granted subject to conditions by the Council to construct a two storey dwelling with attached garage, septic tank and percolation area.

5.0 **Policy Context**

5.1. **Monaghan County Development Plan 2019-2025**

Rural Housing

Section 3.6 provides that it is important that the rural housing policy focuses on ensuring that every appropriate and sustainable option is available to rural people to continue to live in their own area and to contribute to community life. However, it also seeks to protect the countryside from being dominated by rural housing. This includes note that specific areas of the county have been classified 'Rural Areas Under Strong Urban Influence'.

Section 3.6.2 provides the Rural Housing Policy. Policies HSP 15 – 18 refer and are of note:

Policy HSP 15 seeks: *To require all applications for rural housing to comply with the guidance set out in Development Management Chapter.*

HSP 17 seeks: *To require that new houses in the rural areas ensure the protection of water quality in the arrangements for on-site waste water disposal, ensure provision of a safe means of access in relation to road and public safety and ensure the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.*

HSP 18 seeks to apply a presumption against extensive urban generated rural development, ribbon development etc.

Access and Roads

Section 7.11 notes that local roads are of critical importance to the economic and social activity within the County given the County's low level of urbanisation and dispersed settlement pattern.

Section 15.16.1 provides the Policies for Rural Accesses. Policy RCP 3 seeks:

To require that access to new developments in the countryside are positioned to minimise loss of hedgerow/tree, where possible follow alongside existing boundaries/hedgerows, follow the natural contours of the site and use existing lanes where practical.

Water Protection Policies

Section 8.11 refers and includes Policy WPP1 - *Development which would have an unacceptable impact on the water environment, including surface water and groundwater quality and quantity, river corridors and associated wetlands will not be permitted.*

Development Management

Section 15.16 seeks to protect Rural Character and this includes Policies for Buildings in the Countryside. Policy RCP1 includes that permission should only be granted for a building in the countryside where it is demonstrated that the development will not cause a detrimental impact or further erode the rural character of the area. This gives a list including that any new building will be unacceptable where:

- *It is unduly prominent on the landscape*
- *It does not respect the traditional pattern of settlement within the area*

- *The impact of the ancillary works including the creation of visibility splays would damage the rural character of the area.*

Section 15.16.1 refers to Policy for Rural Accesses

Section 15.17 refers to Housing in the Rural Area. Table 15.4 provides the Design Guidelines for Rural Housing. This includes regard to Scale, Form and Proportions.

Section 15.13.3 refers to Garages & Domestic Stores and Outbuildings.

Policy RDP 18 relates and provides a number of criterium including:

- *Design form and materials are consistent with the design of the main dwelling on site;*
- *Structure is normally separated, to the side or rear of the house and sited in such a manner to minimise visual impact.*
- *Structure is used for purposes incidental to the enjoyment of the dwelling and not for any commercial or other purpose.*
- *The residential amenity in the vicinity of the development will not be compromised.*

Section 15.13.7 seeks to protect Residential Amenity. Policy RDP24 provides:

Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted.

5.2. Natural Heritage Designations

The site is not located within 15kms of any Natura 2000 site and there are no significant pathway connectors in the vicinity.

5.3. EIA Screening

Having regard to the scale and nature of the proposed development (a single dwelling), the capacity of the soils on site to accommodate wastewater and the distance of the site from nearby sensitive receptors, 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

Martin & Shelia Lynch have submitted a First Party Appeal against the Council's decision to refuse permission for the proposed development. This includes the following:

- The garage/studio building is being removed from the planning permission request which addresses item no.2 attached to the refusal.
- They refer to Table 15.4 'Design Guidelines for Rural Housing'. They note that the siting, orientation, site entrance, and boundaries were all granted under present permission Reg.Ref. 17/17.
- They consider that the proposed house is more in compliance with the aspirations of the Council as set out in the CDP than the existing permission.
- They refer to pre-planning discussions made.
- They did not expect an outright refusal on the house appearance and query as to how the house can go from architectural merit to an outright rejection. It is unclear what the Council took objection to in refusing permission.
- They note the Objector's concerns relative to the proposed house. They provide that the overall plain rectangular shape, simple roof, vertically accented windows of the proposed house are all in keeping with Table 15.4 and the local vernacular.
- The roof of the proposed house is under 9m to ridge height as was agreed in the previous application.
- They are proposing to build a modern passive house and to achieve this it is necessary to have a large area of glass to the front of the house.

- It is imperative that the house evolves to meet the need of its time, which are now passive solar standards and reduced reliance on fossil fuels. There is a need to make way for progressive innovations.

Regard to Table 15.4 - including the following:

Site Study – The request to set the house back further on the site has been withdrawn. The siting will remain unchanged from that previously granted under Reg.Ref no. 17/17, hence there are no siting issues.

Orientation – The house maintains the same orientation as the previously granted dwelling again causing no issue.

Passive Housing – Minimising the glass area to the front of the house would be an impediment to this aim.

Scale – The proposed house is in scale and in keeping with its three two storey neighbour's in length and in height. The site will be landscaped so it blends discretely into the countryside.

Form – The proposed house is a simple plan form and is of reasonably modest scale for a four bedroom house and a detailed description is provided of this. They contend that it is in keeping with the traditional linear form of vernacular dwellings indigenous to the area, as per section 15.17 of the Monaghan Co. Co. guide to housing in the rural area.

Materials – Details are given and they will not be out of character with the area.

Detailing – Changes made including 'clipping the roof' and enveloping the chimney in the gable end wall in compliance with Table 15.4 leave no outstanding issue. Copies of revised drawings have been submitted.

Boundaries – The boundaries are all natural with fences and hedges. The site entrance is already dealt with under Reg.Ref. 17/17. It is their intension to landscape and blend the house into the countryside.

- Of the 4 houses proximate to the subject site, the Observer's house is the only dormer bungalow. It was built on higher ground in the late 1990's and bears no resemblance to the local vernacular form house building. Their

proposed is in keeping with the other 3 no. two storey houses in height and length.

- The proposed material finishes are of block, brick and plaster and are all within the norms of the area. They are willing to accept a plaster finish and omit the brick if necessary.
- The removal of the garage/studio removes 50% of the Council's grounds of refusal.
- The vertically accented windows in the proposed house better meet the criteria laid down in the guide for new houses and are therefore in compliance with Table 15.4. This leaves nothing out of compliance and removes the other half of the grounds of objection.
- They consider that they have achieved a reasonable compromise in the proposed house, it is an evolution of a vernacular farm house with modern passive house capabilities at its core. Forging the way to a greener and more sustainable future. They consider that this proposal meets the criteria of Table 15.4 more than the previous proposal which was granted by the Council.
- In summary based on the points made and details submitted, they provide a list of points that they consider counter the rejection of the permission.
- They also provide a list of supporting documents and details relevant to their appeal.

6.2. Planning Authority Response

There is no response from the Council to the grounds of appeal.

6.3. Observations

James Russell who is the adjoining property owner has submitted an Observation, and this includes the following:

- Regard is had to the previous planning history on the site. His main objection is the siting of the current application.

- As can be seen from the photographs which formed part of his submission to the PA any development located to the rear of his property would overshadow, would be overbearing and would lead to an unacceptable loss of amenity for him and his family.
- The application should have been refused on the basis of non-compliance with Policy RDP 24 of the CDP as the proposed siting would be akin to backland development.
- The issue of sightlines at the entrance or of traffic safety has not been raised by the Council. There is no mention of any correspondence on the file to satisfy the CDP standards as regards visibility.
- He commissioned a very detailed survey of the sightlines for this site and it fails to meet the required 80m visibility distance without have to remove a sizeable portion of his garden and his front wall. He has not given consent for his boundaries and gateway to be modified to achieve the required sightlines.
- He queries how the Council managed to grant an earlier permission and not have regard to information submitted on sightlines.
- He asks the Board to look at his earlier submission and to take into consideration the siting of the proposed dwelling in relation to his property and provides he had no issue with someone building alongside him.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As noted in the Planning History above there is a live planning permission currently on this site (Reg. Ref. 17/17 refers) for the construction of a 1& 1/2 storey type dwelling house, a waste water treatment system systems, a new site entrance and all associated site works. Therefore, the principle of a dwelling has been accepted on this site.
- 7.1.2. It is noted that this permission was granted to Marion Mulligan in 2017. The current applicants are Sheila & Martin Lynch. Details of the Land Transfer and Folio number are included. A letter has also been submitted giving consent for the sale of the site.

The relevance of providing these details is that there was no condition relative to local needs on the permission granted. However, as shown on Map 2.1 Core Strategy Map, the site is not located in an Area Under Strong Urban Influence.

- 7.1.3. The current proposal is for a change of house type, revisions and other ancillary works. It is of note that the current application is submitted under the Monaghan CDP 2019-2025. Section 3.6.1 refers to Siting & Design of Rural Housing. This includes that: *New rural dwellings integrate into the rural setting and essentially nestle into the existing traditional pattern of development without intruding on the unspoilt landscapes.* Also, Policy HSP 16 seeks: *To ensure that rural housing applications employ site specific design solutions to provide proposals that integrate into the landscape and that respect their location in terms of siting, design, materials, finishes and landscaping.*
- 7.1.4. Regard is had to Development Management criteria in the Monaghan CDP relevant to as per Section 15.17 *Housing in the Rural Area*. Reference is had to the criteria in Table 15.4 *Design Guidelines for Rural Housing*. It is noted that the First Party Appeal provides a response to each of these criteria. Also, Policy RHP 1 provides: *Applications for one-off housing in the rural areas shall demonstrate compliance with the design guidelines as set out in Table 15.4 'Design Guidelines for Rural Housing'.*
- 7.1.5. Therefore, while the principle of a rural house has been accepted on this site, regard is had to the issues raised in the documentation submitted, the Council's reasons for refusal and the concerns of the Observer and the First Party grounds of Appeal. It needs to be ascertained whether the current proposal would comply with these Design Guidelines and would integrate and not be detrimental to the character and amenities of adjoining properties and the rural area. Regard is had further to these issues, in this Assessment below.

7.2. Background

- 7.2.1. The extant permission on the site Reg.Ref.17/17 refers to a site with an area of 0.235ha. As per the Site Layout Plan the proposed dwelling was shown set back 42m from the public road, 10m off the eastern boundary with the adjoining property and 8m off the boundary with the land. The rear boundary roughly corresponds to those of the dwellings to the south east. The proposed wwt's was shown to the front

of the dwelling, towards the western boundary. The proposed access to the local road is proximate to the south eastern boundary.

- 7.2.2. Regard is had to the floor plans and elevations and contextual elevations then submitted. This shows a more traditional type 4 bed. detached two storey house with a single storey sunroom to the side. The floor area given was 220sq.m and the ridge height of c.7.8m. It is noted that no first floor windows were proposed in the S/E first floor side elevation. The proposal included solar panels to the rear elevation.
- 7.2.3. Permission was granted by the Council subject to 6no. conditions (March 2017), which included relative to development contributions, recessed entrance and visibility splays, external finishes, pwwts, boundary treatment and landscaping and provision of a cash deposit by way of security relative to provision of infrastructure. Condition no.3 provided that: *Roof tiles/slates and ridge tiles shall be blue/black in colour and a maximum of two external wall finishes to be used.* To date this dwelling has not been constructed and the site is cordoned off. It is noted that the front boundary hedge has been removed.

7.3. Design and Layout

- 7.3.1. The current proposal provides for a revised house type to that previously granted permission, revised site boundaries, a domestic garage/artist's studio ancillary to the revised dwelling and the re-positioning of the dwelling on the site to include all associated site works.
- 7.3.2. As shown on the plans submitted the site area has been extended at the rear so that it has been increased to 0.372ha. The application form provides that the proposed 4 bedroom two dwelling is 262sq.m and the garage/studio is 36sq.m. The proposed ridge height of the dwelling is increased to 8.65m and of the garage/studio 5.6m. The proposed dwelling is shown set similarly on site i.e. 42m back from the road, 10m from the S/E boundary and 8.5m from the N/W boundary. The proposed garage/studio is shown set further forward of the house closer (approx. 2.5m) to the S/E boundary with the adjoining property.
- 7.3.3. Therefore, two separate and distinct buildings were originally proposed on site. In the previous application the dwelling was shown with a similar set back from the road frontage on site. The main difference in the current proposal is that in view of the

extension to the length of the site, the dwelling is now shown set 49.5m from the rear boundary.

- 7.3.4. Regard is had to the proposed garage/studio building and to the Observers concerns about proximity to his boundary and loss of outlook. I would not consider that the siting and design, including excessive height of the proposed garage/studio would add to the character of the area. Note is had of the Council's second reason for refusal and to compliance with Policy RDP 18 relative to *domestic garages, stores and outbuildings* of the Monaghan CDP (as noted above). It is noted that the First Party provides that they are no longer asking for the garage/studio building and are omitting it from the planning application. If the Board decides to permit, I would recommend this be conditioned.
- 7.3.5. External finishes to the dwelling include blue/black slate/tile as roof finish, smooth plaster plinth with grey stone/brick detailing. It is proposed to have large areas of glazing on the front and rear elevations. They also note that the revised drawings show the elevations detailing the chimney located on the ridge and the roof 'Clipped' to eliminate the fascia on the gable ends. A site layout map indicating the proposed dwelling re-positioned over the exact footprint of the dwelling previously approved under planning Reg. Ref. 17/17 has been submitted.
- 7.3.6. It is noted that the proposed entrance is shown in a similar location to that previously permitted. The proposed pwwts is also shown located in a similar location and documentation has been submitted as per the previous application Reg.Ref. 17/17. Therefore, the current application does not propose revisions to this previously permitted infrastructure. While the Observer's concerns regarding the access and in particular relative to sightlines have been noted, this has been previously permitted and changes to/relocation of the access do not form part of the current application.

7.4. Impact on the Character and Amenities of the Area

- 7.4.1. It is noted that the Council's first reason for refusal refers to failure to demonstrate compliance with Table 15.4 'Design Guidelines for Rural Housing'. Regard is had to the Applicant's discussion of the proposed house relative to compliance with the criteria in Table 15.4 both at F.I stage and in their grounds of appeal.

- 7.4.2. I would consider that the proposal will provide a large statement house, which will not enhance the character of the rural area nor be in compliance with Table 15.4. The scale will provide for a larger house than that previously permitted on this greenfield site and it is not in accordance with the guidelines. It will not be subdivided into smaller elements of traditional form to avoid bulky structures. The front and rear elevations are too detailed with glazed elements and the form is not a simple plan of modest scale with vertical emphasis to gables. The length of the front elevation is 16.6m, which exceeds that for a two storey house in Table 15.4. where it is stated that it should not exceed 14m. While it does not exceed 9m in height, the proposed ridge height at 8.65m is higher than that previously permitted. A lower profile house would be preferable in this location.
- 7.4.3. Table 15.4 provides that windows and doors should be simple and of vertical emphasis. The First Party provides that the house has a greater solid to void ration with the large glazed area to the front of the house to allow for the provision of a passive house. This large glazed area is broken into metre wide sections to match the metre wide vertically emphasised windows. They provide that the glazed areas are symmetrical and in compliance with Table 15.4. I would not consider that the extent of proposed glazed areas on the front and rear elevations is in keeping with the rural vernacular.
- 7.4.4. The frontage allows for a setback of 42m from the road frontage which is considerable relative to the properties to the east. Visually it would be preferable if the proposed dwelling were to be sited further forward, rather than set midway on site. However, it is noted that this setback has been deemed acceptable in the previous permission. If the Board decides to permit it is important that a condition relative to landscaping be included.
- 7.4.5. There are a number of other one-off houses in the immediate vicinity. With the exception of the more traditional farmhouse dwelling on the opposite side of the road, the others are more recently constructed. They are generally 1.5 to 2 storey and have a variety of designs and external finishes. There is a dormer bungalow to the S/E adjacent to the site, with a first floor side window facing the site. There is a large 2 storey red brick property on the opposite side of the road. It could be said that some of the more recently constructed houses appear more suburban in form and do not have particular regard for the rural vernacular. However, each case must

be viewed on its merits and regard must be had to compliance with planning policy relative to rural housing and the Design Guidelines for Rural Housing in the current Monaghan CDP.

- 7.4.6. However, having regard to the above issues, in particular relative to the scale, form, proportions and fenestration of the proposed dwelling, I would consider that it does not comply with the Design Guidelines for Rural Housing as per Table 15.4 or Policy RHP 1 and would be contrary to Rural Housing Policy HSP 16 in that it will not integrate well into the landscape or enhance the character of the rural area. It would also not be an improvement on the dwelling previously granted in Reg.Ref.17/17, which while still a large house, would integrate better and not detract from the visual character of the rural area.

7.5. **Screening for AA**

- 7.5.1. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential in the intervening distance, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 **Reasons and Considerations**

1. It is considered that, by reason of its scale, form, height, bulk, design and fenestration with excessive glazed areas in particular to the front elevation, the proposed two-storey house would not enhance or reflect the traditional vernacular. It would not integrate well into the countryside and would be visually obtrusive in this open rural area which is in general characterised by more traditional rural housing. The proposed house would, therefore, be contrary to the Design Guidelines for Rural Housing as set out in Table 15.4

and to Policies RHP 1 and HSP16 of the Monaghan County Development Plan 2019-2025 and to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

27th of March 2020