



An
Bord
Pleanála

Inspector's Report

ABP-311360-21

Development

Construct a two storey extension to the rear and side of the existing two storey dwelling include upgrade and improvements to existing dwelling. Other ancillary site and construction works. The development consists of works to a protected structure

Location

Rathowen , Mullingar , Co Westmeath

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

21134

Applicant(s)

Joe Sheahan.

Type of Application

Permission.

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party

Appellant(s)

Lorraine & Lennart Thomsen

Observer(s)

None.

Date of Site Inspection

24th of January 2022

Inspector

Caryn Coogan

1.0 Site Location and Description

- 1.1. The site is located in the centre of Rathowen village in Co. Westmeath. Rathowen is along the N4 (Mullingar -Edgeworthstown). The subject site is located on the south side of the N4.
- 1.2. The site. (0.22Ha) includes a two-storey dwelling (121sq.m.) along the streetscape. The dwelling is a protected structure. There is a large outbuilding to the rear of the dwelling configured at an angle to the dwelling.
- 1.3. The rear garden area is long a narrow and positioned south of the dwelling giving the overall site boundaries an unusual configuration.
- 1.4. To the northwest of the site is the third-party appellants property, a single storey semi-detached dwelling with a garden area of similar scale and configuration to the subject site.

2.0 Proposed Development

- 2.1. The proposed development consists of works and an extension to a protected structure which include:
 - (a) A two-storey extension to the rear and side of an existing two storey dwelling to include upgrade and improvements to existing dwelling and changes to relevant elevations;
 - (b) Demolition of byre and partial demolition of existing outbuildings to the rear;
 - (c) Upgrade existing entrance and boundary wall/ fence
 - (d) Install new wastewater treatment system, percolation area and ancillary site development works.

The development consist of works to a Protected Structure.

There were a number of minor alterations included in the further information of 26th of July 2021.

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. granted planning permission for the proposed development by Manager's Order on the 17th of August 2021. There were 6No. conditions attached to the decision, all of which are standard planning conditions.

No. 5 is site specific and it states there will be no windows at first floor level on the northern elevation.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The refurbishment and reoccupation are consistent with the county development plan.
- The residential use remains extant under the Planning and Development Act 2000.
- The development is not considered contrary to any adopted standard or guidelines relating to PV rays.
- Japanese Knotweed in the rear garden.
- Recommendation to grant permission

3.2.2. *Other Technical Reports*

Engineering Report: Surface water shall discharge to an onsite soakaway.

3.3. Prescribed Bodies

The relevant prescribed bodies associated with protected Structures were notified at planning application stage and the appeal stage. There were no responses received.

3.4. Third Party Observations

The neighbours objected to the proposed development on the following grounds: -

- The development will overshadow their solar panels from October to March.
- Two windows have full view into their rear garden and yard. Sky lights should be provided instead.

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

Westmeath County Development Plan 2021-2027

Core Strategy Policy Objectives

CPO 2.12 Support the servicing of rural villages (serviced sites) to provide an alternative to one-off housing in the countryside, in line with RSES Objective RPO 4.78.

CPO 2.18 Promote measures to reduce vacancy and the underuse of existing buildings building stock and support initiatives that promote reuse, refurbishment and retrofitting of existing buildings within urban centres and targeted settlements in the County.

SETTLEMENT PLANS

8.7 Rural Remainder

This settlement category includes established Rural Villages of Ballinagore, Coole, Finnea, Raharney, Rathowen and settlement Nodes as set out in the Settlement Hierarchy of the Core Strategy. These Rural Villages provide important local level residential, retailing and community functions to their associated rural hinterlands. In these areas, emphasis is placed on sustaining vibrant rural communities, reversing rural decline, regeneration and renewal will be the Council's priority in accordance with the National Planning Framework. Rural villages settlement plans contain a village/development boundary with a single zoning identified as 'Self-Sustaining Rural Consolidation'. This zoning provides for a mix of development types that

supports the sustainable growth of the rural area and community as part of existing established village settlements. Development on these lands can include a range of uses that are considered to have the potential to improve the rural fabric of the settlement and its surrounding area

Record of Protected Structure -006-002

Semi-detached four-bay two-storey house built c.1820, with two-storey return to rear. Now disused. Pitched natural slate roof with two rendered chimneystacks and cast-iron rainwater goods.

5.2. Natural Heritage Designations

Garriskill Bog SAC (000679) 3km to the west

Garriskill Bog SPA (004102)

Glen Lough SPA (004102) 2.9km east

Surface water drainage from the site is into an onsite soakaway system. There is no pathway connecting the appeal site to a Natura 2000 site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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 third-party appellants, , Lorraine and Lennart Thomsen, have taken this appeal against the decision to grant planning permission for the proposed development on the following grounds:

- They have upgraded their home over the years to B1 BER rating to include attic insulation, new windows and doors, cavity wall insulation and new

wetroom, tank for solar, wood pellet stove, installation of 20 solar panels and bought an electric car.

- The concern is the height of the proposed extension during the winter light. The shadow analysis reveals from October to March there would be a loss equivalent to one day's yield per week.
- In the further information section 6b the applicant was asked to consider the eaves height of the extension.
- There is a first-floor bathroom window within 3metres of communal boundary and results in overlooking, and were not removed from the development. It is requested these windows be removed and sky lights be installed instead.
- The subject building is a protected structure, and it is wonderful to see the property being renovated, but the proposed extension will change the skyline of Rathowen village and their back yard forever. The proposed extension would be more in keeping by being single storey,

The appeal is accompanied by various pictures and vistas from neighbouring and surrounding areas in the village of the three-dimensional context of the rear two storey extension.

6.2. Applicant Response

The following is a summary of the applicant's response to the appeal:

- **Background:** The application forms part of a large site which is fronted by a derelict dwelling (Record of Protected structure 006-002) within the village of Rathowen. There is no previous planning history on the site. The reoccupation of the dwelling is in keeping within the county development plan policy and herniate guidelines.
- **Renewable Energy:** The proposed works have been assessed with regard to BRE – Site Layout Planning for Daylight and Sunlight 4.5.1. The proposed extension is south of the solar panels where the sunlight would be at the highest point. The impact has not been demonstrated by the objector with any accuracy.

- **Design and Overlooking:** The existing dwelling on site is very limited in height and window cill is located just 2.7metres above the ground finished floor which is the minimum height of the floor to floor height in the new portion of the dwelling. The upper floor/ existing windows are not at a level where we can provide compliant fire escape windows.

The proposed extension is linked by a pitched roof to match the existing eaves height. The rear portion of the extension is setback from the original house significantly and given the height of the front boundary wall close to the road a lateral comparison of the front and rear building profile will not be evident.

By way of further information drawings, the windows sizes were reduced and amended in a style to match the existing dwelling. The rear bathroom window is suitable given the orientation of the diagonal gardens along the rear of all dwellings.

6.3. Planning Authority Response

The planning authority had nothing further to add on appeal.

7.0 Assessment

- 7.1 The subject site is located in a village, Rathowen in Co. Westmeath. It is an existing two storey dwelling along the national road (n4) the spinal road through the village. The dwelling is a protected structure, and attractive vernacular semidetached dwelling, with a stone outbuilding to the rear. It is proposed to demolish the outbuilding and to construct a new two storey extension to the rear of the dwelling. The property has been vacant for a considerable length of time and the reoccupation and refurbishment of the building is in line with the core strategies of the Westmeath County Development Plan. In particular I quote core strategy **CPO 2.18** *Promote measures to reduce vacancy and the underuse of existing buildings building stock and support initiatives that promote reuse, refurbishment and retrofitting of existing buildings within urban centres and targeted settlements in the County.*

7.2 The third-party appellants live in the semi-detached single storey dwelling north of the subject site. The rear garden areas of both properties are at an angle to the dwelling houses, and their site configuration is unusual and has resulted in this appeal in terms of concerns regarding loss of light and overlooking. The appellants have no objection in principle to the overall proposal however, they have a number of concerns regarding the potential impact on their property.

7.3 **Overshadowing** : The third party has solar panels on the roof of their single storey dwelling at the rear. They are concerned the proposed extension due to its height and proximity will impact the PV system installed to the rear of their property, during the months of October to March in particular. The appellants have supplied no technical data to substantiate their claims.

The rear extension is two storeys to match the two storey profile of the main dwelling. The third-party appellants dwelling is to the north-west of the subject site is single storey. There is 3.8metres separation distance between the two-storey extension and the semi-detached single storey dwelling. The single storey dwelling has PV solar panels on its roof to the rear. The ridge height of the proposed rear extension is modest at 7.27metres.

Th relevant guidelines relating to the issue of Daylight and Sunlight are outlined in the BRE document, in particular Section 4.5.1 relates to PV panels. It is stated the buildings should stand well back form the southern boundary of the site. The proposed development is setback a considerable distance from the southern site boundary.

Given the orientation, and the relationship of the appellants dwelling to the proposed development, there will be minimal impact to the solar panels as a result of the modest rear extension.

7.4 **Design and Overlooking**

The third-party appellants are concerned about the loss of privacy associated with the first-floor bedroom window. The third-party appellants have requested the removal of the first-floor bedroom window and replacement with sky light.

The proposed extension is linked to the main dwelling by a pitched roof with matching eaves height. The window cill which the third parties are concerned about

is 2.7metres above ground level, in line with the Building Regulations. The applicant's removed a first floor bathroom window by way of further information, which I do not consider was necessary because it included obscure glass.

The rear garden areas of both properties are elongated and positioned at an angle to the dwellings. The setting is a built-up village setting. On balance I consider the third-party concerns to be unsubstantiated and unfounded. A certain amount of overlooking and overshadowing is to be anticipated along a terraced streetscape in a built-up area. In this instance the planning gain of refurbishment and reoccupation of the prominent protected structure along the streetscape is a bonus for the village. The third-party appellants, have in my opinion, failed to demonstrate that the proposal will have a negative material impact on their property and amenities.

7.5 Appropriate Assessment

Having regard to the nature and scale of the development proposed, an extension to an existing dwelling in a village, and the installation of a new sewage treatment plant, and to the nature of the receiving environment, remote from and with no hydrological or ecological pathway to any European site, no appropriate assessment issues arise. 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 the proposed development be granted subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the residential use on the site, its location in a village setting and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development to be retained would not seriously injure the residential and visual amenities of the area or of property in the vicinity. The 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 as amended by the further plans and particulars submitted on the 26th day of July 2021 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>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>
5.	<p>(a) The proposed septic tank drainage system shall be in accordance with</p>

	<p>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) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided 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>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Prior to commencement of removal of invasive species on site, the licence from the National Parks and Wildlife Service shall be submitted to the Planning authority. All works shall be carried out in accordance with the management plan, including monitoring and treatment programmes, wheeling washing on site, the erection of signage, etc.</p> <p>Reason: To prevent the spread of an invasive species.</p>

Caryn Coogan
 Planning Inspector

28th of February 2022