



An
Bord
Pleanála

Inspector's Report

ABP-318033-23

Development	Extension and alterations to existing dwelling.
Location	Farrigans, Lettermacaward, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2252104
Applicant(s)	Michael and Julia Patterson
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	David Whaley
Observer(s)	None
Date of Site Inspection	3 rd May 2024
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
5.5. Grounds of Appeal	6
5.6. Applicant Response	6
5.7. Planning Authority Response	7
5.8. Observations	8
6.0 Assessment	8
7.0 Recommendation.....	12
8.0 Reasons and Considerations.....	12
9.0 Conditions.....	12
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1.1. The application site comprises an existing traditional single storey dwelling, with a detached single storey stone building to the rear, currently in use as a home office associated with the parent dwelling, in the rural area of Farragans Lettermacaward. The site is access via a private access lane, off the local county road L-6315-1.

2.0 Proposed Development

- 2.1.1. Extension and alterations to existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission with conditions [decision date 1st September 2023]. There are no conditions of particular note.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- 3.2.2. The first Planner's report [dated 21/02/2023] is summarised below.

- Notes the principle of development is established on the site/extension and renovation is supported
- Concerns arise in relation to the proposed design of the extension to the front which predominantly competes with the character of the existing house
- FI recommended seeking revised plans which provide for a simplified and sympathetic extension
- Established building line to allow variation from the requirements of Section 2.11 of the Development Plan
- Not considered that the proposed development would give rise to any adverse impacts in terms of loss of residential amenity
- Stage 2 AA not required

- FI recommended

3.2.3. FI was sought on 23rd February 2023 in relation to the following issues:

1. Revised design
2. Legal interest/third party consent in relation to the access road

3.2.4. FI was received on 9th August 2023.

3.2.5. The second Planner's report [dated 30th August 2023] is summarised below:

- The revisions in the plans detail a more sympathetic design which will integrate more successfully into the area
- Letter of consent from adjoining landowner submitted in relation to the use of the access
- Recommendation was to grant permission

3.2.6. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 1 no. third party observation was received at application stage. This is summarised in the first planner's report. The issues raised are similar to those raised in the grounds of appeal (see Section 6.1 below)

4.0 Planning History

043293 – Grant permission [decision date 18th March 2005] for demolition of existing shed and erect new dwellinghouse and septic tank.

5.0 Policy Context

5.1. Development Plan

The relevant plan is the Donegal Development Plan 2018-2024 (as varied). Relevant policies include

BH-P-3 - It is a policy of the Council to ensure retention of vernacular and/or historic structures (and parts of structures), including their functional and decorative details, that are sensitive to traditional construction methods and materials and do not have a detrimental impact on the character or appearance of a structure and are in accordance with current conservation guidelines and best practice

BH-P-4 - It is a policy of the Council to ensure the repair, reuse and appropriate refurbishment of vernacular and/or historic buildings, which make a positive contribution to the built heritage of the area including those as referred to on the National Inventory of Architectural Heritage.

NHP7 Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.

Map 7.1.1

Part B: Appendix 3 - Development Guidelines and Technical Standards

5.2. Natural Heritage Designations

- 5.2.1. The nearest designated sites are the West of Ardara/Maas Road SAC (site code 000197) and West Of Ardara/Maas Road pNHA (site code 000197) both of which are located approximately 400m to the south of the site at the closest point.

5.3. EIA Screening

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations

2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a preliminary examination or screening assessment. I refer the Board to Appendix 1.

5.4. AA Screening

- 5.4.1. Having regard to the modest nature and scale of development and the absence of connectivity to European sites, 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.

5.5. Grounds of Appeal

- 5.5.1. A third-party appeal was submitted on 15th September 2023 from David and Valerie Whaley. The issues raised are summarised below:

- Impact on light
- Would impact on heating costs
- Proposed design is excessive in scale/two-storey development not in keeping with other properties and structures in the area
- Will overshadow the existing property
- Will impact on privacy
- Will result in disruption, noise and inconvenience
- Permission has not been sought for building works to be undertaken from appellant's property/part of the new proposal connects directly to the retaining wall and fence
- Will impact on property value
- PA has not adequately addressed concerns

5.6. Applicant Response

- 5.6.1. A first-party response was to the appeal was received on 9th October 2023 and this is summarised below.

- Proposed development is designed in a way that carefully integrates into the landscape
- Floor level of the neighbours dwelling sits c2m above home
- Have carefully designed extension to minimise impact on light and views
- Ground floor has been reorientated away from neighbouring dwelling
- Nearest window is over 20m from the appellants dwelling/no window directly faces their dwelling
- Have relocated key circulation areas to the west side of the extension to further protect neighbours privacy
- Have incorporated green roofs, repair and extension of traditional stone walls and extensive rewilding of adjacent land
- Have split the floor area between the ground and lower ground floors/clear design differentiation between the two areas
- Proposed render softens the impact of the property on the surrounding countryside
- The store area is an already established part of the rear accommodation in the existing property/any development work would represent renovation of the current buildings
- No involvement of the neighbouring property's land/no breach of the boundaries/no requirement to access neighbouring land
- Design discussions with the council took on board concerns raised by the appellants

5.7. Planning Authority Response

5.7.1. A response from the PA was received on 12th October 2023. This is summarised below:

- All matters raised by the appellant have been included in the assessment by the Planning Authority of this application.

5.8. Observations

5.8.1. None.

6.0 Assessment

6.1. I consider the main issues in determining the appeal are as follows-

- Residential Amenity
- Design/Visual Impact/Impact on Landscape
- Other Issues

6.2. Residential Amenity

- 6.2.1. The extension, as revised as per the plans and particulars received by the Planning Authority on 9th August 2023 (following a request for Further Information), is a two-storey extension (lower ground floor and upper ground floor) to the front of the existing dwelling.
- 6.2.2. I note that the third-party appellant has stated that the proposed extension would impact on privacy and would reduce light levels to the appellant's property and front garden area.
- 6.2.3. The applicants have stated, in their response to the appeal, that the proposed extension has been designed to minimise impacts on light and views, and note that no window directly faces the appellant's dwelling.
- 6.2.4. In relation to the issue of privacy, I would note that no windows of the proposed extension (as amended by the FI submission) face towards any windows of the appellant's main dwelling house and, as such, there is no impact on privacy internally within the appellant's dwelling.
- 6.2.5. In relation to potential overlooking of the front area of the appellant's property, as raised in the grounds of appeal, I note there is a bedroom window at proposed lower ground floor, but this is set below the ground level of the appellant's property, and there will be very limited views to and from this bedroom window. The windows of the proposed upper ground floor face away from the appellant's property, for the most part, but there will be some views afforded over the southern portion of the appellant's driveway. However, I am of the view that this would have very limited

impact on the amenity of the appellant's dwelling, and note also that these windows are set back at least 4.7m from the eastern boundary of the property.

- 6.2.6. In relation to loss of daylight, given the height of the proposed extension, relative to the appellant's dwelling, the setback of the proposed extension from the windows of the appellant's property (which is at least 18m), I am satisfied that there will be no material impact on same. I would further note that the appellant's property has a large expanse of glazing to the front of the dwelling, which likely afford significant levels of daylight into the dwelling, and this will not be materially affected by the proposed extension.
- 6.2.7. In relation to sunlight, I would note that the appellant's property lies generally to the east of the proposed application site. In this regard, I would note that that late evening sunlight to the windows of the appellant's dwelling is already likely to be impacted by the applicant's existing dwelling. In relation to the proposed extension, I am of the view that it is unlikely that this will have any additional significant impact on sunlight to the appellant's dwelling, given the distance of the extension from the appellant's property (which is at least 18m), the height of the extension relative to the appellant's property, and the orientation of the extension relative to the appellant's property. In this regard, I would note that the morning and noon sun to the appellant's property would be unaffected, and it is also likely that evening sun, in the summer at least, would also be unaffected. There may be limited impacts on the early evening sun in the winter months, with the sun lower in the sky in the west, as noted by the appellants. However, I am not of the view that this impact would be significant. I note that the appellant's have stated that the proposed development would result in increased heating costs (as a result of reduced daylight/sunlight levels). However, given the very limited potential impacts on daylight and sunlight, I am of the view that it is very unlikely that the proposed development would have a material impact on the heating costs of the appellant's dwelling.
- 6.2.8. Similar considerations apply to the front garden area of the appellant's property, and for the most part sunlight to this area will be unaffected, save for some potential limited additional overshadowing in the winter evenings, for reasons as per the discussion above. However, as noted in the BRE Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, June 2022) nearly all structures will create areas of new shadow and some degree of transient overshadowing of a

space is to be expected. As such, it is not expected that new development avoid overshadowing impacts entirely, nor is it practicable to expect this. Notwithstanding, I am satisfied that the front garden area would exceed the BRE target for sunlighting¹ by a significant margin, with the proposed extension in place.

6.3. Design/Visual Impact/Impact on Landscape

- 6.3.1. The third-party appellant has stated that the proposed design is excessive in scale and that the two-storey development is not in keeping with other properties and structures in the area.
- 6.4. The applicants stated that they have split the floor area between the ground and lower ground floors with a clear design differentiation between the two areas and that the proposed render softens the impact of the property on the surrounding countryside.
- 6.5. In terms of the visual impact from the appellant's property, the extension will be seen from same. However, the appellant's property is set at a higher elevation than the applicant's, which results in the apparent height of the two-storey extension being reduced. As such, the most visible aspect of the extension will be the second storey element (the upper ground floor). This will be set back some 18.5m from the front elevation of the appellants dwelling house. The design is such that this upper floor element is orientated away from the appellant's property, reducing the overall visual impact of same. Given the above, I am not of the view the proposed extension would present as an overbearing feature when viewed from the appellant's property.
- 6.6. In terms of the design merits of the proposal, I note the proposed extension is to the front of the existing main dwelling, whereas the majority of residential extensions would generally be to the side and rear of the main dwelling house. However, in this instance, I would note that the scope for extending to the rear is limited given the nature of the site, and the existing home office structure to the rear, and furthermore the site benefits from a large area to the front, and the site can take advantage of the differences in elevations between the applicant's site, and the neighbouring property. The Planning Authority do not raise an in principle objection to an extension to the front. I note the Planner's report makes reference to Section 2.11 'Building Setback

¹ BRE guidelines state that an acceptable condition is where external amenity areas retains a minimum of 2 hours of sunlight over 50% of the area on the 21st March (of any given year).

on Non-National Roads' of the Development Plan which requires that buildings be setback at least 15m from the 15m setback will be required from centreline of carriageway on Local Roads, unless an established building line exists. The proposed extension is setback approximately 11m from the centre line of the local road. However, and as noted in the Planners Report, a varied building line exists, with some properties on this local road set closer to the road than the cited 15m in Section 12.11.² As such I share the view of the Planning Authority, that this 15m setback is not required in this instance as a building line closer to the centreline has already been established.

6.7. In relation to the scale of the extension, I note the proposed extension adds significantly to the existing floorspace of the dwelling on site. However, it does so in a manner that respects and retains the integrity of the existing vernacular structure on the site, with the form and character of same still readable with the proposed extension in place. The extension itself is contemporary in design, and sits within the site in an appropriate fashion.

6.8. In terms of the wider visual impact, and the impact on the surrounding landscape, I note that the Development Plan sets out three distinct Landscape Character Classifications – 'Areas of Especially High Scenic Amenity', 'Areas of High Scenic Amenity' and 'Areas of Moderate Scenic Amenity'. The site falls within an area of 'High Scenic Amenity' and Policy NP7 applies to same, which allocated for development that integrates within and reflect the character and amenity designation of the landscape. In relation to same, I note the lower elevation of the site serves to limit the visual impact of same, from the public road. This limited visual impact subsequently limits the impact of the extension on the surrounding landscape, and helps to integrate the proposed development within same. Overall, I am not of the view that there is any detrimental impact on same.

6.9. **Other Issues**

6.9.1. Construction Phase Disruption – It is nature of such works that there may be an element of disturbance on a short-term basis as a result of the construction works. However, the scale of the works proposed here should not lead to disturbance that

² With reference to Google mapping, there is a varied building line on this road, with properties as close as 8m to the centre of the local road.

would give rise to significant adverse impacts on amenity, having regard to noise, vibration and dust. Notwithstanding, I would recommend that a standard condition in relation to appropriate working hours should be imposed on any permission.

6.9.2. Party Wall/Nature of Proposal - The drawings do not indicate that works will take place at the party wall/boundary, save for the closing of the existing vehicular entrance, which will be closed and hedgerow planted in this location. The applicant has confirmed there is no breach of the boundaries and there is no requirement to access neighbouring land, and I am satisfied that the application documentation supports same.

6.9.3. Impact on Property Value – There is no evidence submitted with the appeal to support the assertion that the proposed development would have a negative impact on the value of the appellant's property, and I am satisfied that this is unlikely to be the case.

7.0 Recommendation

I recommend that permission be granted, subject to the conditions below.

8.0 Reasons and Considerations

Having regard to the scale, form and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenity of the existing building and surrounding landscape. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. 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 9th Day of August 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.

Reason: In the interest of clarity.

2. The existing dwelling and extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold nor let as a separate dwelling unit. The overall dwelling shall be used for domestic related purposes only and not for any trade, workshop or other non-domestic use.

Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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.

Rónán O'Connor
Senior Planning Inspector

14th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318033-23		
Proposed Development Summary	Extension and alterations to existing dwelling.		
Development Address	Farrigans, Lettermacaward, Co. Donegal		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____