

Inspector's Report ABP-322176-25

Development Construction of detached garage and

extension to the rear of a house,

install new proprietary treatment unit and percolation area together with all

associated site works.

Location Carrick, Curraghboy, Athlone, Co.

Roscommon.

Planning Authority Roscommon County Council.

Planning Authority Reg. Ref. 2497.

Applicant(s) Elaine Kilmartin and Billy Fitzpatrick.

Type of Application Permission.

Planning Authority Decision Refuse Permission.

Type of Appeal First Party

Appellant(s) Elaine Kilmartin and Billy Fitzpatrick.

Observer(s) None.

Date of Site Inspection 8th May 2025.

Inspector C. Daly

1.0 Site Location and Description

- 1.1. The subject site consists of a small semi-detached single storey hipped roof dwelling with small flat roof rear extension element and the dwelling is modestly set back from the public road, the L2013 local road. Immediately to the rear in the long rear garden are located some old small sheds. To the front/ side of the dwelling there is a shipping container separated from the dwelling by the front/side paved driveway area. The area to the rear of the dwelling is mainly in grass and is largely flat with a modest slope downhill towards the rear. The rear garden is bounded by hedgerow and some trees surround the rear garden. The small front garden area is bounded by a low front and side wall and there is an existing vehicular entrance and adjacent line of hedgerow to the west.
- 1.2. On the day of my site visit, the dwelling was undergoing re-roofing and some works were in train for the external windows. The subject site is located adjacent to a single storey dwelling to the east and is located within a rural area within the rural settlement/village of Curraghboy. It is within the 50kph speed limit area. This settlement to the south-east is mainly defined by ribbon development of detached houses, a church, school and a small number of commercial premises. The subject site is c.11.5km north-east of the edge of Athlone town.

2.0 **Proposed Development**

- 2.1. The proposed development, in summary, consists of the following:
 - Pitched roof extension to rear and parallel of existing dwelling of greater ridge height than existing and joined to existing by central flat roof element.
 - Removal of front porch and chimneys.
 - Decommissioning of existing septic tank and installation of wastewater treatment system.
 - Detached pitched roof garage to at front western side of site.

Following F.I., the design of the rear extension was modified significantly with the ridge height reduced from 6.518m to 5.256m, changes to the footprint and the roof form changed to a perpendicular pitched roof that joins the lower existing pitched

roof of the existing dwelling. Following C.F.I. a further reduction in the floor area and footprint of the dwelling was submitted to the P.A..

3.0 Planning Authority Decision

3.1. Decision

Roscommon County Council initially decided to request further information in relation to the design of the extension which was not considered complementary in design or scale, in relation to the existing site layout plan and structural survey report, site layout plan showing boundary landscaping details, a Construction and Demolition Waste Management Plan and details for the decommissioning of the existing septic tank and installation of new septic tank and tertiary treatment system and a preconnection agreement confirmation from Uisce Éireann in relation to access to the public water supply.

Clarification of further information was subsequently sought in relation to the design and scale of the extension which was considered excessive, a structural survey given the proximity to the adjoining property and a pre-connection letter from Uisce Éireann.

Subsequently the P.A. decided to refuse permission for one reason as the extension was not considered subordinate to the dwelling or complementary and was not capable of integrating with the existing dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report noted that the proposed wastewater treatment system (WWTS) upgrade to serve an existing dwelling is acceptable in principle, failure to comply with policy for extensions given greater scale and design issues, a redesign of the proposal was recommended, a revised site plan is required to outline current site development and a request for further information was recommended.

The second planner's report dealt with the further information response noting the reduced height of the extension from 6.5m to 5.2m and that the pitch roof extends significantly above the existing cottage and by reason of its scale and large footprint it was not considered subordinate to the dwelling; the failure to submit a structural

report which was required given demolition immediately adjacent to the other house; it noted the retention of the existing hedgerow along the front boundary; that the submitted Construction and Demolition Waste Management Plan was satisfactory subject to condition and that a pre-connection water query remained outstanding. Clarification of further information was recommended accordingly.

The third planner's report noted the further design revisions and considered that the revised extension was not subordinate to the house as the roof extends substantially above the existing cottage while noting the scale, roofscape and elongated form. It noted the submitted structural report confirming no adverse impact on the structural integrity of the adjacent dwelling and accepted the confirmation of feasibility letter from Uisce Éireann. Refusal of permission was recommended in relation to the extension not being subordinate to the dwelling and is not in accordance with Section 12.8 of the CDP.

3.2.2. Other Technical Reports

 Environment Section: First report and second report: No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann: Further information required.

3.4. Third Party Observations

None.

4.0 **Planning History**

Subject Site

None.

Sites in the vicinity

24/111: Permission granted by the P.A. at site c.600m to south-east of subject site in Curraghboy for rear ground floor extension with mono pitch roof.

5.0 Policy Context

5.1. Roscommon County Development Plan 2022-2028 (the CDP)

Volume 1

Chapter 3: People, Places and Housing

Section 3.8 Specialised Housing

PPH 3.10

Support the implementation of the Policy Statement 'Housing Options for Our Ageing Population'. Encourage the provision of independent and/or assisted living for older people such as new purpose built accommodation or the adaptation of existing properties, in order to enable older people to avail of 'rightsizing' within their community, at locations that are proximate to existing services and amenities and public transport facilities.

Chapter 12: Development Management Standards

- Section 12.8 House Extensions (Urban and Rural)
 Extending existing dwelling houses to meet changing family needs is an acceptable form of development which is viewed positively by the Council.
 In general terms the extension shall 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 proportions, detailing and finishes, texture, materials and colour of the existing dwelling, unless a distinctive high quality contemporary and innovatively designed extension is proposed.
 - Avoid unacceptable loss of private open space.
 - Where an extension increases the potential occupancy of the dwelling, the adequacy of the on-site sewage treatment (in unserviced areas) should be demonstrated in a planning application.

Section 12.9 – Domestic Garages / Sheds (Urban and Rural)

Domestic garages and sheds shall generally be subordinate to the existing dwelling in its size, unless in exceptional cases where a larger garage/shed compliments the existing dwelling in its design and massing.

The proposed structure shall not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact. Careful consideration will be given to site coverage to avoid the unacceptable loss of private open space. Proposed external finishes should be appropriate to the domestic setting.

Section 12.12 – Wastewater Treatment

Site specific analysis for new systems and operating capacity of existing systems (in the case of house extensions where additional loadings will arise) will be required to be assessed on a site specific basis. On-site septic tank and associated treatment systems shall be assessed and constructed under the terms of the Code of Practice: Wastewater Treatment Manual Treatment Systems for Single Houses36 or any subsequent update or revised standards

Volume 2

Section 3.16 Curraghboy Village Plan

Curraghboy DO 1

To facilitate quality low density residential development at appropriate locations within the village settlement boundary, subject to appropriate servicing arrangements.

5.2. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.1.6km south-west of Lough Funshinagh SAC (site code 000611).
- c.2.8km east of Lough Croan Turlough SAC and PNHA (site code 000610).
- c.2.9km east of Lough Croan Turlough SPA (site code 004139).
- c.4.4km north of Ballynamona Bog and Corkip Lough SAC (site code 002339).
- c.5km north of Feacle Turlough PNHA (site code 001634).

6.0 The Appeal

6.1. **Grounds of Appeal**

The grounds of the first party appeal on behalf of Elaine Kilmartin and Billy Fitzpatrick can be summarised as follows:

- The extension is essential for the care needs of one of the applicant's parents.
- Problems with inconsistent planning advice received.
- The house cannot be any smaller given that the household consists of 5 people.
- The existing house is 74sqm and the extension is 65sqm which is appropriate.
- The decision does not reflect the scale and design and diversity of homes in Curraghboy including the house opposite (photos attached).
- There are no objections to the proposal including from the neighbouring owner (including email attached).
- The applicants are active in the local community.
- The adjoining house is derelict and includes several sheds with large diesel tanks at the rear which increase their overall scale.
- The subject house previously served the adjoining house as it did not have a bathroom, well or running water.
- The development would improve the areas appearance and functionality rather than have a negative impact.
- Failure to grant permission will result in a forced sale of the property.
- The extension has been modified to be more proportionate to the existing house and is entirely located behind the original house.
- Visual impact the extension is fully screened from public view and integrates with the existing house roofline.
- The resulting building will be highly sustainable.
- Providing an adaptable house is consistent with housing policy.

- Photos attached in support of the appeal including of other pitched roofs in the area and large extensions and there is no uniformity.
- Letter of support submitted from local residents.
- Letter from Hodson Bay Celtic Football Club confirming applicants' son plays for the club.
- Character reference letter for Elaine Kilmartin.
- Letter from Uisce Éireann confirming water connection is feasible without infrastructure upgrade.
- Notice of carer's leave form and letter from Irish Wheelchair Association.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
 - Design and Amenity
 - Public Health
 - Other Issues

7.2. Design and Amenity

- 7.2.1. Roscommon County Council refused permission for the extension and garage, as amended by way of C.F.I., for one reason relating to scale, proportion and overall design concept incapable of assimilating to the context and the dwelling. It was further considered that the extension is not subordinate to the existing dwelling and an undesirable precedent would be set.
- 7.2.2. I note the removal of the porch and chimneys is part of the proposed development but on my site visit it had already taken place. Based on the submitted drawings, I am satisfied that this part of the proposed development would integrate with the

- dwelling and with the street. Enforcement matters are a matter for the P.A. and not the Board.
- 7.2.3. I note the significant design evolution between application stage, F.I. and C.F.I. stages. I note that the amended extension design, from the front, would have a minimal impact on the roofscape noting the modest increase in ridge height. There would be a greater impact when viewed from the east and the west and I consider this would integrate with the dwelling to a sufficient degree and would not be excessively scaled by comparison with the existing dwelling while also noting the side elevation views from the street would be limited. When viewed from adjacent properties, particularly from the west, I consider that it would not give rise to significant negative impact on the visual amenities of the area.
- 7.2.4. Noting the design of the dwelling, adjacent dwelling and the pattern of development in the vicinity, I consider that this would be in keeping with the dwelling, adjacent dwelling and pattern of development within Curraghboy which, I agree with the appellant, is not uniform. Per Section 12.8 (House Extensions) of the CDP, I consider this reflects the proportions and design of the dwelling.
- 7.2.5. The proposal seeks to bring back into use a currently vacant dwelling which is welcomed and I am satisfied with this part of the proposal. I note the rear extension form with pitched roof perpendicular to the existing front roof such that the height of the roof would be set back from the adjacent dwelling and its rear garden as the height would slope back away from the side boundary in addition to the side wall being c.4.1m from the side boundary. The eaves would broadly align with the existing eaves height and the ridge would be 5.256m in height which would be marginally higher than the modest sized cottage dwelling. I note this height and scale, together with the setback from the adjacent dwelling, would be such that there would be no significant impacts on adjacent residential amenity in terms of overshadowing, overlooking or overbearing.
- 7.2.6. Having regard to Section 12.8 of the CDP, I consider that the extension design, in terms of design and massing, would complement the existing dwelling given the heights noted above and combined with the depth (13.4m) and width (up to 8.2m), while not subordinate in floor area (existing c.55sqm; proposed c.110sqm), given the exceptional case due to the large rear garden size in terms of width and depth, the

- very small existing house size and the case advanced in relation to the care needs of the applicants, I consider that the extension would accord with Section 12.8 of the CDP as required. In this regard, I note that more than ample private open space would remain to the rear, the design reflects the external materials of the existing dwelling and its form, the solar panels and skylights would integrate and, as below, noting the adequacy of the proposed on-site sewage system.
- 7.2.7. I also note that the extension and reuse of the dwelling, to also allow for the care of a family member as sought by the applicants, is supported by Policy PPH 3.10 of the CDP to encourage the adaptation of existing properties at locations proximate to existing services and amenities.
- 7.2.8. I note the garage design, with its simple rectangular form and pitched roof, to the front/side of the dwelling, with simple nap plaster walls and roof tiles, would not be excessively scaled noting its setback from the dwelling and the side boundary; and in the context of the wide site frontage and large site, such that I consider that the design would accord with Section 12.9 (Domestic Garages) of the CDP. I also note its scale and position on the site such that I do not consider that there would be any adverse impacts on amenities of adjoining properties by reason of overlooking, overshadowing and via over-dominant visual impact.
- 7.2.9. Should permission be granted, I recommend a condition to ensure all external finishes match those of the existing dwelling.

7.3. Public Health

- 7.3.1. In relation to the proposed on-site wastewater treatment system, I note the Council's Environment section recommended a number of conditions should permission be granted. I note the submitted Site Characterisation Form. The aquifer vulnerability is identified as high. The rock type is limestone and the subsoil is noted to be till derived from limestone and is considered to be deep and well drained. The existing septic tank was identified as not fit for purpose.
- 7.3.2. The visual assessment noted no concerns such as no surface water ponding or watercourses/streams within 250m and these observations are consistent with my observations on my site visit. The depth of the trial hole is noted at 2.8m where water was present. I was unable to see into the trial hole but I observed no water in its vicinity on my visit. The subsurface percolation value was noted to be 24.39 and

- the site was considered to have good drainage characteristics. A secondary treatment plant and soil polishing filter is proposed consistent with Table 6.4 of the EPA Code of Practice. I note consistency with Table 6.3 of the EPA code in relation to minimum subsoil depth requirement of 0.9m and the groundwater protection response of R2(1).
- 7.3.3. I note that the treatment plant would be in the rear garden adjacent to the percolation area and required minimum separation distances per Table 6.2 of the EPA Code of Practice would be exceeded. I am satisfied that the requirements of the EPA Code and Section 12.12 of the CDP would be met in this case and subject to a standard condition in relation to this issue, I am satisfied that no significant public health concerns arise. I note the P.A. raised no concerns in this regard.
- 7.3.4. I note the confirmation of feasibility letter submitted from Uisce Éireann in relation to water services and I am satisfied that this connection is feasible as required. Should permission be granted, I recommend a condition in relation to this matter. Surface water drainage on site would be provided by way of a soakpit. Should permission be granted, I recommend a condition to deal to ensure on-site drainage.

7.4. Other Issues

- 7.4.1. I note the vehicular access would be from the existing established access and this is located within the 50kph speed limit area of the rural settlement and along a local road, the L2013. However, the 80kph zone commences immediately to the west of the vehicular entrance such that the longer sightline is required to the west. I note the P.A. were satisfied with the vehicular entrance. Having reviewed the site layout plan and having inspected the site, I am satisfied that the required sightlines can be achieved, such that no significant road safety concerns arise, and should permission be granted, I recommend that these be provided for by condition.
- 7.4.2. In relation to landscaping, I note the location within the rural settlement and the established planting around the site, such that I consider that provided this is maintained, except to allow for sightlines, in accordance with the plans and particulars that there is no need for a separate landscaping condition.

8.0 EIA Screening

8.1. 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

9.0 AA Screening

- 9.1. I have considered the development for retention in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a rural settlement c.1.6km south-west of Lough Funshinagh SAC.
- 9.2. The proposed development comprises a rear pitched roof extension, garage and wastewater treatment system. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
 - The small scale nature of works and the domestic nature of the development.
 - The distance from the nearest European site and lack of connections.
 - Taking into account screening report/determination by the P.A..
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Recommendation**

Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the provisions of the Roscommon County Development Plan 2022 – 2028, the location within an existing rural settlement, to the nature and scale of the proposed development and its relationship with adjacent development and the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual and residential amenity, public health and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 received by the planning authority on the 17th day of February 2025, 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. Details of the materials, colours and textures of all the external finishes to the proposed extension and garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.
- 3. (a) Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority drawings demonstrating that the required sightlines from the vehicular entrance can be achieved consistent

with Section 12.24 (Accessibility and Sight Lines) of the Development Plan. Such plans shall outline any works required to achieve such sightlines and shall otherwise preserve existing roadside boundaries and mature trees in their present condition and the height of any roadside boundaries shall be limited to a maximum height of one metre to maintain adequate visibility (b)The entrance gates to the proposed house shall be set back not less than 2.4 metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

- 4. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 19th day of June 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) " Environmental Protection Agency, 2021.
 - (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" Environmental Protection Agency, 2021.
 - (c) Within three months of the completion of the development, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.
 - (d) The existing septic tank shall be decommissioned and removed in accordance with the standards set out in the Environmental Protection Agency document referred to above

Reason: In the interest of public health and to prevent water pollution.

- 5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.
 Reason: To prevent flooding and in the interests of sustainable drainage.
- 6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
- 7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 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.
- 8. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

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.

Ciarán Daly Planning Inspector

12th June 2025

Appendix 1

Form 1 - EIA Pre-Screening

	ABP-322176-25	
Case Reference		
Proposed Development Summary	Rear pitched roof extension, garage and wastewater treatment system.	
Development Address	Carrick, Curraghboy, Athlone, Co. Roscommon.	
	In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the	⊠ Yes, it is a 'Project'. Proceed to Q2.	
purposes of EIA?	☐ No, No further action required.	
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,		
- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)		
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?		
☐ Yes, it is a Class specified in	State the Class here	
Part 1.		
EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.		
No, it is not a Class specified in Part 1. Proceed to Q3		
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?		
No, the development is not of		
a Class Specified in Part 2, Schedule 5 or a prescribed		

Inspector:Date:			
No 🗵	Pre-screening de	Pre-screening determination conclusion remains as above (Q1 to Q3)	
Yes □	Screening Detern	Screening Determination required (Complete Form 3)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?			
pro	Schedule 7A ormation submitted oceed to Q4. (Form 3 quired)		
OR			
exa	eliminary amination required. orm 2)		
dev	res, the proposed relopment is of a Class is sub-threshold.	State the Class and state the relevant threshold	
	A is Mandatory. No reening Required		
de\ and	Yes, the proposed relopment is of a Class meets/exceeds the eshold.	State the Class and state the relevant threshold	
No	Screening required.		
dev	e of proposed road relopment under Article 8 the Roads Regulations, 94.		