



An
Bord
Pleanála

Inspector's Report

ABP-308020-20

Development	RETAIN partial demolition of the existing building. PERMISSION to demolish remaining walls along with sheds and to construct a new two storey dwelling house.
Location	Derreen , Fanore , Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	19879
Applicant(s)	Peter Carroll
Type of Application	Retention and Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Peter Carroll
Observer(s)	None
Date of Site Inspection	19/11/2020
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the eastern side of the R477, in the west Clare townland of Derreen, near Fanore. The R477 runs south along the coast from Fanore, inland to Lisdoonvarna.
- 1.1.2. The winding route accommodates scattered one-off rural housing, some agricultural developments and a beach access / car park.
- 1.1.3. The subject site is relatively flat. The wider area slopes upland to the east, Burren limestone landscape and westwards slopes steeply to the coast. Currently on the subject site are the remains of a partially demolished single storey cottage and some outbuildings. To the south is a single storey bungalow with large shed to the rear. To the north is a single storey bungalow.

2.0 Proposed Development

- 2.1.1. On the 11th November 2020 planning permission was sought for a development that comprised the retention of demolition of part of an existing building, the completion of that demolition (278sq.m.) and , to construct a two-storey dwelling (211sq.m.).
- 2.1.2. The application was accompanied by a Cover Letter and a Surface Water Management Plan.

3.0 Planning Authority Decision

3.1. First Planning Authority Reports

- 3.1.1. **Planning Report:** Subject site is infill; any new dwelling must be for the permanent occupation of the applicant. Proposed development is acceptable in terms of rural housing policy, traffic impacts and public health and impact on the adjoining Black Head – Poulsallagh Complex SAC. Planning Authority has concerns regarding visual impact, in terms of scale and design. Recommends that FI be requested.

3.2. Prescribed Bodies

- 3.2.1. None on file

3.3. Third Party Observations

- 3.3.1. None on file

3.4. Request for Further Information

3.4.1. On the 10th Jan 2020, the applicant was requested to address the following items of FI:

- 1 concerns regarding scale, bulk, design including the pitches of the proposed roof of the proposed dwelling in the sensitive coastal landscape. Applicant requested to consider a revised design comprising a significant reduction in scale and incorporating proportions and features of the vernacular.
- 2 Comprehensive schedule of materials
- 3 Cross section through the site in east-west direction.

3.4.2. On the 8th July 2020, the applicant responded to the request as follows:

- 1 Proposed dwelling not revised as any further changes would compromise the design,
- 2 Schedule of materials submitted
- 3 Cross section submitted.

3.5. Reports on File following Submission of FI

3.5.1. **Planning Report:** Planning Authority welcomes the redevelopment of the site. Applicant has not addressed the concerns of the Planning Authority. Proposed development is a significant departure from the original building on site. The development permitted under P13/274 retained the front elevation and provided a single storey rear return, with simplistic side elevations. The houses in the area are varied but of a scale suitable to their location and set back from the public road. Recommendation that permission be refused on grounds of visual impact.

3.6. Decision

3.6.1. On the 29th July 2020, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 The subject site is located within a Heritage Landscape and directly adjoins a Scenic Route as designated in the Clare County Development Plan 2017-2023, as varied, whereby it is an objective of the Plan under CDP13.5 to require 'that design for buildings and structures minimise height and visual

contrast through the careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of the development” and under CDP13.7 to ‘ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact’,. It is considered that the proposed development which is located within a sensitive and visually prominent location does not adequately integrate with the receiving environment, would be out of character with the established pattern of development in the area and would form a prominent feature on the landscape and would seriously injure the visual amenities of the area. The proposed development if permitted would therefore contravene the provisions of the current County Development Plan including those objectives for Heritage Landscapes and Scenic Route and would thus be contrary to the proper planning and sustainable development of the area.

4.0 Planning History

- 4.1.1. Planning Authority reg. ref. **P13/274**: planning permission GRANTED to Peter Carroll for change of use of existing restaurant to a holiday home, includes partial demolition of existing building, rear extension and site works.

5.0 Policy Context

5.1. Clare County Development Plan 2017 -2023

- 5.1.1. The subject site is located within a ‘designated heritage landscape’ in the development plan.
- 5.1.2. **Objective 13.5** of the development plan states as follows: It is an objective of the development plan to require that all proposed development 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 within. All proposed developments in these areas will be required to demonstrate:
1. That sites have been selected to avoid visually prominent locations.

2. That site layouts avail of existing topography and vegetation to minimise visibility of scenic routes, walking trails, public amenities and roads.
3. That design for buildings and structures minimise the 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.

5.1.3. **CDP13.6** referring to Seascape Character Areas states that it is an objective of the development plan to:

- A To require all proposed developments within Seascape Character Areas to demonstrate that every effort has been made to reduce the visual impact of the development. This must be demonstrated by assessing the proposal in relation to: • Views from land to sea; • Views from sea to land; • Views along the coastline.
- B To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved

5.1.4. **CDP13.7: Scenic Routes:** It is an objective of Clare County Council: a) To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community; b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

5.2. **Natural Heritage Designations**

5.2.1. The subject site immediately adjoins the Black Head Poulsallagh Complex SAC (000020).

5.3. **EIA Screening**

5.3.1. Having regard to nature and scale of the development and the location of the site 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. An agent for the applicant has submitted a first-party appeal against the decision of the Planning Authority to refuse permission. The appeal provides a background context to the subject application, stating that extensive pre-planning consultation took place and submits that there is no justification for the refusal.
- 6.1.2. Background: The subject site was a restaurant. Permission was granted to the Applicant to turn it into a holiday home. Work on site caused the collapse of the majority of the original stone walls. The initial design was too compromised to continue.
- 6.1.3. The grounds of the appeal can be summarised as follows:
- The planning report does not include focused commentary on the proposed dwelling and how it might give rise to serious injury to the visual amenities of the area.
 - The proposed development would actively sustain the living Heritage Landscape.
 - The architects have gone to great lengths to reduce the visual impact of the proposed dwelling and ensure it complies policies CDP13.5 and CDP13.7.
 - The topography of the site is flat, with little screening. The proposed dwelling is set back 12.6m from the road, 8.2m further back than the original dwelling, reducing prominence. The first floor is set back and the ridge height takes cue from the adjoining two-storey dwelling.
 - The Clare Rural Design Guide discourages dormers. To ensure the roof is subtle, the proposed dwelling is divided into three elements, with three monopitch roof perpendicular to the road, this reduces the area of roof visible from the road.
 - The proposed zinc finish is delicate and weightless. The materials / colour palette are muted and the natural stone will reduce contrast in the landscape. the

proposed development will remove the unsightly sheds and will improve the visual impact of the site.

- The proposed development (352sq.m.) reduces the permitted development (408sq.m.) by 56sq.m. Diagrams, photos and photomontages submitted.
- The Board is requested to grant permission.

Landscape and Visual Statement

- The subject site is located on the Wild Atlantic Way, a highly sensitive landscape / seascape setting – the Burren limestone area. Regular residential and occasional commercial development are aligned on the eastern side of the road.
- The subject site comprises the partial remains of a restaurant, previously converted from a single storey dwelling, the remains of a shed and a further shed to the rear. To the north and south are single storey dwellings.
- There is an array of architectural style, form and finishes of the residential and farm buildings along the route. There is no consistent architectural vernacular.
- The proposed dwelling with a stone clad lower storey and flat terrace with a setback (tone and form) upper story, presents a series of mono-pitch rooflines that recede from the road boundary. There is a deliberate juxtaposition in terms of bulk, massing, form and colour tone between ground and first floor. This adds weight to the lower level, deemphasising the upper level.
- The proposed dwelling is set back 14.4m from the road, aligning with the adjoining dwellings. This allows the two-storey element to be screened. The existing sheds will be removed, allowing greater permeability uphill.
- The proposed dwelling takes familiar forms and materials and presents them in a progressive way. It is submitted that the Planning Authority's decision is a subjective matter of design nuance and not a fundamental aversion to the scale of the proposed development nor a policy contradiction.
- The applicant can change the proposed zinc cladding on the upper storey to white cement render. This will help integrate with the surroundings and reduce the perceived scale of the building.

- The proposed development does not match the rectangular pitched roof bungalows of the area but is fully cognisant of the receiving environment. It is an unfamiliar form but draws on the vernacular.
- The proposed dwelling integrates well with the wider landscape and only appears divergent in the immediate context.
- The greatest visual amenity from the R477 scenic route relates to downhill coastal views. These postcard views are not impacted by the proposed development and therefore complies with CDP13.7 which refers to views from the public road towards scenic features.
- The proposed development has no impact on the coastal farmland uphill to the east.
- The proposed development will be partially visible on the same alignment as the adjoining two dwellings. The stone clad lower storey is the most prominent aspect but is viewed on a comparable scale to the adjoining dwellings. At distances beyond 50m the light tone of the upper floor will break down the massing so that it does not appear larger than its neighbours.
- It is submitted that the proposed development would not unduly impact on any of the sensitive aspects of the area, namely the coastal seascape to the west and the sweeping farmland and rocky ridges to the east. The proposed development will read as a replacement dwelling.
- It is submitted that the proposed dwelling is an appropriate and progressive response, that is not over-scaled or ambiguous and does not compromise the sensitive attributes of the landscape or setting.

6.2. Planning Authority Response

- The contents of the first-party appeal are noted.
- The proposed development, which is located in a sensitive and visually prominent location, does not adequately integrate with the receiving environment, would be out of character with the established pattern of development and would form a prominent feature on the landscape, seriously injuring the visual amenities of the

area. The proposed development would contravene the Heritage Landscape and Scenic Route objectives of the development plan.

- The final drawings submitted by the applicant in response to the FI request did not address the concerns of the Planning Authority. The proposed development is a significant departure from the original building on site, which still retained the front elevation, and simple single store rear return and side elevations. The proposed development has complicated form and design.
- The houses in Fanore are of a scale suitable to their coastal location, with many set back from the public road.
- The proposed contemporary dwelling on a designated scenic route, in a heritage landscape, will fail to integrate into the landscape. The visual impact is of particular concern given the prominent location of the site along a coastal road where opportunities for appropriate screening are limited.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Demolition
- Proposed New Dwelling

7.2. **Demolition**

7.2.1. The retention of demolition carried out to date and the completion of the demolition of the remaining walls and adjoining sheds on the site is acceptable in principle. The clearance of the site represents an improvement on the existing condition.

7.3. **Proposed New Dwelling**

7.3.1. Permission was previously granted (P13/274) for a dwelling that was for holiday use “with occasional letting to friends”. This permission has withered. It does not set a precedent for the subject proposal and is not a benchmark for what is or is not appropriate development on the subject site.

- 7.3.2. I note that the Planning Authority classify the proposal as an infill development and require that any dwelling house on site be for the permanent occupation of the applicant. The Planning Authority's planning report states that the applicant states that the dwelling will be his place of permanent residence and therefore consider the proposal to comply with the rural housing policy. Should the Board decide to grant permission for a replacement dwelling, it is considered reasonable to attach a condition restricting the occupancy of the dwelling.
- 7.3.3. As noted above, the subject site would benefit from re-development. The partial demolition of the previous structure has created an unsightly prospect in an exposed, visually dramatic landscape. I concur with the Planning Authority, that, in principle the construction of a building on the subject site is preferable to the current situation. However, I caveat that, with the statement that the current unsightly condition has been caused by the demolition of the previous cottage on site. Had that not occurred, there would be no need to rectify the current predicament.
- 7.3.4. The applicants agent considers that it is a subjective opposition to design that has generated the Planning Authority's refusal, rather than a policy contradiction or a fundamental opposition to the proposal.
- 7.3.5. Much is made of the contemporary design of the proposed dwelling. On that matter, I agree with the applicant. A bold contemporary response to the site is preferable to another bungalow that is not a site-specific response. However, that is not the only response. It is possible that the site can remain un-developed and be allowed to return to its natural state. As noted by all parties, the landscape of the subject site is of international acclaim. The vast expanse of coastal and upland views as one travels south on the R477 are worthy of protection. The proliferation of one-off dwellings on the road greatly detracts from the Burren limestone as it curves down to the coast. Any further development in this area is rightly protected by the policies of the development plan, namely CDP13.5 and 13.7.
- 7.3.6. On that matter I disagree with the applicant. The Planning Authority's concerns are clearly rooted in the protection of the landscape and are not "a subjective design nuance" as submitted by the applicant. Policy CDP13.7 seeks to ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas. The views from the subject road are not just

westwards to the coast but also eastwards up towards the limestone outcrops and southwards as the coast extends further west.

- 7.3.7. The proposed dwelling is two-storey, in a row of single storey bungalows. The proposed set-back, zinc finish and mono-pitch roofs will reduce the scale, bulk, and massing at first floor. They do not and cannot hide the floor entirely, however. The view looking northwards from the adjoining single storey bungalow will present an approx. 4m high elevation of stone clad wall. The south-eastern elevation of the lower floor will appear both prominent and dominant. The introduction of a new element in the built environment should not, ordinarily be hidden. However, where the landscape is as exposed and as sensitive as the subject site, every effort must be made to ensure the development is absorbed into the landscape rather than pronounced. It is considered that the use of stone on the lower floor, rather than blend-in to the landscape, actually draws unwanted attention to the scale and bulk of the lower ground floor. The use of stone in this area as a material is traditionally confined to field partitions, not dwelling houses. A painted or plaster finish to dwellings is more in keeping with the architectural vernacular of this area.
- 7.3.8. I am not satisfied that the subject site can accommodate a large two-storey dwelling without significant undue visual impact. The two dwellings immediately adjoining the subject site are single storey. The introduction of a two-storey dwelling in the centre of this row, would be visually discordant and would upset the rhythm of roof lines, notwithstanding that the proposed upper-floor would be set back and broken into smaller elements. The proposed dwelling has a front elevation of approx. 20m (noting that the side sections are set-back) on a site with road frontage of approx. 33m. It is considered that the scale and bulk of the proposed dwelling, at ground and upper floor are out of proportion with the subject site and the pattern of development in the wider area.
- 7.3.9. It is considered that the proposed development is contrary to policies CDP13.5 and CDP13.7 of the development plan, which seek to protect heritage landscapes and scenic routes from inappropriate development. It is considered that the proposed development would seriously injure the visual amenity of this sensitive landscape and would therefore be contrary to the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

7.4.1. The subject site is outside the boundary of the Black Head Poulsallagh Complex SAC (000020), to the west and north-west. According to the NPWS, this complex encompasses a complete range of rocky Burren habitats from coastal, glacially planed limestone pavements to high level heaths. The shoreline, littoral and sublittoral areas are also interesting because of the rock type, physical exposure, and flora and fauna communities. The shoreline of this site has the best examples in Ireland of an important biogeographical variation of intertidal reefs extremely exposed to wave action, and these shores have been described as some of the most interesting open coast shores of both Britain and Ireland. The shores are gently sloping, stepped limestone pavements over most of the site, but at Black Head the shore is narrow and very steeply stepped.

7.4.2. The qualifying interests for the site are as follows:

- [1170] Reefs
- [1220] Perennial Vegetation of Stony Banks
- [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)
- [3260] Floating River Vegetation
- [4060] Alpine and Subalpine Heaths
- [5130] Juniper Scrub [6210] Orchid-rich Calcareous Grassland*
- [6510] Lowland Hay Meadows
- [7220] Petrifying Springs*
- [8240] Limestone Pavement*
- [8330] Sea Caves
- [1395] Petalwort (*Petalophyllum ralfsii*)

7.4.3. Conservation objectives are to “maintain the favourable conservation condition” of each of the site’s qualifying interests. There is no source-pathway-receptor link from the subject site to the marine qualifying interests (inter tidal reef complex) and noting the significant remove of Petalwort (1395), perennial vegetation of stony banks (1220) from the subject site (see maps 3,4, and 5), I am satisfied that no significant impact will arise from the small scale and extent of the proposed development. Of relevance to the subject site is ‘limestone pavements 8240’ as shown on map 6 of the NPWS Conservation Objectives for the subject site.

- 7.4.4. The sensitive geology of limestone pavement is at risk from contaminated waste and / or wastewater from the subject site and proposed works. Noting that the subject site is outside the boundary of the SAC, the focus of the immediate habitats and having regard to the scale and extent of demolition work and construction work proposed, it is considered that significant impacts are not likely.
- 7.4.5. A surface water management proposal for the proposed development was submitted with the subject application. The report outlines a series of proposals regarding the protection of soil and groundwater, refuelling, site tidiness & housekeeping and emergency response measures. These standard construction measures *are not* presented by the applicant as mitigation measures that intended to avoid or reduce possible harmful effects of a project on a European site, as no such effects have been identified. I concur with the analysis and consider such a finding reasonable.
- 7.4.6. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Black Head Poulsallagh Complex SAC (000020) or any other European site, in view of the site's Conservation Objectives and a Stage 2 AA (and submission of an NIS) is not therefore required.

8.0 Recommendation

- 8.1.1. I recommend a SPLIT decision, as follows:

GRANT permission for the retention of the partial demolition of the existing building, and permission to demolish the remaining walls with sheds in accordance with the plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for the construction of a new two storey dwelling house based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature and design of the proposed development and the development to be retained, the zoning objective for the site, the current Development Plan for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the

development to be retained and the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would, therefore be in accordance with the proper planning and sustainable development of the area;

Conditions

1. The development to be retained 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. Site development and building works shall be carried out only between the hours of 0700 to 1800 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: In order to safeguard the residential amenities of property in the vicinity.

Reasons and Considerations (2)

1. Having regard to CDP13.5 and CDP13.7 of the Clare County Development Plan 2017-2023 which seek to protect heritage landscapes and scenic routes respectively from inappropriate development, and to ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact, the proposed development by reason of its siting, scale, and design would result in a visually prominent and obtrusive development which would adversely affect the character of the area and seriously injure the scenic amenity of the area. The proposed development would be at variance with the design objectives and guidelines as set out in the Clare County

Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Senior Planning Inspector

21 December 2020