



An
Bord
Pleanála

Inspector's Report

ABP-314718-22

Development	Extension to existing dwelling, and associated ancillary works
Location	Lowerton More, Blueball, Tullamore, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	22347
Applicants	Keith & Jacqueline Screeney
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Keith & Jacqueline Screeney
Date of Site Inspection	12 th July 2023.
Inspector	Dolores McCague

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1.0 Site Location and Description

- 1.1.1. The site is located in the townland of Lowerton More, Blueball, Co. Offaly. The site is on a local road a short distance from the N 52. There is a bend on the local road immediately north of the main site entrance. The main site entrance is splayed, with high wing walls and there is limited sight distance available. Forward of the entrance, extending to the edge of the road surface, a stone pavement feature has been laid down. A second entrance is located to the north.
- 1.1.2. The existing dwelling on the site has limited visibility in the landscape, due to extensive landscaping. The roof top is however currently visible from the local road and the N52.
- 1.1.3. The existing dwelling was built on foot of a permission granted in 1999, on a slightly smaller site. The existing septic tank is indicated outside the 1999 site boundary. Additional developments within the north of the subject site, are not referred to in the planning history.
- 1.1.4. The site is given as 0.503ha.

2.0 Proposed Development

- 2.1.1. The application is for permission for proposed increased footprint to the existing 2-storey detached dwelling; proposed extensions ranging from single storey to the north/north-east elevation and 3-storey extensions to all other elevations; internal and external modifications to the existing dwelling to facilitate the development; proposed increase in the overall height of the existing house with the construction of a new roof to tie into the proposed extension. The proposed development also includes the construction of a new roof and associated external wall and external elevational treatments including new windows and doors to facilitate the proposed extension. Permission is also sought for replacement of the existing on-site wastewater treatment system with a new proprietary wastewater treatment system and all ancillary site works. No changes are proposed to the existing site boundaries or vehicular entrance to the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided, 2nd September 2022, to refuse permission for two reasons.

1 The proposed redevelopment of an existing house to create a three-storey dwelling of nearly nine metres in height is considered to be contrary to Offaly County Development Plan 2021-2027 Standard DMS-55 Extensions, which states that proposed extensions shall:

‘In general, be subordinate to the existing dwelling in its size. Unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing’ and ‘not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and /or an over dominant visual impact’.

The proposed extensions are not subordinate to the existing dwelling in their size and the proposed extensions do not complement the existing dwellings design and massing. The proposal will result in a house design that will have an overly dominant visual impact. The proposed development would therefore materially contravene the 2021-2027 Offaly County Development Plan.

2 Having regard to the fact that the main vehicular entrance to the dwelling on site is unauthorised and is deemed a hazard to traffic, due to lack of required sight lines, it is considered that the proposed extensions would facilitate the continued use of an unauthorised and unsafe access to the public road. The Planning Authority is, accordingly, precluded from considering a grant of permission for the development subject of this application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning report, dated 2nd September 2022, recommending refusal, which issued, includes:

- Reference to planning history, development plan policies and departmental reports.
- The development is unlikely to have significant effects on any European Site.

3.2.3. Other Technical Reports

3.2.4. Water Services and Environment, 11th August 2022 – conditions re.: general; water supply (well); wastewater treatment; storm water; waste; environmental nuisances.

3.2.5. Tullamore Municipal District. 2nd August 2022: recommending a further information request in relation to: 1 - detail entrances and structures on site; 2 - show unobstructed sightlines measured at 1.1m above road level; 3 - install a linear drainage channel across the entrance; 4 - show sightlines for the second entrance; 5 - telecommunications pole in the gravel area to be relocated; 6 - show on layout the location of all the proposed / existing surface water infrastructure and the outfall point.

4.0 Planning History

PL2 99/650 permission for a dwellinghouse, garage and effluent treatment system. Details have been provided by the planning authority.

PL2 98/1086 refusal of permission for a dwellinghouse, garage and septic tank system; reason - public health.

UD 19/45 enforcement file construction of pillars and wing walls in excess of height restrictions and laying of cobble style paving extending onto the public road at the entrance.

5.0 Policy Context

5.1. Development Plan

5.1.1. Offaly County Development Plan 2021-2027 is the operative plan. Relevant provisions include:

DMS-55 Extensions - Proposed extensions shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing;
- reflect the window proportions, detailing and finishes, texture, materials and colour unless a high quality contemporary and innovatively designed extension is proposed;
- not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact; and
- carefully consider site coverage to avoid unacceptable loss of private open space.

Where new extensions are proposed very close to adjoining buildings and may impact upon the residential amenities of an adjacent property, daylight and shadow projections will be required in accordance with the recommendations of Site Layout Planning for daylight and Sunlight: A Guide to Good Practice (BR 209, 2011) and BS 8206 Lighting for Buildings.

DMS-48 Design and Siting - All planning applications for single houses in the countryside shall demonstrate a high standard of siting and design in accordance with Offaly County Councils booklet 'Designing Houses, Creating Homes – A Guide for Applicants on the siting and design of new houses in the Offaly countryside'.

5.2. **Designing houses creating homes, a guide for applicants on the siting and design of new houses in the Offaly countryside' (2008).**

This document is a rural design guide for Co Offaly. It includes: foreign roof forms such as Dutch hipped, mansard and Swiss roofs should be avoided.

5.3. **Natural Heritage Designations**

- 5.3.1. The closest Natura site is Clonaslee Eskers and Derry Bog SAC (site code 000859) located approx. 5.5 km straight line distance to the south-east.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal, submitted by Downey Consultants, on behalf of the first party, include:

- The main element of the work is proposed towards the rear of the existing house and so will generally be screened from the public road. The proposed development allows the applicant to modernize their family home and improve their amenity. It will not give rise to any impact on surrounding neighbours or third party lands.

Reason 1):

- DMS-55 – the increase in height – the limited increase of 1.25m will not have any tangible impact in terms of overlooking or overshadowing. It will be undetectable to neighbouring properties.
- No third party objections were received.
- The existing house extends to approx. 370sq m and the proposed extension is approx. 231 sq m.
- It sits on a large plot and is screened from the public road.

Reason 2):

- The entrance – they strongly refute the statement that the existing entrance is unauthorised. The house uses the existing access previously granted (99/650) and safely constructed. A number of conditions, 10 and 12 are contradictory, thus not in accordance with the Development Management Guidelines. A replacement

fence was provided in accordance with condition no. 10. The entrance was constructed in accordance with condition 9. Their client replaced the original wingwalls with a different material, the replacement wall does not extend any closer to the public road as the piers are in the exact same position. The entrance is not unauthorised. The subject application did not propose any works to the entrance and would not give rise to any intensification of the level of use or activity at the entrance. Sightlines are as permitted.

- The Board is not precluded from granting permission.

Responses to Area Engineer's comments:

- Entrances and Ball court – this is referred to in the area engineer's report. An existing entrance to the north of the site, the original agricultural entrance, is not used by the applicant. The ball court is a domestic structure within their garden used by the family for recreation purposes. The northern access is not associated with this as the family enter the ball court from the garden via the house.
- The existing entrance has been referred to above.
- Linear Drainage channel – the rationale is unfounded.
- Second vehicular entrance – has been referred to above.
- Telecommunications pole – the area Engineer is seeking to have a telecommunications pole relocated. The existing boundary treatment and set-back was carried out 20 years ago, it is of no relevance to the current application.

6.2. Planning Authority Response

- 6.2.1. The planning authority have responded to the grounds of appeal requesting the Board to support its decision.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the existing development permitted on the site / traffic safety and

development plan policy / 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. Existing Development Permitted on the Site / Traffic Safety

- 7.3.1. The development permitted on the site was subject to conditions including:

No. 9 Vehicular access to the site shall be restricted to one point. The gateway shall be recessed at least 4metres from the new fenceline required below and splayed wing walls shall be provided.

Reason: To allow adequate waiting space and sight distance for one vehicle clear of the realigned public road.

No. 10 The existing road boundary fence shall be removed over the entire site frontage. New boundary fencing shall be erected along a line which is indicated in red on the attached map.

Reason: To provide car parking across the frontage of the site and to allow for possible future road improvements.

No. 11 The site frontage shall be excavated, filled, drained, graded and surfaced with durable materials of distinctive colouring. The remainder of the area between the near edge of the public road carriageway and the line of the new fencing shall be graded level with the public road and grassed.

Reason: To provide car parking across the frontage of the site and to allow for possible future road improvements.

No. 12 The new boundary shall not exceed 0.8metres in height and shall be a concrete block wall, plastered and dashed and completed with a concrete coping.

Reason: To ensure that the new road boundary wall does not obstruct sight distance in the vicinity of the new entrance onto the public road.

No. 16 Provision shall be made to accommodate any surface water which may flow off the public road onto the site and any existing road drainage inlets shall be incorporated into the front boundary treatment of the site. New inlets shall be piped to soakpits of adequate capacity which are located within the site.

Reason: To prevent flooding of the public road and in the interests of amenity and traffic safety.

- 7.3.2. It appears to me that the development as carried out does not comply with these conditions which were imposed to provide for the safety of road users. I consider that it would be inappropriate to permit further development on the site in such circumstances, and that an extension of development, such as that proposed, would be likely to increase traffic turning movements at these substandard entrances and endanger traffic safety. This is a reason to refuse permission.

7.4. Development Plan Policy / Scale of the Extension

- 7.4.1. The planning authority's first refusal reason refers to the development plan requirement that an extension be subordinate to the existing dwelling, and that the scale of the proposed development is considered excessive.
- 7.4.2. The grounds of appeal addresses this reason, stating that the scale is not greatly in excess of the existing dwelling.
- 7.4.3. The reason states that the proposed extensions do not complement the existing dwelling's design and massing.
- 7.4.4. The development plan refers to the document 'Designing houses creating homes, a guide for applicants on the siting and design of new houses in the Offaly countryside' (2008). This document states that 'foreign roof forms such as Dutch hipped, mansard and Swiss roofs should be avoided'. The proposed design incorporates a mansard roof.
- 7.4.5. The reason states that the proposed development would materially contravene the 2021-2027 Offaly County Development Plan. The grounds of appeal states that the Board is not precluded from granting permission.

7.4.6. The rural design guide refers to 'avoiding' a mansard roof treatment and the development plan requirement for extensions is that 'in general' they be subordinate to the existing dwelling. In my opinion this allows for the Board to exercise its judgement in the matter and I agree with the appellant that, notwithstanding the use of the term 'materially contravene', the Board is not precluded from granting permission

7.4.7. In my opinion the design as proposed is for a large dwelling which would be substantially larger than the existing dwelling on the site. Subordinating an extension would be difficult, where the extension adds an additional storey above an existing building. Extensive landscaping has been carried out on this site. The existence of the landscaping would considerably reduce the impact of the proposed building. Nevertheless the portion of the dwelling which would appear above the screening is the mansard roof. On balance therefore I consider that the proposed development would be likely to have an unacceptable visual impact. This is a reason to refuse permission.

8.0 Recommendation

8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

- 1 The proposed redevelopment and extension of the existing house on this site would be likely to increase traffic turning movements where substandard entrances serve the property, thereby endangering traffic safety; the proposed development would accordingly be contrary to the proper planning and sustainable development of the area.
- 2 Notwithstanding the extensive landscaping carried out on this site, the proposed development, due to its scale and design, which do not accord with Offaly County Development Plan's Development Management Standards, would have an unacceptable visual impact on this rural area.

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.

Planning Inspector

13th July 2023

Appendix 1 Photographs

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

Appendix 3 Designing houses creating homes, a guide for applicants on the siting and design of new houses in the Offaly countryside, extracts.