



An  
Bord  
Pleanála

## Inspector's Report ABP-313009-22

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<b>Development</b>	Extension to a house.
<b>Location</b>	Ballinvalley Lower, Arklow, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	21/1539.
<b>Applicant</b>	Julian Karra.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party v Refusal of Permission
<b>Appellant</b>	Julian Karra.
<b>Observer(s)</b>	1. Graham and Martina Wynne.
<b>Date of Site Inspection</b>	31/08/2022
<b>Inspector</b>	Enda Duignan

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## **1.0 Site Location and Description**

- 1.1.** The appeal site is located on the northern side of the L-6174-27 road and comprises a dormer style pitched roof dwelling which is centrally located within the site. The site is served by 2 no. vehicular entrances, with one (western side) leading to the rear of the dwelling and the other (eastern side) leading to what would appear to be a detached standalone dwelling which is located within the northern portion of the site. A detached, single storey pitched roof outbuilding is located within the western portion of the site and is accessed via a series of steps which leads up from the rear of the existing dwelling. The existing site is elevated relative to the adjoining roadway to the south.
- 1.2.** The site is located c. 4km to the east of the town of Avoca and c. 3km to the west of the N11 Motorway. In terms of the immediate site surrounds, there are a number of detached dwellings to the west, east and south-west with the remainder of the lands in agricultural use.

## **2.0 Proposed Development**

- 2.1.** Planning permission is sought for the construction of a pitched roof extension to the rear of the existing dwelling on site. The proposed extensions comprise a music room and a bedroom with ensuite. The extension will include a link corridor connecting the extension to the existing dwelling on its eastern side and also the outbuilding located within the western portion of the site. This building is identified on the submitted drawings as a gymnasium.
- 2.2.** Given the variation in site levels, the corridor connecting the extension and the existing dwelling will project above an existing paved area to the rear of the dwelling and will form an archway over this space. The roof of the proposed extension will tie in with the rear roof slope of the existing dwelling on site.
- 2.3.** In terms of materials and finishes, the elevations of the proposed extension are proposed to match the existing and will be plastered with a nap finish.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Wicklow County Council refused planning permission for the proposed development for the following 2 no. reasons:

1. Having regard to the existing dwelling and store/ family exercise structure, the design of the proposed extension which includes an overly complex arch corridor, and the connectivity of this extension to the existing store/family exercise structure which would result in the mass and scale of the development reading as a separate unit on the site, it is considered that the proposal would be contrary to the provisions for the design of extensions as set out in the Design Guidelines for New Homes in Rural County Wicklow County Development Plan 2016-2022, would not be subservient to the existing house on site, would form a visually discordant feature in this area, would set a precedent for similar haphazard development, and would be contrary to proper planning and sustainable development.
2. Having regard to the existing roofed open store on site, the additional walls, steps and revisions to the existing self contained unit on site in the absence of evidence of planning permission/ exemptions for such works, it is considered that to allow this development would represent consolidation of un-authorised development on this site, the provision of such a form of development unduly impacts on the amenities of the area, public health, the amenities of adjoining properties, undermines the planning regulations and would be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Report**

The Wicklow County Council Planning Reports form the basis of the decision. The first Planning Report dated 3<sup>rd</sup> February 2022 sets out the planning history of the site, provides an overview of the observations to the application and identifies the site as being located within a Level 10 Rural area within the Wicklow County Development Plan (CDP), 2016-2022. The Planning Report provides a description of the development proposal. In terms of the justification for the proposed extension, the

Planning Authority indicate that more substantive evidence regarding the Applicant's medical needs is required to allow for the development proposed to be properly assessed. In terms of "visual and neighbouring amenity", the Planning Authority raise concerns with respect to the scale and design of the proposed extension which they consider to be a distortion of the scale and mass of the original dwelling and out of character with the existing surrounding rural residential developments. However, it is stated that given the applicant's specific needs, the single storey extension providing a linked access from the main dwelling to the existing gym can also be considered the most viable solution to meeting those needs.

A second Planning Report dated 17<sup>th</sup> February 2022 is on file which indicates that there appears to be unauthorised development on the site that is not included on the application drawings. In addition, concerns are raised with respect to the scale and design of the proposed extensions which are considered by the Planning Authority to be contrary to the policies contained within the Rural Design Guide included within Appendix 2 of the current CDP. A refusal of planning permission is therefore recommended.

### 3.2.2. Other Technical Reports

Environmental Health Office: Report received stating no objection.

### 3.2.3. Prescribed Bodies

None.

### 3.2.4. Third Party Observations

The Planning Authority received a total of 2 no. third party observations. The issues raised within the observations can be summarised as follows:

- Concerns with respect to the visual impact of the proposal on what is a prominent site.
- The proposal represents excessive development with layouts completely out of scale and character with the overall site.
- The submitted plans do not reflect the current layout.
- The proposed increase of hard surfaces will cause additional run-off.

- Concerns with respect to the impact of the proposal on waste water management.
- The recently ABP granted front boundary wall is incomplete.
- The proposal will negatively impact the residential amenity of the surrounds.

## 4.0 Planning History

The relevant planning history of the site can be summarised as follows:

- **18/1398 (ABP-303836-19):** Retention permission refused by the Planning Authority and granted by the Board for the retention of the existing roadside boundary wall.
- **17/840 (PL27.249252):** Retention permission refused by the Planning Authority and granted by the Board for the replacement of a pump house and store room with shed incorporating pump house, garden, store room and family exercise area (in lieu of Planning Permission Ref 17/263).
- **17/263:** Planning permission granted by the Planning Authority for a pump house replacement with a garden shed incorporating pump house.
- **15/1093:** Planning permission granted by the Planning Authority for the replacement of the existing effluent treatment & disposal system with new wastewater treatment and disposal system.
- **03/9416:** Retention permission granted by the Planning Authority for the construction of a conservatory at the front of the house, 2 no. rooflights, a window, 2 no. external doors & changed positions & sizes of all windows.
- **94/79:** Planning permission granted by the Planning Authority for the construction of a self catering unit.
- **93/1069:** Planning permission granted by the Planning Authority for the change of use of part of the house to B & B.

### 4.1. Enforcement History

None detailed.

## **5.0 Policy and Context**

### **5.1. Wicklow County Development Plan (CDP), 2016-2022.**

5.1.1. The appeal site is located within a Level 10 Rural Area. This is defined within the current CDP as the 'rural area' of County Wicklow which forms the 'open countryside' and includes all lands outside of the designated settlement boundaries. Within a Level 10 Rural Area, the protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological / conservation quality of the area is protected.

5.1.2. In terms of the site's landscape category, the site is located within an 'Area of High Amenity', within Corridor Area 3(b) (The South East Mountain Lowlands) which are defined as "Transitional undulating lands bordering the Area of Outstanding Natural Beauty and surrounding the distinctive features of the Vale of Avoca, lands surrounding the village of Avoca and the Aughrim River Valley. The area includes a number of designated views and prospects and significant cultural heritage in the form of the Avoca Mines County Geological Site and Avondale House".

#### Relevant Appendices

- Appendix 1: Development and Design Standards; and,
- Appendix 2: Rural Design Guide.

### **5.2. Draft Wicklow County Development Plan, 2021-2027.**

5.2.1. I wish to bring to the Board's attention the imminent implementation of the Draft Wicklow County Development Plan, 2021-2027. I note that the site is proposed to be located within the boundary of a Level 9 settlement area, i.e. Rural Node/Rural Cluster. In terms of their role and function, rural clusters are generally 'unstructured' and / or historic settlements with very limited facilities and therefore considered suitable for very limited new rural development, with the main purpose of the designation being to direct rural generated housing into rural clusters rather than the open countryside.

In terms of the site's landscape category, the site remains within an 'Area of High Amenity', i.e. Corridor Area 3(b) (The South East Mountain Lowlands).

## Relevant Appendices

- Appendix 1: Development and Design Standards; and,
- Appendix 2: Single Rural Houses Design Guidelines.

### **5.3. Natural Heritage Designations**

- 5.3.1. There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the Special Area of Conservation: Buckronev-Brittis Dunes and Fen Special Area of Conservation (SAC) (Site Code: 000729), c. .1km to the east of the site. The 'Proposed Natural Heritage Area: Buckronev-Brittis Dunes and Fen' is also located c. 4.1km to the east of the site and the Proposed Natural Heritage Area: Avoca River Valley is located c. 3.9km to the site's south-west.

### **5.4. EIA Screening**

- 5.4.1. The proposed development does not fall within a Class of Development set out in Part or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore no EIAR or Preliminary Examination is required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The main points made can be summarised as follows:

- It is stated the proposal would be in keeping with the existing dwelling and the store/family exercise structure in all aspects and also with dwellings within the surrounds;
- The shed described in refusal reason no. 2 was erected c. 3 years ago as a shelter to house the pumping and heating equipment and it was the Applicant's intention to apply for permission to retain this structure. All building works on site including the roadside boundary were stalled due to the pandemic. However, it is still the intention of the Applicant to complete these works.

Included within the appeal submission is a letter from the mother of the Applicant which provides a rationale/justification as to why the extension is needed for the Applicant on health grounds.



## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

An observation was received from:

- Graham and Martina Wynee, Baniskey, Avoca, Co. Wicklow.

The issues raised can be summarised as follows:

- The dwelling is located on a prominent site and the proposal would not be in keeping with the character of the surrounds and would in effect create concrete sprawl on the site.
- Concerns with respect to surface water management given the extent of additional hard surfaces.
- Wastewater treatment concerns associated with the increase in footprint and the additional rooms within the dwelling.
- The dwelling is not utilised during the winter months.
- The permitted boundary wall remains incomplete and additional works have been undertaken on site without the benefit of planning permission.
- The proposal would set an undesirable precedent for similar development in the area.

## **6.4. Further Responses**

None sought.

## **7.0 Assessment**

The main issues are those raised in the grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. I again wish to highlight the impending implementation of the Draft Wicklow County Development Plan, 2021-2027. It is noted that the subject proposal has been assessed against the policy provisions of the current CDP and the Board will need to have due regard to policy that is in place at

the time of their determination. On the basis of the foregoing, the items to be addressed within this assessment will be considered under the following headings:

- Principle of Development
- Visual & Residential Amenity
- Other Matters
- Appropriate Assessment

## **7.1. Principle of Development**

7.1.1. Planning permission is sought for works to an existing dwelling comprising the construction of a pitched roof extension to the dwelling's rear to provide a new music room and bedroom with ensuite. The proposed extension will also include a connecting corridor which will link to with the existing dwelling. The proposed extension will also connect to the existing standalone structure located adjacent the site's western boundary.

7.1.2. As noted earlier in this report, the appeal site is located within a Level 10 Rural Area as defined in the current CDP (I note the draft CDP identifies the site within a Level 9 Area). Given the proposal seeks to extend an established dwelling to meet the needs of the current occupants, I am satisfied that the principle of the proposed development is acceptable at this location. Notwithstanding this, the site is located within an "Area of High Amenity" and any proposals for developments this nature require careful consideration given the potential impact on the landscape character of the surrounding area. The following sections of this report will discuss this matter in further detail.

## **7.2. Visual & Residential Amenity**

7.2.1. Given the variation in levels across the site, the existing outbuilding which is identified as being in use as a gymnasium is elevated relative to the existing dwelling. The rear extension is proposed to be located within an existing embankment area between the dwelling and the outbuilding. A connecting corridor is then proposed to project above an area of hardstanding to the rear of the dwelling which will tie in with the existing dwelling's stair case, mid-way between the ground and first floor levels.

7.2.2. The proposed extensions have a total length of c. 16m. Given the variation in site levels, the proposed pitched roof extension has a height that ranges between c. 4m and c. 6.9m above natural ground level. The connecting corridor has a height of c. 5.5m and the base of the structure has a height of c. 1.9m above natural ground level. The submitted plans indicate that the materials and finishes will match that of the existing dwelling.

7.2.3. Given the nature of the proposed development Appendix 2 (Rural Design Guide) of the current CDP is relevant to the assessment of this planning application. The policy for extensions to existing rural houses notes that the design of an extension should be sympathetic to the existing house. It is stated that extensions should complement the existing house and a good extension is usually subservient to the main building. The policy also provides the following design parameters which should be considered:

- The extension respects the size of the existing house;
- The extension does not reduce the area of the garden to such a degree that it affects the usefulness of the garden;
- The site is big enough to accommodate the extension as well as all the other facilities that a house requires e.g. effluent disposal system, car-parking area etc.

7.2.4. The Planning Authority has raised significant concerns with respect to the scale, design and layout of the proposed extensions. Concern is also highlighted with respect to the provision of what is described by the Planning Authority as an overly complex arch corridor. It is the view of the Planning Authority that in its totality, the proposed development will result in mass and scale of development which will read as a separate unit on the site and would therefore be contrary to the policies contained within the Rural Design Guide.

7.2.5. Although the proposed extension is located to the dwelling's rear, the entirety of the proposal will be visible from the public road to the south given the orientation of the dwelling and the alignment of the extensions relative to the road. Although I acknowledge the rationale for the development included by the Applicant, I would share the concerns of the Planning Authority with respect to the scale, design and

form of the proposed extensions. Although I note that the floor area of the extension is subservient to the existing dwelling, the linear design of the structure and its elevated position relative to the existing dwelling will read as a visually prominent feature within the landscape. As the extensions are proposed to connect to the existing outbuilding, the combined length of the structures will visually dominate the existing dwelling. On this basis, the proposed development would detract from the visual amenity of the surrounding area and I therefore recommend that permission be refused. Although I acknowledge that it would not provide a connection to the existing detached building, I note that there is an area of land directly to the west and south of the existing dwelling which may better lend itself to a development of this nature (i.e. dwelling extension) given the topography within the portion of the site.

- 7.2.6. Given the siting of the proposed extensions relative to existing properties within the surrounds of the application site, I am satisfied that the proposal does not have the potential to adversely compromise the residential amenity of properties within the vicinity by reasons of overlooking, overshadowing or by being visually overbearing. The proposal is therefore considered to be acceptable having regard to the residential amenity of the surrounding area.

### **7.3. Other Matters**

- 7.3.1. I note that the Planning Authority highlighted concerns with respect to unauthorised development that has been undertaken on site which included the construction of a roofed open store, the provision of additional walls and works to the existing embankment between the dwelling and the outbuilding. In addition, it is highlighted by the Planning Authority and a third party observer that the works to the existing roadside boundary wall which was granted by the Board to retain and complete have not been undertaken. I can confirm from my inspection of the site that these remedial works to the boundary wall have not been completed and it is evident that there are works on site which have not been identified on the submitted plans and particulars. It is acknowledged that the Applicant has stated within their appeal submission that it is their intention to regularise the planning status of these elements and complete the permitted works on site. Notwithstanding the foregoing, I note that this is a separate

matter to be pursued by the enforcement section of the Planning Authority and therefore does not form part of this planning assessment.

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

- 7.4.1. Having regard to the nature and scale of the development proposed, an extension of an existing dwelling on a rural site, 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 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**

I recommend that the planning application be refused for the following reasons and considerations.

#### **9.0 Reasons and Considerations**

1. Having regard to the topography of the site and its exposure to the public road, the linear form of the proposed extensions and its elevated position relative to the dwelling, together with the existing outbuilding on site, the proposal would be incongruous at this location and would not be visually subservient to the existing dwelling. The proposal fails to accord with the policy provisions for the design of extensions as set out in the Rural Design Guide (Appendix 2) of the County Wicklow County Development Plan 2016-2022, and the proposal would set an undesirable precedent for similar haphazard development in the surrounding area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Enda Duignan  
Planning Inspector

12/09/2022