



An
Bord
Pleanála

Inspector's Report

ABP-310486-21

Development	Alterations to front façade windows, covering in of porch, extension to sunroom and covered patio area, double garage and hobby/gym room to rear, new dormer to rear roof area.
Location	Lissannymore, Virginia, Co Cavan, A82K6Y1
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	21124
Applicant(s)	John & Angela Frim
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	John & Angela Frim
Date of Site Inspection	25 th July 2021

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.3271 hectares, is located approximately 10km north of Virginia Co. Cavan. The appeal site is occupied by a two-storey dwelling and is located on the eastern side of a lower category county road. Adjoining uses include a two-storey dwelling to the north and agricultural lands to the east and south.

2.0 Proposed Development

- 2.1. Permission is sought for alterations to front facade windows, covering in porch, extension to sunroom and covered patio area, double garage and hobby/gym room to the rear, new dormer to the rear roof area.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 7 conditions. Of note is the following conditions.

Condition no. 3

The existing vertical window openings on the front elevation of the dwelling shall be retained in the design. Details of revised design incorporating the retention of vertical windows, shall be submitted in writing to the Planning Authority for approval prior to the commencement of development.

Reason: In the interest of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (28/04/21): Further information required including retention permission for the removal of the sunroom and revised plans and elevations showing the retention of the existing vertical windows on the front elevation.

Planning report (28/04/21): The overall design and scale of proposal was considered to be acceptable in terms of visual amenity and the proper planning and sustainable

development of the area. It was stated that it was more desirable to retain the vertical windows on the front elevation. A grant of permission was recommended subject to conditions set out above.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 None.

4.0 Planning History

4.1 06/1361: Permission granted for a two-storey dwelling.

Immediately south of the site...

4.2 06/2658: Permission granted for a dormer style dwelling.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is Cavan County Development Plan 2014-2020. The site is in a rural area.

10.3.3 Extensions to Dwellings

The design and layout of extensions to houses should have regard to amenities of adjoining properties particularly as regards sunlight, daylight and privacy. Extensions shall not be permitted where they result in an unacceptable negative impact on adjacent residential amenity. The character and form of the existing building should be respected and external finishes and window types should match the existing.

Extensions should;

- Follow the pattern of the existing building as much as possible.
- Be constructed with similar finishes, where appropriate and with similar window arrangements to the existing building so that they integrate with it.
- Have a pitched roof, particularly when visible from the public road.
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eave lines of the roof. Dormer extensions are generally not acceptable in streetscapes.
- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens. Windows which would reduce the privacy of adjoining properties are not permitted.

DMO8 To require all applications for rural houses to comply with the ‘Design Guide for Single One-off Rural Houses within Cavan Rural Countryside.’

DMO9 One detached domestic garage only shall be permitted for any single dwelling. Domestic garages shall be single storey, domestic in appearance and in character with the domestic dwelling. Carports are not permitted in rural locations.

DMO10 Extensions to dwellings which are considered to interfere with the character of the dwelling or overwhelm it by virtue of their size and design shall not be permitted in rural locations.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to nature and scale of the development, which is alterations to an existing dwelling 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

A first party appeal has been lodged by Angela & John Frim, Lissannymore, Virginia, A82K6Y1.

- The dwelling was severely damaged in a fire and the applicants/appellants propose to renovate and alter the dwelling. The proposal to alter the windows on the façade is for the purpose of enhanced daylight/sunlight provision in the dwelling and is good planning. The existing window openings are substandard and their dimensions provide limitations in terms of fire safety.
- The applicants/appellants note that the dwelling is deep plan dwelling and that the Site Layout Planning for Daylight and Sunlight guidelines (BRE) recommend that glazing to habitable rooms be not less than 20% of the floor area. It is noted the existing windows on the front elevation are substandard in this regard and the proposed alterations would enhance light levels to the rooms at the front of the dwelling and provide for increased solar gain.
- The fenestration proposed is in keeping with several dwellings in the immediate vicinity and the photographs of a number of examples of such are provided an appendix of the appeal submission.

6.2. Planning Authority Response

6.2.1 The Planning Authority considered that the revisions to the windows did not accord with the Design Guide for single one-off Rural Houses within Cavan Rural

Countryside or the Development Plan policy which outlines that extensions should relate to the character of existing dwellings including with similar finishes and windows to integrate well. The PA consider that the condition is appropriate and should be retained.

7.0 **Assessment**

7.1. At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 as amended. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Condition no. 3

7.2. Condition no. 3

7.2.1 Condition no. 3 states that “the existing vertical window openings on the front elevation of the dwelling shall be retained in the design. Details of revised design incorporating the retention of vertical windows, shall be submitted in writing to the Planning Authority for approval prior to the commencement of development”. The reason for this condition is stated as being in the interest of visual amenity.

7.2.2 The proposal entails renovation and alteration of two-storey dwelling severely damaged in a fire. The existing dwelling is a somewhat dated style of dwelling not of significant architectural merit. The existing windows openings on the front elevation are not necessarily a feature of architectural significance that merit retention. The proposal is to replace such with less windows but larger in size and with more horizontal emphasis. The appellants indicate that the proposal provides for enhanced daylight and sunlight level in the rooms served by these windows and

represent an improvement as well allowing for better fire safety in terms windows openings.

7.2.3 I would consider that the alterations proposed including the revised window openings on the front elevation would represent an improved aesthetic appearance over the existing architectural style of the dwelling and that the window openings proposed would be satisfactory in terms of visual amenity and would significantly improve light levels into the existing dwelling. I would consider that condition no. 3 is very restrictive, unnecessary and unreasonable condition, and that the overall design approach taken by the applicants/appellants is satisfactory with the proportions of the windows providing a reasonable solid to void ratio and having no significant or adverse impact on visual amenities of the area. I would recommend that condition no. 3 be omitted.

7.2.4 The PA suggest that retention of the windows is as per CDP policy in terms of respecting the character of the existing dwelling and that the proposal is not accordance with the Design Guide for single one-off Rural Houses. In this case the existing dwelling is not of particular architectural merit or of a style that requires retention of certain features in the interest of visual amenity. I would consider that the design as proposed provides for improved and updated appearance and that the proposal is no way is explicitly contrary Development Plan policy or the recommendations of the Design Guide for single one-off Rural Houses.

8.0 Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to OMIT Condition No 3, and the reasons therefor.

9.0 Reasons and Considerations

1. Having regard to the design, proportions and architectural style of the windows proposed, it is considered that the proposed fenestration is satisfactory in terms of its aesthetic appearance and overall visual impact and represents an improvement over the existing architectural character of the dwelling. The proposed development would be satisfactory in the context of the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

26th July 2021