



An
Bord
Pleanála

Inspector's Report

ABP-306326-20

Development	Demolition of semi-detached cottage and reconstruction of cottage. Construction of a two storey extension to the rear of cottage.
Location	Balreask New, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NA190540
Applicant(s)	Dumitru & Aurika Bodiu
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Dumitru & Aurika Bodiu
Date of Site Inspection	14 th March 2020
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.29 hectares, is located approximately 2.8km to the south east of Navan. The site is occupied by a single-storey semi-detached dwelling. The adjoining site to the west is occupied by a single-storey semi-detached dwelling with a two-storey annex to the rear, which is attached to the dwelling on the appeal site. To the south and east are agricultural lands.

2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing single-storey semi-detached cottage and to re-construct the cottage observing all existing fenestration eaves/ridge levels features and finishes, construct a two-storey extension to the rear of cottage with low level entrance linking corridor and upgrade of existing septic tank system to tricol wastewater treatment plant with polishing filter and all associated site works.
- 2.2. The design of the extension was altered in response to further information replacing a flat roof with a pitched roof.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. Having consideration to the nature of the proposed development as indicated on the plans and particulars submitted including an associated entrance where views are obstructed by an existing bridge parapet wall, the Planning Authority is not satisfied the development proposed, if permitted, would not endanger public safety by reason of traffic hazard and would not be in compliance with the Design Manual for Roads and Bridges due to the absence of appropriate sightlines both for emerging from and entering the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning report (19/06/19): Further information required including a revised design of the extension in accordance with Meath Rural Design Guide, new public notices indicating retention works due to works having commenced, proposals in relation boundary treatment/entrance details and landscaping proposals.

Planning report (10/12/19): The revised design was considered to be acceptable however there were concerns regarding an intensity of traffic using the existing entrance and the fact that sightlines are insufficient. Refusal was recommended on the basis of traffic hazard and as per the reason outlined above.

3.2.2. Other Technical Reports

Transportation (20/06/19): Refusal recommended on the basis that the development is a traffic hazard due to the failure to provide adequate sightlines at the vehicular entrance.

Transportation (02/12/19): Refusal recommended on the basis that the development is a traffic hazard due to the failure to provide adequate sightlines at the vehicular entrance.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

No planning history.

On adjoining sites...

89448: Permission granted for an extension to a dwelling on the site to the west.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Meath County Development Plan 2013-2019. The appeal site is within the rural area.

Section 11.2.4 Extensions

In assessing an application for a house extension, Meath County Council will have regard to the following:-

1. High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.
2. The quantity and quality of private open space that would remain to serve the house.
3. Pitched roofs will be required except on some single storey rear extensions. Flat roof extensions visible from public areas will not normally be permitted.
4. Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy.
5. Effect on front building line - extensions will not generally be allowed to break the existing front building line. A porch extension which does not significantly break the front building line will normally be permitted. In terrace and semi-detached situations, extensions which significantly protrude beyond the front building line and/or along the full front of the house will not be permitted.
6. In the case of single storey extension to the side of a house, the extension should be set back at least 150mm from the front wall of the existing house to give a more satisfactory external appearance.
7. In some circumstances a gap of 1m to be retained between the extension and the neighbouring dwellings so as to prevent dwellings which were intended to be detached from becoming a terrace.

8. Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers should be avoided.
9. Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof.
10. Proposed side extensions must retain side access to the rear of the property where possible.
11. Ability to provide adequate car parking within the curtilage of the dwelling house.
12. On unsewered sites, where an extension increases the potential occupancy of a house, the adequacy of the sewage treatment and disposal facilities should be demonstrated by the applicant.

Section 3.1.2 Replacement Dwellings

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal was lodged by Dumitru & Aurika Bodiu, Balreask New, Navan, Co. Meath. The grounds of appeal are as follows...

- The appellants outline the background behind the case noting that there is an existing dwelling on site and that the applicants/appellants had intended to extend it. It is noted that in process of carrying out underpinning works of the existing dwelling that it was decided that it would more appropriate to demolish the existing cottage and replace with a similar structure and extend its footprint. It is noted that the applicants/appellants were requested to submit further information, which they have and that the refusal reason is considered to be inappropriate.
- The applicants/appellants acknowledge that the entrance is restricted in sightlines towards the bridge (east), and that they use a domed mirror on the

opposite side of the road off-site to assist with traffic movements. It is noted that the entrance is an established entrance serving an existing dwelling that has been in place a considerable period of time.

- It is noted that the Planning Authority did not make clear their concerns regarding access during the processing of the applicant in the form the further information request and the applicants/appellants were willing to engage in any dialogue to assist in dealing with the matter.
- The appellants note that the entrance serves an existing dwelling and is a long established arrangement itself and that such is not dangerous in current state (using the mirror). The proposal is not for a new development with the proposal providing for demolition and rebuilding of the existing dwelling and its extension in floor area.
- The appellants note that the proposal as submitted entailed no alterations to an existing entrance serving a dwelling on site and that the Planning Authority have not communicated their concerns regarding such clearly enough. It is noted that the applicants response to the request for further information provided for a wider opening and position of the gate setback as requested.
- The appellants note that the existing dwelling could be occupied and extended up to 40sqm under the provision of exempted development and the existing entrance used as is.
- The appellants do not agree with the assessment of the proposal as a replacement dwelling, which is only permissible under section 3.1.2 where safe access is provided. The appellants also note concerns regard the possibility of Development Contributions on the basis of the proposal being considered a new dwelling.

6.2. Planning Authority Response

6.2.1 Response by Meath County Council.

- The Planning Authority have reviewed the appeal submission and accept the interpretation of the proposal as a reconstruction of a dwelling rather than a

replacement dwelling, the Planning Authority however request that the Board uphold the decision refuse permission.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Design, scale and visual impact

Traffic impact/vehicular entrance

Appropriate Assessment

7.2. Principle of the proposed development:

7.2.1 The development description is to demolish existing single-storey semi-detached cottage and to re-construct the cottage observing all existing fenestration eaves/ridge levels features and finishes, construct a two-storey extension to the rear of the cottage with a low level entrance linking corridor and upgrade of existing septic tank system to tricol wastewater treatment plant with polishing filter and all associated site works. There is an existing single-storey semi-detached dwelling on site. At the time of the site inspection the dwelling is vacant and has been subject to some demolitions works. The information on file notes that the existing dwelling was a habitable dwelling and that the applicants had attempted to do underpinning works (which are responsible for its current conditions) with the intention to extend it under the exempted development provisions, and had decided that a reconstruction of the cottage was merited due to difficulties with the works carried out and that such has led to the current application.

7.2.2 I am satisfied based on the information on file including photos of the interior prior to the underpinning works that there was an existing habitable dwelling and that residential use is established on site. I would note that despite the works carried out

to the dwelling in question the majority of the existing structure is still in place on site. It is proposed to reconstruct the existing cottage and construct a two-storey extension to the rear. I am satisfied that there are no requirements to establish housing need or demonstrate established housing use on site. The proposal seeks to reconstruct the existing dwelling (40sqm) as per its existing design and character and extend its footprint by 172sqm. I would consider that the principle of the proposed development is acceptable subject to an appropriate design and overall visual impact.

7.3 Design, scale and visual impact:

7.3.1 The reconstruction of the existing cottage respects the design and scale and fenestration of the existing dwelling on site. The new extension to the rear has single-storey link corridor and a two-storey portion. The initial design submitted provided for a flat roofed structure with the first floor clad in roof slates and had a poor quality and bulky appearance relative to the existing structure on site. The applicant was requested to submit proposals for a revised design having regard to the Meath Rural Design Guide.

7.3.2 The revised design replaced the flat roof with a pitched roof to the new two-storey extension. The design is an improvement on the original proposal. The semi-detached dwelling immediately to the west has a similar extension to the rear. I would consider that design of the revised extension is satisfactory and would be acceptable in the context of visual amenities of the area and the amenities of adjoining properties.

7.4 Traffic impact/vehicular entrance:

7.4.1 The proposal was refused on the basis of the nature of the proposed development as indicated on the plans and particulars submitted including an associated entrance where views are obstructed by an existing bridge parapet wall, the Planning Authority was not satisfied the development proposed, if permitted, would not endanger public safety by reason of traffic hazard and would not be in compliance

with the Design Manual for Roads and Bridges due to the absence of appropriate sightlines both for traffic emerging from and entering the site.

7.4.2 The development description is reconstruction of an existing dwelling and its extension. The initial proposal entails no alteration to the existing entrance. As noted above I am satisfied that residential use is long established on this site with an existing dwelling and vehicular access in place for a considerable period of time. I would accept the appellants' point that the existing dwelling could be extended under the provision of exempted development. The Planning Authority's response suggest that the size of the extension and the number of people likely to occupy it is a factor (8 people). In simple terms there is an existing dwelling on site and such is serviced by a long established entrance. The owners and occupiers of the existing dwelling on site can use the entrance freely without restriction. The extension of the dwelling is a significant increase in floor area, however such is still an average size dwelling and mention of the specific size of the family likely to occupy the dwelling is not a valid consideration. The proposal is for reconstruction of an existing dwelling and its extension. The proposed development does not change the nature of use on site and or the number dwellings on site.

7.4.3 Having inspected the site, I would agree that sightlines in an easterly direction are restricted due to the bridge and its associated stone wall on the southern side of the public road. I however do not consider that it is a reason to preclude development on the basis of the establish use and existing structure on site. I would note that the opportunity to make any improvement to the existing entrance arrangement should be implemented as part of the proposed development. In this case the applicants/appellants submitted proposals for a widened entrance, which would improve the existing situation. Based on the long established nature of the use on site the proposed development should not be precluded on the basis of the existing access arrangement.

7.5 Appropriate Assessment:

7.5.1 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

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

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area and would not seriously injure the amenities of adjoining property. 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 and as amended by the plans submitted on the 22nd day of October 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.

Reason: In the interest of clarity.

2. The existing dwelling and 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.

3. 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.

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

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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, 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.

Colin McBride
Planning Inspector

18th March 2020