



An
Bord
Pleanála

Inspector's Report ABP-313817-22

Development

Extension to rear/west of house, addition of rooflights and balcony at first floor level. Extensions to detached store/outhouse to include home office and roof terrace, Construction of a leisure pavilion to east of site. Associated site works.

Location

Dawn House, Ballyconnigar Upper, Blackwater, Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20220396

Applicant(s)

Cassandra Gleeson

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Cassandra Gleeson

Observer(s)

None

Date of Site Inspection

20th of December 2022

Inspector

Angela Brereton

1.0 Site Location and Description

- 1.1. The site is located in the Townland of Ballyconnigar Upper, Castle Talbot. This is about 1.5m to the east of the village of Blackwater and about 1km to the coast to the east. The site rises and is more elevated towards the rear. It is landscaped and there is along narrow driveway to this backland site. In view of the setback and landscaping the existing buildings are not visible from the public road.
- 1.2. There are currently two buildings on site, the existing detached dwelling and a detached outhouse/store structure to the northeast. The site rises to the rear (west) and has mature hedgerows to site boundaries. There is a bungalow with road frontage located to the north-east of the site. There is another house further setback with a separate driveway located to the rear (southwest of the subject site).

2.0 Proposed Development

- 2.1. This is to consist of the following:
 - a) A single-storey (with part mezzanine) extension of 136sq.m to the rear/west of existing dwelling with alterations and general refurbishment of the existing structure, including façade revisions, rooflights and a balcony at first floor level;
 - b) Refurbishment of and extensions to the existing detached stores/outhouse to the side/north of existing dwelling, including the additional of a first-floor home office and roof terrace with external stairs; and
 - c) The construction of a single storey detached leisure pavilion to the east of the site; along with all associated landscaping and general site works.

All at 'Dawn House', Ballyconnigar Upper, Blackwater, Wexford.

3.0 Planning Authority Decision

3.1. Decision

On the 20th of May 2022, Wexford County Council refused permission for the proposed development for 4no. reasons. In summary these included the following:

1. The proposed development by reason of its excessive mass and scale would present as a visually obtrusive and dominant feature within this highly sensitive coastal location – ‘Coastal Zone’. It would be contrary to Objectives in the Wexford CDP 2013-2019 (as extended) and to the proper planning and sustainable development of the area.
2. It would represent an over development of the site, by reason of overall scale, bulk and extent and having regard to the sensitive coastal location. It would not be easily absorbed into the landscape and would set an inappropriate and undesirable precedent and be contrary to planning policy.
3. Insufficient information regarding the servicing of the proposed leisure pavilion and swimming pool. It may be prejudicial to public health and would be an unnecessary burden on existing public infrastructure. It would be contrary to the proper planning and sustainable development of the area.
4. The proposed works to the existing garage on site are considered excessive in terms of normal domestic requirements having regard to the existing dwelling on site and apparent holiday season use of same. The unit presents as a two-storey structure and could facilitate a self-contained residential unit. The proposed development would be contrary to planning policy in this sensitive coastal area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the interdepartmental reports. Their Assessment concluded that the proposed development is likely to result in an undue visual impact that would not be absorbed by the sensitive coastal zone landscape in which the site is set. The scale and bulk of the extension to the dwelling is considered excessive, the works to the garage are undue and non-compliant with prescribed standards, and provision of a pool house is inappropriate and an over-development of this backland site.

Insufficient information has been provided on servicing of the pool which is reliant on public water supply and this is considered inappropriate and an unnecessary strain to existing public supplies.

3.3. Other Technical Reports

Roads Section

They noted that it is proposed to use the existing site access off the L6168-1 local road. They recommended permission subject to conditions, including regard to maintenance of sightlines and surface water drainage.

Environment Section

They recommended that permission be granted subject to conditions concerning the proposed wastewater treatment system and decommissioning of the existing system.

3.4. Prescribed Bodies

None referred to on file.

3.5. Third Party Observations

The Planner's Report notes that no submissions/observations were made.

4.0 Planning History

The Planner's Report includes note of the following recent decisions relative to the subject site:

- Reg.Ref.20140369 – Retention Permission granted subject to conditions to Noel & Angela Orange for an unauthorised porch and new window to existing dwelling house, entrance walls and gate as constructed and screen wall.
- Reg.Ref.20072327 – Retention Permission granted subject to conditions to Julie Woods of unauthorised works carried out to a dwelling house and for the construction of a domestic garage.

This appears to relate to the building on the subject site, described as 'detached stores/outhouse' in the current application.

- Reg.Ref.900150 – Permission granted subject to conditions to Julie Woods for the erection of a dwelling house. Reference is also had to previous refusal 891194.
- The Planner's Report notes that there is no Enforcement listed.

Copies of these decisions are included within the History Appendix to this Report.

5.0 Policy Context

5.1. Wexford County Development Plan 2022-2028

Volume 1 provides the Written Statement, Core Strategy and objectives of the Plan.

The Core Strategy includes an objective for Compact growth and liveable sustainable settlements. Table 3-2 provides the 'County Wexford Settlement Hierarchy' and includes Blackwater as Level 4 Large Village. Section 4.9 refers to the criteria for Housing in the Open Countryside. Figure 3-1 Core Strategy Map includes the site within a rural area of Strong Urban Influence. However, it is noted that the current proposal is for extensions and alterations to an existing house, rather than a new build.

Volume 2 provides the Development Management Manual which sets out the standards for different types of development and land uses that will be applied in the assessment of planning applications. Sections of note include:

Section 3 – Residential Developments. Section 3.2 refers to Domestic Garages/Stores and Section 3.4 refers to Extensions to Dwelling Houses. This provides the criteria for extensions considered appropriate having regard to residential amenity and the character of the area.

Section 3.8 refers to Backland Development. Section 3.12.2 – Dwelling house Design.

Table 3-4 provides the Minimum Floor Area and Private Open Space for Dwellings.

Coastal Landscape

Map 3: Coastal Zone.

Chapter 11, Volume 1 – Landscape and Green Infrastructure. This includes regard to Landscape and Visual Impact Assessment. Table 11.1 notes the Sensitivity Rating is 'High'. Landscape Objectives L01 – L17 refer. This includes:

L04: To require all developments to be appropriately sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised and that natural features and characteristics of the site are retained.

Chapter 12 notes Coastal Zone Management and Marine Spatial Planning.

Section 12.4.2 provides: *The overall goal for the coastal zone and maritime area is to ensure that it is protected and managed to balance social, economic and environmental interests while allowing these areas to be used in a planned and sustainable manner.* This includes a number of criteria as to how this is to be achieved.

Map 7.1 Landscape Character Units in Volume 7 Landscape Character Assessment shows the Coastal Landscape Unit and it is read in conjunction with the policies and objectives of Chapter 4 Sustainable Housing, Chapter 11 Landscape and Green Infrastructure and Volume 7 Landscape Character Assessment.

5.2. Natural Heritage Designations

The site is located c.2kms from The Raven SPA.

It is located in closer proximity to pNHA's – Ballyconniger Upper and Ballyconniger Sandpits.

5.3. EIA Screening

The proposed development for extensions and modifications to a dwelling house does not fall within the scope of any of the Classes of development for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

Horan Rainsford Architects has submitted a First Party Appeal on behalf of the applicant Cassandra Gleeson. This provides a rationale for the proposed development and the Grounds of Appeal include the following:

- They seek to demonstrate that the proposed residential development complies with the Wexford CDP.
- There is a presumption that the house is used as a holiday home which is not the case.
- The applicant has no intension of creating a separate dwelling unit and would welcome the inclusion of a condition restricting the property to one dwelling unit only.

Reason no.1 – Coastal Zone

- The proposed works have been designed to take full cognisance of its coastal setting, maximising the available outlook, but minimising its visual impact from near or distant viewpoints, as well as avoiding any impacts on immediate neighbours.
- They include photographs to demonstrate that the house is hidden from all viewpoints, including from the coastal vicinity. They note that it has not been possible to find a vantage point from which Dawn House is visible. They contend the Council's reason for refusal concerning impact on visual amenity and the Coastal Zone is unfounded.
- They do not consider that their proposed design and layout will create an undesirable precedent, rather that it will provide a high quality family home with no negative impact on the immediate or wider environment.
- They note that some of the two storey houses they refer to as precedent are highly visible from the public road and include photographs.

- They contend that the proposed works to Dawn House are relatively modest compared to some other grants of permission in the vicinity. That in view of landscape screening etc it will have no visual impact on the landscape.
- They submit that the proposed development will be high quality and complies with Development Plan Objectives relative to vernacular, landscape and the coastal zone.
- The scale of the proposed development is appropriate to the needs of a young family. Due to generous separation distances, it will not impact adversely on neighbouring properties.

Reason no.2 – Overdevelopment

- This is broadly similar to the Council's first reason for refusal but states contravention of a number of Development Plan Sections.
- They note the plot ratio at just 0.13 or 13% building to site area and contend that the proposal would not be an overdevelopment.
- In summary they assert that the proposed development does not contravene any of the Wexford Development Plan 2013-1029 (as extended) policies, and that the proposal cannot be construed as over development, particularly given its minimal visual impact on the receiving environment.

3rd Reason for Refusal – Swimming Pool

- This reason for refusal is based on insufficient information being provided. They enclose in Appendix A detailed information on the proposed non-chlorine sanitiser system that would be utilised for the pool, a proposed filtration and sanitation system which is generally used in areas of environmental sensitivity.
- They note that the environmental officer did not raise any concerns about the proposed pool.
- They contend that the single storey structure containing the pool, sauna etc is modest in scale and will have no negative impacts, either of a physical/visual nature nor of an environmental impact and should not be refused without adequate grounds.

4th Reason for Refusal – Garage/Study

- The existing garage is used as a utility room and for storage, it is intended to maintain these uses, but to add a home-office at first floor level.
- They contend that the applicants are entirely justified to seek to provide a separate home-office space. They confirm that the applicant has no intention nor desire to create a separate dwelling unit on the property.

Summary -Conclusion

- They conclude that the proposed development has been carefully designed, to ensure minimal visual and environmental impact.
- That it has been demonstrated that this proposal is justified and appropriate and would not set a negative precedent, noting other more prominent developments in the locality.
- That it has been demonstrated that the proposal is fully compliant with all policies and objectives as set out in the Development Plan.
- They ask that the Council's decision to refuse be overturned.

6.2. Planning Authority Response

There is no response to the grounds of appeal noted on file.

6.3. Observations

None noted.

7.0 Assessment

7.1. Policy Considerations

- 7.1.1. This application in summary proposes extensions and alterations to an existing house and outbuilding on un-zoned land in the rural area to the east of and outside the village of Blackrock. It is noted that this proposal was considered by the Council, under the Wexford County Development Plan 2013-2019 (as extended) and that their reasons for refusal include reference to a number of policies and objectives

under this plan. This has now been superseded by the policies and objectives of the current Wexford County Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and in the Assessment below. This includes those relevant to housing/extensions, visual amenity and landscape character.

- 7.1.2. Section 3.4 of Volume 2 of the current CDP is of note as it refers to Extensions to Dwelling Houses and includes that the proposed extension must be of a scale and position on the site which would not be unduly incongruous within its context. It has regard to design and layout and provides that it should not cause undue overlooking or overshadowing nor have an adverse effect on the amenities of or impinge on neighbouring properties and/or an over dominant visual impact. Regard is also had to services including the ability of the existing on-site wastewater treatment system to facilitate the additional loading from the extension.
- 7.1.3. It is noted that as shown on Map 3, Volume 1 of the current CDP, the site is located within the Coastal Zone. Volume 7 provides the Landscape Character Assessment. Table No. 7-1 provides a description of the Landscape Character Units. This has regard to the visual amenity and the sensitivity of the coastal area.
- 7.1.4. Regard is had to the documentation submitted, the issues raised in the Council's reasons for refusal and to the First Party grounds of appeal. It needs to be ascertained as to whether these reasons for refusal can be overcome. To ascertain whether the scale and nature of the proposed development could be considered appropriate to the site, in accordance with current planning policy and objectives. Also, whether it would be in character with the visual amenities of this sensitive coastal area and in the interests of the proper planning and sustainable development of the area. These issues are discussed, in this Assessment below.

7.2. Design and Layout

- 7.2.1. This is a backland site, accessed via a long narrow avenue, from the existing access to the public road. It is not proposed to alter this access. As shown on the Site Layout Plan, there is an existing detached dwelling and ancillary detached outhouse/store sited midway within the site, within landscaped gardens. The application form provides that the area of the site is 0.3657ha, the gross floor area of the existing buildings is 157sq.m, of the proposed works is 136sq.m. The g.f.a of that

to be retained is 154sq.m, and to be demolished is 3sq.m. Therefore, this would imply that the proposed resultant g.f.a would be 154sqm + 136sq.m i.e. 290s.m. It is noted that existing and proposed plans have been submitted. Having regard to the scaled floor plans, the additional floor area of the extensions and structures proposed would appear to be considerably greater than that provided for proposed works on the application form.

7.2.2. The existing house and outhouse building are relatively unobtrusive in the landscape. The site slopes downwards west/east, being more elevated to the west (rear). The existing septic tank is located downhill to the northeast of the house within the front garden area. The site is well screened from the road and the surrounding area by planting.

7.2.3. While I note the Council have refused permission for the development as a whole, regard is had to the individual components (described as (a), (b) and (c) in the public notices), separately below.

a) Single Storey extension

It is proposed to construct a single storey (with part mezzanine) extension of 136sq., to the rear/west of the existing dwelling, along with alterations and general refurbishment of the existing structure, including façade revisions, rooflights and a balcony at first floor level. This is in the form of a linked extension to the rear of main house. The linked area is to be single storey leading to the ground floor and mezzanine accommodation. There appears to be a further flat roofed extension to the rear of this. As shown on the sections, as this is the more elevated part of the site, an element of cut and fill would be required. The central mezzanine area is shown with a mansard type roof. I would consider that the proposed extension will appear un-coordinated and overly dominant and should not exceed the height of the existing dwelling and am concerned that the variety of roof types and elements shown would detract from the character of the existing house.

b) Refurbishment works

7.2.4. This is to include refurbishment of and extensions to the existing detached stores/outhouse to the side/north of existing dwelling, including the addition of a first floor home office and roof terrace with external stairs. It is noted that the First Party has provided that this structure will include a home office and will be ancillary to the

main dwelling house. Having regard to the floor plans and elevations, I would not consider that this proposal will add to the character of the existing single storey detached stores/outhouse. Rather and as shown on the sections, it will add to the variety of roof types/pitches, variation in heights and appear out of character with the existing house and the detached store/outhouse building.

c) Single storey detached leisure pavilion

7.2.5. In addition, for the construction of a single-storey detached leisure pavilion to the east of the site; along with all associated landscaping and general site works. The proposed 'leisure pavilion' is to have an overall floor area of c.124sq.m and a maximum ridge height of 4.25m. This includes a gym, sauna and jacuzzi and a pool area of 72.9sq.m. I would be concerned with the proposed location of this structure close to the eastern boundary of the site, and as shown on the contextual elevation noting that it will be sited on a more elevated site than that of the bungalow to the east.

7.2.6. I would not consider that the proposed extensions and additional elements proposed would comply with Section 3.4, Volume 2 of the Wexford CDP 2022-2028 i.e: 'Extensions to Dwelling Houses'. Having regard to the siting, design and layout, they will appear discordant and either singularly or cumulatively they will appear unduly incongruous within the context of the setting of the existing house and outhouse building. I would also not consider that the scale of the proposed extension to the outhouse/stores would comply with Section 3.2 i.e. relative to Domestic Garages/Stores. It presents as a separate structure that would be out of character with the design and external finishes of the existing house. While the issue of overdevelopment is referred to, I would consider that the main issue in this case is that the proposal will appear unduly incongruous with its context in this rural area within a sensitive coastal landscape.

7.3. Impact on the Visual Amenity and Character of the Area

7.3.1. It is of note that Map 3 Coastal Zone in Volume 1 Written Statement shows the site to the east of the village of Blackwater is within the Coastal Zone. Section 11.6 refers to the Landscape Character Assessment and Section 11.8 notes that the Landscape Sensitivity in this area is 'High' and has a limited ability to absorb new development.

This includes regard to visual impact and that development proposed within these areas must be shown not to impinge in any significant way upon the character, integrity or uniformity when viewed from the surroundings. Volume 7 provides the Landscape Character Assessment. Table No. 7-1 provides a description of the Landscape Character Units. This has regard to the visual amenity and the sensitivity of the coastal area.

- 7.3.2. It is noted that the First Party provides the proposed works have been designed in full cognisance of its coastal setting and include photographs to show that the existing house is hidden from various viewpoints. They provide details of some of the more prominent houses in the landscape that have been constructed in the area. However, I would be concerned that this proposal in view of its siting, scale and design would detract from the character and design of the existing buildings and the character of the site. Its overall impact, taking into account the elevated nature of the site would cumulatively be significant and would set an undesirable precedent for development in this sensitive coastal zone. As such the proposal would be contrary to Objective L04 of the Wexford CDP 2022-2028 (as quoted in the Policy Section above).
- 7.3.3. While I would consider that the principle of extensions and alterations to be acceptable, in the interests of compliance with planning policies and objectives as has been noted above, the scale, design and layout of the proposal as presented in the current application would not integrate well with the existing property or be in the interests of the proper planning and sustainable development of the area.

7.4. Drainage issues

- 7.4.1. The 2009 Code of Practice document has now been replaced by the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Dwellings (2021). This includes that the 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date. It is noted that this application was made to the Council on the 28th of March 2022. A Site Suitability Assessment of Wastewater Treatment by WJG Consultants dated 1st of February 2022 has been submitted with the application. It appears from the details therein,

that this has been carried out under the EPA CoP 2009, rather than the current EPA CoP 2021 and while there are similarities it thus requires to be updated in accordance with current standards.

- 7.4.2. The Site Layout Plan shows that it is proposed to replace the existing septic tank and percolation area with a Eurotank BAF Secondary Treatment System. This is shown sited proximate to the north-eastern site boundary and is to be in a relatively similar position to the existing septic tank which is to be decommissioned. It is also shown that it is proposed to replace the existing percolation area with a TER3 unit laid on infiltration. This Assessment provides that the aim is to install an effective on-site system that minimises the environmental impact and protects public health and to identify the site conditions by means of a thorough evaluation.
- 7.4.3. It is of note that Table 6.4 of the 2021 EPA CoP provides the percolation values relative to the type of treatment system and while more detailed the similarities to Table 6.3 of 2009 EPA CoP are noted. Percolation values of 3-50 are provided as being acceptable for the installation of a septic tank and percolation area.
- 7.4.4. The Depth of the trial hole is 2.1m. A number of 'T' tests were carried out and it was noted that the results varied. A subsurface percolation value of 18 and a surface percolation value of 25 was obtained and this is in itself an acceptable result for concluding that the subsoil is suitable media for treated waste disposal to groundwater. The Assessment Report provides that it proposed to install a Eurotank BAF Secondary Treatment System followed by a Eurotank tertiary treatment system or equivalent Packaged Treatment Plant followed by discharge to Groundwater via a Polishing Filter.
- 7.4.5. As per the Site Characterisation Form the Aquifer Category is given as 'Regionally Important gravel aquifer, where the vulnerability is described as 'high'. The ground water response is given as 'R1', where the installation of a wastewater treatment system is acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with CoP).
- 7.4.6. It is noted that the Planner's Report notes that no issues were raised by the Council's Environment Section. However, while I would support the decommissioning of the existing long standing septic tank, and replacement with a new wastewater treatment system, the need to update the Site Assessment in

accordance with the EPA CoP 2021, has been noted above. If the Board decides to permit, I would recommend that this should be conditioned.

Swimming Pool

- 7.4.7. The Council's third reason for refusal considers that insufficient information has been provided regarding the servicing of the swimming pool. This considers that the provision of such a facility for domestic purposes within a sensitive landscape where servicing is reliant on public water infrastructure is inappropriate and undue. They are concerned that the proposal may be prejudicial to public health and would place an unnecessary burden on public infrastructure and be contrary to the proper planning and sustainable development of the area.
- 7.4.8. It is provided on the Application Form and the Site Characterisation Form that there is an existing water connection to the site from the public mains. The First Party Appeal provides detailed information in Appendix A on the proposed non-chlorine sanitiser system that would be utilised for the pool, a proposed filtration and sanitation system which is generally used in areas of environmental sensitivity. This includes information regarding 'Water Cycle for Residential Pools'.
- 7.4.9. It is noted that the Council's Environment Section comments did not refer to the proposed pool. However, I would consider that there is an absence of information from Irish Water as to water supply relative to connection to serve the swimming pool in this rural area.

7.5. Appropriate Assessment Screening

- 7.5.1. Having regard to the nature and scale of the proposed development i.e: for extensions and modifications to an existing house to be provided with an upgraded waste water treatment system and the nature of the receiving environment and distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise and the proposed development would not 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 that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the elevated nature of the site, and to the scale, height and bulk and range of roof types of the proposed extensions and alterations to the existing dwelling and detached stores/outhouse, it is considered that the resultant development, would be unduly incongruous and not integrated with the existing buildings or the site context and would appear overly dominant in the landscape within the sensitive coastal zone. As such the visual impact of the proposed siting and design would not comply with Landscape Objective L04 as provided in Volume 1 of the Wexford County Development Plan 2022-2028 or the criteria relative to Extensions as outlined in Section 3.4 of Volume 2 of the said Plan. The proposed development including the addition of the detached leisure pavilion and swimming pool close to the eastern site boundary would set an undesirable precedent for similar type developments and would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

1st of February 2023