



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313502-22

#### Development

The development will consist of the demolition of the existing dormer three bedroom dwelling; and the construction of a dormer four bedroom dwelling. The development will include all landscaping and associated site development works.

#### Location

Carnivan, Ramstown, Fethard-on-Sea, Co. Wexford.

#### Planning Authority

Wexford County Council.

#### Planning Authority Reg. Ref.

20220192.

#### Applicant(s)

Elizabeth Cullen.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse Permission.

#### Type of Appeal

First Party versus decision.

#### Appellant(s)

Elizabeth Cullen.

#### Observer(s)

None.

**Date of Site Inspection**

29 July 2023.

**Inspector**

Stephen Rhys Thomas.

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	6
3.4. Third Party Observations .....	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations .....	8
5.3. EIA Screening .....	8
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Planning Authority Response .....	9
6.3. Observations .....	9
7.0 Assessment .....	10
8.0 Recommendation.....	15
9.0 Reasons and Considerations.....	15
10.0 Conditions .....	15

## **1.0 Site Location and Description**

- 1.1. The site has a stated area of 0.694 ha and is located in the townland of Carnivan, Ramstown, south of Fethard-on-Sea. The site is located in a scenic area on the Hook Head peninsula, at New Bay between Carnivan Head and Baginbun Point. The site is accessed from a laneway that leads to informal car parking areas associated with beaches at New Bay and Petit's Bay. The site is at the midpoint of the laneway and comprises a farmhouse and old farm buildings located within a traditional walled enclosure. A small paddock separates the walled enclosure from the roadway, to the south of this road is the cliff face associated with New Bay.
- 1.2. The site occupies a tract of land amidst a large area of arable farmland within the ownership of the applicant. The existing house is in moderate repair but shows signs of age. There are a number of upstanding walls of former farm buildings, and a single storey stone shed retains its roof. The back portion of the site is overgrown with a small woodland, the site is more or less level and slopes gently downwards away from the road.

## **2.0 Proposed Development**

- 2.1. The development will consist of the following:
  - Demolition of the existing dormer three bedroom dwelling;
  - The construction of a dormer four bedroom dwelling.
  - New domestic effluent treatment system and percolation area.
  - All landscaping and associated site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority issued a notification to refuse permission for two reasons, as follows:

1 The proposed replacement dwelling by virtue of its scale and form would have a significantly greater adverse visual impact at this prominent site in the Hook

Peninsula Landscape of Greater Sensitivity, over that of the existing dwelling. As such the proposed development would be contrary to objectives RH11, CZM07, CZM11, L03 and Section 18.12.2 of the Wexford County Development Plan 2013 as extended and to the proper planning and sustainable development of the area.

2. Insufficient information has been submitted to demonstrate that the likelihood of coastal erosion affecting the proposed development and its access would be minimal. As such the proposed development would be contrary to objective CZM15 of the Wexford County Development Plan 2013 as extended and to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

The basis of the planning authority decision includes:

- Objective RH11, Table 13, Objective CZM11 of the current plan refer, principle of a replacement dwelling acceptable.
- The existing traditional building is to be demolished and replaced with a modern dwelling. Some other existing features are to be retained. The replacement dwelling is considered to be out of scale and impact the landscape. The front elevation and dormer arrangement is problematic, refuse permission.
- The house will be located 43 metres from the cliff edge, objective CZM15 refers, the cliff is not stable, no assessment has been carried out, refuse permission.
- Access – the public road could be affected by coastal erosion.
- Domestic effluent treatment on site acceptable.

Refusal of permission in accordance with the Planner's recommendation.

#### **3.2.2. Other Technical Reports**

Coastal Engineer – dwelling must not be located closer than the existing, and an assessment of the cliff and erosion should be carried out.

Environment – no objections conditions recommended.

Roads - no objections conditions recommended.

Water Services – no comments.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

### **4.1.1. Appeal site:**

None.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The Wexford County Development Plan 2022 -2028 is the operative statutory plan for the area, and the site is located within the Rural Area Type – Stronger Rural Area and also within the Coastal Zone. Relevant policies and objectives include:

Section 4.9.4 Refurbishment and Replacement of Rural Dwellings/Non Residential Rural Structures The reuse of the county's existing housing stock is a sustainable use of existing resources and its reuse will be encouraged by the Planning Authority. However, the reuse is only sustainable if the amount of work to be done to the property is significantly less than a new dwelling (in terms of embedded energy and waste) or if it preserves our vernacular heritage.

Table 4.7 Refurbishment and Replacement of Dwelling Houses

Objective SH47 To consider the restoration of existing vernacular dwellings in accordance with Table 4.7, normal planning and environmental criteria and the proper planning and sustainable development of the area.

Objective CZM36 (new development outside of settlements) Where the principle of a development outside of an existing settlement in the coastal zone is acceptable and it complies with the location objectives of the Plan, the Council will only give consideration to the development of buildings and uses (including caravans and temporary dwellings) where the development is a minimum of 250m (or a greater distance as may be specified by the Planning Authority having regard to the data sources referred to in Objective CZM29) from the soft shoreline or an area identified as at risk from coastal erosion. In order for the development to be considered:

- (a) The applicant must objectively establish based on the best scientific information available at the time of the planning application that the likelihood of erosion at the location is minimal taking into account, inter alia, the effectiveness of any existing coastal protection works and any impacts of the proposed development on erosion or deposition.
- (b) The onus will be on the applicant to provide evidence (including appropriate modelling which incorporates climate change) to demonstrate that the development will not be at risk over its lifetime. The Planning Authority will have regard to recent and historic trends and events and the data sources referred to in Objective CZM29 in assessing such applications.
- (c) It must be demonstrated that the development will not pose a significant or potential threat to coastal habitats or features and is compliant with the Habitats Directive.
- (d) The Planning Authority will not permit a development where such development could not be adequately defended over its lifetime without the need to construct new or additional coastal defence works.
- (e) This objective will not apply to minor extensions to existing buildings.

## Volume 2 – Development Management Manual

### 3.1 Single Dwellings in Rural Areas

## **5.2. Natural Heritage Designations**

5.2.1. The site is located north of the Hook Head SAC (site code 000764).

## **5.3. EIA Screening**

5.3.1. Having regard to the nature and scale the development which comprises a single house to replace an existing house, in an un-serviced rural location, 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 applicant has submitted a first party appeal, that can be summarised as follows:

- To address reason number 1 in terms of design, the eastern dormers replaced with a single rooflight, reduction in scale of the central dormer so that it does not break the eaves, reduction of the chimney to roof ridge, and set back off the eaves of the two western dormers and central dormer. A traditional roof pitch remains. The existing house does not meet the needs of modern living, a replacement dwelling is needed. The proposed dwelling rises only 0.507 metres over the existing one.
- Coastal erosion - it is noted that the Council's Coastal Engineer did not recommend a refusal, the proposed house retains the existing building line. The Coastal Erosion Report concludes that at a continuous rate of erosion, it would take 400 years to reach the house.

The appeal is accompanied by drawing number 1600\_05\_PA\_201 that shows an alternate dormer arrangement, other drawings to accurately detail height comparisons, a Coastal Erosion Report prepared by Byrne Looby Geotechnical Consulting Engineers and photographs to show different viewpoints.



## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

None.

## **7.0 Assessment**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development – Replacement House
- Design and Scale
- Coastal Erosion
- Other Matters
- Appropriate Assessment

### **7.2. Principle of Development – Replacement House**

7.2.1. The appeal site is located in an area of County Wexford that is defined as a Stronger Rural Area. Applicants that apply for permission for a new dwelling in a rural area must meet the criteria for one-off rural housing set out in table 4.6 of the development plan. The requirement to meet the criteria is not necessary in this instance, as the applicant proposes to demolish a dwelling that is beyond improvement and build a new house on a similar footprint and of a similar style. The planning authority note that it is not necessary for the applicant to demonstrate local need and accept the structural report submitted with the application that the existing dwelling is not habitable. I concur with the planning authority and I note the contents of the structural condition report submitted by the applicant and the information reiterated in the grounds of appeal.

7.2.2. From my own observations of the dwelling on site, I note that from outward appearances it seems to be in a moderate condition. However, upon closer inspection it is clear that the external walls and roof show signs of age and require remedial works. I can see from internal photographs that water ingress has occurred in a number of places and that internal floor to ceiling heights are very low by modern standards. Whilst it is unfortunate that the vernacular charm, scale and proportions of the existing dwelling cannot be retained and adapted, I accept the findings of the structural condition report submitted by the applicant.

7.2.3. With reference to Table 4.7 Refurbishment and Replacement of Dwelling Houses, of the current development plan, emphasis is placed on protecting vernacular houses. However, table 4.7 states that the vernacular dwelling must be capable of being suitably restored to habitable accommodation in keeping with its original character and without the necessity to demolish or significantly alter it. In this instance, the structural condition report states that it is impossible to retain the existing dwelling whilst at the same time meaningfully retain many of its features. However, the applicant states that many of the other features found on the site are to be retained. I note that the existing dwelling is neither a protected structure listed in the development plan or part of an Architectural Conservation Area, as such no formal status of protection stands over it. I am satisfied that the condition and viability of restoration is not possible and the principle of a replacement dwelling at this location is acceptable.

### **7.3. Design and Scale**

- 7.3.1. The planning authority refused permission on the basis that the scale and form of the proposed dwelling would have a greater impact upon the sensitive landscape of the Hook Peninsula. The applicant disagrees with the measurements taken by the planning authority with respect to the original drawings. However, some agreement is reached with regard to the arrangement of windows and dormer size and these have been reduced and repositioned in amended drawings submitted with the appeal.
- 7.3.2. Firstly, I note that the site is currently occupied by a dwelling of over a hundred years old and situated in a former farmyard complex. The dwelling and its surrounds are characteristic of the vernacular house and farmyard to be found in the area. That being so, I am of the view that the existing dwelling and surrounds cannot be described as an impact upon the landscape, but instead are an integral part of the historic landscape, in this instance farmland and coastal cliff. These are elements that are highlighted in the Hook Peninsula. The first reason for refusal states that the current dwelling forms an adverse visual impact and that the proposed dwelling would increase this impact, I disagree. In my view the current building and its outbuildings have occupied this space for over a hundred years and are part of the landscape character of the Hook Peninsula. In this regard, I note the visual analysis presented by the applicant and how it fed into the design rationale to replace the

existing dwelling with a structure that leans into the landscape, borrows aspects from the former cottage and interprets a contemporary design approach.

7.3.3. From my analysis of the drawings and other material submitted by the applicant with this appeal, the proposed roof ridge height would be just over half a metre above that of the existing dwelling, as viewed from the front elevation. I accept that the massing of the house on site will change, with a significant rear extension but this is single storey and subservient to the main axis of the proposed house. It is the scale and form of the proposed dwelling that the planning authority are concerned about. The revised drawings do not readily address the issue of scale, the footprint and floor area remain the same. Instead, the front elevation has been amended to provide a simpler and cleaner elevation. It is acceptable that the overall scale of the dwelling has not been reduced because in my view the original proposal was not particularly over scaled in the first place. I do agree that the front elevation is better detailed in the amended drawings and creates a link to the diminutive dormers present on the existing dwelling. To complete the integration of the proposed dwelling into the landscape, the applicant proposes to retain some of the features of the former farmyard and this is welcome.

7.3.4. The current development plan sets out guidance for replacement dwellings and in this instance I am satisfied that the spirit of the criteria set out in table 4.7 has been complied with. The condition report prepared by the applicant clearly sets out all the reasons why the dwelling cannot be retained. In my view certain design cues such as a long gable roof, small dormers, render finish and retention of some farmyard buildings all help to assimilate this building back into the landscape in accordance with table 4.7 of the development plan. In addition, section 3.1 *Single Dwellings in Rural Areas*, of the development plan, sets out design guidance and these principles have been applied to the applicant's proposal. I am satisfied that the proposed replacement dwelling will not adversely affect the sensitive coastal landscape at this location. On the contrary, I am satisfied that the design as amended by drawings submitted to the Board will enhance the proposed development and the retention of farmyard structures will assist this process. Given the cliff top coastal location and the prevalence of prevailing winds, a carefully thought out landscape plan will be required and this should be required by condition.

#### **7.4. Coastal Erosion**

- 7.4.1. Permission was refused by the planning authority because a complete study of the likelihood of coastal erosion affecting the proposed development and its access was not submitted by the applicant. The applicant notes that the Council's Coastal Engineer did not refuse permission for the development but rather, required the submission of a study and that the footprint of the proposed dwelling not step forward of the existing house on site. The applicant has submitted a Coastal Erosion Report prepared by Byne Looby consulting engineers, and dated April 2022, Objective CZM36 of the development plan is met.
- 7.4.2. The site is located to the back of a public road that runs along the cliff edge. The existing house is located 35 metres from the back of the road and approximately 40 metres from the cliff edge. The proposed dwelling will occupy a similar footprint and will not step forward of the front edge of the existing dwelling. The Coastal Erosion Report is thorough and includes an erosion analysis that predicts with a high probability the public road will endure encroachment by 2050, based on the Irish Coastal Protection Strategy Study. The rate of erosion at this particular location is matched with the lithology of the site and given the predominance of siltstone (shale) an erosion rate of 8cm per year would be expected and in line with predictions. The report concludes that the public road would be affected by 2050, the vehicular entrance by 38 years later and that the cliff face could start to affect the proposed dwelling in more than 400 years time. The assumption is that given such a slow rate of erosion, any issues regarding access to the property will be addressed ahead of time.
- 7.4.3. I am satisfied that the Coastal Erosion Report has been prepared by a competent person and I note its findings and conclusions. The impact of coastal erosion at this location is extremely long term and that would be expected given the composition of bedrock or lithology at this location. I note that climate change impacts such as sea level rise, storm frequency and variations in erosion rates have not been factored in to the assessment. However, any impacts with regard to access to the site can be addressed in the medium term as the impact of erosion becomes measured and quantified, in this regard I note that the applicant owns all the surrounding land along the road length in the area. The impact from coastal erosion on the dwelling if built, are so long term, it is imaginable that the lifespan of the dwelling would expire before the impacts of erosion take full effect.

7.4.4. Based upon the findings of the Coastal Erosion Report submitted by the applicant with this appeal, that the likelihood of coastal erosion affecting the proposed development and its access would be minimal. Objective CZM36 of the development plan has been complied with, a study prepared and conclusions reached that impacts will be minimal. I note that the Council's Coastal Engineer did not specifically refuse development of a dwelling at this location if the existing front building line is not broken. In this instance, the proposed dwelling is situated no closer to the cliff edge than the existing dwelling. The Coastal Erosion Report identifies the long term issues as they relate to the public road and access to the site, the concerns raised by the Council's Coastal Engineer are answered. I am satisfied that the impacts from coastal erosion at this location are extremely long term and that the report prepared by the applicant demonstrates this, permission can be granted in accordance with the stated objectives of the development plan for the coastal zone.

#### **7.5. Other Matters**

7.5.1. Other aspects of the development to do with surface water drainage, effluent treatment and site access have been addressed by the planning authority and considered to be acceptable subject to appropriate conditions. Given that a dwelling already occupies the site and that it is served by existing infrastructure I am satisfied that permission can be granted. Of particular relevance is the installation of a new domestic effluent treatment system, in this regard the contents and recommendations of the Site Suitability Assessment for Wastewater Treatment prepared by WJG Consultants are noted.

#### **7.6. Appropriate Assessment**

7.6.1. The nearest designated site is located to the south, the Hook Head SAC (site code 000764). I note the existing dwelling and serviced nature of this rural location, the site benefits from access to existing on site treatment and a water supply. I also note the expansive area of arable farmland surrounding the site. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site, I am satisfied that no appropriate assessment issues arise and that the proposed development would not be likely to have any significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the Wexford County Development Plan 2022 -2028, and the scale and design of the replacement dwelling development proposed, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. 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 received by An Bord Pleanála on the 5<sup>th</sup> day of May 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.

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of the materials, colours and textures of all external finishes, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

3. The proposed vehicular entrance shall not exceed 3.0 metres in width and shall not have outward opening gates. The drainage arrangements at the road junction shall be in accordance with the requirements of the planning authority.

Reason: In the interests of clarity, and pedestrian and traffic safety.

4. Prior to the commencement of development, details of the boundary treatments, including repairs to banks or stone wall along the southern boundary of the site, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

5. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 15<sup>th</sup> day of February, 2022, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. The existing shed shall not be used for habitable or commercial purposes or any other purpose other than those uses incidental to the enjoyment of the dwelling house.

Reasons: In the interests of residential amenity.

7. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The site shall be landscaped, using only indigenous deciduous trees and hedging species suitable to this coastal location. This scheme shall include the following:

(a) the establishment of a hedgerow along all side and rear boundaries of the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the date of this order, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours

of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Stephen Rhys Thomas  
Senior Planning Inspector

31 July 2022