



An
Bord
Pleanála

Inspector's Report ABP-306820-20

Development	Extension to house including the installation of a new roof structure to provide additional accommodation.
Location	Ardkeen , Kilmeena , Westport
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	19566
Applicant(s)	Justin Cullen
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Justin Cullen
Observer(s)	None
Date of Site Inspection	21 st May 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site is located between Newport and Westport in the coastal townland of Ardkeen. The site is located on a cul de sac, accessed via a minor road approximately 3.5km to the west of the N59.
- 1.2. The site, which has a stated area of 0.12ha, has an existing single storey 1970's bungalow located on it and is in an elevated position with scenic views over Clew Bay. The house forms part of a cluster and is the third most westerly dwelling in the row located on the southern side of the local road. A storey and a half dwelling house is located across the road to the north east. The site is well screened to the rear by a mature treeline and hedgerow to the western boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Removal of the existing roof and the installation of a new roof structure with additional accommodation of 160sqm.
 - Associated roof lights and large gable windows.
 - Revised ridge height of 6.5m (approx. 2 metre increase on existing height) above ground level including associated ground works and site enclosure.
 - Visually alter the dwelling, with particular emphasis on the front (north) elevation of the existing dwelling where a more contemporary fenestration is proposed.
 - The total floor area of the house would be increased from 155sqm to 315sqm with significantly extended living area and an increase in the size of the 5 number bedrooms.
 - Proposed new wastewater treatment system to replace existing septic tank.
- 2.2. Further Information lodged with the Planning Authority on 17th January 2020 included the following:
- Removal of proprietary treatment unit from application;

- Details of connection to group water scheme;
- Details of location of soakpits;
- Revised site layout – now proposed to keep existing layout to front of dwelling, roadside boundary and septic tank;
- Detailed description of the proposed design and considerations underlying proposed approach.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. *It is considered the proposed dwelling house, by reason of design, scale mass and bulk in an open and exposed rural coastal area, would interfere with the character of the landscape of which it is necessary to preserve. The proposed development would establish an undesirable precedent for similar future developments in the area and thus would be contrary to the proper planning and sustainable development of the area. The proposed development would, thus seriously injure the amenities or depreciate the value of property in the vicinity and contravene “Objective LP-01 – Landscape Protection” and “RH-02- Rural Housing” of the Mayo County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.*
2. *In the absence of details in the form of a technical report or assessment, it has not been established to the satisfaction of Mayo County council that the existing effluent treatment arrangement can cater for the proposed extension. The proposed development therefore would be prejudicial to public health.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner’s Report reflects the decision of the Planning Authority.

The initial Planner's Report raised concerns regarding the proposed development and recommended 2 no. items of further information be sought which related to the following:

1. Details in accordance with EPA Code of Practice Wastewater Treatment and Disposal Systems serving Single Houses (P.e. ≤ 10) 2009 for the proposed proprietary treatment system on the site layout plan submitted.
2. Revised site layout plan indicating:
 - the full extent of the septic tank and percolation area for the proposed proprietary effluent treatment unit;
 - Line of connection for the existing group water scheme, water supply;
 - Location of surface water soakpits.

In addition, two 'Advice Notes' were attached raising concerns in relation to:

- The proposed house design;
- The proposed roadside boundary treatment.

On receipt of further information, it should be noted that the proposal to install this new wastewater treatment system was subsequently removed by the applicant.

- The final Planner's Report included concerns remain regarding design, scale, mass and the impact that these alterations to the dwelling would have on the landscape.
- Indication that Mayo West Municipal District Architects Section agreed that the design was unacceptable and inconsistent with surrounding houses.
- Noted that no technical report or assessment regarding the existing septic tank and its ability to accommodate the extension to the dwelling has been submitted.

3.2.2. **Other Technical Reports**

Area Engineer Report Westport: No responding report on file.

3.3. **Prescribed Bodies**

An Taisce: No response received

Department of Culture, Heritage and Gaeltacht (Natural Heritage Unit): No response received.

3.4. **Third Party Observations**

None

4.0 **Planning History**

P.A. Ref. 04/2274 – 2004 - Boat shed/garage to the south east of the dwelling.
Grant.

Adjoining site to East

P.A. Ref. 07/2461 – 2007 - Dwelling with septic tank and percolation area. Grant.

5.0 **Policy Context**

5.1. **Development Plan**

The following rural settlement policies from the Mayo County Development Plan 2014-2020 are of relevance:

5.1.1. Volume 1, Section 1, Rural Housing:

Policy RH-02: It is an objective of the Council to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse impact on the landscape or on local residential amenity in the Area.

5.1.2. Volume 2, Section 7.1.9: Where a proposal includes a new structure/building into an existing streetscape or landscape of particular character a Visual Impact Statement, which shall consist of photomontages or other visual aids showing how the proposed development integrates into the existing landscape or streetscape, shall be submitted with a planning application. Reference shall also be made to the Landscape Appraisal for Co. Mayo.

Volume 2, Section 7.1.10: Contemporary building design will be permitted, where appropriate. Building design and materials shall be of a high quality to encourage sustainability. The design shall take advantage of solar, wind and rain harvesting, and solar gain.

Volume 2, Section 7.3.1: Rural housing shall be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on residential amenity in the Area.

Volume 2, Section 20.2.4: Where it is proposed to extend/renovate a structure with an existing septic tank system, the applicant will be required to demonstrate to the satisfaction of the planning authority that the existing septic tank is in working order and is suitable for the proposed development. This shall be by way of a report carried out by a suitably qualified person. The planning authority may require upgrades to existing septic tank systems to facilitate the proposed development or require relocation of septic tank systems where they are not located on the proposed site.

- 5.1.3. **Landscape Protection Policy Area 2: Lowland Coastal Zone.** Housing in this area is identified on a Landscape Sensitive Matrix as being between medium and low, with the level of impact linked to siting and design. The following landscape policies apply:

Objective LP-01: Effect on the character of the landscape.

Objective LP-02: Proposed development to be considered in the context of the Landscape Appraisal of County Mayo.

Objective LP-03: Protection of the landscape.

- 5.1.4. **Natural Heritage Policy**

Policy NH-01: Protection of designated sites (European Natura 2000 and national and local) and protected species and habitats.

PolicyNH-03: EU Habitats Directive – screening plans and projects.

- 5.1.5. **Mayo Rural Housing Design Guidelines 2008**

The rural house design guide aims to encourage the use of traditional forms, scale and materials that have a proven history of blending into the landscape.

5.1.6. **National Guidance**

- Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG)
- EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)

5.2. **Natural Heritage Designations**

- 5.2.1. The boundary of the Clew Bay Complex SAC, European Site No. 001482 is approx. 31m north of the appeal site, the designated site is located downhill of the proposed development and is separated by the public road which runs along the northern boundary of the site and also by a narrow coastal field.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The first party appeal against the Planning Authority's decision to refuse permission has been submitted which addresses the 2 no. reasons for refusal.

The appeal is summarised as follows: -

- The original proposed proprietary wastewater treatment system was removed from the proposal and the applicant now proposes to use the existing septic tank. The replacement of an authorised septic tank or system with a new one in the same location does not require planning permission. However, it would have to comply with Building Regulations and would require appropriate certification.

The applicant has indicated in the further information response to the Planning Authority that if required they would agree to a condition requiring the septic tank to be upgraded. The applicant further goes on to state later in the Appeals Statement that the proposed extension is intended to meet the

needs of the existing family and there is no proposal to increase the load beyond that of the existing single-family dwelling.

- No formal record of discussion between the planning officer and the municipal architects is provided. In the absence of a formal response it is not possible to determine why the design was deemed inappropriate.
- The planning officer states that the design will be 'inconsistent with the surrounding houses' however then contradictorily states that he does not consider the surrounding developments to be of a high enough quality to satisfy the current design guidelines bar one. The appellant believes this reasoning is contradictory.
- Mayo County Council's '*Design Guidelines for Rural Housing*' does not provide any specific guidance in relation to the design of extensions to dwellings. Nevertheless, the applicant would request the Board take into account the detailed appraisal of the proposal submitted with the appeal statement which illustrates how relevant design issues applicable to the extension were considered. It is considered that the proposed design attempts to strike a balance between visually upgrading the appearance of the existing 1970s dwelling and also adhering to the principles of good design in a sensitive rural area.
- With respect to the matter of setting precedent, the appellant stresses that that each application should be considered on its merits.
- In assessing the effect of the proposed extension on the residential amenity of the neighbouring properties, the following factors were taken into account – Privacy, Overshadowing/Loss of Light and Noise & General Disturbance. The appellant believes that any concerns in relation to these have been addressed as part of the current proposal.
- No evidence has been submitted to support the claim that the proposed development would result in devaluation of property in the vicinity.
- The proposed development will not adversely affect the landscape and a 'Visual Impact Assessment' of the proposed development taking into account views of the proposed extension from accessible public vantage points has

been submitted in support of the development. The dwelling has a high degree of visual enclosure and does not therefore impinge in any significant way upon the character, integrity or uniformity of the landscape when viewed from the surroundings.

- As a matter of clarification, proposed alterations to the site boundary treatment were formally removed from the application at further information stage. The proposed layout to the front of the dwelling and boundary treatment will now remain as is currently in place.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

7.1. Having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design
- Landscape Setting
- Wastewater Treatment
- Appropriate Assessment

7.2. Design

7.2.1. The Planning Authority refused permission on the basis of design, scale, mass and bulk and its location in an open and exposed rural area. Due to the restricted size of the site (0.12ha) and the narrow rear garden space, the applicant proposes to extend the dwelling into the roof space and raise the ridge height by approximately 2metres to accommodate the expanded floor area of 160sqm (130sqm useable space). The proposal also seeks significant alternations to the existing façade of the dwelling and

certain elevational changes with regard to opes and finishes. The Board should note that there is a discrepancy on the proposed elevation drawings, where reference to the eastern and western elevations has been positioned under the wrong elevation drawings. The eastern elevation is in fact the western elevation and vice versa.

- 7.2.2. The proposal therefore seeks to change the existing 1970s bungalow to a storey and a half dwelling with 5 large dormer type windows, two on the front (north), two on the rear (south) and one on the side (western) elevations. There is a significant increase in glazing to the front and eastern elevation of the house and it is proposed to part render the house and part timber clad the dwelling along the front and eastern elevations to introduce a more contemporary fenestration. Six new skylights are proposed to the roof structure (3 to the front, 3 to the rear) and PV/Solar panels are proposed on the rear (southern) roof slope. The applicant states that the storey and a half design was chosen to have some form of continuity with the existing house styles in the immediate vicinity. These houses consist mainly of more traditional designs with stone fronting and traditional smaller windows with less glazing. Several houses do however possess larger dormer structures on their roofs similar to that of the proposed development.
- 7.2.3. As part of the original proposal, works were also proposed to the front of the property including alterations to the boundary and driveway. These proposed alterations were subsequently removed by the applicant following concerns expressed by the Planning Authority in the further information request. A revised site layout plan was submitted in response to the further information request, illustrating the driveway layout and boundary as it currently stands and also the removal of the originally proposed proprietary treatment system (discussed further below in section 7.4) I would agree with the planning authority that the previously proposed boundary treatments were not appropriate for the site in such close proximity to the public road and did not conform with proposals desired in a rural area. The existing boundary treatment is acceptable.
- 7.2.4. Policy RH-02 of the Mayo County Development Plan states that it is an objective of the Council to require rural housing to be designed in accordance with the Design Guidelines for Rural housing (Mayo County Council). Minor deviations from the guidelines may be considered where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in

the area. It is noted that the guidelines are not explicit in terms of the approach to extensions in rural areas but the document does give guidance on the type of design and approaches to design that would be acceptable and therefore I think the guidance is quite relevant to the current proposal. A contemporary approach to design is supported in the Rural Housing Design Guidelines on page 13. The proposed development does not seek to extend the footprint of the dwelling and maintains the width of the dwelling under 8 metres (at 7.86m) in line with that recommended in the Guidelines. The dwelling also maintains the shallow plan form in order to make the most of solar gain throughout building. The roof pitch of the dwelling is also proposed to increase from 23° to the 35°, this reflects the more traditional rural roof pitch as per the Guidelines. In addition, the refurbishment of the existing ground floor windows and opes on the dwelling introduces a more aesthetically pleasing vertical emphasis with simple vertical glazing bars on windows and doors.

7.2.5. I also note as per the guidelines (page 21) that hardwood sheeting (as proposed in the current development) is not considered a vernacular detail and may not weather well. However, it is noted that the finish may be acceptable in wooded areas, the rear boundary to the site has a long line of mature deciduous trees and the break that the timber cladding provides in the building seeks to divide the long underlying original form of the building. In addition, the feature gables also add to the design of the structure and also break the original long form. If the Board are minded to grant permission, details of materials can be adequately addressed by way of condition.

7.2.6. With regard to the issue of setting precedent, this proposal has been assessed and determined on its own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. The proposed design seeks to be consistent in approach with the other houses in the vicinity by incorporating dormer style roof approach albeit with a more contemporary design. As the proposal is for an extension to an existing dwelling rather than a 'new build' this is considered acceptable. In addition, it is not considered that the development will have any negative impacts on the amenities of the properties in the vicinity. The proposed first floor en-suite window on the eastern elevation shall be conditioned to ensure obscured glazing is in place, no other window has the potential of overlooking any other adjoining property.

- 7.2.7. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.2.8. In conclusion it is noted that the 'Rural Design Guidelines' do not specifically provide for guidance on extensions to existing dwellings, however, it is considered that the proposal seeks to address the relevant points raised throughout the guidance with regard to proposed design features. The additional glazing features will also reduce the overall bulk of the building by providing materials that reflect the surrounding landscape. Taking all these elements into account, it is considered that the design of the extension seeks to improve the overall quality of the dwelling while providing the additional space required and it is considered acceptable.

7.3. Landscape Setting

- 7.3.1. The subject site is located on the landward side of the public road, with the opposite side of the road falling toward Clew Bay, the site has significant views over the bay and is clearly considered a scenic coastal location. The dwelling forms part of a cluster of 7no. residential properties on this section of peninsula.
- 7.3.2. According to Mayo County Council's Landscape Protection Policy Areas the site is located within *Policy Area 2 – Lowland Coastal Zone*. As the extension is proposed to a 'rural dwelling' this 'development type' was considered the most appropriate to consider as part of this assessment. In these areas the development of rural dwellings is considered as having a medium-low impact on the landscape. This is reinforced by the Landscape Appraisal included in supporting documentation of the Mayo County Development Plan which states '*Given the complex and undulating nature of this coastal environment, appropriately positioned development is likely to be assimilated more easily than for open coastal settings, characteristic of the County's other coastal character units*' and '*Undulating topography as represented in this character unit by glacial drumlins has the ability to both shelter and absorb the visual impact of development*'.

- 7.3.3. An extensive examination of the possible visual impacts of the proposed development on the landscape was carried out from several places in the vicinity. The existing dwelling is visible from several locations along the coast road (north west) however this view is partly obscured by existing vegetation to both the western and southern side of the dwelling. The existing treeline to the rear of the dwelling is to be retained and will mask the proposed development from the south in particular when looking at the site from the coast road. Any potential visual impact of the increased height of the dwelling is largely obscured by the surrounding vegetation and existing dwellings which exist in a cluster in the immediate vicinity.
- 7.3.4. The most visible viewpoint of the proposed extension can be seen to the north east of the dwelling from the public road. 2no. adjoining storey and a half dwellings already dominate this view however and both dwellings are at a higher elevation on the peninsula than the proposed development. It is not considered that the proposed extension will significantly alter the character of the landscape at this location in a negative way or indeed any other location along the coast road. The ridge height and size of the proposed extension will not be overbearing or of excessive scale as the dwelling is located at a lower elevation than those houses adjoining.

7.4. Wastewater Treatment

- 7.4.1. I note that the applicant originally proposed to install a new proprietary treatment system on site. However, following a further information request by the planning authority the applicant removed proposals for same and propose now to use the existing septic tank system.
- 7.4.2. In assessing the proposal and the suitability of the existing septic tank to cater for the proposed development the EPA Code of Practice Wastewater Treatment and Disposal Systems serving Single Houses (P.e.< 10) 2009 has been considered. In this case the applicant does not propose to increase the number of bedrooms or P.E loading on site. However, the floor area of the house is proposed to more than double in area from 155sqm to 315sqm. The proposed development with the extension and current ground floor accommodation will accommodate four much enlarged 4no. permanent bedrooms and one additional room (Day room/Spare bed) that may be occasionally used as a bedroom.

- 7.4.3. At the time of site visit the existing percolation area showed no evidence of ponding or issues with the current septic tank. However, this visit was after a period of significantly dry weather. It should be noted that Volume 2, Section 20.2.4 of the Mayo County Development Plan states *'Where it is proposed to extend/renovate a structure with an existing septic tank system, the applicant will be required to demonstrate to the satisfaction of the planning authority that the existing septic tank is in working order and is suitable for the proposed development. This shall be by way of a report carried out by a suitably qualified person (as above) with professional indemnity insurance'*.
- 7.4.4. I do not consider sufficient information has been submitted with the application to allow an adequate assessment of the current septic tank to be carried out. Noting section 20.2.4 of the Mayo County Development Plan, it would be premature to grant the development on the assumption that the current septic tank has the capacity to cater for such an increase in domestic floor area (160sqm).

7.5. Appropriate Assessment

- 7.5.1. As mentioned above the Clew Bay Complex SAC (Site Code 001482) is located approximately 31 metres to the north of the site, separated by the public road and a narrow coastal field (As measured from the NPWS online maps). It is noted that no response was received from the Department of Culture, Heritage and the Gaeltacht following referral.
- 7.5.2. The Clew Bay Complex SAC is designated for a variety of habitats and species. The development should be assessed for any likely significant effects in view of the site's Conservation Objectives.
- 7.5.3. The proposed development is for a substantial extension to the existing dwelling on a site in close proximity to and up slope of the SAC. It is worth noting that site is also located in an area of bedrock classified as Regionally Important Aquifer – of Karstified Conduit (Source: Geological Survey of Ireland, 2019). The Aquifer vulnerability on site is classified as 'Moderate'. The site is located within a cluster of dwellings with a high concentration of individual waste waters treatment systems in the area.

- 7.5.4. Section 20.2.4 of the Mayo County Development Plan specifically refers to the requirement to demonstrate to the satisfaction of the planning authority that any existing septic tank on site is in working order and suitable for the proposed development. It is noted that no assessment of the current septic tank operation or the load capacity of same tank has been submitted with the application or in the appeal documentation.
- 7.5.5. Having regard to the proximity of the proposed development to the Clew Bay Complex SAC, the Board is not satisfied, on the basis of the information submitted with the planning application and the appeal, that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Clew Bay Complex SAC, European site No. 001482, or any other European site, in view of the site's Conservation Objectives.

8.0 Reasons and Considerations

- 8.1. It is recommended that permission for the proposed development be refused for the reasons and considerations set out hereunder.

1. Section 20.2.4 of Volume 2 of the Mayo County Development Plan states where it is proposed to extend/renovate a structure with an existing septic tank system, the applicant will be required to demonstrate to the satisfaction of the planning authority that the existing septic tank is in working order and is suitable for the proposed development, by way of a report carried out by a suitably qualified person. This policy is considered reasonable. Having regard to the substantial scale of the proposed extension and absence of relevant information submitted in the application and appeal it is considered that the proposed development would be contrary to Section 20.2.4 of the plan and would be prejudicial to public health.
2. On the basis of the information provided with the application and the appeal, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 001482 Clew Bay Complex SAC, or any other

European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Máire Daly
Planning Inspector

15th June 2020