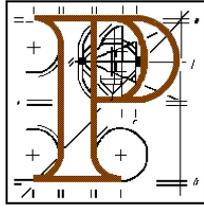


An Bord Pleanála



Inspector's Report

1. APPEAL DETAILS:

An Bord Pleanala Ref. No.:	PL15.245261
Planning Authority:	Louth Co. Co.
Planning Authority Ref. No.:	14/541
Applicant:	Simon & Adele Byrne
Nature of the Application:	Permission
Planning Authority's Decision:	Refuse Permission
Location:	Hamilton Ave., The Rock Road, Black-Rock, Dundalk, Co. Louth
Description of Development:	Change of House Type from that permitted under Reg.Ref.No.13/112.
Appeal Type:	1st Party
Appellant:	Simon & Adele Byrne
Observers:	None
Date of Site Inspection:	30th September 2015
Inspector:	Leslie Howard

2. SITE CONTEXT AND DEVELOPMENT DETAILS / DESCRIPTION:

(1) Site Location and Description:

The stated 0.089ha / 890m² application site, is located at the NE end of Hamilton Ave., N of The Rock Road in Blackrock, a seaside suburb, approx. 4km south of Dundalk Town Centre (see copy of the regional locality map, and 'google earth' satellite imagery series attached). Contextually, the Blackrock Village Centre is to the SE of the application site. The local Hamilton Estate neighbourhood is accessible from the coast road to the E, or via the Old Dublin Road to the W. The site has frontage onto the 'hammer-head', NE limit of Hamilton Ave. Hamilton Ave. is the main access road into what is understood as the Hamilton Estate, and up to the application site. Hamilton Ave. is served with footpaths and street lighting throughout its length. Access off Hamilton Ave. from its lower half, via spur roads / cul-de-sacs is enabled to 'The Meadows' – a modern development of approx. 10no. detached houses, and 'Hamilton Drive' – comprising approx. 30no. individual sites for detached houses. The NW, upper half of Hamilton Ave. currently serves 6no. large, 2-3-storey detached houses, along its entire SW frontage. Whilst of comparable size, height and scale, this row of houses is characterised by a variety of architectural designs. The opposite NE frontage is undeveloped throughout its length, and comprises 4no. sites, including the application site.

Whilst having frontage directly onto Hamilton Ave., the application site forms part of a larger agricultural field to the NE & E, and on which permission was granted under **Reg.Ref.No.13/112** for a residential development of 26no. dwellinghouses (ie. 12no. detached houses, 6no. semi-detached & 8no. terraced houses). Under **Reg.Ref.No.13/112**, permission was granted on the 4no. sites along the NE frontage, for detached houses. At the time of physical inspection, it was apparent that site works on the development had not yet commenced.

Topographically, the rectangular shaped site, appears to slope gently from the N to S. Whilst well grassed, indicative of possible historical livestock grazing / agricultural use, no active land use of the site was apparent at the time of physical inspection.

Located at the NW end of Hamilton Ave., limited, local only traffic may be reasonably anticipated passed the application site frontage. Whilst Hamilton Ave. slopes gently NW to SE away from the application site, the road is wide, straight and in good condition. Adequate sightline visibility is apparent from the site frontage onto Hamilton Ave. At the time of physical inspection, traffic movements along this NW, upper length of Hamilton Ave. were 'nil' (see attached series of photographs taken at the time of physical inspection, together with Google-earth satellite imagery series).

(2) **Description of the Proposed Development:**

Application was made by Simon & Adele Byrne (c/o Denis Williams Design Services) for permission for development on the stated 0.089ha / 890m² application site, advertised as – “1.Permission for change of House Type (2-storey detached) as per previously granted Permission – **Ref.No.13112**. 2.Vehicular entrance, rear car port & all site development works”, all at Hamilton Avenue, The Rock Road, BlackRock, Co. Louth. The GFA of the house, is stated as 246m². The proposed house includes at ‘ground level’ – ‘open plan’ kitchen & dining area; utility room; sitting room; storage; stairwell; entrance lobby & ‘TV / Lounge area, and at 1st floor level – a ‘master bedroom’ (ensuite & wardrobe); 3no. bedrooms (1no. ensuite & 1no. shared ensuite). Generous, landscaped domestic private open space / garden, is proposed to both the front and rear of the property. A new vehicular entrance is proposed onto & off Hamilton Ave. cul-de-sac ‘hammer-head’, with a ‘paved’ driveway proposed along the sites SE-lateral boundary, passed the house, to the rear yard. A garage for vehicle parking is proposed, located adjacent the site’s N-corner.

Water supply is stated proposed via “new connection” to existing public mains; wastewater management / treatment stated via “new” (understood) public sewer; and surface water disposal stated to “public sewer / drain” (see series of documents, plans and drawings prepared by Denis Williams Design Services, date stamped received by the PA initially on the 27/11/2014, and as F.I. dated 15/06/2015).

3. PLANNING CONTEXT:

(1) **Dundalk & Environs Dev. Plan (2009 – 2015):**

Relevant provisions incl. –

2.4 Land Use Zoning

Zoning Objective “Res 1”

Objective: “To protect & improve existing residential amenities & to provide for infill & new residential developments”.

Use Classes related to Zoning Objective

Permitted Uses incl. – ‘Residential’

(see Table 2.3 – ‘Land Use Zoning Objectives’, Table 2.4 – ‘Zoning Uses & Map – ‘Dundalk & Environs Dev. Plan 2009 – Map 1’).

Other Policies incl:

Policy HC1 relating to compliance with the Louth Housing Strategy,

Policy HC3 regarding social integration within developments and the provision of a mix of house types.

Policy HC19 & Policy HC20 relate to the provision of private and public amenity space within developments.

Policy HC18 requires that development would be in compliance with the provisions of the Sustainable Residential Development in Urban Areas Guidelines.

6.5.1 Sustainable Neighbourhoods:

6.6 Design Guidelines: &

Appendix 2 'Urban Design Guidance';

(2) **Planning History of the Appeal Site and its environs:**

The following planning history is apparent on the application site, and on nearby lands –

Reg.Ref.Nos'.04/1121 & ABP-PL15.211004: Permission granted by the PA for a residential development of 54 no. dwellings on lands that were essentially the same as decided under **Reg.Ref.Nos'.13/112 & ABP-PL55.242755**. The site layout proposed at that time comprised 12no. apartments fronting Hamilton Avenue, with terraced townhouses and 5no. detached dwellings on the remainder of the site. Access to the site was proposed via Hamilton Mews, & the N end of Hamilton Avenue. Permission was then 'refused' on appeal by An Bord Pleanala (**PL15.211004**). The 'refusal reasons' addressed sub-standard visibility and sight lines at the junction of Hamilton Avenue and the Rock Road.

Reg.Ref.No.08/0240: Permission granted by the PA for a residential development of 54 no. dwellings on lands that were essentially the same as decided under **Reg.Ref.Nos'.13/112 & ABP-PL55.242755**. The site layout proposed at that time comprised 12no. apartments fronting Hamilton Avenue, with terraced townhouses and 5no. detached dwellings on the remainder of the site, together with all associated site development works.

Reg.Ref.No.09/73: Permission granted for 2-storey dwelling house and associated site works at 4 Hamilton Mews, Blackrock.

Reg.Ref.No.11/381: 'Outline Permission' 'refused' by the PA for a residential development of 11no. detached houses on lands which comprised a significant portion of the lands decided under **Reg.Ref.Nos'.13/112 & ABP-PL55.242755**, for 4no. stated 'refusal reasons'.

Reg.Ref.No.12/0439: Extension of duration of the permission granted re. **Reg.Ref.No.08/0240**. This extension was granted dated the 27/09/2012.

Reg.Ref.Nos'.13/112 & ABP-PL55.242755: Permission granted by the PA for a residential development of 26no. dwellings and all ancillary site development works. The development was advertised as a

revision to permissions previously granted under **Reg.Ref.Nos'.08/240 & 12/439** for residential development on the site. The proposed 26no. residential units comprised – 12no. detached dwellings, 6no. semi-detached & 8no. terraced units. Permission was then 'upheld' on appeal by An Bord Pleanala (**PL55.242755**).

Reg.Ref.Nos'.13/457 & ABP-PL15.242884:Permission granted by the PA for residential dev. of a 'house and assoc. site works at No.4 Hamilton Mews, Rock Road, Blackrock, Co. Louth. Permission was then 'upheld' on appeal by An Bord Pleanala (**PL15.242884**).

(3) **Planning Authority Reports:**

(a) The Planning Officers final report dated 07/07/2015 (subsequent to initial report dated 13/01/2015 & the PA's F.I. request dated 15/01/2015 – see copies flagged on file), recommends that permission be 'Refused', generally in accordance with that set out in the 'Manager's Order' below. This recommendation was made having regard to:

- (i) Confirmation of the nature and composition of the proposed development;
- (ii) Contextualisation of the application site in its local surrounds;
- (iii) Reference relevant provisions of the Dundalk & Environs Dev. Plan 2009-2015. Notably, the 'Residential 1' – Zoning Objective ... "To protect & improve existing residential amenities & to provide for infill & new residential developments";
- (iv) The relevant site planning history apparent (see 3(2) above);
- (v) Relevant Departmental, or 'Prescribed' Body comments. Noteworthy, is ref. at 6.0 – 'Referrals / Prescribed Bodies' to 'Irish Water'. Such opinion is not clearly apparent on file;
- (vi) PA planning report (see 13/01/2015) states "No objections / observations have been made ... within the statutory timeframe".
- (vii) Confirmation re. no pre-planning consultations;
- (viii) **Planning Assessment (as per 13/01/2015):**

Principle of Development:

- clarify permission for a change of house type, to a dwelling granted PP under **Reg.Ref.No.13/112** (ie. 26no. dwellings – 6no. semi-detached, 8no. terraced & 12no. detached);
- application site relates to one of the detached houses permitted;
- having regard to site history, "the principle of a dwelling at this site is acceptable";

Design Issues:

- under **Reg.Ref.No.13/112**, 4no. different house types were proposed;
- clarify house type permitted for the application site was “House Type 1b”;
- the current application is “to change the house type / design of dwelling for this site”;
- similarly with the concurrent application for similar development of the adjacent site, express concern re. potential adverse consequences of the adhoc / piecemeal approach;
- if each of the 4no. sites came in separately for a change in house type, “the overall scheme would materially alter from that granted permission & the implications of each individual design on the visual amenities of the area is more difficult to assess”;
- assert that the type of development characterising Hamilton Drive “indicates the risk that developing individual plots on a piecemeal basis can have on the overall visual amenities of the entire development & this is something which should be avoided in this instance”;
- table setting out comparisons between “Type 1b granted under 13/112” and the “‘House Type’ currently being sought”;
- the ‘House Type’ change being sought, also includes an attached rear car port (31.5m²) along with a substantial 1st floor roof garden;

Impact on Adjoining properties:

- threat of consequent negative residential amenity impact on future adjacent residents re. “overlooking caused from a 1st floor roof terrace”;
- the wider footprint has consequence of reduced separation distance from party boundaries, with potential impact on adjacent residents;
- larger footprint also reduces separation distance to the rear party boundary wall by 3m;

Natura 2000 Sites:

- dwelling served by public services;
- site located in an area highlighted at risk from fluvial flooding;
- application is “a ‘minor application’ as defined under 5.28 of Guidelines”;

- PA “satisfied the proposed minor alterations to the existing structure accords with the land-use zoning of the site and is visually acceptable”;

Conclusion:

Request F.I. re. 4no. stated issues, conveyed to the applicant’s by way of letter dated 15/01/2015)

(viii) **Planning Assessment (as per 07/07/2015, subsequent to F.I. received by PA on 15/06/2015):**

Summary of F.I. received:

- re. preparation of ‘Design Strategy’ reference for assessment of changes to the development granted PP under **Reg.Ref.No.13/112**. Applicant’s to submit revised house design “which accords with the parameters of the strategy”:

Applicant’s Response:“The dwelling proposed on site has been revised following meetings with the planner”.

- re. details demonstrating compliance with Condition No.8 of **Reg.Ref.No.13/112**, re. development of the application site:

Applicant’s Response: “... a written agreement has been made between the McGahon Partnership & Louth Co.Co. re. this Condition which is lodged with Solicitors”;

Assessment:

- Note revised plans / drawings submitted;
- Acknowledge meetings between the PA & the applicant’s agent re. the F.I. request. Further advisement re. ongoing communication with the McGahon Partnership re. agreement on a design brief setting “acceptable parameters for deviation from the House Design granted under the parent permission **Reg.Ref.No.13/112**” ;
- Note feedback taken on board by the ‘agent’, & revisions to the proposed dwellinghouse received by the PA;
- However, note the proposed FA remained higher than the dwelling granted on this site under **Reg.Ref.No.13/112** (ie. 43m² increase);
- Note “contextual elevation & layout plan for the 4no. proposed dwellings along this side of Hamilton Ave.”, indicating how the proposed dwelling and the adjacent, concurrent proposed dwelling (ie. change of House Type’ application under **Reg.Ref.No.14/33**), “will complement each other”;
- Assert from the layout plan “that the footprints of the 4no. dwellings differ significantly from each other & from the

footprint of those dwellings' permitted under **Reg.Ref.No.13/112**";

Similarly, "the roof forms, heights, widths & external finishes deviate from each other & there is little evidence to show cohesiveness in the design approach for all 4no. sites"

- Acknowledge that no set urban form of design to the existing dwellings at Hamilton Ave. exists. State this situation "has evolved due to the fact that serviced sites were granted PP with no agreed design design brief to ensure that the dwellings' developed complement each other";
- Point out the current application sites are different due to there being a permission in place, which granted 4no. different house types / designs on these sites;
- Therefore a real concern exists, that by permitting piecemeal / adhoc changes to house types, "the changes combined will ultimately result in a development which materially differs to that which was originally granted & intended for this overall site";
- Applicant's advised through the F.I. stage to engage & prepare an overall design strategy for these sites, to be considered in a wider context for overall development ... "but this has not been done";
- Note stated agreement with the Co. Housing Dept. re. Condition No.8 of the parent permission re. compliance with Part 5 of the Planning & Dev. Act. This has been confirmed by the Housing Sect. PA satisfied "that this Condition is being discharged";

(ix) **Conclusion:**

That planning permission be refused, for 2no. stated 'Refusal Reasons'.

(b) **3rd Party Objections / Submissions:**

None apparent.

(c) **Departmental and Statutory Body Comments:**

Infrastructure Office: Stated "... recommend a grant of permission subject to the following Conditions". 1no. Condition recommended as follows – "All Conditions of previously granted application (13/112) to be strictly adhered to" (see report dated the 13/02/2015).

No other Departmental, or Statutory Body Comments apparent.

(4) **Planning Authority Decision Details:**

Louth Co. Co. as Planning Authority, by Decision Order No. 376/15, dated the 07th July 2015, decided to refuse planning permission, for 2no. stated refusal reasons, as follows:

- (1) *"... that the proposed change of house type to that granted at this site under **Reg.Ref.No.13/112** would set an undesirable precedent for piecemeal & ad-hoc design changes to the parent permission granted at this site, and could, in combination with other similar applications on adjoining sites, render the scheme materially different to the parent permission under which it was granted. As such the proposed development is considered unacceptable and injurious to the visual amenities of the area, and contrary to the proper planning and sustainable development of the area";*
- (2) *"It has not been demonstrated to the satisfaction of the Planning Authority that the proposed change of house type makes a positive addition to the identity of the locality or that it will contribute positively to the character and identity of the neighbourhood as envisaged in the permission **Reg.Ref.No.13/112**. As such the proposed development is contrary to the guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas & policy HC9 of the Dundalk & Environs Development Plan 2009-2015".*

4. **FIRST PARTY GROUNDS FOR APPEAL – S. & A. Byrne (c/o Stephen Ward – Town Planning & Dev. Consultants, 27th July 2015):**

(1) **Introduction:**

Contextualise and substantiate the 1st Party Appeal by the applicant's – S. & A. Byrne;

(2) **Planning History & Background:**

- (a) Assert that the principle of a dwelling on the site was established under **Reg.Ref.No.13/112 (PL15.242755)**;
- (b) Reference the most recent & relevant planning history;
- (c) **Reg.Ref.No.13/112 (PL15.242755):**
Reference the founding statement by ABP, prefacing its decision to grant planning permission, notwithstanding the Inspector's recommendation to refuse permission;
- (d) **Reg.Ref.No.14/541 (ie. current application):**
 - (i) The applicants have entered into agreement with the landowner, to purchase one of the site's granted PP under **Reg.Ref.No.13/112 (PL15.242755)**;
 - (ii) Subsequently, they retained professional services to design a dwelling on the site;

- (iii) Point out the PA view, “that a change of house type from the permitted house-type on any particular plot under **Reg.Ref.No.13/112 (PL15.242755)**, is not permissible”;
- (e) **Stated Refusal Reasons:**
Reference in full, the 2no. stated ‘Refusal Reasons’ by the PA under **Reg.Ref.No.14/541**;
- (f) **First Report of the PA recommending F.I. (ie.13/01/2015):**
 - (i) The principle of changing the house type for 1no. site “is a concern” (ie, having regard to the 4no. house types granted under **Reg.Ref.No.13/112 (PL15.242755)** and the concurrent, adjacent application – **Reg.Ref.No.14/331**), and the “piecemeal nature of this type of application” is a concern);
 - (ii) Comment:
“If each site came in with an application to change ‘house type’, the overall scheme would materially alter from that granted permission”;
“.... The implications of each individual design on the visual amenities of the area is more difficult to assess”;
 - (iii) The type of dev. which has occurred at Hamilton Drive, “indicates the risk that development individual plots on a piecemeal can have on the overall visual amenities of the entire dev. and this is something which should be avoided in this instance”;
- (g) **F.I. Request (ie.15/01/2015):**
 - (i) Clarify the PA’s 3no. F.I. queries (ie. 2no. re. admin. issues & 1no. re. “dwelling design considerations”;
- (h) **Applicant’s Response to the F.I. Request (ie.09/06/2015):**
Reference the applicant’s F.I. response as follows:
 - (i) addressed F.I. Issue No.1 re. “the roof terrace & the car port”;
 - (ii) provided “an integrated site layout & street elevation of the 4no. sites on Hamilton Ave.”;
- (i) **Second Planning Report of the PA (ie. 07/07/2015):**
Reference the PA summary of the applicant’s F.I. response re. ‘Design Strategy’ issue, and “deviation” from the dwelling type as permitted under **Reg.Ref.No.13/112**, as follows:
 - (i) Note feedback taken on board by the ‘agent’, & revisions to the proposed dwellinghouse received by the PA;
 - (ii) However, note the proposed FA remained higher than the dwelling granted on this site under **Reg.Ref.No.13/112** (ie. 43m² increase);
 - (iii) Note “contextual elevation & layout plan for the 4no. proposed dwellings along this side of Hamilton Ave.”, indicating how the proposed dwelling and the adjacent, concurrent proposed

- dwelling (ie. change of House Type' application under **Reg.Ref.No.14/331**), "will complement each other";
- (iv) Assert from the layout plan "that the footprints of the 4no. dwellings differ significantly from each other & from the foot[print of those dwellings' permitted under **Reg.Ref.No.13/112**"; Similarly, "the roof forms, heights, widths & external finishes deviate from each other & there is little evidence to show cohesiveness in the design approach for all 4no. sites"
 - (v) Dispute the PA ref. to "a Design Brief", to be submitted as F.I. by the applicant's (ie. "a wider context for the overall development"), and which did not happen;
 - (vi) Ref. applicant's discussion on the PA's approach to this application below;
 - (vii) Assert that rather than a "design strategy", what the PA seeks to implement "is a Dev. Management tool so restrictive & prescriptive that it would have completely stifled any design flair & required all house type "changes" to mirror those permitted, even to the level where footprints & dimensions are the same";
 - (viii) Argue that "the applicant's and their architect were unwilling to succumb to this";
 - (ix) There is nothing to support the PA view "that changes to dwelling design are unacceptable or inappropriate";
 - (x) Highlight to ABP that "the applicant's have no control over adjoining lands or sites";
 - (xi) In response to the PA's concerns against the applicant's design submitted, argue that "there is no planning policy basis to preclude a dwelling design that is different, significantly or otherwise from the dwelling type proposed under 13/112"; Argue further that "the dwelling proposed has more in common than not with that permitted on the site";
- (j) **PA Reg.Ref.No.13/457 (ABP Ref: PL15.242884):**
- (i) This application demonstrates "the contrasting & contradictory approach of the PA to change of house type applications within the Hamilton dev.";
 - (ii) The decision of the PA was confirmed by ABP following 3rd party appeal;
 - (iii) Ref. PA report (03/12/2013) re. 'Design, Scale & Form' "... noteworthy that there is no one particular house type within the residential Hamilton housing development"; ... under **Reg.Ref.No.13/112** (ie. 26no. dwellings), located approx. 100m to the E, "varied house types were permitted, in accordance with Louth's Housing Strategy"; and

The proposed house design “is not considered to be at variance with the house types in the general vicinity of the site”;

- (iv) Comment the ABP Inspector also of the view that “no one particular house type dominates the Hamilton housing development area”;

(3) **The Approach of the Planning Authority:**

- (a) Confirm that the applicant’s & their architect engaged the PA in the preparation of their F.I. response;
- (b) Through this process the PA sent correspondence to their architect “setting out requirements for the ‘Design Strategy’ sought by the PA”;
- (c) The PA sought:
 - (i) “any new house type to be of the precise floor area & dimensions as that permitted on the site”; and
 - (ii) the same number of bedrooms be provided, as per the parent permission;
- (d) Assert that the PA approach – “resembles that of placing a designer in an architectural straight jacket rather than providing guidance to allow a designer to flourish & express his or her design flare”.
This already in an area which already hosts “a diverse range of architectural styles, individually designed & finished large detached houses”;
- (e) Argue the PA approach:
 - (i) “over-steps the boundaries of its role in the planning systems straying well into the territory of making subjective decisions of architectural style”; &
 - (ii) “... displays a lack of understanding of the function & purpose of Design Brief per se.”;
- (f) Argue the function of a ‘Design Brief’ – “is certainly not to hamstring the skills of a designer”;
- (g) Argue the approach currently advocated by the PA, contradicts that followed under **Reg.Ref.No.13/457 (Ref: PL15.242884)**;

(4) **Grounds of Appeal – Key Issues:**

- (a) Affirm the ‘principle’ of a detached dwelling on the application site is established;
- (b) State “there are no policy, dev. management or infrastructure issues”. This is confirmed in that the PA’s stated ‘refusal reasons’ “are restricted to design matters”;
- (c) Confirm the ‘key issues’ substantiating the 1st Party Appeal are:
 - (i) “Is there a Policy Requirement for a Design Brief or Is there anything in Planning Permission **Reg.Ref.No.13/112 (PL15.242755)** or elsewhere to Preclude a Change of House Type?”;
 - (ii) “Is the Proposed Change of House Type Appropriate?”; and

- (iii) “Does the Proposal Materially Contravene any National or Local Design Guidelines or Advice?”
- (5) **Is there a Policy Requirement for a Design Brief or Is there anything in Planning Permission 13/1123 (PL15.242755) or elsewhere to Preclude a Change of House Type:**
- (a) Assert that the only reason a “full” application was made under **13/1123**, “was because it was a planning application to vary an extant permission ... an outline application was not acceptable ...”;
 - (b) Assert that nowhere under **Reg.Ref.No.13/112 (PL15.242755)**, “is mention made of the need for a design brief or strategy”. Rather, the ABP Inspectors report under **PL15.242755** states – “... would not result in a layout that would be significantly out of character with the established pattern of dev. in the area”;
 - (c) At no point in the planning history of this Hamilton area, “has a Design Brief / Strategy been required”. Further, even if such was required, the PA’s requirements’ “displays a lack of understanding as to the function & purpose of a Design Brief”;
 - (d) Nowhere in the Dev. Plan “is there a specific objective requiring the preparation of a Design Brief for the site or the wider area. Assert that whilst the PA might “contrive” the need for such, “it remains the case there is no such link & no such requirement”;
 - (e) re. the need for “clear & unambiguous” Dev. Plans, assert that the appropriate way of dealing with house design in the Hamilton Drive area, “was to introduce a specific objective for this area into the Dev. Plan”;
 - (f) Unfortunate that, whilst hinting, the stated ‘refusal reasons’ do “not come out and simply say that”. Argue that:
 - (i) if there was a requirement for a ‘Design Brief’, this matter “would have been dealt with under the main planning permission for the site – **Reg.Ref.No.13/112 (PL15.242755)**”;
 - (ii) “it is utterly inappropriate to introduce such a requirement when an application is made for a change of house type”; and
 - (iii) “... the applicant’s have absolutely no control over adjoining lands”;
 - (g) Whilst the applicant’s proposed design doesn’t differ radically from that permitted, argue that “there is nothing inherently wrong with a development that is “materially different” to a parent permission”. Reference an example of this as being - **Reg.Ref.No.13/112 (PL15.242755)** vs. **Reg.Ref.No.08/240 & 12/439TE**. Argue that **Reg.Ref.No.13/112 (PL15.242755)** is clearly “a variation to the parent permission”.
 - (h) Argue there is nothing wrong with the applicant’s approach, “legally or otherwise”. Express bemusement how the PA came to adopt this view

for the development of the Hamilton area, at this very late stage (ie. “that house type changes must adhere rigidly to a permitted house type, down to dimensions & even number of bedrooms”)

- (i) This approach by the PA is contrary to that followed by the PA wherein it granted PP resulting in the reduction from 54no. units (incl. apartments) down to 24no. units (incl. detached, semi-detached & terraced houses);
 - (j) Argue “there is no requirement for a Design Brief for the site of **Reg.Ref.No.13/112 (PL15.242755)**”;
If this was necessary, the need for a Design Brief would have been inserted as a Specific Objective into the Dundalk & Environs Dev. Plan 2009-2015. “this was not done”;
The need for a Design Brief could have been addressed under **Reg.Ref.No.13/112 (PL15.242755)**. To do so know, as part of an application to change ‘House Type’, “and when an applicant has no control over adjoining lands is inappropriate & unjustified”;
 - (k) Argue the house design proposed, “is in keeping with the design ethos applied to this area – large detached dwelling with individual architectural style”;
- (6) **Is the Proposed Change of House Type Appropriate ?**
- (a) Reference argued ‘strong language’ in the stated ‘refusal reasons’ as – “undesirable precedent for piecemeal & ad-hoc design changes ...” and “... unacceptable & injurious to the visual amenities of the area ...”;
 - (b) Note PA view in report dated 07/07/2015 that “... there is little evidence to show cohesiveness in the design approach for all four sites”;
 - (c) Notwithstanding applicant’s view that no ‘Design Brief’ required, set out to demonstrate that the house type as proposed, “does not deviate in a material way from House Type 1b as permitted on the site under **Reg.Ref.No.13/112 (PL15.242755)**”.
Whilst the shape may have changed from a “box” shape to a “C” shape, argue that “nowhere is such a change precluded”;
 - (d) Rather, argue that it is not the change that requires assessment, “but the impact of the change that should be assessed. Assert that the 1st Party Appeal will do this “by way of comparisons of footprints, floor areas, height & particularly design of front elevation”;
 - (e) Having regard to comparative dimensions between that permitted under **Reg.Ref.No.13/112 (PL15.242755)**, vs. that currently proposed under **Reg.Ref.No.14/541** (see Table 1), argue that “in quantitative terms there is in reality little difference between” the two;
 - (f) At Table 2 – “Compliance with Dev. Management Criteria with Dundalk & Environs Dev. Plan 2009”, demonstrate compliance with “Residential Dev. Standards” and “Internal Room Standards”.

- (g) Argue further, “the question is not whether the dimensions have changed rather it is whether there is a material impact as a result and whether the dev. as revised still adheres to dev. management requirements?”;
- (h) Argue there is no material impact for two primary reasons incl.:
 - (i) the front elevation is a “C” shape, with a setback central courtyard area – “this has the effect of adding depth to the front elevation allowing it to be read as 3-elements”; &
 - (ii) there is a substantial reduction in the depth of the dwelling on its N-flank (ie. reduced from a permitted depth of 10.6m to 7.8m). The design logic to this, is so as to allow evening sun into the paved courtyard area;
- (i) Assert irony that having regard to the PA’s weighted concerns re. visual amenity & cohesiveness, that dwelling type ‘1a’ as permitted on adjacent **Reg.Ref.No.14/331**, “is in a modernist style with flat / mono-pitched roof and the dwelling type ‘1b’ permitted under 13/112 is in a more traditional style with pitched slated roof & brick detailing”;
- (j) Argue further irony that having regard to House Types 1a & 1b permitted under **Reg.Ref.No.13/112**, that the 2no. adjacent dwellings types proposed under **Reg.Ref.No.14/331** and **Reg.Ref.No.14/541** respectively, “display far more cohesiveness in design than those permitted on those sites under **Reg.Ref.No.13/112**;
- (k) Accordingly, assert there is no objective justification for the PA to:
 - (i) conclude and state in its ‘Refusal Reasons’ that the proposed dwelling design is “unacceptable & injurious to the visual amenities & contrary to the proper planning & sustainable development of the area””; and
 - (ii) conclude the proposed design “fails to make a positive addition to the identity of the locality, or that it will contribute positively to the character & identity of the development”;
- (l) Conclude “the reasons for refusal as provided by the PA do not stand up to objective assessment”;
- (7) **Does the Proposal Materially Contravene any National or Local Design Guidelines or Advice ?**
 - (a) Reference PA statement at Refusal Reason No.2 that the proposed design is contrary to the “Guidelines for PA’s re. Sustainable Residential Dev. in Urban Areas” and “Policy HC9 of the Dundalk & Environs Dev. Plan 2009”;
 - (b) In response assert “there is no justification for this reason for refusal and it does not stand-up to scrutiny”. Point out the policy reference in a refusal reason is not supported in the reports of the Planning Officer;
 - (c) Assert difficulty “for an applicant to address such a wide-ranging non-specific reason for refusal”. Argue this “is contrary to the provisions of

the Dev. Management Guidelines for PAs”, which at Sect.7.14 states – *“Reasons for refusal should therefore be clear & unambiguous, as informative & helpful as possible, should be self-contained statements, & should be related specifically to the particular dev. proposed”*

- (d) Further reference drawn from Sect.7.15 re. the wording of refusal reasons;
 - (e) Request ABP note para.5.3 of the Guidelines which requires Plan policies “promote good design which is universal for all, without stifling the creativity of skilled designers” (ie. to specify issues to be considered without being overly prescriptive in terms of how performance criteria are achieved”;
- (8) **Summary & Conclusions:**
- (a) The proposed dev. is compliant with the relevant provisions of the Dundalk & Environs Dev. Plan 2009;
 - (b) The PA “fails to provide any objective assessment to justify its stated reasons for refusal”, and particularly that the proposed dev.:
 - (i) would render the scheme materially different to the parent permission;
 - (ii) would be “unacceptable & injurious to the visual amenities of the area”;
 - (iii) the proposed ‘house type’ does not make a positive addition to the identity of the area; and / or
 - (iv) is contrary to the Guidelines for PA’s re. ‘Sustainable Residential Dev. in Urban Areas & Policy HC9 of the Dev. Plan
 - (c) Rather, the proposed dev. “is entirely compliant in terms of policy, dev. management & otherwise”. No requirement exists for “a design brief / strategy” for the area, & it is inappropriate / unreasonable to require one during assessment of an application for a change of house type. The applicant’s neither own adjacent lands, nor can they predict if / when other similar applications’ will be lodged in the vicinity; and
 - (d) The dwelling type permitted on the application site (ie. **Reg.Ref.No.14/541**) under **Reg.Ref.No.13/112 (PL15.242755)**, “is in the traditional style with pitched slated roof & brick detailing”. The house type change currently proposed, “is in a modernist style ... which provides more by way of cohesiveness with that permitted under **Reg.Ref.No.13/112 (PL15.242755)**, and proposed dwelling (ie. **Reg.Ref.No.14/331**) on the adjoining site, with both now in a modernist style whilst adhering to Development Management requirements of the Dev. Plan”

5. RESPONDENTS TO THE FIRST PARTY APPEAL:

(1) Planning Authority Response – (19/08/2015):

- (a) Contextualise application site locally, & re. the provisions of the Dundalk & Environs Dev. Plan 2009;
- (b) Reference adjacent similar application **Reg.Ref.No.14/331**, also currently on 1st Party Appeal;
- (c) Contextualise application site as part of historical permission for 26no. houses granted PP under **Reg.Ref.No.13/112**. Under **Reg.Ref.No.13/112**, “4no. different house types granted, which deviated in design, scale, size, floor area & external finishes. The permission in principle for a detached 2-storey dwelling at this site is therefore acceptable” ;
- (d) Assert the principal issues for assessment as:
 - (i) the suitability of the change of house type / assoc. revised design on this site, in the context of **Reg.Ref.No.13/112**; and
 - (ii) the impact of the revised design on the visual and residential amenities of the area;
- (e) Acknowledge concurrent similar application on adjacent site, and potential similar applications nearby;
- (f) Concern re. the cumulative impacts of changes to permitted house types / designs, “would render the scheme materially different to that which was granted” under **Reg.Ref.No.13/112**, “contrary to proper planning”;
- (g) Contextualise purpose of the ‘Design Brief’ requested under F.I. consultations’ (ie. clear parameters re. “the extent of material changes which would be acceptable”; “ensure some consistency” re. the design approach; and to avoid “a piecemeal approach to the development”);
- (h) Reference “a number of pre-planning meetings & discussions”, following F.I. request. Acknowledge applicant’s (ie. under **Reg.Ref.No.13/112**) argument that the demand “was high” from potential buyers “who could build their desired house design at this location”;
Point out the PA had no objection in principle, to a change of house type application. However, PA had concerns re. the piecemeal approach being followed.
Assert, “it is regrettable that a design brief could not be agreed on & ultimately the F.I. was responded to by providing a contextual elevation of the proposed revised designs in place relative to those designs permitted” under **Reg.Ref.No.13/112**.
- (i) Having regard to F.I. submitted, “it was considered that the contextual elevation received highlighted that a disjointed design approach which would evolve at the site & in the opinion of the PA this would have a negative impact on the visual amenities of the area & would render the

scheme design materially different to the parent permission from which it was granted planning permission”;

- (j) Weight reference to the DoE’s 2009 ‘Urban Design Manual’ for PAs’. re. “how the detailed design of a residential development should make a positive contribution to a locality, & to the character & identity of the neighbourhood”. Assert that such due regard was given to the PP granted under **Reg.Ref.No.13/112**.

Argue that the current ad hoc, piecemeal application, and similar others, and the design deviations proposed, “will unwittingly destroy the best intentions of the scheme originally proposed, assessed & granted permission”;

- (k) Argue that “the cumulative visual impact would negatively affect the appearance of this development to such an extent that it begins to erode the identity initially intended for the overall scheme”;

- (l) **Conclusion:**

“... the most appropriate decision in this case in the interest of the proper planning and sustainable dev. is to uphold the decision of the Local Authority”.

6. **PLANNING ASSESSMENT:**

- (1) I have considered all of the issues argued in the 1st Party Appeal, thoroughly inspected the application site and its environs (see attached photographs), and assessed the proposed development in the light of the Dundalk & Environs Dev. Plan 2009-2015, and of National Policy (ie. DoEH&LG.’s Guidelines re. Sustainable Residential Dev. in Urban Areas (2009).

I believe that the relevant issues in review of the merits of this appeal relate to:

- (a) Principle and location of the proposed development;
- (b) Visual Impact / Streetscape;
- (c) Residential Amenity Impact;
- (d) Traffic Safety; and
- (e) Requirement for ‘Appropriate Assessment’ under Article 6(3) of the Habitats Directive 92/43/EEC.

- (2) **Principle and location of the proposed development:**

I believe the planning ‘principle’ of single, detached, dwellinghouse residential development at this upper Hamilton Ave. location has been established. Clearly zoned “Res 1”, the applicable zoning matrix designates ‘residential’ land use as being ‘permitted in principle’ within the zone (see 3(1) above).

The ‘principle’ of residential development is further enabled by the historical permission granted under **Reg.Ref.No.13/112** for 26no. houses, and which the current application site formed a part of (ie. under **Reg.Ref.No.13/112**, 4no. different house types granted, which deviated in design, scale, size, floor

area & external finishes). A large, detached, single dwellinghouse was granted on the application site under **Reg.Ref.No.13/112**.

I do not believe that any of the PA or 1st Party interests contest this. However, in terms of the applicable “Res 1” Residential zoning objective, the primary consideration is to, whilst enabling residential development, ensure the protection and improvement of the residential amenity prevailing within the contextual, emerging Hamilton Ave. residential neighbourhood. Understandably, this is a weighted and expressed concern for all parties.

Having regard to the National and Regional Sustainability and Spatial Strategies, as well as the D.o.E.’s. Sustainable Residential Dev. in Urban Areas (2009), I affirm no objection ‘in principle’ to the development of a dwellinghouse on the application site (albeit with amended ‘house type’ and design from that permitted under **Reg.Ref.No.13/112**), as proposed. Whilst only a single, large house, I believe that the proposed development would positively enhance the economic use of existing infrastructure and serviced land within the broader Hamilton neighbourhood, and reduce the need for new infrastructure investment by way of densification and infill. The Dundalk & Environs Dev. Plan 2009 itself commits to the more integrated and sustainable use of all existing, residentially zoned lands, to be generally characterised by higher residential densities and a more compact urban fabric, whilst ensuring the quality of the proposed residential environment. In this regard, whilst clearly at the lower end of the residential density spectrum, I believe the row of 4no. sites (each granted with detached single houses under **Reg.Ref.No.13/112**, and of which the current application site and adjacent, concurrent similar **Reg.Ref.No.14/331** are 2no.), both visually and functionally integrate directly with the row of 6no. detached, large, single houses which have been developed along the length of the SW Hamilton Ave. frontage (ie. as opposed to the 26no. house residential development permitted to the NE and E under **Reg.Ref.No.13/112**).

However, having regard to the discussions below, particularly that of visual and residential amenity impact and mitigation, which are clearly the primary concerns of the PA, I believe that the proposed development (ie. change of house type and design) is sufficiently compliant with these Dundalk & Environs Development policies and objectives, as well as the D.o.E.’s. Sustainable Residential Dev. in Urban Areas (2009), and as proposed, would be in accordance with the proper planning and sustainable development of the Hamilton Ave. residential neighbourhood.

(3) **Visual Impact / Streetscape:**

The sense of place of this emerging Hamilton Ave. residential neighbourhood is clearly influenced by the architectural style, design, and general finishing

with respect to materials and colouring of the existing houses, all set in a local topographical and environmental context.

The PA, as well as the applicant's (ie. both current and the adjacent, concurrent applicant's under **Reg.Ref.No.14/331**), all aspire to preserve this amenity, a required consideration under the 'Res 1' zoning objective, and ancillary provisions of the Dundalk & Environs Dev. Plan 2009. This can be seen from the photographs attached, taken at the time of physical inspection. I have taken note of the established scale and pattern of large, detached, 2-3-storey, single dwellinghouse development along the length of the SW Hamilton Ave. frontage. Whilst certainly permitted under a parent permission (which I have unfortunately not been able to determine), which would have established parameters for house type design along the SW frontage, I note that the emerging pattern of development has been 6no. large, 2-3-storey detached houses of comparable size, height and scale, but characterised by a variety of architectural designs. Notable is the large 3-storey clinically modern house, third up in the row of 6no. houses (Again, unfortunately, I have not been able to reference the relevant case history for this house). I also share the applicant's (c/o Stephen Ward – Town Planning & Dev. Consultants) weighted and relevant reference to the recently permitted 2-storey, stated 306m² and 9.258m high dwellinghouse, of contemporary architectural design, by the PA under **Reg.Ref.No.13/457**, and upheld by ABP on 3rd Party Appeal under **Reg.Ref.No.PL15.242884**. I confirm that at the time of physical inspection, site works on this large, contemporary dwellinghouse, had substantially commenced (see photographs attached, together with the Google 'Street-View' Oblique Imagery). The opposite NE frontage is undeveloped throughout its length, and comprises 4no. sites, including the application site, and all granted permission for comparable large, detached, single dwellinghouses under **Reg.Ref.No.13/112**. I share the weighted conviction of the applicant's (c/o Stephen Ward – Town Planning & Dev. Consultants) in this regard. I affirm my own conviction that this row of 4no. sites, both visually and functionally integrates directly with the row of 6no. detached, large, single houses which exist along the length of the SW Hamilton Ave. frontage. I assert this conviction, as opposed to the 26no. house residential development permitted to the NE and E under **Reg.Ref.No.13/112**, and about which the PA gives weighted regard.

Specifically, having regard to the proposed change of house type and assoc. architectural design, and to the local contextual pattern of development along Hamilton Ave., I am satisfied there is a consistency in size and scale of the residential built environment with which the applicant's proposed new dwellinghouse is satisfactorily compatible. In this regard I concur with the conviction, comprehensively argued by the applicant's (c/o Stephen Ward –

Town Planning & Dev. Consultants) that the impact, if any at all, of the proposed new dwellinghouse would be acceptable visually, from a planning point of view, when viewed from the front public realm.

I share the opinion asserted by the applicant's (c/o Stephen Ward – Town Planning & Dev. Consultants) in this regard, and I have weighted reference to the comparable design, height, width and materials & finishes of the proposed new dwellinghouse, with existing and adjacent proposed development. Further, having regard to the comparative dimensions between that permitted under **Reg.Ref.No.13/112 (PL15.242755)**, vs. that currently proposed under **Reg.Ref.No.14/541** on the application site (see Table 1 to the applicant's appeal submission), I share the applicant's view that "in quantitative terms there is in reality little difference between" the two. Further, at Table 2 – "Compliance with Dev. Management Criteria with Dundalk & Environs Dev. Plan 2009", I note the satisfactory compliance demonstrated with "Residential Dev. Standards" and "Internal Room Standards". Accordingly, I believe that rather than being a conspicuous, negative visual externality, the proposed new house type and assoc. design would positively contribute to the consolidation of the Hamilton Ave. streetscape, with emerging local identity, character and sense of place.

I further note the irony argued by the applicant's (c/o Stephen Ward – Town Planning & Dev. Consultants) that having regard to the PA's weighted concerns re. visual amenity & cohesiveness, that house type '1a' as permitted on adjacent **Reg.Ref.No.14/331**, "is in a modernist style with flat / mono-pitched roof and the house type '1b' permitted under 13/112 is in a more traditional style with pitched slated roof & brick detailing". I note the further considered "ironic" argument made by the applicant's that having regard to House Types '1a' & '1b' permitted under **Reg.Ref.No.13/112**, that the 2no. adjacent dwellings types currently, concurrently proposed under **Reg.Ref.Nos'.14/331 & 14/541** respectively, "display far more cohesiveness in design than those permitted on those sites under **Reg.Ref.No.13/112**". I am inclined to share this view.

Accordingly, I do not share the PA's conviction apparent that the proposed development (ie. change of 'House Type' & assoc. design), would cause such a fatally flawed, negative impact on the existing local visual and associated residential amenity along Hamilton Ave., so as to justify a refusal of planning permission. In my view, a refusal decision, as argued for by the PA, would be disproportionate to the argued infringement, if such were to be the case at all, and having regard to the fact that a consequent visual impact, must logically and reasonably be expected of any development on the application site. In my view, this cannot be avoided.

Accordingly, I am inclined to the view of the resultant adjustment in the prevailing Hamilton Ave. streetscape, consequent of supplementation with the proposed new dwellinghouse, as minor, and would not be overbearing on the common scale and uniformity of the existing and anticipated houses along Hamilton Ave., and the extended 'Hamilton' neighbourhood in context, with no obvious negative impact on the prevailing residential amenity. In this regard, I believe that the proposed development would be in accordance with the proper planning and sustainable development of the area.

(4) **Residential Amenity Impact:**

In as much as I understand amenity values as referring to those natural or physical qualities and characteristics of the Hamilton Ave. neighbourhood, that contribute to residents appreciation of its pleasantness, liveability and its aesthetic coherence, I am of the view generally, that the proposed new dwellinghouse, will not have a serious negative impact on this prevailing residential amenity.

I consider this to be the case having regard to the discussion of the impact on the prevailing visual amenity and local streetscape at 6(3) above, which I have argued, would not negatively influence the character and quality of the contextual residential amenity enjoyed in the neighbourhood.

Privacy or a freedom from observation is, I believe, a basic qualitative aspect of residential design, and which is acknowledged within the Dundalk & Environs Dev. Plan 2009. I understand that these provisions seek to ensure that housing layouts achieve reasonable levels of such privacy. In this regard, I believe that the proposed new dwellinghouse (as well as the concurrent, adjacent proposal under **Reg.Ref.No.14/331**), would not seriously, or disproportionately threaten the levels of privacy currently enjoyed by nearby existing residents along Hamilton Ave. generally, nor the anticipated neighbours to the NW and SE (ie. the row of 4no. properties permitted with similar development under **Reg.Ref.No.13/112**), of which the adjacent concurrent proposal under **Reg.Ref.No.14/331** is one, specifically. Accordingly, having regard to the drawings and plans submitted, both initially and as F.I., I accept as reasonable that no undue overlooking and consequent loss of privacy to contextual residents to the side or rear, will result.

Having regard to, and notwithstanding the scale, height and design of the proposed new dwellinghouse at Hamilton Ave., and to proximate respective locations to future adjacent residential development (ie. concurrent **Reg.Ref.No.14/331**), all existing or proposed located on large properties (ie. low residential density), I do not consider there to be any threat of negative or disproportionate impact on prevailing / future residential amenity by way of

overshadowing. I affirm the belief that the associated bulk and massing of each of the two elements of the current, concurrent proposed development (ie. incl. **Reg.Ref.No.14/331**), would not be overbearing on the common scale and uniformity of the residential amenity enjoyed by the local residents of Hamilton Ave.

I do acknowledge the potential for negative impact of construction activity on contextual residential amenity, whilst site works and construction activity are on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this development. Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate conditions to a grant of permission.

Consequently I believe that whilst the proposed development of a new dwellinghouse at Hamilton Ave. would certainly bring change to the local neighbourhood, the proposal satisfactorily complies with the Zoning Objective "Res 1" – "To protect & improve existing residential amenities & to provide for infill & new residential developments", and accordingly would be in accordance with the proper planning and sustainable development of the area.

(5) **Traffic Safety:**

The current geometric, spatial and topographical context of the location of the proposed new single entrance junction onto Hamilton Ave., through the cul-de-sac 'hammer-head', is clearly shown in the attached photographs taken at the time of physical inspection. Having thoroughly inspected this location, I do not consider that the proposed development is going to introduce sufficient quantity and frequency of traffic onto Hamilton Ave. so as to be a threat to public safety by way of traffic hazard consequent of increased traffic movements. At the most in my view, weighting reference to the large, single house proposed, a max. of 2no. additional vehicles can be reasonably expected, and I note that the applicant's have committed to the provision of onsite parking (ie. see Drawing No. 1492/101/B). Having physically inspected the proposed access arrangements in local context, I note what appears as the impracticality of the proposed single entrance immediately against the sites S-corner, and appearing not aligned with cul-de-sac 'hammer-head' itself. This could be easily and reasonably remedied by way of revision to the site layout, moving the entrance approx. 8m² NW along the frontage, to align with the cul-de-sac 'hammer-head'. Should the Board be mindful to grant planning permission, the Conditions could be supplemented in this regard.

I further, deem as reasonable, having regard to contiguous proposed boundary treatments with the adjacent site to the SE (the subject of concurrent **Reg.Ref.No.14/331**), the need for mitigation of any potential threat to traffic safety, particularly re. adequacy of intervisibility into and out of the proposed new entrance, the existing pedestrian path passed the site frontage, and between existing (and anticipated new) domestic entrances / driveways along Hamilton Ave. to the SE (see attached photographs).

Accordingly, I believe that no unnecessarily traffic hazard would arise from the proposed development, nor endangerment to other road users along Hamilton Ave. by way of increased turning movements & traffic flow, nor pressures for on-street car parking, resulting in the obstruction of free flow of traffic. Further, I am of the view that no precedent would be set for the similar future development of other residential properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

(6) **Requirement for ‘Appropriate Assessment’ under Article 6(3) of the Habitats Directive 92/43/EEC:**

I have had reference to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC). Having regard to the DoEHLG Directive for Planning Authorities’, together with the provisions of Article 6(3); the location of the application site at Hamilton Ave., BlackRock, Dundalk, proximate to Natura 2000 sites within Louth Co., the Dundalk Environs and beyond; to the nature and scale of the single dwellinghouse development proposed, and to the separation distance and absence of a clear direct pathway to the nearest Natura 2000 sites, I am satisfied that the proposed development will not adversely affect the integrity of any Natura 2000 sites proximate to the application site.

I accordingly conclude, that the preparation of a Stage 2 – ‘Appropriate Assessment’ under Article 6(3) of the Habitats Directive 92/43/EEC, is not necessary in the current instance.

7. RECOMMENDATION:

Having regard to all of the above, I recommend that permission for the proposed development, be GRANTED in accordance with the following Schedules.

REASONS AND CONSIDERATIONS:

Having regard to the Zoning Objective “Res 1” for the area and the pattern of residential development in the area, it is considered that, subject to compliance with Conditions set out in the Second Schedule, the proposed development would be in

accordance with the relevant provisions of the Dundalk & Environs Dev. Plan 2009-2015; would not seriously injure the amenities of the neighbourhood, or of the property in the vicinity; would not be prejudicial to public health; and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 19th June 2015, 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, and that effective control be maintained.

- (2) The developer shall comply with all the Conditions, attached to the previous Grant of Permission – **Reg.Ref.No.13/112**.

Reason: In the interest of orderly development, and of the proper planning and sustainable development of the area.

- (3) Prior to commencement of development, the developer shall submit to, and agree in writing with the Planning Authority, detail of proposals demonstrating how the proposed development will comply with Policy HC 12 (Sect. 6.5.5) as set out in the Dundalk & Environs Development Plan 2009 – 2015, in respect of ensuring a minimum of 25% of the energy requirements of the building is from renewable sources.

Reason: To comply with Policy HC 12 of the Dundalk & Environs Development Plan 2009 – 2015 in respect of ensuring all residential developments have at least 25% of their energy requirements from renewable sources.

- (4) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- (5) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- (6) Details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- (7) Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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) Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

- (9) All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the protection of the visual amenities of the area.

- (10) That the entire premises be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations.

Reason: In order to prevent unauthorised development.

- (11) 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 the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Leslie Howard
Inspector
06/11/2015