



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308949-20

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<b>Development</b>	Construction of two storey extension to side of a single storey cottage with a new detached storey and a half garage.
<b>Location</b>	Wolganstown, Oldtown, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0486
<b>Applicant(s)</b>	Patricia Swoboda & Robert Woods.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Patricia Swoboda & Robert Woods.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	27 <sup>th</sup> April 2021.
<b>Inspector</b>	Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Wolganstown, north County Dublin, approximately 5km from Oldtown and 6km from Ashbourne. It is located on the eastern side of the local access road, L1040, and approximately 700m to the north of its junction with the R130.
- 1.2. It has a stated area of 0.2ha and is long and narrow, extending to the east by c. 90m and with a western boundary of approximately 25m facing onto the road. There is a single storey cottage of c.56sq. m in place to the front of the site, which has recently been refurbished.
- 1.3. The site is bounded by fields to the north and south and there is a detached dormer bungalow on the site directly to the south. There are hedgerows in place along the northern and eastern boundaries and a new laurel hedge has been planted along the southern boundary.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for a two storey extension of c. 145 sq. m to the side of the existing cottage. A new detached storey and a half garage of 56 sq. m would be constructed to the rear of the house.
- 2.2. Revisions to the existing vehicular entrance are proposed and would include the construction of blockwork walls and piers and the installation of a new sliding gate.
- 2.3. The existing septic tank would be removed, and a new wastewater treatment system would be installed comprising a packaged wastewater treatment system and a soil polishing filter. Surface water runoff would be directed to a Soakaway.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused by the PA for the following reasons;

1. The subject site is within the 'RU' zoning objective under the Fingal Development Plan, 2017 – 2023, the objective of which is to 'protect and

promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage' in the Fingal Development Plan 2017 – 2023. The proposed development, specifically the extension and garage, by virtue of their excessive scale and incongruous design, are considered to be unsympathetic to the design of the existing dwelling (causing injury to same), inappropriate within the rural setting, detrimental to the visual amenities of the rural area, would contravene materially Objective PM46 of the Fingal Development Plan 2017 – 2023 (in the case of the extension) which states 'encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area' and the 'RU' zoning objective for the area and would be contrary to the proper planning and sustainable development of the area.

2. The development if permitted would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the amenities of the area and be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The report of the Planning Officer dated the 20<sup>th</sup> November 2020 informed the decision of the PA and contains the following;

- The principle of the proposed development is acceptable within the 'RU' zoning for the site.
- Impacts on adjacent properties in terms of overlooking or overbearing are not anticipated.
- The proposed extension by virtue of its excessive scale and incongruous design is unsympathetic to the design of the existing dwelling.
- The development would be inappropriate to the rural setting and would be detrimental to the visual amenities of the rural area.

- It would also contravene materially Objective PM46 of the Fingal Development Plan and also the RU zoning for the site.

### 3.2.2. Other Technical Reports

- Water Services Department – No objection.
- Transportation Planning Section – No objection subject to conditions to achieve adequate sightlines.

### 3.3. Prescribed Bodies

- Irish Water – No objection.

### 3.4. Third Party Observations

- None received by the Planning Authority.

## 4.0 Planning History

- No planning history for the appeal site.

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2017-2023

- The appeal site is zoned RU – Rural, which has the objective to *‘Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’*. The vision for the RU zoning is to *‘Protect and promote the value of the rural area of the County’*.
- The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

- **Objective PM46** - Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- **Section 12.6** – Design Criteria for Housing in the Countryside

## 5.2. Natural Heritage Designations

No designations apply to the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of appeal include the following;

- The design of the extension is unashamedly contemporary and is designed to provide a contrast with the old and new. This approach has been successfully employed elsewhere in the rural Fingal region. Photographs of similar developments in the general catchment area have been included for reference.
- We do not concur with the assessment of the Planning Officer with regard to the scale extension and how it relates to the existing cottage and do not agree that it is not in accordance with Objective PM46.
- The area of the extension is stated as being 200 sq. m in the report of the Planning Officer. This is incorrect and the area of the extension is 145 sq. m.
- The detached garage was designed to provide parking for two cars and storage at the upper level. Following a review of the decision of the PA the applicants have decided that the scale of the garage is not critical to their needs and would be willing to reduce the size of the garage if considered necessary.

## 6.2. Planning Authority Response

A response from the Planning Authority was received on the 14<sup>th</sup> January 2021 and includes the following;

- Following a review of the appeal submission the PA have no further comment to make. It is requested that An Bord Pleanála uphold the decision of the PA.

## 6.3. Observations

- No observations received.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relate directly to the reasons for refusal which are;

- Design & Scale
- Other Issues
- Appropriate Assessment

## 7.2. Design & Scale

The principle of the development, for a 2 storey extension to a single storey cottage, is acceptable within the 'RU' zoning for the site subject to the provisions of the CDP.

The main reason for the PA's decision to refuse permission relates to the design and scale of the proposed extension and the impact it would have on the character of the rural setting. Design guidance for new dwellings in the rural area is contained in Section 12.6 of the CDP. Whilst this section of the CDP does not specifically relate to extensions to existing dwellings, it does state that the Development Plan seeks to limit the visual impact of new houses upon the countryside, which, in my opinion, could be applied equally to the impact of extensions. Furthermore, Objective PM 46 of the CDP also seeks to 'Encourage sensitively designed extensions to existing

dwellings which do not negatively impact on the environment or on adjoining properties or area'.

The grounds of appeal seek to clarify the exact size of the extension, which was stated as 200 sq. m in the report of the PO. The appellant states that the actual size of the extension is 145 sq. m. I have measured the internal dimensions from the drawings submitted and the internal floor area of both floors, exclusive of the single storey connection, is 140.4 sq. m. Notwithstanding the slight discrepancy in the proposed floor area, in my opinion, the crux of the issue is the height and mass of the structure in comparison to the existing cottage.

The proposed extension would have a ridge height of 8m, which is 3m higher than the height on the original cottage, and, the front elevation facing the public road would extend past the front of the cottage by 6m. Given the existing conditions of the site, the development would not be visible from the south of the site. However, it would be clearly visible from the front of the site and on the approach from the north, where the hedgerow is lower. The northern elevation would be c. 18m in length but it's visual impact would be somewhat reduced by the different volumes. It is my opinion that the view from the front of the site is the most problematic in terms of scale.

Although the site is large in scale and an extension is acceptable in principle, it is my view that the proportions of the new structure do not respect or reflect the existing house on the site. The difference in height is excessive and the 0.5m difference in height between the existing ridge height and the proposed eaves level does not present a coherent relationship between both buildings. The length of the extension would double the width of the existing house and present an overly long elevation when viewed from the west. In my opinion the proposed extension is excessive in scale and would result in undue visual impact on the character and setting of the existing vernacular cottage on the site.

It is also proposed to construct a 2 storey garage to the rear of the extension and along the southern site boundary. This structure would have a footprint of 56sq. m and would have double pitched roof with a ridge height of 7m. Overall, the proposed garage would be almost double the floor area of the existing house and the proposed ridge height would be 2m taller. In my opinion the scale of the garage is excessive

within the context of the site. When viewed from the front of the site, the combination of three differing ridge heights would present an unbalanced and uncoordinated form of development. The appellant has stated that they would be willing to reduce the scale of the garage should that be considered appropriate. Should the Board be minded to grant permission for the development, I would recommend that the height of the garage be reduced to match the height of the original cottage to present a visual reference.

### 7.3. Other Issues

Additional works proposed include the replacement of the existing septic tank with a new wastewater treatment system and the installation of new gates and walls to the vehicular entrance.

#### Drainage

It is proposed to deal with wastewater through a packaged waste-water treatment system, with surface water disposed of through a sand polishing filter and percolation area. There is an existing septic tank on the site which is operational and would be removed.

I have assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2010). The tests were carried out in accordance with EPA guidelines and the results indicate that the percolation test values (P and T tests) are within the acceptable limits for operation of wastewater treatment system as set down under the EPA Code of Practice.

The proposal includes on site drainage in the form of a soakaway. The Council's Water Services Section did not object to the proposal. I am satisfied subject to appropriate conditions such as prevention of discharge of surface water outside of the site, the proposed drainage and wastewater treatment system would be satisfactory.

#### Vehicular Access

The existing vehicular access would be retained. New blockwork walls and piers would be constructed, and a new sliding gate installed. The report of the Transportation Section notes that the required sightline of 145m would not be



achievable from a setback of 2m from the road when looking north from the site. This is because of an overgrown verge which is outside of the control of the applicant. On the occasion of the site visit, some works had been carried out to the front of the site and the verge was not overgrown. I note the historical location of the existing access and would agree with the conclusion of the PA that trimming the existing hedge and maintaining a grass verge at the site boundary would aid sightlines to the north.

### Material Contravention

I note that the PA's reason for refusal states that the proposed development materially contravenes Objective PM46 of the CDP and the 'RU' zoning for the site. The 'RU' zoning for the site seeks to *'Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'*, and Objective PM46 seeks to *'Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area'*, and is not, in my view, sufficiently specific so as to justify the use of the term 'materially contravene' in normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

#### **7.4. Appropriate Assessment**

7.5. Having regard to the nature and scale of the proposed development and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### **8.0 Recommendation**

8.1. I recommend that planning permission be refused.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development for a two-storey extension to a single storey cottage located in a rural area, it is considered that by reason of its height and scale, that the proposed development would have a significant and negative visual impact on the character and setting of the vernacular cottage. It would therefore be contrary to Objective PM46 of the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

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Elaine Sullivan  
Planning Inspector

30<sup>th</sup> April 2021