



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309282-21

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<b>Development</b>	Single storey extension at side of existing bungalow and new on-site wastewater treatment unit and percolation area.
<b>Location</b>	Courtlyough, Balbriggan, Co. Dublin, K32 AF54
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0556
<b>Applicant(s)</b>	Mark Gaffney.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	7 <sup>th</sup> April 2021.
<b>Inspector</b>	Barry O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject site consists of a cottage and a number of outbuildings on a site with a stated area 0.312ha, located along the west side of Local Road L1190 at Courtlough, Balbriggan, County Dublin.
- 1.2. The cottage, identified by the applicant as Courtlough Cottage and dating back to 1902, has been extended in the past, to the front and rear. It incorporates a mix of red brick and stone cladding on the front elevation and a render finish to the side and rear. Outbuildings are dotted around the site, primarily to the north, whilst there are a number of vehicles and other items in open storage adjacent to the west and south site boundaries. The area the subject of this appeal comprises the primary garden area and is grassed.
- 1.3. There are two accesses to the site, at the north and south ends of the plot. The north access provides access to the house and adjacent outbuildings whilst the south access provides access to a detached shed and open storage.
- 1.4. The site is enclosed along the roadside boundary by a mix of low-level railings, a dwarf wall and a low-level hedge.

## 2.0 Proposed Development

- 2.1. Permission is sought for a single storey side extension, with a stated area of 148sqm, and the provision of an on-site wastewater treatment unit and percolation area.
- 2.2. The extension would be built onto the south end of the house, projecting approx. 15.2m from the side plane and extending approx. 14.1m to the rear, to meet the rear plane of the existing house. It would have a higher ridge level than the existing house, extending 0.5m higher, and would be similarly proportioned across the front elevation, incorporating a feature gable element and windows on both sides. A glazed link element would connect the existing house and extension, whilst a courtyard would separate both elements to the rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority refused permission on 11<sup>th</sup> January 2021, for 2 reasons as follows: -

1. *The subject site is zoned 'RU' '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 HA 'protect and enhance high amenity areas' in the Fingal Development Plan 2017-2023. The proposed development would by virtue of its scale and design be unsympathetic to the design of the existing dwelling (causing injury to same), incongruous with the character of the area, detrimental to the visual amenities of the area and would contravene materially Objective PM46 of the Fingal County Development Plan 2017-2023 which states 'encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or 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 Report dated 4<sup>th</sup> January 2021, which reflected the decision to refuse permission. The report stated that the principle of the development was acceptable and that no impacts on adjoining property were anticipated, but concerns were expressed regarding the design and scale, which were considered to be unsympathetic and injurious to the design of the existing dwelling. Regarding previous refusals of permission for proposed extensions on the site, the report noted that an amended design had been put forward, but that this had not addressed the previous reasons for refusal. Regarding water and drainage, the report stated that the development was acceptable to both the Water Services department and Irish

Water. The recommended reason for refusal generally accords with the Planning Authority's decision to refuse permission.

### 3.2.2. Other Technical Reports

**Transportation Planning** report dated 11<sup>th</sup> December 2020, which outlined no objection to the development, subject to 2 no. standard recommended planning conditions regarding visibility from the site access.

**Water Services** report dated 20<sup>th</sup> November 2020, which outlined no objection to the development, subject to 6 recommended planning conditions. Regarding surface water drainage, an amended design was requested.

### 3.3. Prescribed Bodies

3.3.1. Irish Water provided an undated submission, which outlined no objection to the development subject to a standard recommended planning condition.

### 3.4. Third Party Observations

3.4.1. There were no third party observations on the application.

## 4.0 Planning History

I encountered the following recent records in my review of the site's planning history:-

F20A/0306 – Permission refused on 20<sup>th</sup> August 2020 for a single storey extension to side of existing bungalow, on-site wastewater treatment unit and percolation area and associated site works. Permission was refused for 2 reasons, relating to (1) the scale and design and poor integration to the design of the existing dwelling and (2) a precedent for other similar developments.

F17A/0409 - (ABP Ref. PL06F.300656) *Site to the north*: Permission refused for the construction of a house and associated site works. Permission was refused for 1 reason, relating to the absence of an identified locally based housing need.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Under the Fingal County Development Plan 2017-2023, the northern part of the site is zoned “RU”, with an 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’* and the southern part is zoned ‘HA’, with an objective to *‘Protect and enhance high amenity areas.’*
- 5.1.2. Objective PM46 relates to house extensions, outlining that it is an objective to: -  
*‘Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.’*
- 5.1.3. Green Infrastructure Sheet No. 14 identifies that the site is in *‘highly sensitive landscape’* and is also on a route with a protected view.
- 5.1.4. Regarding the highly sensitive landscape location, Objective NH36 sets out that it is an objective to: -  
*‘Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:*
- *Causes unacceptable visual harm*
  - *Introduces incongruous landscape elements*
  - *Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.’*

### 5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within or adjacent to any designated European Site.

### **5.3. EIA Screening**

5.3.1. The proposal is for a domestic extension and wastewater treatment system and percolation area. Having regard to the limited nature and scale of the proposed development it is considered that 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 grounds of appeal can be summarised as follows: -

- The development is not incongruous. The design and tone are in keeping and are sympathetic to the existing house, which was constructed in 1902 and is important to the applicant's family in its character and heritage. The applicant's family has lived in the house since construction.
- The extension is designed to sustain and develop the continued use of the house as a family home. The house is home to a family which ranges from a 1-year old to a 77-year old. The house has remained, whilst houses of varying sizes and designs have appeared.
- The cottage is modest in its scale but, living conditions for families have changed and the applicant wishes to allow modern living, including energy efficiency improvements.
- The extension can only come out to the side, where it will be visible from the road. In order to maintain the existing building, natural light levels to it need to be maintained.
- Guidance and direction from the Planning Authority in relation to a more suitable design would be welcomed, but none was offered.
- Ongoing restrictions of this modest house will result in dilapidation or disuse, as it will become unfit for purpose.

- There was no objection to the application from anyone in the locality.
- Allowing people to adapt their homes to their needs is central to facilitating rural generated housing requirements and reinforcing and strengthening sustainable rural communities. The applicant wishes to remain in their home and needs to adapt and alter it, as proposed.
- The applicant's family are part of the community, including working in the local area.
- The Planning Authority has granted permission for large extensions to already large properties, while refusing extensions to houses that are sighted as 'modest' and in need of the additional floorspace. Permission Reg. Refs. F18A/0631 is referenced, which comprised a 130sqm extension to a 132sqm house.
- Reference is made to Reg. Ref. F17A/0409, which was on a site immediately to the north. This was for a 4-bed house and was initially granted by the Planning Authority, before being refused by the Board. The building was not in keeping with other houses on the road.

## 6.2. Planning Authority Response

- 6.2.1. A submission was received on 3<sup>rd</sup> March 2021, which advised that the Planning Authority had no further comment to make. The Board was requested to uphold its decision to refuse permission and, should permission be granted, to attach a condition requiring a financial contribution in accordance with the Council's S48 development contribution scheme.

## 6.3. Observations

- 6.3.1. None received.

## 6.4. Prescribed Bodies

- 6.4.1. The appeal was circulated to An Taisce, The Heritage Council and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. No responding submissions were received.

## 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the third-party appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development
- Material contravention
- Impact on the character of the area
- Foul and surface water drainage
- Appropriate assessment

7.1.1. I note that there are a number of anomalies on the application drawings, for example identifying the front gable as being set below the ridge by approx. 1m (it is just below the ridge) and including a dimension to indicate that the ridge of the proposed extension would be 1m higher than that of the main dwelling (I have measured it is 0.5m higher). Notwithstanding these errors, I am satisfied that there is adequate information on the file to assess the appeal.

### 7.2. **Principle of Development**

7.2.1. The proposed development is consistent with the 'RU' and 'HA' zoning objectives, as set out in the Fingal County Development Plan 2017-2023, under which residential uses are permitted in principle.

### 7.3. **Material Contravention**

7.3.1. The Planning Authority's refusal reason No. 1 stated that the development would contravene materially Objective PM46 of the development plan. I am of the opinion that the proposed development does not represent a Material Contravention of the development plan, where its broad requirements have been complied with. I am therefore satisfied that Section 37(2) of the Act is not applicable in this instance and the appeal can be considered on this basis.

### 7.4. **Impact on the Character of the Area**

7.4.1. On my visit to the site I noted that there are a variety of house sizes and designs in the locality, including large two-storey houses, dormer bungalows and bungalows.



The houses in closest proximity to the site are bungalow and dormer bungalow styles.

- 7.4.2. The existing house on the site is small, by comparison to other houses in the locality, and, by reason of its narrow width and low-level height, a side extension is likely to have a noticeable impact on its character and appearance. In this respect, I accept the applicant's argument that an extension can only realistically be provided to the south side of the house, given the configuration of both the existing house and the site itself. I also note the applicant's argument that the existing house is modest in its scale and would benefit from extension and modernisation.
- 7.4.3. Regarding the size of the proposed extension and its impact on the existing dwelling, it is large, in the context of the existing house, but I am satisfied that it can be accommodated on the site, with an appropriately sized garden retained. The enlarged house (246sqm) would not, in my opinion, be of an excessive scale.
- 7.4.4. In terms of design, whilst I consider the overarching symmetrical design of the extension on the front elevation is acceptable, I would share the Planning Authority's concerns that its height exceeds that of the existing house by 0.5m. This approach would, in my view, result in the existing house appearing subservient to the extension, rather than the extension appearing subservient to it. Should the Board decide to grant permission, I would recommend a condition be attached, requiring that the ridge height of the extension shall not exceed that of the main house. The submitted drawings outlined that the extension and existing house would have matching eaves heights, so such a restriction would not impact on the viability of the extension.
- 7.4.5. Regarding impact on the visual amenities and character of the area, I do not share the Planning Authority's concerns. As has previously been set out, the houses in closest proximity to the site are bungalow and dormer bungalow styles and the bungalow houses in particular are each approx. 18-20m in length along their front elevation and, as such, are of a similar form and massing to the proposed extended house. There are also taller, bulkier 2-storey houses in the surrounding area. In my opinion, the proposed design is generally in keeping with the scale and massing of adjacent houses and would not result in the house becoming an incongruous feature

or being visually injurious and I do not consider a refusal of permission would be justified on this basis.

## **7.5. Foul and Surface Water Drainage**

### *Foul Drainage*

- 7.5.1. The development includes the provision of a wastewater treatment unit and percolation area. It can be seen from the site layout drawing that it would be located approx. 20m north-west of the existing dwelling, with a 200sqm infiltration bed located further north.
- 7.5.2. A Site Characterisation and Assessment Report has been provided, prepared by Wastewater Technical Services Ltd in June 2020. The category of aquifer is identified as 'locally important', with a vulnerability classification of 'moderate'. Table B.2 (Response Matrix for On-Site Treatment Systems) of the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses identifies an 'R1' response category i.e., acceptable subject to normal good practice.
- 7.5.3. A trial hole with a depth of 2m recorded 400mm gravely topsoil and 1.6m of gravelly clay and occasional boulders. Mottling was encountered at a depth of 0.8m and the water table was encountered at 1.8m. In relation to the percolation characteristics of the soil, a T-test value of 47.94 min / 25mm was returned. A P-Test value of 30.94 min / 25mm was returned. The Report concluded that the site is suitable for a packaged wastewater treatment system and polishing filter.
- 7.5.4. Having regard to the site percolation test results, I consider it has been demonstrated that the site can accommodate a wastewater treatment system.

### *Surface Water Drainage*

- 7.5.5. Surface water would be discharged to a soakaway, with dimensions of 8m x 7m, located approx. 12m to the north of the existing house. This is identified as required to accommodate an impermeable surface area of 400sqm on the site. A soakaway design report, prepared by Wastewater Technical Services has been provided. A soakaway test was carried out, in accordance with BRE Digest 365 and it was calculated that a soakaway of these dimensions is required, to serve the identified impermeable area. The layout of the soakaway appears to comply with the BRE Digest 365 guidance, but its size is larger than is required to accommodate run-off

from the built envelope of the house (246sqm). Whilst it is not stated in the assessment, this is likely related to other impermeable surface areas within the site. I note that the Planning Authority's Water Services department had no objection to the use of a soakaway but, requested an amended design and further details of the structures contributing to the runoff area. I would recommend that, should the Board decide to grant permission, a condition be attached which requires the design and layout of the soakaway to be agreed with the Planning Authority.

## **7.6. Other Issue**

- 7.6.1. As the gross floor area of the extension exceeds 40sqm, in accordance with the terms of the adopted development contribution scheme, a financial contribution is payable, in respect of public infrastructure and facilities benefiting development which have been provided or will be provided.

## **7.7. Appropriate Assessment**

- 7.7.1. The subject site is not within or adjacent to of any Natura 2000 site, the nearest designated sites being the Skerries Island Special Protection Area (Site Code 004122), which is approx. 6km east.
- 7.7.2. Having regard to the nature and scale of the proposed development, which comprises a domestic attic conversion and roof reprofile, 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 permission for the proposed development be granted, subject to conditions as set out below.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development is in keeping with the character of the area and would not seriously injure the amenities of the area or the amenities of

properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>Prior to the commencement of development the applicant shall submit, for the written agreement of the Planning Authority, revised drawings which ensure that the ridge height of the proposed extension does not exceed that of the existing dwelling. The development shall be undertaken in accordance with any such agreement.</p> <p><b>Reason:</b> In the interests of visual amenity</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<p>The vehicular accesses to the site shall accord with the Planning Authority's requirements, details of which shall be agreed in writing prior to the commencement of development.</p>

	<b>Reason:</b> In the interest of road and traffic safety.
5.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p><b>Reason:</b> In the interest of public health and orderly development.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Barry O'Donnell  
Planning Inspector

12<sup>th</sup> April 2021.