



An
Bord
Pleanála

Inspector's Report ABP-316083-23

Development

Close existing site entrance and form site entrance in new location.

Decommission existing septic tank and install EN certified septic tank in new location.

Erect single storey extensions to the front and side of the existing dwelling.

Retain existing soil polishing filter and puraflo modules as constructed.

Location

6 Drumelis Cottages, Drumelis,
Cavan, Co. Cavan

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

22/423

Applicant(s)

Paul Burke & Olivia Smith

Type of Application

Permission & retention permission

Planning Authority Decision

Split decision

Type of Appeal

First Party -v- Refusal

Appellant(s)

Paul Burke & Olivia Smith

Observer(s)

None

Date of Site Inspection

12th September 2023

Inspector

Hugh D. Morrison

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
4.0 Planning History.....	6
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	6
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response.....	8
6.3. Observations.....	8
6.4. Further Responses	8
7.0 Assessment.....	8
8.0 Recommendation.....	12
9.0 (i) Reasons and Considerations.....	13
10.0 Conditions	13
11.0 (ii) Reasons and Considerations.....	15

1.0 Site Location and Description

- 1.1. The site is located in the townland of Drumelis, which lies to the north-west of Cavan Town between the County Cavan Golf Course and the Farnham Estate. This site lies at the southern end of a row of cottages, known as Drumelis Cottages. Vehicular access to it is via a cul-de-sac, which is accessed off the L1513-0, which runs to the west of the row beyond an area of communal open space.
- 1.2. The site is of elongated form, and it extends over an area of 0.183 hectares. This site accommodates a semi-detached two-bed cottage with a floorspace of 66.6 sqm. A driveway from the end of the cul-de-sac extends into it, and a pathway across the front garden connects with a pedestrian gate in its western boundary with the L1513-0. The cottage is also served by an extensive rear garden. The site boundaries are enclosed by means of hedgerows, which are augmented on the northern and western boundaries to the front garden by timber fences.

2.0 Proposed Development

- 2.1. The proposal would entail the following elements for which permission is sought:
 - The construction of a front porch and a side extension to the cottage (combined floorspace of 15.7sqm). Under further information, the size of the front porch was reduced slightly, and its design and finishing materials were revised. (The submitted plans also show a rear extension with a floorspace of 38.6 sqm, which replaces a shed (5.3 sqm), and which has been constructed as exempted development).
 - The closure of the existing vehicular access to the site from the end of the cul-de-sac to the north of the site, and the construction of a new vehicular access directly from the L1513-0.
 - The de-commissioning of the existing septic tank and the installation of a new EN certified septic tank further to the east within the rear garden.
- 2.2. The proposal also seeks retention permission for the existing Puraflo modules and a soil polishing filter, which have been installed in the easternmost portion of the rear garden.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, a split decision was made whereby, the proposed extensions and changes to waste water treatment arrangements were permitted/retained, subject to 4 conditions, and the proposed alternative access point was refused.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner raised concerns over aspects of the proposal. These concerns are encapsulated in her request for the following further information:

- i. As the proposed alternative access point would have a southerly sightline of only 60m, and as it would be out of character with the area, this access point should be omitted.
- ii. The proposed front porch would be inconsistent with the architecture of the host cottage and the other cottages in the crescent. This porch should be revised to show a height in scale with the cottage's front elevation, and its timber cladding should be omitted in favour of a rendered plaster finish.

The applicant cited a report from the Area Engineer in relation to the first point and it submitted the requested revisions in relation to the second point. Notwithstanding the Area Engineer's support, objection was maintained to the proposed access point, as it would separate the applicants' cottage from the remainder of the row, and it would entail the loss of hedgerows.

3.2.2. Other Technical Reports

Cavan County Council:

- Environment: No objection, subject to conditions.
- Area Engineer: The existing access point to the row of cottages suffers from poor sightlines. The proposed access point would have better sightlines,

which would be capable of being improved further by setting back the hedgerow behind the stated sightlines.

4.0 Planning History

- 97/805: Install new sewerage facilities: Permitted.

5.0 Policy and Context

5.1. Development Plan

Under the Cavan County Development Plan 2022 – 2028 (CDP), the site is zoned existing residential. Section 13.5.5 addresses domestic extensions. Development objective EXD 01 states the following:

Ensure that extensions to residential dwellings accord with the following:

- *Be subordinate in terms of scale:*
- *Complement the local area and not have a negative impact on the visual or residential amenities of neighbouring dwellers of the area in general.*
- *Flat roof extensions and contemporary design extensions will be considered on their individual merits.*
- *The extension shall not provide for overlooking of the private area of an adjacent residence where no such overlooking previously existed.*
- *New extensions shall not overshadow adjacent dwellings to the degree that there is significant decrease in daylight or sunlight entering the house.*
- *Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection or similar.*
- *Ability to provide adequate car parking within the curtilage of the dwelling. 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.*

5.2. Natural Heritage Designations

- Lough Oughter and Associated Loughs SAC and pNHA (000007)

- Lough Oughter SPA (004049)

5.3. EIA Screening

The proposal is not for a class of development for EIA purposes.

6.0 The Appeal

6.1. Grounds of Appeal

In relation to the concern that the proposed access point would separate the applicants' cottage from the remainder of the row, the applicants make the following points:

- The proposed access point would allow the row of cottages to become a true crescent. It would relieve pressure on the existing access point to the row, which has a sub-standard northern sightline, i.e., y distance of 57m.
- The Area Engineer reported that the existing access point has, in practise, poor sightlines even after the accompanying roadside hedgerows have been cut.
- By contrast the proposed access point would have improved sightlines, i.e., y distances of over 70m to the north and 60m to the south. This access point would be of benefit to the applicant's neighbours, and it would not separate their cottage from the remainder of the row.

In relation to hedgerows, the applicants propose to run the red robin hedging around the inside of the bell mouth to the proposed access point, thereby ensuring continuity of roadside boundary treatment.

- No existing trees or mature hedgerows would be removed.
- The proposed access would lead to an improvement in road safety and so be consistent with the CDP.
- No adverse precedent would emerge.
- No third-party objections were made.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the Cavan County Development Plan 2022 – 2028 (CDP), the planning history of the site, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedures,
- (ii) Visual amenity,
- (iii) Road safety, and
- (iv) Appropriate Assessment.

(i) Procedures

7.2. The PA made a split decision whereby the proposed front porch and side extension to the cottage were permitted, along with the changes to the waste water treatment arrangements for the site. However, the proposed closure of the existing vehicular access to the site and the construction of a new one was refused.

7.3. Having reviewed the application, I consider that the proposed closure of the existing vehicular access to the site and the construction of a new one constitute a discrete element, and so they can be assessed in isolation from the other elements of the proposal. Nevertheless, once a planning decision is appealed, as distinct from a condition(s) attached to a planning permission, the Board is obliged to assess/determine the entire proposal.

- 7.4. The other elements of the proposal, for which permission is sought, can be summarised as follows:
- The construction of a front porch and a side extension to the cottage (combined floorspace of 15.7sqm). Under further information, the size of the front porch was reduced slightly, and its design and finishing materials were revised. (The submitted plans also show a rear extension with a floorspace of 38.6 sqm, which replaces a shed (5.3 sqm), and which is being constructed as exempted development).
 - The de-commissioning of the existing septic tank and the installation of a new EN certified septic tank further to the east within the rear garden.
 - The proposal also seeks retention permission for the existing Puraflo modules and a soil polishing filter, which have been installed in the easternmost portion of the rear garden.
- 7.5. I have assessed these elements and I conclude that they would raise no substantive issues. I will therefore recommend that they be permitted, subject to redrafted conditions. Accordingly, the only substantive issues are those stemming from the proposed closure of the existing vehicular access to the site and the construction of a new one, which I will discuss in the remainder of my assessment.
- 7.6. I conclude that the Board is obliged to assess/determine the entire proposal.

(ii) Visual amenity

- 7.7. The PA refused the proposed closure of the existing vehicular access to the site and the construction of a new one on the grounds that it would result in the applicant's cottage being separated from the remaining row of cottages and it would entail the loss of a roadside hedgerow.
- 7.8. The applicants have responded to the PA's refusal by stating that the proposed new vehicular access to the site would not separate their cottage but complete the crescent formed by the row of cottages. They also state that the roadside hedgerow would be re-planted around the line of their proposed bell mouth site entrance, and so their roadside boundary would continue to be enclosed by a hedgerow.
- 7.9. During my site visit, I observed that the applicant's cottage is semi-detached, and it lies at the southern extremity of a row of three pairs of semi-detached cottages. At

present these cottages are accessed off a communal cul-de-sac, which terminates at the existing vehicular entrance to the site. While the cottages are neither protected structures nor entries in the National Inventory of Architectural Heritage, they do form an attractive cluster of characterful dwellings, which exhibit a mid-20th century vernacular. The coherence of their presentation to the adjacent public road, the L1513-0, depends in part on their common front boundary treatments. The applicants have departed from this coherence by erecting a timber fence and gates along the northern boundary to their front garden. This intervention apart, their cottage would continue to “read” as part of the attractive cluster.

7.10. The hedgerow along the western boundary of the applicants’ front garden is semi-mature. The applicants propose to set this hedgerow back in relation to the roadside, and to warp it around their proposed bell mouth site entrance. Given that this site entrance would replace an existing pedestrian gateway to the site, continuity of roadside hedgerow would be largely achieved.

7.11. I conclude that, provided the existing access to the site is retained, its proposed closure and the construction of a new vehicular access in place of the existing pedestrian access would be compatible with the visual amenities of the area.

(iii) Road safety

7.12. The L1513-0 is the subject of a 60 kmph speed limit. While the site is zoned “existing residential” in the CDP, this local road lies outside any of the zonings that apply to Cavan Town. It is thus presented as a rural road, which coincides with its character “on the ground”.

7.13. By convention, the design speed of roads can as an approximation be taken to coincide with the speed limit, and so this would suggest that the design speed for the L1513-0 is 60 kmph. Accordingly, under Appendix 4 to the CDP, the desirable “x” distance is 3m and the recommended “y” distance is 90m for the sightlines of vehicular access off the L1513-0.

7.14. During my site visit, I observed that the 160m portion of the L1513-0 that passes the site is of straight alignment between bends to the north and to the south. From the north, this portion of the local road dips downwards before levelling off. Given that approaching vehicles typically slow down to negotiate these bends, the design speed

of the portion in question maybe 50 kmph, and so the relevant “y” distance would be 70m.

- 7.15. The centre of the existing access to the communal cul-de-sac is sited c. 45m from the northern bend and c. 115m from the southern bend. It is accompanied on either side by hedgerows, which are sited behind narrow grass verges. The sightlines available from this access/egress are poor, although how poor depends on the widths and heights of the hedgerows on either side, i.e., to the north, the hedgerow encloses the western boundary to the first of the cottages, and, to the south, the hedgerow encloses a communal area of open space, which is forward of the row of cottages.
- 7.16. The centre of the proposed access to the site would be sited c. 120m from the northern bend and c. 40m from the southern bend. The hedgerow to the north is the one that bounds the aforementioned communal area of open space. Its width and height lies outside the applicants’ control. The initial c. 25m of the hedgerow to the south encloses the applicants’ front garden and so it lies under their control. This length of hedgerow would be set back to facilitate an improved sightline as far as the south-western corner of the front garden.
- 7.17. During my site visit, I observed that the existing communal cul-de-sac rises at a very gentle gradient along its length from its access point off the L1513-0 to the site. The proposed new vehicular access within this site would need to span the equivalent difference in levels over a much shorter distance, and so it would need to be of a more appreciable gradient. The initial portion of this access would need to be level/virtually level with the local road, to avoid vehicles leaving/entering the access over too steep a gradient to ensure road safety. The submitted plans do not provide a detailed design of the access, which takes account of the changing levels within the site, and so the applicants’ have not demonstrated that this would, in practice, be achievable.
- 7.18. A comparison of the existing and proposed accesses off the L1513-0 indicates that they would be broadly similar in their proximity to the nearest bends in the local road. Insofar as the applicants can control the siting, width, and height of their own hedgerow, their proposed access would benefit from a guaranteed improved sightline to the south. However, given my discussion of levels within their site, the

feasibility of providing a safe access in other respects, has yet to be established. I am also conscious that, from traffic management and road safety perspectives, the addition of an unnecessary access along the portion of the L1513-0 in question would, in principle, be objectionable, unless a significant improvement in overall road safety would ensue. I do not consider that such an outcome would be forthcoming.

7.19. I conclude that the proposed new access from the L1513-0 would not be compatible with an assured significant improvement in road safety, and so, as it would entail the provision of an additional unnecessary access, this access would be objectionable in principle.

(iv) Appropriate assessment

7.20. The site is neither in nor beside a European site. The proposal is for a front porch and a side extension to an existing cottage, changes to the waste water treatment arrangements on site, and revised vehicular access arrangements. I am not aware of any source/pathway/receptor routes between the site and the nearest European sites of Lough Oughter and Associated Loughs SAC and Lough Oughter SPA. Accordingly, no appropriate assessment issues would arise.

7.21. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and the distance to the nearest European site, it is concluded that no appropriate assessment issues arise, as 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

That a split-decision is made as follows:

- That the proposed front and side extension to the cottage and the changes to the waste water treatment arrangements for the site be permitted, and
- That the proposed closure of the existing vehicular access to the site and the construction of a new one be refused.

9.0 (i) Reasons and Considerations

Having regard to the Cavan County Development Plan 2022 – 2028, it is considered that, subject to conditions, the proposed front porch and side extension to the cottage and the changes to the waste water treatment arrangements for the site would be compatible with the visual amenities of the area and consistent with ensuring that water quality is safeguarded. No appropriate assessment issues would arise. These elements of the proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2nd day of February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, a site layout plan shall be submitted to and agreed in writing with the planning authority. This site layout plan shall show the omission of the proposed new vehicular access to the site.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>Reason: In the interest of public health.</p>

4.	<p>The developer shall pay to the planning authority a financial contribution of €230 (two hundred and thirty euro) 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. The application of any indexation required by this condition 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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11.0 (ii) Reasons and Considerations

Having regard to Appendix 4 of the Cavan County Development Plan and the levels of the front garden to the site in relation to the adjoining L1513-0, it is considered that the applicant has failed to demonstrate that a new vehicular access would be capable of being provided within the front garden to the requisite gradients that would ensure its safe use. Furthermore, insofar as the applicants do not control the hedgerow to the north of the proposed access point, and the hedgerow that they do control to the south is of limited length, the sightlines that would be available in either direction would be sub-standard. While it is recognised that the existing communal access to Drumelis Cottages from the L1513-0 is unsatisfactory, the proposed access would be an unnecessary additional one, which, in the absence of a significant improvement in overall road safety, would be contrary to good traffic management and, indeed, road safety. The proposed access would thus fail to accord with the proper planning and sustainable development of the 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.

Hugh D. Morrison
Planning Inspector

19th September 2023