



An
Bord
Pleanála

Inspector's Report

ABP-306358-20

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| Development | Renovate and extend house to include (a) demolition of rear extension; (b) construction of side and rear extensions; (c) alter rear section of roof of house. |
| Location | Sea-rinity Cottage , Quilty , Co. Clare |
| Planning Authority | Clare County Council |
| Planning Authority Reg. Ref. | 19593 |
| Applicant(s) | Jean Kelly |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Kevin Killeen |
| Observer(s) | None |
| Date of Site Inspection | 20 th March 2020 |
| Inspector | Irené McCormack |

1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Quilty, Co. Clare, a small fishing village between Milltown Malbay and Doonbeg.
- 1.2. There is an existing single storey traditional cottage on the site, approx. 40sqm in area with a rear flat roof extension. The house is located on the edge of the public road, the rear of the site overlooks that Atlantic Ocean and beach below.
- 1.3. To the east of the cottage there is an adjoining side garden, a small pedestrian gate leads to a concrete staircase and the beach. A low stone boundary wall buffers the site from the beach below.
- 1.4. The site is 0.048ha. in area.

2.0 Proposed Development

- 2.1. The development comprises the renovation and extension of the existing cottage to include:
 - Demolition of existing 12sqm rear extension
 - Construction of new side and rear extension totalling 55sqm
 - Alteration of rear section of existing roof
 - All associated site works
- 2.2. The development will connect to the public water supply and public sewer.
- 2.3. In response to further information requested on 6th September 2019 and additional discussion and unsolicited design submissions, the applicant responded on 19th November 2019 setting out revised external finishes, revisions to balcony design and the inclusion of a recessed step in the building line of the extension to distinguish the original cottage from the new extension, in addition to an enlarged site to accommodate on site car parking.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to eight conditions. The following conditions are of note:

Condition no. 2

(a) The proposed single storey side elevation shall be amended in order to incorporate the following:

- A pitched roof similar in finishes and proportions to that of the existing cottage. The use of natural stone on this elevation is not permitted.
- The windows on the roadside elevation shall be revised such that same are in keeping with the opening and proportions of the existing cottage.
- The width of this element of the development shall not exceed the width of the existing cottage.

(b) The balcony feature on the rear element of the extension shall be omitted and replaced by a window.

Prior to the commencement of development, revised drawings to reflect the above changes shall be submitted to the Planning Authority for agreement and approval.

Reason: In the interest of visual amenities having regard to the scale and form of the existing cottage, and its location within a Heritage Landscape as per the provisions of the Clare County Development Plan 2017-2023, as varied, it is considered appropriate to amend the design and layout of the proposed development.

Condition no. 3 relates to surface water drainage arrangements from the public road

Condition no. 5 relates to the disposal of surface water on site.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The initial Area Planners report (5th September 2019) noted that the site is located in a Heritage Landscape and consists of a vernacular cottage at a coastal location. Further information was requested in terms of a revised design reflective of and proportionate to the existing cottage, surface water drainage noting the proximity to the Carrowmore Point to Spanish Point and Islands SAC and the Mid Clare Coast SPA, provision to two on site car parking spaces, useable open space, cross-section drawings. Noting the proximity to the adjoining coastline details of any structural works or construction methodologies to be carried out to eliminate risk to the property requested. Clarification regarding any public right of way sought.
- 3.2.2. The final report (16th December 2019) considered that the response to further information did not adequately address the concerns raised regarding the design and recommend planning permission be granted subject to amendments to the design. All other matters were considered to be appropriately addressed. It was recommended that permission be granted subject to conditions

3.2.3. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The planning officer notes the following submissions/observations were made in relation to the development. A brief summary of the issues raised are set out below:

- It is set out that there is a right of way through the site to the beach
- Permission was previously refused having regard to the proximity to the cliff edge
- In winter/high tides waves comes over the house
- Impact on privacy and light
- Impact on view

- It is set out that the cliff edge is unsafe.

4.0 Planning History

Site

CCC Reg. Ref. 15/900 – Planning application withdrawn for Outline Planning Permission to construct a dwelling house.

Surrounding

Northeast of site (within village)

CCC Reg. Ref. 19/482 – Planning granted in 2019 for extension and renovation of dwelling house.

CCC 19/595 – Permission granted in 2019 for the part demolition of existing structure and for permission to erect dwelling house and connect to foul sewer mains.

Southwest of site

CCC 17/189 – Permission refused in 2017 for to install rock armour to protect part of cliff at toe area, to complete netting and soil nailing to top meter of cliff, to construct dwelling house and to connect to ancillary services.

CCC 16/392 – Permission refused in 2016 for a dwelling house

5.0 Policy Context

5.1. Development Plan

Clare County Development Plan 2017-2023

The subject site is located within the village of Quilty. Quilty is defined as a large settlement in table 2.1 Settlement Hierarchy of the Clare County Development Plan 2017-2023

The site is located in a 'Heritage Landscape' on the west coast coastline

5.1.1. The following policies and objectives are relevant:

Objective CDP 13.5 Developed Plan Objective – Heritage Landscape

It is an objective of the Development Plan:

To require that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact. This must be demonstrated for all aspects of the proposal – from site selection through to details of siting and design. All other relevant provisions of the Development Plan must be complied with. All proposed developments in these areas will be required to demonstrate:

- That sites have been selected to avoid visually prominent locations;
- That site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads;
- That design for buildings and structures minimise height and visual contrast through careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of the development

Objective CDP12.12: Coastal Erosion and Flooding

It is an objective of Clare County Council:

- To engage with the OPW to develop appropriate strategies for the management of identified coastal flood and erosion hazards and associated risks;
- To have regard to the Clare County Strategic Flood Risk Assessment, CFRAM Flood Risk Management Plans (when available), the OPW Coast Protection Strategy Study, and any updated version/more detailed local studies, in the assessment of development applications in coastal areas;
- To permit developments only where the Council is satisfied that they will not be at risk from coastal erosion or inundation in the future;
- To permit developments only where the Council is satisfied that it will not result in an increase in coastal erosion or increase the risk of inundation, either at the subject site or at another location in the vicinity;
- To prohibit developments outside the boundaries of existing settlements where such development could not be adequately defended over the lifetime of the development without the need to construct additional or new coastal defences;

- To seek funding for coastal defence works based on the outcome of detailed Coastal Erosion and Flood Risk Management Studies undertaken in areas identified as being at risk from coastal flooding;
- To ensure full compliance with the requirements of the Habitats Directive with regard to developments in the coastal area;
- To have regard to any future adopted Integrated Coastal Zone Management Plan for the coastal and estuarine areas of the County, undertaken in accordance with the Habitats and SEA Directive.

5.1.2. **Objective CDP15.4 Vernacular Heritage**

5.1.3. It is an objective of the Development Plan:

- a) To seek the retention, appreciation and appropriate revitalisation of the vernacular heritage of County Clare, in both towns and rural areas, by deterring the replacement of good quality vernacular buildings with modern structures and by protecting (through the use of ACAs and the RPS and in the normal course of Development Management) vernacular buildings where they contribute to the character of an area or town and/or where they are rare examples of a structure type;
- b) to support proposals to refurbish vernacular structures that are in a run-down or derelict condition, provided that:
 - Appropriate traditional building materials and methods are used to carry out repairs to the historic fabric;
 - Proposals for extensions to vernacular structures are reflective and proportionate to the existing building and do not erode the setting and design qualities of the original structure which make it attractive;

While direction for the design should be taken from the historic building stock of the area, it can be expressed in contemporary architectural language.

5.2. **Natural Heritage Designations**

Carrowmore Point to Spanish Point and islands SAC (001021) and Clare Coast SPA (004182) are located c. 20 metres north west of the appeal site.

5.3. EIA Screening

The development is not of a class for the purpose of EIAR

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, as submitted by the third-party appellant are as follows:

- It is set out that the clifftop cottages are historical and give the village a unique look when viewed from the main road.
- It is set out that additional development will weaken the sea barrier.
- It is set out that there is a public right of way access to the beach through the site.
- The location offers the local and tourists a viewing point of the Wild Atlantic Way.
- The development will increase the amount of rainwater and potential flooding on adjoining properties and may result in undermining and land sinking.
- The site is too small to accommodate the extension with no outdoor space.
- The applicant does not reside permanently in the area and the house will be used for rental purposes.
- The previous owners had an unsuccessful planning application in 2015.
- It is set out that the appellants privacy and light and views will be impacted on.
- No parking facilities provided which is dangerous.
- There was no discussion with the appellant .

6.2. Applicant Response

- It is set out that it is in the best interest of the applicant to protect the character and beauty of the cottage.
- It is set out that the cottage is extremely small and does not meet the applicant's accommodation needs. The extension is necessary to ensure the house is lived in.

- The design is small scale and in keeping with the traditional vernacular design in the area.
- It is set out that there is no public right of way through the site.
- It is set out that the existing cottage has never been subject to coastal erosion. The extension will be constructed on raft foundations bearing directly on the bedrock. The impact on site will be minimal and will be supervised by a structural engineer.
- It is set out that the extension will not restrict view from the remaining open space at this location.
- The development will reduce any chance of flooding as it will remove the impermeable grass surface which retains water.
- It is set out that the house is the applicant's permanent residence.
- The previous planning application is not relevant.
- In relation to impact on privacy, it is set out that the extension is a small side extension with small windows to the front and the appellants property is located on the opposite side of the road. It is further stated that nobody has a right to a view.
- Car parking is in accordance with the requirements of the planning authority.
- It is set out that the applicant has disused her plans with the appellant.

6.3. Planning Authority Response

- The planning authority is satisfied that that applicant has due legal claim to seek planning permission on the site.
- The extension is to be constructed recessed from the cliff edge. The site has shallow underlying bedrock and the proposed extension will be constructed on raft foundation, bearing directly onto the bedrock. In addition, the Board's attention is drawn to the report received from the Council's Engineers on planning file CCC 16/392 setting out that the rate of coastal erosion expected is minimal as is evident from the historical mapping and the ICPSS mapping.
- The extension is sensitive to the size and scale of the cottage.

- Surface water and run off has been appropriately addressed.
- Adequate open space is provided.
- The planning authority considers that there is sufficient space between the development and objector's house so as not to negatively impact in terms of overshadowing, overlooking or overbearing.
- In terms of the impact on the objector's view that planning authority state that the height of the proposed extension does not extend above that of the existing dwelling.
- Two car parking spaces are proposed fronting the dwelling.
- It is set out that there was no obligation on the applicant to discuss the development with the appellant.

7.0 **Assessment**

Introduction

7.1.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design and layout
- Impact on Established Views and Residential Amenity
- Impact on Sea Barrier and Coastal Erosion
- Surface Water
- Other Matters
- Appropriate Assessment

7.1.2. The proposal seeks to provide an extension to the existing vernacular cottage on the site. Objective CDP15.4 Vernacular Heritage of the development plan provides for the extension to traditional cottages where extension works are reflective and proportionate to the existing building and do not erode the setting and design qualities of the original structure which make it attractive. As such the proposal is acceptable in principle, subject to the detailed considerations below.

7.2. Design and Layout

- 7.2.1. The existing house is a single storey traditional cottage with existing flat roof single storey rear extension. The cottage is a typical three bay vernacular dwelling positioned parallel to the road and reflects traditional proportions and simplicity of design with small window openings and concrete barges. The house is not listed as a protected structure.
- 7.2.2. In relation to the **design** of the extension, the design approach incorporates the demolition of the existing rear extension and the construction of a new rear extension to include modifications to the rear roof profile to accommodate additional first floor area. The works also includes a new side extension. The total floor area of the extension works at ground floor level is 42sqm in addition to 13sqm at first floor level.
- 7.2.3. The design approach seeks to optimise the floor area of the house to ensure viability for modern living as the applicant's permeant home. The site is restricted in terms of rear garden area at only 2.9m deep. The rear building line has been staggered to address the restricted site depth to the rear whilst maintaining separation distance from the cliff edge, in addition to reducing the scale and bulk of the extension. The impact is further reduced by the scale of the first-floor extension which does not extend beyond the original concrete barrages of the cottage, and, in my opinion, the use of cedar cladding on the side profile of the roof extension contracts effectively with the slate roof of the cottage.
- 7.2.4. In terms of the single storey side extension, the recessed building line and flat roof design and contemporary fenestration arrangement reflect a legible modern design intervention creating a clear distinction between the original cottage and the modern extension works. The planning authority has included a condition stipulating the applicant revise the side extension to reflect traditional pitched roof, fenestration and finishes to match the cottage. I do not agree, and I consider it appropriate that the original cottage character be retained, and the additions be clearly legible and distinguishable from the original building. In this regard, in terms of façade treatment, should the Board be minded to grant planning permission, I consider the use of natural local limestone as proposed by the applicant should be replaced with cedar cladding to match the rear roof extension works in the interest of consistency and

legibility and to establish that clear distinction between the original cottage and the modern extension works.

- 7.2.5. The planning authority has also attached a condition omitting the rear balcony. There are no properties to the rear of the site as the property overlooks the Atlantic Ocean, the applicants side garden is located to the east. I have no issue with the retention of the balcony subject to the appropriate screening of the western boundary.
- 7.2.6. In my opinion, the proposed works provide for the retention of the character of the original cottage while providing for a modest extension. Subject to consistency in the modern palette of materials, in my view the works will complement the character of the original cottage. I consider this approach acceptable and in line with Objective CDP15.4 Vernacular Heritage of the Clare County Development Plan (2017-2023).
- 7.2.7. The site is in an area designated as a *Heritage Landscape* in the Clare County Development Plan (2017-2023) where it is an objective to require that all proposed developments demonstrate that every effort has been made to reduce visual impact. I am satisfied having regard to the design of the proposed development and the pattern of development in the vicinity, the proposed development would not have a significant negative impact on the visual amenities of the area.

7.3. **Impact on Established Views and Residential Amenity**

- 7.3.1. The third party has raised concerns regarding the impact of the development on the **views** to the rear of the site. Whilst, I note the site is located on the Wild Atlantic Way, the views from the site and the public road fronting the site are not protected views in the Clare County Development Plan (2017-2023). Furthermore, restriction of views from a property, where residential amenities are not affected are not a planning issue and no individual has a right to a particular view.
- 7.3.2. The potential for negative impact on established amenity is assessed particularly with regard to impact of **overlooking and overbearing** of the adjacent properties. The grounds of appeal assert that the proposed development will overlook the appellants property and have an overbearing impact. It is noted that the appellants house is located on the opposite side of the public road and I am satisfied having regard to the single storey nature of the development and the separation distance that there will not be significant detrimental overlooking as a result of the development.

7.3.3. In terms of overbearing impact, the primary views of the development will be from the eastern and western approach to the site and from the road fronting the site. The building street frontage is consistent with the established built form on site and the extension works are recessed behind the building and do not increase the building height beyond the established height. It is considered that the proposals will not have a significant visually overbearing impact given the village context.

7.4. Impact on Sea Barrier and Coastal Erosion

7.4.1. The first party argues that the additional development will weaken the sea barrier. In this regard I note in response to a request for further information the applicant sets out that the area has been subject to significant investment in coastal protection.

7.4.2. Notwithstanding, it is set out that the extension is to be constructed recessed from the cliff edge. The site has shallow underlying bedrock and the proposed extension will be constructed on raft foundations, bearing directly onto the bedrock.

7.4.3. Further to the above the planning authority in their response to the appeal refer the Board to the report received from the Council's Engineers on planning file CCC Reg. Ref. 16/392 setting out that the rate of coastal erosion expected at this location is minimal as is evident from the historical mapping and the ICPSS mapping.

7.4.4. The first party sets out that the cottage is structurally fine and there is no evidence of any coastal erosion or damage. All works will be supervised by a suitably qualified structural engineer. I note the planning authority have no concerns in this regard.

7.5. Surface Water

7.5.1. The third party asserts that the development will increase the amount of rainwater and potential associated flooding on adjoining properties and may result in undermining and land sinking. The first party argue that the development will reduce any chance of flooding as it will remove the impermeable grass surface which retains water.

7.5.2. The development relates to a small-scale extension to the existing house. The development works will not generate additional surface water over and above that currently generated on site. The planning authority conditioned that all surface water generated on site be disposed of on site. I am satisfied that subject to appropriate design there is ample capacity to dispose of surface water on site.

7.6. Other Matters

Right of Way

- 7.6.1. The third-party appellants have raised concerns regarding an established right of way through the site to the beach. The first party states that there is no such right of way.
- 7.6.2. I note that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, and then Section 34 (13) of the Planning and Development Act 2000 is relevant

Car Parking

- 7.6.3. Car parking is provided by way of two parallel parking spaces to the front of the site. I consider the provision of two car parking spaces on the site adequate. I note the planning authority raised no concerns in this regard.

Consultation with third-party

- 7.6.4. The third party assert that the first party did not engage in discussion regarding the design with him. There is no obligation on the applicant to discuss the development with the appellant. The planning system is designed such that the public are informed about planning applications by way of public notices.

7.7. Appropriate Assessment

- 7.7.1. As mentioned above the Carrowmore Point to Spanish Point and islands SAC and mid Clare Coast SPA are located c.20 metres to the north of the site. It is prudent to note that the proposed development is an extension to an existing dwelling, development will therefore be contained within the boundary of the appeal site and will not interfere or encroach upon the SAC or SPA.
- 7.7.2. Having regard to the minor nature of the development, its location in a built up and serviced site, and the separation distance to any 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 that planning permission be **GRANTED** for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the design and appearance of the proposed extension, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would not adversely impact on the character of the area. The proposed development, therefore, would 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 as amended by further plans and particulars submitted on 19th November 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - The proposed side extension and side facades of the first-floor roof extension shall be finished in cedar cladding.

- A 1.80m high opaque screen shall be provided to the western side boundary of the rear balcony.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity

3. Drainage arrangements, including the 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. 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To protect the residential amenities of property in the vicinity of the site.

Irené McCormack
Planning Inspector
9th April 2020