



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306484-20

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<b>Development</b>	Retention Permission is sought for outbuilding to additional living accommodation. Permission for internal and external alterations to dwelling.
<b>Location</b>	Lisselty, Dunmore East, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	19819
<b>Applicant(s)</b>	Edward Muldowney
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Edward Muldowney
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	3 <sup>rd</sup> June, 2020.
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The site is located in a rural area on the eastern side of Tramore Bay and is accessed via a local road that runs south from the R.685 Tramore to Dunmore East Road. The site is located to the east of Tramore Strand and there are clear views from the site across Tramore Bay and strand.
- 1.2. The existing development on the site comprises a two storey farmhouse building that is orientated north east – south west on the site. This house has an enclosed private garden area to the south west and beyond this a yard area enclosed on two sides by stone outbuildings. Connected to the house, and running at right angles to the north, is a two storey stone outhouse building. This structure is laid out with storage at the ground floor level and residential accommodation at first floor level. Access to the upper floor residential accommodation is available via an entrance that is located close to the link between the original house and the converted outbuilding. Access to the main house is also available via this entrance.
- 1.3. The west facing elevation of the outbuilding has been altered with the addition of 4 no. dormer windows. A deck area has also been constructed with access via a door from the upstairs accommodation. Further north on the building, a single storey outbuilding has been added and at the far northern end a terrace accessed via an external staircase and connected to the upper level accommodation via a door has been constructed.
- 1.4. The site has a stated area of 0.4 ha. and forms part of a larger plot of land that extends to the north, west and south west. Immediately to the south, the site is bounded by agricultural sheds and building that are not connected with the appeal site.

## 2.0 Proposed Development

- 2.1. The development which is the subject of this appeal can be summarised as follows:
  - Internal and external alterations of an existing two storey house including side extension to provide for conservatory at ground floor level and bedroom at first floor level, alterations to pitched roof, provision of new ground floor gable window to front elevation , two dormer windows to either side of front gable

porch, existing ground floor door blocked up to front elevation and all associated site works to include new foul water treatment system with raised percolation area and decommissioning of existing septic tank system.

- Retention permission for the residential accommodation at first floor level of the adjoining outbuilding accessed via existing staircase and retention of existing terraces to the side and rear of the outbuilding. This accommodation is located above three storage units at ground floor level and the accommodation at first floor level for which retention is sought comprises a bedroom, sitting room, living room, bathroom and study.

2.2. The stated floor area of the accommodation for which retention is sought is 180 sq. metres and that of the extension to the existing house is 24 sq. metres.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority issued a split decision with permission granted subject to 5 no. reasons for the internal and external alterations to existing two storey detached dwelling and permission refused for the retention of the change of use of the adjoining out house building subject to the 2 no. reasons and considerations summarised below:

- That the use proposed for retention is intrinsically linked to the main dwelling house in terms of water services and access and is not therefore considered to be in accordance with the requirements of section 7.6 of the development plan as included in Variation No. 1 which requires the conversion of outhouses to demonstrate satisfactory measures in relation to access, wastewater provision and other services. The development for which retention is sought is also considered to be of excessive size and scale compared with the existing house on the site and it would appear that the outbuilding has been extended without the benefit of planning permission. The granting of retention permission would therefore facilitate the consolidation of unauthorised development and that it is considered

inappropriate for the Planning Authority to consider the grant of permission in such circumstances.

- That the site is located on lands that are zoned Green Belt under the provisions of the current *Tramore Local Area Plan, 2014-2020* where the objective is to provide for green belt where it is policy to restrict residential development to permanent dwellings for existing landowners and their immediate families. In the absence of details regarding the occupancy of the building it is considered that the development materially contravenes the Green Belt zoning objective.

It is noted that the wording of reason for refusal No.2 makes reference to material contravention of the *Tramore LAP, 2014-2020*.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The report of the planning officer notes the location of the site within an area zoned Green Belt and the fact that it would appear that the outbuilding has been extended to the north from its original agricultural building footprint. Noted that such works are not referenced in the public notices and that it is therefore considered inappropriate that the Planning Authority would consider a grant of permission for a change of use of an unauthorised structure. Also stated that the scale of the residential accommodation proposed for retention is considered excessive relative to the original house and that the retained accommodation is dependent on the main house for services including drainage and access contrary to section 7.6 of Variation No.1 of the development plan. The lack of detail regarding the occupant of the accommodation for which retention is sought is also noted. Refusal of permission consistent with the notification of development which issued is recommended.

### **3.2.2. Other Technical Reports**

None on file.

### 3.3. Third Party Observations

None on file

## 4.0 Planning History

The following planning history is referred to in the report of the Planning Officer:

Waterford County Council Ref. 1645 – Permission granted to Noel Murphy for retention of an agricultural building on the landholding on which the appeal site is located.

## 5.0 Policy Context

### 5.1. Development Plans

#### ***Tramore LAP, 2014-2020***

The appeal site is located on lands zoned Green Belt under the provisions of the *Tramore Local Area Plan, 2014-2020* with the stated objective ‘*to provide for a green belt area as a clear physical demarcation to the adjoining urban area, to provide for the development of agriculture and to protect and improve rural amenity and to restrict residential development to the provision of permanent dwellings for existing landowners and their immediate family members.*’

It is noted that this LAP was made by the members in February, 2014 and has therefore expired. There is no draft replacement LAP available.

#### ***Waterford County Development Plan, 2011-2017***

The relevant County Development Plan is the *Waterford County Development Plan, 2011-2017*. The lifetime of this plan has been extended, as per Section 11A of the Planning & Development Act 2000 (as amended) and will remain in effect until the new Regional Spatial & Economic Strategy is made by the Southern Regional Assembly, thereafter a new City and County Development Plan will be prepared.

The site is located in an area that is identified as an area under urban influence as per the map in Appendix A3 of the Plan.

### **Policy SS3**

To cater for the housing requirements of members of the local rural community who have a genuine local housing need in areas under urban pressure as set out in the Criteria in Section 4.10.

### **Policy SS4**

To direct urban generated housing development in Area Under Urban Pressure into the adjoining zoned settlements.

The criteria set out in section 4.10 include the following categories of persons:

- A landowner who owned the property prior to 4th March 2004 wishing to build a permanent home for his/her own use;
- A farm owner or an immediate family member (son, daughter, mother, father, sister, brother, heir) wishing to build a permanent home for their own use on family lands;
- Persons who were born and lived for substantial parts of their lives (three years or more) in a specific rural area, who then moved away and who now wish to return to their home places to reside near other family members, to work locally, to care for elderly family members or to retire;

Paragraph 7.6 of Variation No.1 of the *Waterford County Development Plan, 2011-2017* relates to the conversion of outbuildings / outhouses and states as follows:

#### **7.6 Conversion of Outhouses**

*Where the Planning Authority considered out houses to be of architectural merit, consideration may be given to the restoration of same for appropriate and sympathetic residential/cottage industry type development. Full planning permission is required for the conversion of outbuildings. Where a sensitive renovation proposal is presented, a genuine rural housing need will not be required by the Council, however, normal development management standards should be adhered to (e.g. safe access, acceptable wastewater provision, etc).*

**Paragraph 7.9** of Variation No.1 relates to granny flats and states as follows:

*The creation of a 'granny flat' to be occupied by a member of the occupant family is generally acceptable, provided it is not a separate detached unit, and it is possible to provide direct access to the remainder of the house. There shall be no permanent subdivision of the garden. The flat shall not be let or sold, other than as part of the overall property and shall revert to being part of the original house when no longer occupied by a family member. The design should ensure that the flat forms an integral part of the main dwelling unit capable of reintegration for single family use.*

## 5.2. Natural Heritage Designations

The site is not located within or in close proximity to any European site. The following are the closest sites to the appeal site:

- The Tramore Back Strand SPA is located c.500 metres to the north west of the appeal site at the closest point. .
- The Tramore Dunes and Back Strand SAC is located c.300 metres to the north west of the appeal site at the closest point.

## 5.3. EIA Screening

Having regard to the nature and limited scale of the development and separation from the nearest 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

The following is a summary of the main issues raised in the appeal:

#### ***Reason for Refusal No.1 – Development Contrary to Plan Policy Regarding Outhouses and Consolidation of Unauthorised Development***

- That access to the accommodation is available from 4 no. ground floor doors and an internal staircase from the porch that also serves the main dwelling.
- That the services for the site is provided for as part of the upgrading of the on site treatment system that was permitted in the split decision issued.
- That the footprint of the outhouse is exactly the same as it originally was as evidenced by the weathered stone walls. The areas of decking are external to the building.
- Regarding retention, it is noted that retention was allowed for in the case of an industrial type concrete and steel structure located a few metres from the appeal site in another farmyard complex. This replacement structure (Ref. 1645) is stated to be six times the original hayshed on the site.

#### ***Reason for Refusal No.2 – Material Contravention of Green Belt Zoning.***

- That a review of the zoning map indicates that the site is located c.200 metres outside of and to the east of the green belt area.
- That the work done on the outbuilding is maintenance / renovation and not conversion, development or extension.
- That until c.2012 the building was essentially unused since the death of the applicant's uncle in 1981. Previous uses comprised as a dairy / scullery, storage shed, stable, hay barn and loft used for storage and also as a bedroom.
- That at a pre application meeting the first party outlined how he and his wife live as retirees in the attic of the outbuilding and that his son occupied the main / original house.



As part of the appeal, the first party sets out detail regarding the history of the premises. The following points are noted:

- That the applicant inherited the site in the early 1980s and from the late 1980s onwards sought to refurbish the house and outbuildings.
- That the works undertaken to date on the house have comprised conservation / maintenance and the approach has meant the retention of the basic form of development relatively intact.
- That the works to the barn / outbuilding structure which is the subject of retention in this application were undertaken at the time the first party retired in 2011. As part of the works the open section of the hay barn section was walled in.
- If permission is refused the applicant parents will have to move out of the barn accommodation and find alternative accommodation.

## **6.2. Planning Authority Response**

No response to the grounds of appeal on file.

## **7.0 Assessment**

7.1. The following are considered to be the main issues relating to the assessment of this appeal:

- Zoning, Principle of Development and Housing Policy
- Impact on Visual and Residential Amenity
- Site Servicing,
- Other Issues
- Appropriate Assessment.

## 7.2. Zoning and Principle of Development,

### *Green Belt Zoning*

- 7.2.1. The appeal site is located on lands zoned Green Belt under the provisions of the *Tramore Local Area Plan, 2014-2020* with the stated objective *'to provide for a green belt area as a clear physical demarcation to the adjoining urban area, to provide for the development of agriculture and to protect and improve rural amenity and to restrict residential development to the provision of permanent dwellings for existing landowners and their immediate family members.'*
- 7.2.2. I note the comment of the first party appellant with regard to the location of the appeal site relative to the boundary of the green belt area, and the contention that the site is located c.200 metres outside of the boundary of the zoned area. From my review of the online version of the Land Use Zoning Map (Tramore LAP 2014-2020 Land Use Zoning Map), I see why the first party is making this case as the extract of Map 3 cuts off the zoned area at the south east corner of the map such that the appeal site is just off the map. A review of the land use zoning indicated in Map 2 (Map 2: Tramore LAP 2014-2020-Land Use Zoning Plan Area Map), however indicates the full extent of the zoned lands under the Tramore LAP and clearly shows that the appeal site is wholly located with the area zoned Green Belt.
- 7.2.3. A *'dwelling'* is identified in the land use zoning matrix of the Tramore LAP as an open for consideration use. The fact that the site is located on lands zoned Green Belt means that the objective stated in paragraph 7.2.1 above is applicable and that therefore residential development is restricted to permanent dwellings for existing landowners and their immediate family members. Note 1 to Table 8.1 Land Use Zoning Objectives defines landowners as persons who have owned the land prior to the 4<sup>th</sup> March 2004.
- 7.2.4. The circumstances of the living arrangements on the site are stated to be that the current occupants of the residential accommodation in the outbuilding (Mr and Mrs Patrick Muldowney) inherited the overall property in the early 1980s and undertook works to the buildings from the late 1980s onwards. It is however stated that the current owner of the site is their son (Edward Muldowney, first party) who bought the property *'a couple of years ago'*. Strictly speaking therefore it is the case that the occupants of the outbuilding are not existing landowners, however on the basis of

the information presented they are in my opinion clearly ‘immediate family members’ of the current owner of the site and as such are a category of person who are permitted to be considered for housing within a green belt area.

*Material Contravention of Plan (LAP) – Reason for Refusal No.2*

- 7.2.5. I note the fact that Reason for Refusal No.2 makes reference to material contravention of the *Tramore LAP, 2014-2020* and specifically the Green Belt zoning objective. As referenced above however, on the basis of the information presented, the occupants of the residential accommodation in the outbuilding are clearly members of the immediate family of the landowner, and were indeed previously the owners of the overall site. I do not therefore consider that the circumstances of this case are such as to justify the use of the term “materially contravene” in terms of normal planning practice and the Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act. It should also be noted that the *Tramore LAP, 2014-2020* has expired and that the rural housing provisions of the County Development Plan are applicable to the appeal site.

*Compliance with Rural Housing Policy*

- 7.2.6. In terms of compliance with the rural housing policy as set out in the County Development Plan, the site is located in an area identified in Appendix A3 as an area under urban influence and where, in accordance with Policy SS3, it is policy to cater for the housing requirements of members of the local rural community who have a genuine local housing need as per the Criteria in Section 4.10. I have reviewed the criteria listed at 4.10 and do not consider that the occupants of the outbuildings complies with this section of the plan. Specifically, the occupants are not the owners of the site, the owner of the site is not a farm owner or clearly engaged in agriculture and, on the basis of the information presented, it is not evident that the occupants were born and lived for substantial parts of their lives (three years or more) in the area, who then moved away and who now wish to return to retire. For these reasons I do not consider that the occupants of the outbuildings (Mr and Mrs Patrick Muldowney) comply with the rural housing policy for the area required to occupy an individual residential unit.

7.2.7. I note that section 7.6 of Variation No.1 of the County Development Plan makes reference to the conversion of outhouses / outbuildings and states that where a sensitive renovation proposal is presented, a genuine rural housing need will not be required by the Council. As is discussed below under the heading of 'Status of the Outbuilding Structure', the current application is for the change of use of the existing structure and not for the retention of works which appear to have been undertaken in recent years. For this reason, I do not consider that the exemption from the requirement to comply with the rural housing policy is applicable in this case.

*Relationship of Residential Accommodation in Outbuilding to Main Residential Use*

7.2.8. A further issue for consideration is whether the accommodation for which retention is sought is a separate dwelling unit or could be considered to be ancillary accommodation in the form of a family flat or other ancillary accommodation. This is significant distinction given that this would address the issue of compatibility with the land use zoning objective and rural housing policy, and also having regard to the wording of reason for refusal No.1 which states that the development is contrary to paragraph 7.6 of Variation No.1 of the *Waterford County Development Plan, 2011-2017 (as amended)* on the basis of the layout incorporating shared site access, drainage and parking.

7.2.9. The development as advertised comprises '*Retention permission ,,,,,, for adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs and retention permission also sought for first floor terraces to side and rear of existing outbuilding*'. Having regard to the layout of the site including the shared access, shared services and shared entrance to the residential accommodation with no clear sub division of the site for the purposes of amenity space, I do not consider that the layout is consistent with the requirements for two independent living units. The situation as set out in the first party appeal and described above is however in my opinion such that consideration could be given to a grant of permission on the basis of the temporary use of the upper floor accommodation in the outbuilding as a family flat type accommodation, on condition that on cessation of such use that it would revert to being part of the main residential accommodation on the site. The scale of the ancillary accommodation in the outbuilding is significant at c.125 sq.

metres relative to the main house at c.175 sq. metres, and the linear layout of the accommodation would also be a potential issue in future re integration to the main accommodation. In principle however I consider that the layout of the site and accommodation is generally consistent with ancillary family accommodation and, from the information provided on file, this is essentially what is sought by the first party. In the event that the Board considered that other reasons for refusal were satisfactorily addressed and were open to a grant of permission on this basis, it is considered that revised public notices would be required.

### *Status of Outbuilding Structure*

- 7.2.10. Part of the basis for reason for Refusal No.1 issued by the Planning Authority relates to the view that the outbuilding has been extended without the benefit of planning permission and that therefore a grant of permission is not appropriate as it would lead to a consolidation of an unauthorised development.
- 7.2.11. With regard to the current planning status of the structure and the current application there are a number of points that are worth highlighting. Firstly, the application and associated public notices are not very well worded. Regarding the outbuilding, the notices state that *'retention permission is also sought for adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs and retention permission also sought for first floor terraces to side and rear of existing outbuilding'*. This wording, together with the first party submissions on file, indicates that what is sought in the subject application is the use of the outbuilding for residential accommodation and retention of the additional elements constructed, namely the terraces to the side and rear. The first party appeal submission on this issue indicates that the Patrick Muldowney undertook the works to the outbuildings over a number of years and in an incremental fashion and that it was not appreciated that this could be considered to constitute development but rather was reconstruction of the original building.
- 7.2.12. A review of historical mapping in the form of the 6 inch and 25 inch Board register base maps indicates a variety of built forms in the area of the existing outbuilding, with only the northern end indicated on the 6 inch map and only the southern part on the 25 inch. I note the fact that the first party appeal makes reference to works on

restoration of the site commencing in the late 1980s and that works on the restoration of the barn / outbuilding commenced when Mr Patrick Muldowney retired in 2011. It is therefore apparent that these restoration works have been undertaken post October 1964.

7.2.13. The basis for the conclusion of the Planning Authority that works to the outbuilding have been undertaken without the benefit of planning permission relates to aerial / photographic images of the area and, in this regard, I note the view of the site available on Google Street view and dated March 2009. This image, a copy of which is attached with this report, shows only a small section of roofed stone outbuilding in situ, located approximately in the middle of the existing structure. To the north, there is a steel barn which appears to have stone walls on the north and north west sides. To the south of the roofed section, there are also some stone structures / walls, however it is not possible from the image to see exactly what form this takes or if it is connected to the original house. On the basis of this image, it is my opinion that very significant construction works have been undertaken since 2009. The statements of the first party in the appeal regarding the previous use of the outbuildings, including at times as a bedroom are noted, and this use may have been accommodated in the first floor section shown with a roof in the 2009 image, however, on the basis of the information available, and having regard to the wording of the application as submitted, I agree with the assessment of the planning authority that it would appear that very significant construction works have been undertaken to the outbuilding structure since March 2009 and that no planning permission has been obtained for these works. From the information presented, it is not clear to me what the original form of the outbuilding in this area was and no useful historic photographic information has been submitted to clarify this issue.

7.2.14. On the basis of the information available, I consider that significant works have been undertaken to the outbuilding since 2009 without the benefit of planning permission and which are not included in the current application the subject of appeal. It is therefore my opinion that the granting of permission for the use of the outbuilding as additional living accommodation would result in the consolidation of unauthorised development which is inappropriate and contrary to the proper planning and sustainable development of the area.

### **7.3. Impact on Visual and Residential Amenity**

- 7.3.1. The works to the original house comprise a two storey extension in the rear which would provide for an additional bedroom. This extension has a depth of c.3.2 metres and has a pitched roof that is proposed to be hipped into the original roof profile. The design and visual impact of this extension is considered to be acceptable. Similarly, it is my opinion that the proposed relocation of the access to the main house and the incorporation of the entrance into the south facing elevation is acceptable. No significant issues of overlooking of the third party lands to the south and south west of the original house would arise and the closest third party lands are not in residential use.
- 7.3.2. With regard to the outbuilding, the development the application provides for the retention of the terraces that have been added at first floor level to the northern and western elevations. These structures are of significant scale with the terrace to the rear of the building facing north west having an area of 25 sq. metres. It is not however visible from the public road and, while the area to the west in the vicinity of Tramore Strand is identified in the Scenic Landscape Evaluation contained at Appendix 9 of the plan as a sensitive landscape, I do not consider that the rear terrace structure adds significantly to the visual bulk or appearance of the structure as would be viewed from Tramore Strand. The north facing balcony structure and staircase is clearly visible from the public road and comprises a prominent element that is not very sympathetic to the overall form of the building. In any future application a clearer justification for this structure should be required.
- 7.3.3. I note that four dormer / door openings have been added to the north west facing elevation of the extension. None of these elements are specifically referenced in the public notices relating to the current application despite the fact that they clearly appear to be new elements.

### **7.4. Site Servicing,**

- 7.4.1. As part of the overall application, the existing on site septic tank is proposed to be decommissioned and a new on site septic tank system installed. The results of the site assessment indicate that the trial hole was excavated to a maximum depth of 1 metre and that there was evidence of fissured bedrock at 1 metre below the surface.

The site has a vulnerability rating of Extreme and the groundwater protection response categorisation is R2<sup>1</sup>. The groundwater protection response table for R2<sup>1</sup> indicates that a standard septic tank system is acceptable subject to normal good practice.

- 7.4.2. In the case of the appeal site and the Site Suitability Test undertaken, the depth to the bedrock is 1.0 metres and so it is proposed that a raised percolation area would be constructed that would raise the level of the ground by 1.05 metres and enable the minimum 1.5 metres below the invert of the percolation pipes. This system will involve the use of a pump to pump effluent from the septic tank to the raised percolation area. The recorded T test result in the assessment is 10.19 and while the trial and test holes were no longer open for inspection, the ground conditions observed on site were good and suitable for the use of a standard septic tank system. Given the slight contours of the site where the percolation area is proposed in a westerly direction towards the coast, the presence of fissured rock at 1 metre below the surface and the necessity to construct a raised percolation area the use of a proprietary treatment system may be a more appropriate design solution.
- 7.4.3. I note the references made by the Planning Authority to section 7.6 of Variation No.1 of the County Development Plan and to the fact that the development is not proposed to have independent waste water provision or water supply. In its current form I agree that the application falls to be assessed as a separate residential unit and that separate provision for servicing of the site is required.

## **7.5. Other Issues**

- 7.5.1. The site is located such that there is a single vehicular access off the local road. Adequate sight lines are available at the existing access.
- 7.5.2. I note that the Notification of Decision issued does not include a requirement for a financial contribution in accordance with the adopted development contribution scheme. This is considered appropriate given the c.24 sq. metre floor area of the extension permitted to the main house and the exemption provided for in the adopted scheme in respect of extensions up to 40 sq. metres.



## **7.6. Conclusion**

- 7.6.1. In conclusion, the existing living arrangements on the site are not accurately reflected in the public notices and the development for which permission is sought. The options available to the first party would therefore appear to be a revised application which clearly sets out that the living accommodation in the outbuilding is ancillary to that in the main house and is currently effectively a family unit. Clarification that this accommodation would revert to part of the main dwelling on cessation of the current use would be required. Any future application would also have to clarify that it provides for the retention of works undertaken to the outbuilding structure and does not solely relate to the change of use of this structure to residential accommodation. In any such application, justification for the scale of ancillary residential accommodation would be required as well as consideration of the visual impact of a number of the additional undertaken, notably the terraces.

## **7.7. Appropriate Assessment.**

- 7.7.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

Having regard to the above, it is recommended that permission be granted for the development comprising internal and external alterations to existing two storey detached dwelling based on the reasons and considerations set out at Reasons and Considerations (1) and subject to the 4 no. conditions attached and refuse permission for the retention of a change of use of adjoining outbuilding to additional living accommodation at first floor level accessed via ground floor stairs and retention for first floor terraces to side and rear of existing outbuilding based on the reasons and considerations set out at Reasons and Considerations (2).

## 9.0 Reasons and Considerations

### **Reasons and Considerations 1**

Having regard to the design and scale of the proposed development, to the existing residential use of the site for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Reasons and Considerations 2**

1. Having regard to the planning history of the site, to the nature of the application as submitted which is for the retention of the use of the first floor of the existing outbuilding as residential accommodation, to the extent of works that have been undertaken to this outbuilding in recent years as evidenced by available historic photography and to the absence of clear information on file regarding the original scale, form and layout of the outbuildings on the site, the Board is not satisfied that the outbuilding the subject of the subject application has not been significantly extended beyond its original size without the benefit of planning permission. The granting of retention permission as sought would therefore lead to the inappropriate consolidation of unauthorised development that would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within an Area Under Urban Influence as identified in the Waterford County Development Plan, 2011-2017 (as extended) and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need,

would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to 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 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. For the avoidance of doubt, this permission excludes the retention of the change of use of the adjoining outbuilding to additional living accommodation at first floor accessed via ground floor stairs and first floor terraces to side and rear of outbuilding.

**Reason:** To clarify the extent of the permission.

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

**Reason:** In the interest of visual amenity.

4. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (b) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (c) Within three months of the completion of the extension works authorised by this permission, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document and also certification that the old septic tank has been satisfactorily decommissioned and that there are no residual risks to the environment.

**Reason:** In the interest of public health.

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Stephen Kay  
Planning Inspector

11<sup>th</sup> June, 2020