



An
Bord
Pleanála

Inspector's Report

ABP-313247-22

Development	Demolition of existing domestic store and construction of a two storey extension to side of existing house and ancillary site ancillary site works.
Location	Cartronreagh , Edgeworthstown , Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	21354
Applicant	Gerard Duffy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Eugene Smith
Date of Site Inspection	1 st September 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Cartronreagh townland, Edgeworthstown, Co Longford, in rural Longford, c 8km east of Longford town and c 1.5km north-west of Edgeworthstown, between the N4 and the N55. The area is elevated with reference to the wider mid Longford area and has been subject to some one-off housing. An adjoining site was the subject of a recent third party appeal (312035), against the planning authority's decision to grant permission for a dwelling. The current applicant was then the appellant.
- 1.1.2. One-off housing occurs along both sides of the road but there is no house immediately adjoining the site. The predominant land use is farming, with surrounding land in pasture.
- 1.1.3. The site is given as 0.52ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the demolition of an existing domestic store and the construction of a two storey extension to an existing bungalow, upgrade of wastewater system and ancillary site works. The existing dwelling has a floor area of 96 sq m and the proposed extension an area of 122 sq m. Water supply is from the public mains.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to 6 conditions, including:

Condition no 3 – wastewater system.

Condition no 6 – Any alterations to the proposed development required in order to increase energy efficiency, passive houses or solar heating, use of renewable energy resources and/or comply with national building codes of practice shall be

submitted to the planning authority for its agreement prior to the commencement of development.

Reason: In order to promote sustainable energy usage and comply with the requirements of national building codes of practice.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file. The first, recommending a request for further information, includes:

Noting the observation which states that the scale is excessive and that the second front door indicates a second dwelling.

The recommended further information request, which issued, states policy DMS 16.81 which requires extensions to be subordinate; requests a justification for the second front door or its omission; and requests details of the upgrade of the wastewater system.

3.3. Other Technical Reports

3.3.1. Area Engineer – 10/1/2022, no objection.

3.3.2. Westmeath National Roads Office – 13/1/2022 – site is within the study area for the proposed N4 Mullingar to Longford (Roosky) Scheme. It has been assessed and they have no objection.

3.3.3. Further Information Response

3.3.4. In response to the further information request the applicant submitted revised drawings and a Site Characterisation Report. It is proposed to provide a wastewater treatment system and a polishing filter in compliance with the EPA CoP.

3.3.5. The second planning report recommending permission, includes:

Stating satisfaction with the further information submitted.

3.4. Prescribed Bodies

3.4.1. TII – no observation.

3.5. Third Party Observations

3.5.1. The third party observation on the file has been read and noted.

4.0 Planning History

Immediately adjoining to the east

312035, PA Reg Ref 21269 appeal, by Gerard Duffy, against the PA's decision to grant planning permission to Kristen Smith, for the construction of a bungalow type dwelling house with detached garage, entrance, boundary fence/wall, wastewater treatment system with percolation area and all ancillary works. The dwelling has a floor area of 122.2 sq m and the detached garage has a floor area of 33.75 sq m.

Further east

13/117 planning permission for a dwelling (extension of duration 18/8) to Thomas Smith.

5.0 Policy Context

5.1. Development Plan

5.1.1. Longford County Development Plan 2021-2027 is the operative plan. The relevant provisions include:

The rural typology map is based on 2 no. categories of rural areas: rural areas under strong urban influence and rural areas elsewhere.

This is within a Rural Area under Strong Urban Influence.

16.4.6.5 Extensions to Dwellings - Extending existing dwelling houses to meet changing family needs is an acceptable form of development which is viewed positively by the Council.

DMS 16.81

Ensure that extensions to residential dwellings accord with the following:

Be subordinate in terms of scale and be complementary in terms of materials and design to the main building (presumption against the size of any extension exceeding 100% of the floor area of the existing dwelling).

Complement the local area and not have a negative impact on the visual or residential amenities of neighbouring dwellers or the area in general.

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura site is Ardagullion Bog SAC (site code 002341), located c 6km to the east.

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development comprising an infill residential development and the urban location of the site 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

- 6.1.1. The grounds of appeal from the third party appellant, Eugene Smith, includes:
- The proposal is a significant extension of an existing property (of 96m²) which will bring it to 218m², over 100%. CDP states it should be subordinate.
 - DMS 16.81 – the response to the request for further information states the demolition of the existing garage 30m², the development did not constitute over 100%. Whilst it is true that the conversion of a garage, shed or store attached to the rear or side of a property would be exempted development under Schedule 2, Part 1, Class 1 of the P&D Regulations 2001 as amended), the fact is that, where such conversion has not taken place the attached garage, shed or store cannot be considered as part of the residential

structure. The presumption must be to refuse the proposed development permission in its current form.

- The appellant's belief that it constituted a separate dwelling, which was included in the FI request and the response to the FI request, to glaze in substitution of the door and to create an entrance hall at the loss of a room, gives credence to the concern.

6.2. Applicant Response

6.2.1. The applicant has not responded to the grounds of appeal.

6.3. Planning Authority Response

6.3.1. The Planning Authority have not responded to the grounds of appeal.

7.0 Assessment

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, and the nature and scale of the extension, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

7.3. The Nature and Scale of the Extension

7.3.1. DSM 16.81 requires that an extension 'be subordinate in terms of scale and be complementary in terms of materials and design to the main building (presumption against the size of any extension exceeding 100% of the floor area of the existing dwelling)'.

- 7.3.2. In response to the request for further information the applicant revised the proposed house plans to omit the additional front door proposed and to provide the proposed stairs in a different location. Alterations to the design of the front elevation provide for a smaller gable type feature at the eastern end of the dwelling to balance the proposed two-storey gable feature at western end of the front elevation. The overall scale remains the same.
- 7.3.3. The development plan objective, which is referred to in the grounds of appeal, that an extension should be subordinate and the presumption against the size exceeding 100% of the floor area of the existing dwelling, is strong guidance and is not prescriptive. The proposed development would result in a dwelling of 218 sq m which is large but not excessively so. The site is not in a sensitive area. The proposed extension is between the existing dwelling and a strong hedge along the western boundary, which ensures that it will have no impact on any other dwellings in the area, and that the hedgerow assists in absorbing its bulk. The extended dwelling will continue to be a less imposing presence as viewed from the public road, than many of the existing two storey dwellings in the area. The screening provided by the hedgerow along the western boundary exceeds the screening provided at many sites in the vicinity.
- 7.3.4. In my opinion the proposed development is acceptable.
- 7.3.5. Any future alteration to the dwelling, to create two dwellings, which is raised as a concern in the grounds of appeal, would require planning permission, and the possibility is not for consideration as part of this appeal.
- 7.3.6. The condition facilitating alterations for the provision of energy efficient improvements, raised as a concern in the grounds of appeal, is not grounded in specific development plan provisions. I recommend it's omission.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed development of an extension to an existing dwelling satisfies the relevant criteria for such development in the Longford County Development Plan 2021-2027, being generally subordinate to the existing dwelling; the proposed development would not detract from the residential or visual amenities of the area; would not constitute a traffic hazard; would be provided with adequate water and wastewater services, and would accordingly 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 documents submitted 1st March 2022, 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>a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (population equivalent ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system</p>

	<p>shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) 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 proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<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>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with</p>

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

2nd September 2022

Appendices:

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts.