



An
Bord
Pleanála

Inspector's Report ABP- 314515-22

Development

Permission for the Removal of main roof structure of residential dwelling and provision of 1st floor element to that area.

Location

9 Tetrarch Grove, Bracetown,
Clonee, Co. Meath, D15 P956.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

22/784.

Applicant

Tariq Quadri.

Type of Application

Permission.

Planning Authority Decision

Refusal of Permission.

Type of Appeal

First Party v Refusal of Permission.

Appellant

Tariq Quadri.

Observer(s)

None

Date of Site Inspection

21st January 2023

Inspector

Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is No. 9 Tetrarch Grove, Bracetown, Clonee, Co. Meath. The triangular shaped site has a stated area of c. 0.23ha. and comprises a detached single storey dwelling. The dwelling is served by a large area of amenity space to its side (south) and rear (east) and car parking is provided within the dwelling's front setback.
- 1.2.** Tetrarch Grove is an established residential estate which is accessed from the eastern side of the R147. The M3 is located a further 350m to the south-east. The estate comprises a total of 9 no. detached properties of a broadly similar architectural style. It is apparent that some of the dwellings within the estate have been extended in the past. In terms of the immediate surrounds, a single storey detached property at No. 1 Tetrarch Grove is located to the immediate north of the appeal site.

2.0 Proposed Development

- 2.1.** The proposal seeks planning consent for the partial demolition of the roof of the existing dwelling and construction of a new first floor level extension and the conversion of the existing attic space. The proposal will provide 3 no. additional bedrooms at first floor level and an additional office space. Three (3) no. ensuite bathrooms are also provided at first floor level. Internal works are proposed at ground floor level to provide access to the first floor level extensions.
- 2.2.** The northern portion of the dwelling, comprising the additional bedrooms will read as a double storey dwelling with the landing and office area contained within a pitched roof profile. I note that dormer structures are proposed on the front and rear roof slope. The proposal does not seek to extend the footprint of the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council refused permission for the development for the following 2 no. reasons:

1. 'Having regard to the scale and design of the existing modest dwelling on the application site, together with the established design character of the area and, in particular, the 2 no. existing single storey dwellings to the north of sites no. 1 & 2, it is considered that the proposed extension which is substantial in scale and, would be out of keeping with the existing dwelling on site and the established design character of the area and has the potential to be overbearing on the adjacent properties. It is considered therefore that the proposed development is inconsistent with the provisions of section 11.5.25 of the Meath County Development Plan 2021-2027 which includes a statement that *'High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc'*. The proposed development, as presented, is therefore not considered to comply with Development Management Objective DM OBJ 50 and, if permitted, would be injurious to the visual and residential amenities of the area, would set an undesirable future precedent and as such would be contrary to the proper planning and sustainable development of the area.
2. Based on the lack of information provided with the application in relation to the existing septic tank/percolation system serving the existing and proposed development, the capacity and structural integrity of same, together with the suitability of the subject site to cater for the anticipated increased demand arising from the proposed development and the adequate disposal/treatment of same, the Planning Authority is not satisfied that the proposed development will operate to an acceptable modern standard and therefore has the potential to be prejudicial to public health. The proposed development therefore, as presented, is not considered to be in accordance with the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and the proposed development. It also

provides an overview of the policy at local level that is relevant to the development proposal.

The report notes that the proposed development, as presented is broadly consistent with the applicable zoning objective that applies to the lands. However, the Planning Authority note that the proposed development, by reason of its excessive and overbearing design, scale, mass and bulk, is not considered to adhere to the recommendations of the County Development Plan. It is therefore that planning permission should be refused.

The report indicates that the proposed extension, together with the existing dwelling, is shown to comprise a total of 6 no. bedrooms. It is stated that this will result in an increased demand on the existing septic tank. It is indicated that the Applicant could be invited to demonstrate that the existing system is of sufficient capacity and is operating to an acceptable modern standard. However, as the design of the proposed extension is not acceptable, the proposed development should therefore be refused.

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Observations

None.

4.0 Planning History

DA30461: The planning report indicates that permission was granted by the Planning Authority to retain a front wall (1.4m high x 16.2m long) incorporating one vehicular entrance with timber gates and one pedestrian entrance with timber gates and 5 number concrete piers (between 1.58m - 1.7m high).

5.0 Policy and Context

5.1. Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

5.2. Meath County Development Plan (CDP), 2021-2027.

As per Sheet No. 13(a) (Dunboyne/Clonee/Pace), the appeal site is located on lands zoned 'A1 – Existing Residential', the objective of which is 'To protect and enhance the amenity and character of existing residential communities'.

Given the nature of the proposal, Section 11.5.25 (Extensions in Urban and Rural Areas) is relevant to the consideration of the application. Policy Objective DM OBJ 50 notes that all applications for residential extensions in urban and rural areas shall comply with the following criteria:

- High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc.
- The quantity and quality of private open space that would remain to serve the house.
- Flat roof extensions, in a contemporary design context, will be considered on their individual merits.
- Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy.
- Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted.
- Dormer extensions shall not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof.

- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.
- Ability to provide adequate car parking within the curtilage of the dwelling house.
- In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

In terms of wastewater treatment, Policy Objective INF OBJ 13 seeks:

- 'To ensure that septic tanks, proprietary effluent treatment systems and percolation areas are located and constructed in accordance with the recommendations and guidelines of the EPA and the Council in order to minimise the impact on surface water of discharges.'

5.3. Natural Heritage Designations

- 5.3.1. The nearest designated site is the Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398) which is located c. 7.2km to the south-east of the appeal site.

5.4. EIA Screening

- 5.4.1. The proposed development does not fall within a Class of Development set out in Part 1 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

A First Party appeal has been prepared and submitted on behalf of the Applicant. The grounds of appeal can be summarised as follows:

- It is stated that the Applicant purchased the existing dwelling with a view to refurbishing and extending the overall dwelling to live in with his family. The

application site was seen as a 'blank canvas' where the existing dwelling oozed potential with extensive opportunities for redevelopment, remodeling and extending as deemed necessary, and appropriate by the new owners.

- Due to budgetary constraints, the decision was made to alter and extend the existing dwelling instead which would meet the Applicant's family requirements and yet within a price range that was realistic and affordable. Rather than extending the footprint of the existing dwelling, a cleverer approach and cost saving measure would be to convert part of the existing attic for habitable accommodation and also to extend it at first floor level.
- It is stated that the Applicant was dumbfounded by the decision to refuse permission where such development ought to be encouraged by the Planning Authority rather than refuse permission outright. It could be argued that any size of house, scale and proportion would be suitable on this site in this location. The decision to refuse permission for a modest, part single/part double storey dwelling is at odds with all logical sense. Opportunities were available to the Planning Authority to consult with the Applicant if they deemed necessary, by way of further information requests, in an effort to redesign or remodel the house if any particular aspect was deemed inappropriate.
- The appeal submission contends that the scale and design of the existing dwelling on the site has nothing to do with the proposed development. The Applicant is proposing a new, reconfigured dwelling and that the new dwelling needs to be assessed, rather than the existing house that is being altered.
- The Applicant contends that the dwelling is in keeping with the character of the surrounding area. Given the overall size of the site and the setbacks from adjoining properties, the Applicant asks the question as to how can the proposed development have an overbearing impact on adjoining properties? It is stated that the negative decision in this application is not sustainable, and the development needs to be permitted in the interests of orderly development and common sense.
- It is stated that there is already a precedent for two-storey dwellings within the existing estate. It is not entirely clear how the Applicant has failed to comply with the relevant policy objectives of the Development Plan. It is stated that the

Applicant has provided a first floor element to the existing single storey dwelling. Any logical assessment of this application would confirm that the first floor element is entirely acceptable in this instance. It is highlighted that all applications are different and need to be assessed on their own merits and no logical assessment was carried out in this instance.

- In terms of refusal reason 2, it is stated that this could be said to be a red herring. The question is asked whether there is a lack of information provided with the application in relation to the existing septic tank? If this is the case, then why did the Planning Authority not ask for information relation to the septic tank. It is stated that this application does not propose any upgrading of the septic tank on site and therefore no information was submitted as part of this application. If the Planning Authority deemed it necessary, then information could have been compiled and submitted as part of this process. To refuse permission on the assumption that it is not compliant simply because no information was provided is disingenuous and is inserted as a strengthening argument for refusal, whereas no such infringement actually occurs in this instance. It is stated that the Applicant is entirely happy to have a condition attached to any future grant of permission issued by the Board which could read that details of the existing septic tank could be submitted to the Planning Authority for assessment prior to the construction of the proposed development.
- Photographs are provided within the appeal submission of dwellings within the surrounding estate which demonstrate the diversity in architectural styles and provides evidence of double storey dwellings.
- It is stated that to appeal the decision is the only logical way forward in this instance as the reason for refusal eliminates any first floor element in the house which provides space that the applicant and his family currently require. The only way forward in this instance, is to have a third party assess the application independently and perform a critique of the proposed development and the reasons for refusal. The refusal reason is based on the visual design opinion of the area planner and does not represent a material breach of the Development Plan or of good design practice. The proposed extension is in compliance with

the zoning objectives and the policies set out in both national and regional planning documents as well as the Meath County Development Plan.

- The proposed development has no other impediments and indeed there were no objections to the proposed development.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 23rd September 2022. In terms of reason for Refusal No. 1, reference is made to the pattern of development in the area and it is stated that the proposed development is not considered to adhere to the recommendations and policies of the county Development Plan. It is highlighted that there are three general dwelling design formats within the estate which includes single story dwellings. Reference is made to the location of the appeal site relative to the existing single storey dwellings within the estate. With respect to Refusal No. 2, it is stated that the Applicant did not provide any specific details of the existing septic tank system and percolation area in terms of its location, format and suitability to cater for the increased load that three additional bedrooms will create. It is noted that the Applicant has still not presented any such details as part of the appeal. The Planning Authority respectfully requests the Board to uphold the decision to refuse permission for the proposed development.

6.3. Observations

None.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the appellant's grounds of appeal, the Planning Report and the consequent reasons for refusal, and I am satisfied that no other

substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Visual & Residential Amenity
- Wastewater Treatment
- Appropriate Assessment.

7.1. Principle of Development

- 7.1.1. The proposal seeks planning consent for the partial demolition and extension of an existing dwelling. I note that the appeal site is located on lands zoned 'A1 – Existing Residential' of the current CDP, the objective of which is 'To protect and enhance the amenity and character of existing residential communities'. This zoning objective also applies to the remainder of Tetrarch Grove estate, within which the appeal site sits. Having regard to the zoning objective that applies to the lands and nature of the proposed development (i.e. a residential extension), I am satisfied that the principle of the development is acceptable at this location. This is subject to the protection of the residential and visual amenity of the surrounding area, which I discuss in further detail in following sections of this report.

7.2. Visual & Residential Amenity

- 7.2.1. As noted, the proposed development seeks to extend the existing single storey dwelling. Although the application is not accompanied by a set of detailed demolition drawings, it would appear that it is proposed to partially demolish the roof of the existing dwelling and construct a new first floor level extension on its northern side. It is also proposed to convert the southern portion of the roof to provide an office space and provide a new dormer structure on the front and rear roof slope.
- 7.2.2. Within their assessment of the application, the Planning Authority indicate that the proposed development, as presented, and by reason of its excessive and overbearing design, scale, mass and bulk, is not considered to adhere to the recommendations of the County Development Plan. A refusal of planning permission was therefore recommended as the proposal is considered to be contrary to Policy Objective DM

OBJ 50 of the current CDP. The policy sets out various criteria that all applications for extensions in urban and rural areas shall comply with. In particular, the reason for refusal refers specifically to the first criterion which requires high quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc. In this instance, the proposal seeks to provide a first floor level extension on its northern side and the modified dwelling as a result, will clearly read as having a double storey form. The Planning Authority refer to the surrounding neighbourhood character, whereby Tetrarch Grove comprises a total of 9 no. dwellings. 3 no. dwellings (Nos. 1, 2 & 9) which are located at the entrance to the estate have a single storey form, whilst No. 3 & 4 at the northern end of the estate have a double storey form. The remainder of the dwellings within the area have a one and half storey form and are of a similar architectural form.

- 7.2.3. Whilst I acknowledge that the proposal will alter the appearance of the existing dwelling, notably on its northern side, I am satisfied that the extensions are designed to a high standard and quality, and are of a scale and form that can be readily absorbed on a site of this size. I note that the existing dwelling has a maximum ridge height of c. 6.6m and the extended dwelling will have a ridge height of c. 8m, which equates to an overall increase in height of c. 1.4m. The first floor level extension provides a varied setback of between c. 4m (eastern end) and c. 11m (western end) to the northern site boundary and this step in the building line will ensure that the extensions are successfully articulated when viewed from the north and north-west. Although a hipped roof is proposed above the first floor level extension, I observed there to be a variety of architectural styles within the surrounding Tetrarch Grove estate, as echoed by the Planning Authority. Whilst the Planning Authority have referred to the location of the appeal site relative to the existing single storey dwelling to the immediate north of the site, I consider the provision of a first floor level extension to represent an appropriate transition in scale and height within the existing streetscape. Whilst some of the dwellings within the cul-de-sac generally display a level of uniformity and consistency in terms of their architectural style, detailing and roof profiles, the appeal site is not located within an architectural conservation area, nor is the site located within close proximity of an existing Protected Structure or any building of significant architectural

merit. The area has a traditional suburban character and although the proposal seeks to provide a first floor level extension, I do not consider the proposal to be visually incongruous within the existing streetscape context or detrimental to the character of the surrounds. I therefore consider the proposal to be acceptable having regard to visual amenity of the surrounding area and I am satisfied the proposal accords with Policy Objective DM OBJ 50 of the current CDP.

- 7.2.4. The proposal also seeks to convert and modify the southern portion of the roof to provide a landing and office space and provide dormer structures on the front and rear roof slope. The policy of the current CDP notes that dormer extensions shall not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. The proposed dormer structures measure c. 2.7m wide by c. 2.3m high and are wholly contained within the front and rear roof profile. I am satisfied that the structures will not represent a visually prominent feature when viewed from the amenity areas of the property to the north or from the public realm and are therefore considered to be in accordance with Policy Objective DM OBJ 50 of the current CDP.
- 7.2.5. The Planning Authority's reason for refusal also states that the proposed development has the potential to be overbearing on the adjacent properties. I note that Policy Objective DM OBJ 50 seeks to ensure that proposals for extensions shall have regard to the impact of the proposal on amenities of adjacent residents, in terms of light and privacy. In addition, care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy. As indicated earlier in this report, the extensions provide a setback of between c. 4m (eastern end) and c. 11m (western end) from its northern site boundary which it shares with No. 1 Tetrarch Grove. The extensions have a maximum wall height of c. 5.9m (ridge height of c. 8m) on its northern side and I note that they are sited opposite the side wall of the property to the north and they do not extend beyond the rear building line of this property. Having regard to the overall scale, height and form of the proposed extensions, the set back of the extensions from the northern site boundary and the siting of the extensions relative to the side wall of the property to the north, I am satisfied that the proposed extensions will not unduly

compromise the residential amenity of the property to the north by reasons of overshadowing, loss of light or by being visually overbearing. In terms of overlooking, I note that there appears to be a discrepancy on the north-western elevation, whereby 3 no. first floor windows have been identified which do not correlate to the corresponding floor plan. Should the Board be minded to grant planning permission for the proposed development, I would recommend the inclusion of a condition, which would require the glazing within the wardrobe window to Bedroom No. 5 be manufactured opaque and the north facing window to Bedroom 4 (as per elevation) be omitted given the location of these windows relative to the adjoining property to the north. Subject to compliance with the condition, I am satisfied that the proposed development is acceptable having regard to the residential amenity of the site and surrounding area and the proposal is therefore in accordance with Policy Objective DM OBJ 50 of the current CDP.

7.3. Wastewater Treatment

- 7.3.1. The Planning Authority in their assessment of the planning application have indicated that no details have been submitted with respect to the existing wastewater treatment system and concerns were raised with respect to its adequacy to cater to the proposed development. I note that the existing dwelling comprises 3 no. bedrooms with 2 no. bathrooms. The proposal seeks to extend the existing dwelling to provide a total of 6 no. bedrooms and 5 no. bathrooms (including 4 no. ensuite bathrooms). Policy Objective INF OBJ 13 of the current CDP seeks 'To ensure that septic tanks, proprietary effluent treatment systems and percolation areas are located and constructed in accordance with the recommendations and guidelines of the EPA and the Council in order to minimise the impact on surface water of discharges. I note that the current relevant guidance is the EPA Code of Practice, Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021. Although not stipulated under Policy Objective DM OBJ 50 (Extensions in Urban and Rural Areas), it is worth highlighting that Policy Objective DM OBJ 49 (Family Flat Extensions) seeks to ensure that in the case of applications that are not connected to public mains, the existing wastewater treatment system on site must be capable for any additional loading from the flat, and if not, proposals should be submitted to accommodate the additional loading. Although a family flat is not proposed in this instance, I consider this policy to be relevant to the

consideration of the application given the scale of the proposed extensions (i.e. the inclusion of 3 no. additional ensuite bathrooms).

7.3.2. I note that the location of the existing septic tank has not been identified on the submitted plans and particulars, nor has the location of the septic tank of the property to the site's immediate north. The Applicant has confirmed that they are happy to comply with a condition which would require them to submit details of the existing septic tank to the Planning Authority for assessment prior to the construction of the proposed development. However, given the overall scale of the proposed extensions, I would concur with the Planning Authority that this information should have accompanied the application for planning permission to allow for a full assessment of the application to be undertaken. Whilst I note the commentary of the Appellant, no documentary evidence has been submitted to demonstrate the adequacy of the existing wastewater treatment system to cater to the proposed development and I do not consider it appropriate for this to be addressed by way of condition. Therefore, I am not satisfied on the basis of the information on file, that the existing septic tank and percolation area is suitable to cater for the level of development proposed. In this regard, the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area. I recommend that any future application for the redevelopment of the site be accompanied by an adequate demonstration that the existing system can accommodate the additional loading, or alternatively proposals to upgrade the existing system in line with the relevant EPA guidelines.

7.4. Appropriate Assessment

7.4.1. As noted, the nearest Natura designated site is the Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398) which is located c. 7.2km to the south-east of the appeal site. Taking into consideration the modest nature, extent and scope of the development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise and that the development to be retained would not be likely

to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. As the proposed development will materially alter the loading to the existing wastewater treatment system, the Applicant has failed to adequately demonstrate that the existing septic tank and percolation area is suitable to cater for the level of development proposed. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of this area.

Enda Duignan
Planning Inspector

02/02/2023