



An
Bord
Pleanála

Inspector's Report

ABP-306720-20

Development	Demolition of a house and construction of a new house with living space extension and associated site works
Location	Cottage No 12 , Ballyvaughan Holiday Cottages , Ballyvaughan, Co Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	19921
Applicant(s)	Marion Wurth.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	First Party v Condition 2
Appellant(s)	Marion Wurth.
Observer(s)	None.
Date of Site Inspection	5 th May 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1 The appeal relates to an established holiday cottage site located within the scenic village of Ballyvaughan in north County Clare. The site has a stated area of 0.09 hectares and is occupied by one of 8 thatched cottage type dwellings which were constructed during the 1970s as part of a commercial holiday home development. A number of the dwellings have been altered refurbished and extended over time. The adjacent cottages no's 10 and 11 have been redesigned and modernised including provision of gable returns hipped gables and eyelid dormer windows within the thatched roof as well as more ornate ridge treatment.
- 1.2 The appeal dwelling faces north with its western boundary to roadside formed by a stone wall. The southern boundary is defined by a hedge and dry-stone wall with fencing to the eastern boundary with the adjacent dwelling no 11. The existing dwelling is a simple cottage type structure with a single storey side annex and gable window to the eastern first floor level.
- 1.2 There is a ring fort / rath within the site – recorded monument CI002-052 located to the east of the site and two further ringfort raths and enclosure to the south ref CL002-050 and CL002-054.

2.0 Proposed Development

- 2.1. Permission is sought to demolish the existing dwelling house of 123.8sq.m and to construct a new dwelling house of 202.9sq.m with a living space extension and associated site works. The proposed dwelling adopts the siting of the existing dwelling and in design terms draws from the character of adjacent dwellings no 10 and 11 in terms of provision for eyelid dormer windows and decorative ridge treatment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 28th January 2020, Clare County Council decided to grant permission for the development and 12 conditions were attached which included the following condition 2 which is under appeal:

“The proposed development shall be amended as follows:

The half dormer windows on the rear elevation shall be omitted and shall be replaced by conservation style roof lights. Details providing for the above shall be submitted to the Planning Authority for agreement and approval prior to the commencement of development.

Reason: In the interest of visual amenity and having regard to the proximity to the dwelling to the public road and in order to reduce the bulk of the development.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Area Planner’s report recommends permission subject to conditions. Annotation by Senior Executive Planner recommends the addition of a further condition omitting the half dormer windows on the rear elevation on the basis of concerns regarding the bulk of the dwelling relative to the public road.

3.2.2. Other Technical Reports

3.2.2.1 Roads Design provides no report.

3.3. **Prescribed Bodies**

3.3.1 Department of Culture Heritage and the Gaeltacht. Notes location adjacent to the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268), - responsibility of the Planning Authority for Screening for AA to assess potential for impact on European Sites alone and in combination with other plans and projects for the area.

3.4. **Third Party Observations**

3.4.1 None

4.0 **Planning History**

Adjacent sites.

13/508 Permission granted 2014 to extend and remodel Cottage No 10 and 11. Granted subject to conditions.

P04/2772 Permission for extension to holiday cottage.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The Clare County Development Plan 2017-2023 refers.

The site is within the settlement boundary of the village.

The site is zoned C5 Tourism and related.

The R477 is a designated scenic route.

5.2. Natural Heritage Designations

There are a number of designated sites in close proximity including.

Inner Galway Bay SPA (Site Code 004031) within 30m.

Galway Bay Complex SAC (Site Code 000268) within 30m.

Ballyvaughan Turlough SAC 900m (Site Code 000996) to the southwest

Moneen Mountain SAC (Site Code 000054) 900m southeast

5.3. EIA Screening

Having regard to the nature and scale of the development 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

6.1.1 The appeal is submitted by Alex Russel Associates on behalf of the first party and relates to condition 2. The grounds are summarised as follows:

- The applicant owns cottages 5, 8, 10, 11 and 12 and has sought to develop the design of each cottage in terms of expanding the language of the thatch character to include gable returns, hipped gables and eyelid dormers. The grounds and gardens surrounding the cottages have also been developed to a high standard.
- Regarding the Council's expressed concerns with respect to proximity to the public road, no 12 is set back approximately 16m from the public road. (Similar to that at No. 9 – 17m). The proposal will not create undue or excessive bulk or overbearing presence.
- The development of the richness in character and detail in particular in relation to the thatch roof including the proposed dormer windows is an important visual element in

the development of the relationship and connection between the site and the town and between no 12 and no 10 and 11.

- Given that no.s 9, 10 and 11 which are located in proximity to no 12, the proposed dormer windows will not be incongruous but will form an important visual connection and design continuity in respect of the cottages and the southern end of the site.
- The additional internal height and space available in the dormer windows provides for a significantly improved quality of internal space in the loft rooms.
- While conservation rooflights in the plane of the roof as suggested in condition 2 could be considered as an alternative method of providing natural light and ventilation they are more typically associated with buildings with slated or tiled roof finishes and bungalows / dormer bungalows. Question their suitability on both aesthetic and practical grounds for use in a thatch roof.
- Dormer windows will moderate solar gain and overheating moderate glare and preclude noise during rain.
- Alternative elevation proposals Ref A and Ref B are put forward for the consideration of the Board.
- In alternative A - the south elevation provides for 2 dormer windows to the bedrooms at each end of the roof with a modified simplified format to reduce scale/bulk. The two central windows are omitted and replaced with a low-level linear dormer window occurring just above the eaves level in the thatch roof. The Scalloped thatch ridge detail is omitted and replaced with a simplified thatch ridge.
- In alternative B - 2 dormer windows to the bedrooms at each end of the roof are retained with the dormer windows in modified format to reduce scale / bulk, the 2 central dormer windows are omitted and replaced with 2 no conservation rooflights replacing the dormer windows as per condition 2.
- Treatment of thatch around conservation rooflights outlined in photo plates.

6.2. Planning Authority Response

6.2.1 The response of the Planning Authority notes the alternative proposals. The Planning Authority considers that the alterations to rear elevation are required in the

interest of preserving the visual amenities and traditional character of Ballyvaughan Village and also to reduce the bulk of the proposed development in this scenic village of north Clare.

The proposed development is on a visually prominent site and the rear elevation faces south towards the village centre with the complete elevation visible from the R477 a designated scenic route. This exposed elevation is more prominent than other dwellings and any replacement should reflect the traditional character and vernacular design of Ballyvaughan village and the original rent an Irish cottage development. The planning authority notes the adjacent 3 no dwellings which have been developed by the applicant and concurs that the construction finishes are high quality. Notwithstanding this the planning authority considers that the proposed development in a prominent position and requires a more sensitive / vernacular design treatment and taken together with adjacent permitted developments would be out of character with this village setting and in protected view from the adjacent scenic route. The revised elevations as submitted by the agent are noted however, the Planning Authority does not consider that these minor modifications will adequately address the concerns as raised in relation to visual impact/amenity nor the bulk of this elevation. The Planning Authority requests the Board to include condition 2.

7.0 Assessment

- 7.1. Having regard to the nature of the development and the grounds of appeal I consider that determination by the Board of the application as if it is had been made to it in the first instance would not be warranted and therefore in accordance with Section 139 of the Planning and Development Act 2000 it is appropriate that consideration is confined to assessment of the condition under appeal namely condition 2.

Condition 2 is as follows:

“The proposed development shall be amended as follows:

The half dormer windows on the rear elevation shall be omitted and shall be replaced by conservation style roof lights. Details providing for the above shall be submitted to the Planning Authority for agreement and approval prior to the commencement of development.

Reason: In the interest of visual amenity and having regard to the proximity to the dwelling to the public road and in order to reduce the bulk of the development.”

7.2 I note that the Planning Authority imposed the condition on the basis of the contention of the Senior Executive Planner that the proposed dormer windows would be overbearing and out of character in terms of the bulk relative to the public road. The first party notes that a number of the adjacent dwellings have been variously altered and extended within the thatched roofscape and therefore a precedent has been set for the provision of dormer windows. The Planning Authority argues however that that the appeal site occupies a unique position given its location and orientation and visibility of the southern elevation from the village and designated scenic route R477. The first party points to the origin of the dwellings which are faux traditional Irish thatched cottages constructed under the collective of “Rent an Irish Cottage” and outlines that the original dwellings provide a rudimentary level of accommodation and it is therefore intended to upgrade these to a higher quality of modern-day standards. It is outlined that as part of this the provision of the dormer windows provides additional height, space and quality to the loft rooms which could not be achieved by conservation rooflights as imposed by the local authority. The suitability of conservation rooflights is also questioned on both aesthetic and practical grounds.

7.3 I consider that the case for dormer windows is valid and I note the alternative options provided. I refer to the proposed alternative B which provides for a simplified 2 pane dormer window treatment with two central rooflights. This alternative would in my view provide a more appropriate treatment and ensure that the proposal is not overbearing and would not negatively impact on the setting and the adjacent designated scenic route. On this basis I consider that a revised condition is appropriate as recommended below.

7.4 Having regard to the scale and nature of the proposed development and to the serviced location, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

8.1. It is considered that, subject to compliance with the condition set out below, the proposed development would not seriously injure the visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Condition No 2

The proposed treatment of the windows to the southern elevation shall be carried out in accordance with revised option B as detailed in plans and particulars submitted to An Bord Pleanála on 24th February 2020.

Reason: To clarify the permission and in the interest of visual amenity.

Bríd Maxwell
Planning Inspector

11th May 2020