



An
Bord
Pleanála

Inspector's Report ABP 305750-19

Development	Demolition of dwelling and the erection of a replacement dwelling.
Location	New Haggard Lane, Trim, Co. Meath
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	TA190146
Applicant	A.P. McManus
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant	Paul and Lorna Reilly
Observer(s)	None
Date of Site Inspection	17 th January 2020
Inspector	Brendan Coyne.

1.0 Site Location and Description

1.1. This site (0.39 ha) is located on the southern side of Newhaggard Lane (L40132), in the rural townland of Newhaggard, c. 3km south-west of Trim. The site contains a single storey dwelling, with a barn and several outbuildings / sheds located to its rear / west. The dwelling is centrally located on the site and setback c.19m from the public road. Its front elevation faces in an easterly direction. The vehicular entrance to the site is located at the eastern end of its roadside boundary, with a tree lined driveway (c. 65m long) leading to the front of the dwelling. The roadside boundary is defined with a row of tall mature deciduous trees, hedging and a pedestrian entrance is located near its western end. Mature trees and overgrown vegetation are planted to the rear of the dwelling. The ground level of the site rises in a southerly direction. Agricultural lands adjoin the southern boundary and two single storey detached dwellings are located opposite the site, on the northern side of the Newhaggard Lane.

2.0 Proposed Development

2.1.1. Application as lodged on the 15th February 2019 - Permission sought for the following;

- Demolition of the existing single storey 2-bedroom dwelling (68 sq.m.),
- Construction of a detached 2 storey 3-bedroom dwelling (255 sq.m.),
- Modifications to the existing vehicular entrance including the provision of new piers,
- Decommissioning of the existing septic tank and the installation of a proprietary wastewater treatment system and percolation area.
- Associated site works.

2.1.2. Revised Proposal as submitted by way of Significant Further Information on the 23rd August 2019 comprising the following;

- Reconfiguration of the layout and design of the proposed dwelling including;
 - Front elevation width reduced from 18.6m to 13.7m.
 - Ground floor depth increased from 12.2m to 14.9m
 - Revised floor area – 252 sq.m.
- Ground level of the proposed dwelling reduced by 0.5m.

- Closure of the existing vehicular entrance and the provision of a new vehicular entrance.

2.1.3. Documentation submitted includes the following;

- Section drawing across the site, showing a reduction in the ground level of the proposed dwelling by 500mm.
- Site Plan showing sightlines at the proposed new entrance.
- Elevation and layout drawing of the proposed new vehicular entrance.
- Landscape Plan.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted permission for the proposed development, subject to 18 no. conditions. Of these, Conditions of note are as follows;

- C2: Prior to commencement of development, submit for the written agreement of the Planning Authority revised drawings showing the height of the proposed dwelling reduced by 500m.
- C3: Prior to commencement of development, submit written notification and photographic evidence demonstrating that the new vehicular entrance and sightlines provided are in accordance with drawings submitted.
- C.4: The existing septic tank and percolation area shall be removed off site and the area chemically sterilised.
- C.14: Prior to commencement of development, submit a detailed landscape plan for the written agreement of the Planning Authority.
- C.18: On occupation of the replacement dwelling, the existing dwelling shall be demolished in full.

3.2. Planning Authority Reports (09th April and 30th September 2019)

- The proposal would not result in overlooking or overshadowing of adjacent neighbouring dwellings.
- In the further information response, the applicant states that the height of the proposed dwelling has been reduced by 500mm. This is not detailed on the drawings submitted.
- The reduced floor area of the proposed dwelling is minimal.
- The revised layout submitted provides a reduction in the bulk of the front elevation of the proposed dwelling.
- A landscape plan has not been submitted.
- The proposed new vehicular entrance is considered an improvement to the existing entrance and therefore is acceptable.

3.2.1. Other Technical Reports

Transportation Section: No report received.

4.0 Planning History

None for subject site.

5.0 Policy and Context

5.1. Development Plan

Meath County Development Plan 2013-2019 is the statutory plan for the area.

Zoning: The site is located on un-zoned land, outside a zoned town.

RD POL 31 To encourage and facilitate the appropriate refurbishment of existing housing stock in rural areas and in certain limited cases the replacement of existing dwellings subject to development assessment criteria outlined below.

Section 10.15.1 Development Assessment Criteria (re. replacement dwellings)

requires that 'The Planning Authority shall assess applications for refurbishment and/or replacement of existing housing stock in rural areas, having regard to the criteria outlined hereunder:

- That in the case of replacement dwellings, to require that the original structure was last used as a dwelling and that its roof, internal and external walls are generally intact;
- That replacement dwellings are provided at locations where safe access and acceptable wastewater disposal arrangements can be put in place and where specific development objectives or other policies of the Planning Authority are not compromised, and;
- That the replacement dwelling shall be designed to be of a size and scale appropriate to the site, and;
- The design of replacement dwellings in rural areas shall comply with the 'Meath Rural Design Guide'.
- In the assessment of whether a house which it is proposed to replaced is habitable or not, the Planning Authority will rely on the definition contained in Section 2 (Interpretation) of the Planning & Development Act 2000-2012.

Section 10.7 refers to **Rural Residential Development: Design and Siting Considerations** and sets out criteria against which the degree of visual impact will be considered.

RD POL 9 seeks 'To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

Appendix 13 Meath Rural Design Guide - sets out guidance regarding site selection, site development, building design, construction & detailing and building types.

Section 11.2.2.2 sets out **Residential Design Criteria for Houses**.

5.2. Natural Heritage Designations:

- 5.2.1. The River Boyne and River Blackwater SAC (Site Code 002299) and SPA (Site Code 004232) is located 0.6km to the west of the site.

5.3. EIA

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was received from Paul and Lorna Reilly, who resides at a dwelling located opposite the site, on the northern side of Newhaggard Lane. The main grounds of appeal are summarised under the headings below.

6.1.2. Overlooking

- The proposed dwelling will result in overlooking of the appellant's dwelling.
- There will be a direct line of sight into the appellants site and rooms to the front of the dwelling.
- The existing line of roadside trees provides poor screening.
- Sightlines will require the cutting back of trees, thereby eroding screening.
- Requested that the layout and height of the proposal is amended to maintain the privacy and prevent overlooking of the appellant's property.

6.1.3. Overshadowing

- Concern that the height of the proposed dwelling will result in overshadowing of the appellant's property.
- The difference in levels between the proposed dwelling and the appellant's dwelling is 11 metres.
- Shadow analysis requested.
- Requested that the layout and height of the proposal is amended to prevent overshadowing of the appellant's dwelling.

6.1.4. **House Design**

- The proposed dwelling does not take into account the recommendations of the Meath Rural House Design Guide and is contrary to policy RD POL 9 of the Development Plan.
- The proposed development would be out of character with the pattern of development in the immediate vicinity.
- Requested that the proposal be redesigned in accordance with the Meath Rural House Design Guide and suggested that a single storey dwelling would integrate better with the site.
- The permitted development does not show the final height of the proposed dwelling. The Planning Authority's decision should be overturned on this basis.
- The proposal would form a very prominent feature in the landscape.

6.1.5. **Landscaping**

- No landscape plan has been submitted.
- Appellants express concern that they have no knowledge of what landscaping is proposed and that they can make no comment with regard the landscaping Condition imposed by the Planning Authority.

6.2. **Applicant Response**

The response received from Genesis Planning Consultants, representing the Applicants, is addressed under the headings below;

6.2.1. **Overlooking**

- As considered by the Planning Authority, the separation distance of 50 metres between the proposed dwelling and the appellant's dwelling would not result in overlooking or loss of privacy.
- Existing mature vegetation on-site is to be retained. This would ensure no direct line of vision between the proposed dwelling and the appellant's dwelling.

- The orientation of the proposed dwelling would not overlook the private amenity space to the rear of the appellant's dwelling.

6.2.2. **Overshadowing**

- The separation distance of 50 metres between the proposed dwelling and the appellant's dwelling would not result in overshadowing of the appellant's dwelling or their private amenity space.

6.2.3. **House Design**

- The floor area of the proposed dwelling at 252 sq.m. is typical of modern rural houses and is not considered not excessive.
- Use is made of the existing access lane, thereby minimising disturbance to existing mature trees and hedges aligning the roadside.
- Existing ground levels are utilised, thereby avoiding any excessive excavation works.
- The set-back from the roadside entrance will ensure the proposed dwelling integrates well into landscape.
- The ridge height of the proposed dwelling is typical for a 2-storey dwelling and the hipped roof profile will not appear incongruous.
- The Planning Authority's Condition requiring details to be agreed prior to commencement of development is legislatively and procedurally acceptable under Section 34(4) of the Planning and Development Act 2000 (as amended). Such Conditions would not alter the substance of the development applied for.
- The mature site context with existing trees and hedges would enable the integration of the proposed dwelling into the landscape.
- If considered appropriate by the Board, the height of the proposed dwelling can be reduced by 500mm or a lower finished floor level can be provided, as stipulated by the Planning Authority under Condition No. 2 of its grant of permission.

6.2.4. **Landscaping**

- A Landscape Plan, prepared by Maddie Dineen Garden Design, has been submitted in response to Condition no. 14 of the Planning Authority's decision.

6.3. **Planning Authority Response**

The Planning Authority is satisfied that all matters raised in the Grounds of Appeal were considered in the assessment of the planning application, as detailed in the Planning Officer's report.

6.4. **Observations**

None

7.0 **Assessment**

7.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the proposed development accords with the policies and objectives of the Development Plan for the area. I am satisfied that the principle of the proposed development is acceptable and that the main issues to be considered in the appeal are as follows:

- Overlooking
- Overshadowing
- House Design
- Landscaping

These are addressed below.

7.2. **Overlooking**

7.2.1. The appellant expresses concern that the proposed development would result in overlooking and loss of privacy to their dwelling, which is located opposite the site on the northern side of Newhaggard Lane.

7.2.2. The front elevation of the proposed dwelling faces in a northerly direction and would maintain a setback of c. 50 metres from the nearest neighbouring dwellings located at oblique angles to the north-west and north-east of the proposed dwelling, on the

northern side of Newhaggard Lane. An agricultural field is located directly opposite the proposed replacement dwelling. The ground level of the site rises from 50m O.D. along its northern roadside boundary to 53m O.D at the location of the proposed dwelling. A row of tall mature deciduous trees is planted along the roadside boundary of the site with further trees planted along either side of the driveway and throughout the site. In response to the Grounds of Appeal and Condition No. 14 of the Planning Authority's grant of permission, the applicant has submitted a detailed landscape plan showing existing and proposed new tree and hedgerow planting around the boundaries and throughout the site.

- 7.2.3. With regards the issue of overlooking, Section 11.2.2.2 of the Development Plan, requires a minimum of 22 metres between directly opposing house windows. Having regard to a) the context of the site which is screened by a row of tall mature trees along its northern roadside boundary, b) that there is no dwelling located directly opposite the proposed dwelling and c) the 50m separation distance between the proposed dwelling and adjacent neighbouring dwellings, it is my view the proposed development would not adversely impact the residential amenity of neighbouring dwellings by way of overlooking or loss of privacy. The proposed development accords with the requirements of Section 11.2.2.2 of the Development Plan with regards directly opposing windows. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.3. Overshadowing

- 7.3.1. The appellant expresses concern that the height of the proposed dwelling and the difference in ground level between the appeal site and the appellant's dwelling would result in overshadowing of their property.
- 7.3.2. The height of the proposed dwelling, as detailed on the drawings submitted, is 8.1m. As detailed above, the proposed would maintain a setback of c.50, at an oblique angle, from the front elevations of neighbouring dwellings and the difference in the ground between the location of the proposed dwelling and the public road is c.3 metres. The northern roadside boundary of the site is defined with a row of tall deciduous trees and hedgerow.

7.3.3. Having regard to the above, it is my view that the proposed development would not result in overshadowing of neighbouring property. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.4. House Design

7.4.1. The appellant has appealed the grant of permission for the proposed development on the grounds that the proposed dwelling does not take into account the recommendations of the Meath Rural House Design Guide and is contrary to RD POL 9 of the Development Plan. The appellant expresses concern that proposed development would form a prominent feature in the landscape and would be out of character with the pattern of development in the immediate vicinity. The appellant is also concerned that the final height of the permitted development is not shown on the drawings submitted.

7.4.2. The proposed development provides for the construction of a 2-storey replacement dwelling. The proposal, as revised, would have a front elevation width of 13.7m, a depth of 10.1m at first floor level and a roof ridge height of 8.1m. Its roof profile is hipped, and elevation finishes are stated as comprising nap plaster finish with natural slate roof tiles. The dwelling has an L shaped layout, with a single storey extension to its rear. The proposal provides a 3-bay front elevation with a porch extension to its front.

7.4.3. The proposal would be set back c. 19m from the edge of the public road. The ground level of the site rises by c.3 metres from the edge of the public road to the position of the proposed dwelling. The applicant states in the further information response that the ground levels of the site of the proposed dwelling are to be reduced by 0.5m. Section Drawing No. 7436(A3) shows this reduction in finished floor level.

7.4.4. As detailed above, the site is screened by a row of tall mature deciduous trees along its roadside boundary. A row of trees and hedging are also planted along the south-western boundary, adjoining the driveway. A landscape plan has been submitted detailing both existing and proposed tree and hedge planting throughout the site.

7.4.5. Having regard to the recommendations of the Meath Rural House Design Guide as set out in Appendix 13 of the Development Plan, and in consideration of the above, it is my view that the proposed dwelling would not detract from the visual amenity of the

surrounding rural landscape. The proposed dwelling would not be highly visible from the public road by reason of the existing mature trees and hedging along the northern and south-eastern site boundaries and proposed landscaping within the site. While the proposal would be built on an elevated site above the public road, the proposed dwelling would not be seen against the skyline. The existing trees and proposed landscaping measures on the site would screen and integrate the dwelling into the landscape. The site is not exposed and visible from the surrounding area. A new row of planting is proposed immediately to the west of the proposed dwelling, thereby further screening and enclosing the proposed dwelling.

- 7.4.6. Given the size of the site and the setback of the proposed dwelling from the northern roadside boundary, it is considered that the site has the capacity to accommodate the proposed dwelling. The proposed reduction in the finished floor level of the dwelling by 0.5m would further reduce its visual impact. Excavations proposed are not considered excessive. The rear of the dwelling is south facing, thereby optimising solar gain. While I note that neighbouring dwellings in the immediate vicinity on the northern side of Newhaggard lane are single storey, there are several two storey dwellings located further along the road to the east. The proposed development would, therefore, not be out of character with the pattern of development in the surrounding area
- 7.4.7. Having regard to the above, it is my view that the proposed development complies with the requirements of Section 10.7 of the Meath County Development Plan and the Meath Rural House Design Guide. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.5. Landscaping

- 7.5.1. The appellant expresses concern that no landscape plan has been submitted and therefore has no knowledge of what landscaping is proposed. In response to the Grounds of Appeal the applicants have submitted a detailed landscape plan, prepared by Maddie Dineen Garden Design. This landscape plan, in conjunction with the site layout map submitted, shows the number and type of both existing and proposed trees and hedgerow shrubs to be planted throughout the site. The Site Layout Map details a narrow section of the overgrown hedgerow along the roadside boundary will be

trimmed back to ensure 60m sightlines to the west of the proposed new site entrance. The existing site access and gate is to be removed and replaced with a new native boundary hedge and grassed surface.

- 7.5.2. It is my view that the landscape plan submitted adequately informs of proposed landscaping measures to achieve adequate sightlines and measures to screen the dwelling and minimise its visual impact on the surrounding rural landscape. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.6. Screening for Appropriate Assessment

- 7.6.1. The closest Natura 2000 site to the appeal site is the River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299) which is located 0.6 km to the west of the site. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential and agricultural development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

Having regard to the scale, form and design of the proposed development and the context of the site which is screened by mature trees and hedgerow, it is considered that, subject to the Conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would not be visually obtrusive in the landscape. The proposed development would not be out of character with the pattern of development in the area and would be acceptable in terms of traffic

safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 23/08/2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
3.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>(a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.</p>

	<p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) The existing septic tank shall be decommissioned, emptied and made safe by a registered operator prior to first occupation of the replacement dwelling.</p> <p>Reason: In the interest of public health.</p>
5.	<p>(a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation</p>

	<p>from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>On occupation of the replacement dwelling, the existing dwelling shall be demolished.</p> <p>Reason: In the interest of clarity and residential amenity.</p>
9.	<p>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. 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.</p> <p>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.</p>

Brendan Coyne
 Planning Inspector

11th March 2020

