



An
Bord
Pleanála

Inspector's Report

ABP-316227-23

Development	Permission for refurbishment of and extensions to existing building to provide dwelling, to include wastewater treatment system and all associated site works.
Location	Carrickarnon, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2336
Applicant(s)	Ceala Powell
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ceala Powell
Date of Site Inspection	11 th June 2023
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.25 hectares, is located at Carrickarnon to the north of Dundalk and c.350m from the border with Northern Ireland. The site is located between the M1 (east of the site) and the R132 (west of the site) on a class 3 local road (L-740471), which runs parallel to the R132 and has junction with such to the south. The site is occupied by an existing single-storey structure, which is in use as storage/workshop and has a vehicular access off the L-70471. Adjoining properties include detached dwellings located to the north and south of the site and agricultural lands to the west.

2.0 Proposed Development

2.1. Permission is sought for the refurbishment and extension to existing building to provide a dwelling, to include wastewater treatment system and all associated site works. The existing structure on site is a single-storey stone structure with a floor area of 84sqm and a ridge height of 4.250m. It is proposed to refurbish the existing structure as a dwelling and construct a two-storey extension providing an additional floor area of 126sqm. The existing structure features a pitched roof and the extension is also to feature a pitched roof with a ridge height of 7.95m and external finishes of smooth render and blue/black roof tiles on the existing structure and extension. It is proposed to install a proprietary wastewater treatment system and water supply is to be from a private well. The site has an existing vehicular access, which is to be used to access the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on five reasons...

1. Policy Objective HOU 49 of the Louth County Development Plan 2021-2027 (as varied) requires applications for refurbishment of vernacular dwellings/buildings to comply with the standards and criteria set out in section 13.9.12 of Chapter 13 Development Management Guidelines which relates to the 'Refurbishment of

Existing vernacular Dwellings and Buildings'. The submitted drawings illustrate that the proposed interventions to the building will result in the substantial demolition of the subject building and as such the proposed works does not fall under the scope of refurbishment works as set out in Policy HOU 49 and thus the proposed development would be contrary to the proper planning and sustainable development of this area.

2. It is considered that the overall height scale and form of the proposed extension to this existing low rise building is of an incongruous design and scale and if permitted, would adversely impact on the design and character of the existing single storey building which is proposed to be refurbished for use as a dwelling. To grant permission for same would set an unacceptable precedent for other similar styled extensions to proposed dwellings and would be contrary to policy objective HOU 34 of the Louth County Development Plan 2021-2027 (as varied), which seeks to encourage the sensitive design of extensions and policy NBG 37, which seeks to protect scenic quality of the landscape from inappropriate development. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

3. The applicant has failed to demonstrate that surface water disposal arrangement on site are in compliance with policy objective IU 19 of the Louth County development Plan 2021-2027, which requires that all development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run-off quality and impact son habitat and water quality. In absence of a suitably designed surface water proposal the Planning Authority cannot be certain that the surface water discharge is capable of being management on site and is in accordance with sustainable urban drainage system principles, and hence the development would be contrary to policy objective IU 19 and the proper planning and sustainable development of the area.

4 The applicant has failed to demonstrate the minimum sightline requirements of 75m x 3m set back as set out in Table 13.13 of the plan are within the control of the

applicant and that there is sufficient legal control in place to facilitate works required to provide these sightlines. Accordingly, in its current form the proposed development is contrary to Section 13.16.17 Entrances and Sightlines and Table 13.13 of the Louth County development Plan 2021-2027. The proposed development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

5. The applicant has failed to demonstrate that the proposed waste water treatment system and polishing filter is in compliance with EPA Code of Practice 2021. Accordingly, in its current form, the proposed development is contrary to Policy Objective IU 18 of the Louth County development Plan 2021-2027. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (15/03/23): The applicant has failed to demonstrate the existing structure can be renovated without demolition, the proposed extension is consider out of proportion and character with the existing structure. The request for further information in regards to sightlines, surface water drainage and wastewater treatment were noted from the Infrastructure and Environmental Sections. Refusal was recommend based on the reasons as outlined above.

Infrastructure Section (23/02/23): Further information required including demonstration of sightlines and demonstration that surface water drainage is compliant with SuDs.

Environmental Compliance (08/03/23): Further information required including details of wells within 100m of the site, illustrate separation distances required under EPA Code of Practice, indicate all streams/drains, show ground water flow on site layout

map and confirm person that will supervise installation of the wastewater treatment system.

3.3. Third Party Observations

None.

4.0 Planning History

21227: Permission refused to Ceala Powel for a new two-storey dwelling, wastewater treatment system and associated site works granted for a two-storey extension to the side. Refused for four reasons relating to failure to demonstrate compliance with rural housing policy under the County Development Plan, failure to demonstrate adequate sightlines, failure to provide surface water drainage details and demonstrate that the site is suitable for a wastewater treatment system

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Louth County Development Plan 2021-2027.

The site is in a rural area classified as Rural Policy Zone 1 and an 'Area under strong urban influence and of significant landscape value'.

Section 3.18 VERNACULAR DWELLINGS/ BUILDINGS

Any applicant proposing to restore, renovate or adapt a vernacular building for residential use will not be required to demonstrate a rural housing need in accordance with Section 3.17.4. Sections 13.9.11 and 13.9.12 provide further information on the design criteria for the restoration of vernacular dwellings and buildings.

HOU 48: To encourage the sensitive refurbishment of existing vernacular dwellings and buildings and to generally resist the demolition and replacement of these

buildings in order to protect the traditional building and housing stock and preserve the built heritage in the rural parts of the County.

HOU49: To require applications for refurbishment of vernacular dwellings/buildings to comply with the standards and criteria set out in section 13.9.12 of Chapter 13 Development Management Guidelines which relates to the 'Refurbishment of Existing Vernacular Dwellings and Buildings.'

13.9.12 Refurbishment of Existing Vernacular Dwellings and Buildings

The following criteria shall be considered as part of the assessment of any application to refurbish or extend a vernacular dwelling or building:

- The structural integrity of the building. A building survey or Engineer's report from a suitably qualified professional shall be included with any application confirming that all external structural walls and internal walls are substantially intact and the building is capable of being renovated/ refurbished without demolition;
- Any extension/alteration to the building respects the character and setting of the building and is complementary to the character of the existing building; and
- The design and scale of any extension is sympathetic to the scale, massing, and architectural style of the existing building. A construction management plan prepared by an appropriately qualified professional shall be included with any application setting out how the building will be protected from collapse during the renovation and refurbishment of the building.

Table 13.13

Minimum sightline requirements of 75m x 3m set back.

HOU 34: To encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, residential amenities, surrounding properties, or the local streetscape and are climate resilient.

NGB 37: To protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations.

IU 19: To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

5.2. **Natural Heritage Designations**

None within the zone of influence of project.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 A first party appeal lodged by Ceala Powell. The grounds of appeal are as follows...

- The appellant appeal sets out the applicant's background and history of the structure on site with it noted is was occupied as house until the 60's and used as a radio station during the 80's and 90's and is currently used as a workshop. The applicant/appellant wishes to reside in close proximity to family.
- It is proposed to retain and refurbish the existing structure and modify it for the purposes of use as a dwelling unit. The appellant disagrees with the first refusal reason noting development plan policy encourages use of vernacular structures and that the proposal is sensitive re-use of the existing structure. The appellant notes that the Engineers report submitted indicates the structure is structurally sound in term of refurbishment.
- The extension is designed to respect the character of the existing structure and is simple form typical of vernacular structures in rural areas. It is noted

that the structure in terms of siting and scale will not be detrimental in terms of visual impact with the proposal to retain existing trees and provide additional planting. The appellant has submitted site sections and 3d images to support their argument.

- Soakaway details and calculation were submitted as part of the application and it noted that clarifications are usually facilitated through further information with the appellant happy to provide such if necessary.
- In regards to sightlines the applicant notes further information was not requested. The appellant notes that the entirety of the sightlines to each side of the property fall within family lands and consent to facilitate necessary works is feasible.
- In relation to wastewater treatment the appellant notes that percolation tests, trial hole tests and wastewater treatment design was submitted and the applicant would be willing to provide any further information required.

6.2. Planning Authority Response

6.2.1 Response by Louth County Council.

- The PA state that the refusal is warranted and that no new matters for consideration were raised in the appeal submission. The PA have no further comment to make and request that the Board uphold the decision to refuse permission.

7.0 Assessment

- 7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/development plan policy

Design, scale, integration with existing structure.

Drainage

Traffic/site entrance

7.2 Principle of the proposed development/development plan policy:

7.2.1 The proposal is for refurbishment of an existing single-storey structure as a dwelling and provision of a two-storey extension. The existing structure is currently a workshop/storage structure and has been previously in residential use (based on information on file up until the 1960's and used as radio station in the 1980's and 90's). Section 3.18 in relation vernacular dwellings/buildings provides that "any applicant proposing to restore, renovate or adapt a vernacular building for residential use will not be required to demonstrate a rural housing need in accordance with Section 3.17.4" subject to compliance with certain criteria under section 13.9.11 and 13.9.12.

7.2.2 The criteria under section 13.9.12 are the relevant criteria and relate to demonstration that the structural integrity is such that the building is capable of being refurbished without demolition and that the extension to such is sympathetic to character and scale of the existing structure. The proposal was refused on the basis that it was considered that the structural integrity of existing building and level of intervention was such that it was considered that such could not be refurbished without demolition.

7.2.3 The existing structure on site is structurally intact in that it features four walls and roof. There is a hole in the southern gable of the structure and the internal layout is split into four rooms. The proposal is to retain the majority of the external walls with retention of existing openings (some modification of door to window and door to a window). One of the internal walls and room layout is to be retained with modification to facilitate living and kitchen space entailing a large opening on the rear elevation for the glazed link. The application is accompanied by an engineer's report outlining structural condition and the extent of works to be carried out.

7.2.4 Based on the information on file and the overall proposal there is sufficient basis to consider that the existing structure can be refurbished and extended and that the

proposal retains the majority of the structural walls associated with the existing structure. I am satisfied that the applicant has submitted a engineers report to support this and in this regard I do not consider there is sufficient basis to consider that the existing structure and proposal does not comply with policy objective HOU49 and Section 13.9.12 of the CDP.

7.3 Design, scale, integration with existing structure:

7.3.1 The second reason for refusal relates to the failure to provide an extension that is sympathetic to the scale and character of the existing structure with the proposal considered contrary policy objective HOU 34 and NGB 37. It is notable that one of the criteria under section 13.9.12 is the provision of sympathetic design of extension when refurbishing a vernacular structure.

7.3.2 The existing single-storey structure on site runs on a north south axis with its front elevation orientated to the east. The proposal is to refurbish this structure with provision of kitchen, living and utility spaces with the provision of a two-storey extension to the rear running on an east west axis and linking to the existing structure with a single-storey glazed link. When viewed from the road the two-storey extension will be partially visible. The existing structure has a floor area of 84sqm and the proposed extension has a floor area of 126sqm. I would be of the view that although the new extension is larger in size than the existing structure for refurbishment the overall design, scale and integration is well-executed for a number of factors with adequate regard to the character of the existing structure. Firstly the overall form, scale and footprint of the existing structure is being retained with a lightweight glazed link where the old and new structure meet giving a clear definition to what is the old structure and what is the new extension. The positioning of the new extension to the rear means that where the site is most visible from the surrounding area it is the older structure that is prominent and the fact the extension runs on a different axis means it has a small and partially visible surface area from the public road. In addition the form of the extension reflects simple vernacular forms and is complementary to the existing structure.

7.3.3 I would be of the view that the proposed development will not be highly visible in the surrounding area having regard to the topography of the site, adjoining lands and intervening vegetation, structure and landscape features. I would be of the view that the design of the overall development is sufficiently sympathetic to the character and scale of the existing structure on site and its rural location. In this regard I am satisfied that the design of the development would not be contrary to Development Plan policy or be detrimental to the rural character of the area.

7.4 Drainage:

7.4.1 The proposal was refused on the basis of failure to provide adequate details regarding surface water disposal and compliance with the principle of SuDs in addition to a failure to comply with the requirements of the EPA Best Practice Guide in relation to provision of a wastewater treatment system. In relation to surface water disposal I would be of the view that this is not an issue that merits refusal of the proposal. I would be of the view that the provision of adequate surface water disposal in this case is feasible given the rural nature of the proposal and the fact that proposal does not entails a significant level of hard landscaping of the site relative to its overall footprint. I would be of the view an appropriate condition regarding surface water disposal is adequate to deal with this issue.

7.4.2 The proposal entails the installation of a new proprietary wastewater treatment system to serve the new dwelling. Groundwater vulnerability is indicated as being high. Site characterisation was carried out including trial hole and percolation tests. The trial hole test (2.1m) did not detect the water table in the trial hole with bedrock at 0.7m below ground level. Percolation tests in the case of subsurface tests for subsoil and surface tests were carried out with percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The drawings submitted meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries). The application failed to identify existing well and wastewater treatment systems on adjoining sites as would be

required and the Environment Section had recommended submission of further information in this regard. The appellant has not provided this information with the appeal response.

7.4.3 I would consider that notwithstanding the proposal to use a proprietary wastewater treatment system on site, that having regard to the proliferation of domestic wastewater treatment systems in this rural area including permitted systems (two dwellings permitted with individual wastewater treatment systems on the sites to the north and south) and high proliferation of wastewater treatment systems serving the high level of existing dwellings and commercial development in the vicinity, the high dependency on groundwater for water supply in the area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, I could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing/permitted wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

7.5 Traffic/site entrance:

7.5.1 The proposal uses an existing vehicular entrance to the site with the requirements for sightlines under Table 13.13 of the CDP being 75m setback 3m in each direction. The proposal was refused on the basis that the sightlines of this level were notable within alteration of existing trees and vegetation on lands outside of the application site. The applicant/appellant has indicated that the lands on either side of the site are within family control and that consent to alter trees/vegetation to achieve sightlines is forthcoming.

7.5.2 The site layout drawing indicates that the required sightlines are available to the north but are restricted to the south and would require alteration of vegetation/trees both inside and outside the site boundary. The applicant has indicated that they have consent as lands to the north and south are within family control. I would note that the appellant did not provide any written consent with their appeal submission or indication of the extent of landholding within family ownership. The sightlines drawings submit suggest that to achieve necessary sightlines requires cutting back existing trees and vegetation. Having inspected the site I would consider that the improvement of sightlines may require removal of a number of trees to the south of the site and would have disproportionate impact and be detrimental to the rural character of the area.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

9.0 Recommendation

9.1. I recommend a refusal of permission based on the following reasons

10.0 Reason and Considerations

1. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the proliferation of domestic wastewater treatment systems in this rural area (including adjoining sites to the north and south), the high dependency on groundwater for water supply in this area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed

development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The provision of the required sightlines (Table 13.13 of the Louth County Development Plan 2021-2027) necessitates alteration of existing trees and hedgerow to the south of the site entrance both on the site and on an adjoining lands. The provision of adequate sightlines although feasible would have disproportionate requirement for removal of existing trees and hedgerows and would be detrimental to the rural character of the area. The proposed development would, therefore, be contrary to 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.

Colin McBride
Senior Planning Inspector

12th June 2023