



An
Bord
Pleanála

Inspector's Report

ABP-306341-20

Development	Construction of 1 no. 3 bed two storey detached dwelling
Location	36 The Briars , Ashbourne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA191343
Applicant(s)	John Mullen
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Mullen
Observer(s)	Mary Liz McGrath
Date of Site Inspection	14 th March 2020
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.019 hectares, is located within an existing housing development, The Briars located on the southern side of Ashbourne and on the western side of the Dublin Road/R135. The site is part of the curtilage of no. 36, which is an existing semi-detached dwelling with a large side garden. To the north of the site is no. 36 within whose curtilage the site is located, to the south is the main access road serving the housing development and to the east and backing onto the site is no. 6, which is a two-storey semi-detached dwelling with a single-storey annex on its rear elevation.

2.0 Proposed Development

- 2.1. Permission is sought for the partial removal of a 2m high boundary wall, provision of a new vehicular entrance, the construction of 1 no. 3 bed, two-storey detached dwelling to the side of an existing dwelling (no. 36), connections to public watermain, public sewer drainage system and all associated site works. The dwelling has a floor area of 107sqm and a ridge height of 9.66m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 Permission refused based on one reason...

1. It is considered that the proposed development by reason of its design would be out of character with the pattern of development in this well established residential area. The proposal would constitute a disorderly form of development which would impact negatively on the residential amenity of the adjacent properties and would be out of character with the pattern of development in the area. Accordingly to grant the proposed development would seriously injure the residential amenities and depreciate the value of adjacent properties in the vicinity, would set an undesirable precedent for similar future developments in the area, would interfere with the character of the area, would detract from the visual amenity of the area and

therefore, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (04/12/19): The proposal was considered to be out of character with the pattern of development and have insufficient separation from the adjoining dwelling. The proposed development would be injurious to the residential amenities of adjoining properties and contrary to the proper planning and sustainable development of the area. Refusal was recommended based on the reason outlined above.

3.2.2. Other Technical Reports

Water Services (07/11/19): No objection subject to conditions.

Irish Water (08/11/19): No objection.

Transportation (04/12/19): Further information requiring including a revised layout showing a driveway width of 4m for the proposed dwelling and no. 36 and the provision of 2 no. car parking spaces for no. 36.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1 Submission were received from...

Mary Liz McGrath, 6 The Briars, Baltrasna, Ashbourne, Co. Meath.

Ray & Paula Weston, 35 The Briars, Ashbourne, Co. Meath.

Derek & Jann Millington, 33 The Briars, Ashbourne, Co. Meath.

Andrew & Liz Leonard, 34 The Briars, Ashbourne, Co. Meath.

John & Emer O'Driscoll, 37 The Briars, Ashbourne, Co. Meath.

Joe & Suzanne Carey, 40 The Briars, Ashbourne, Co. Meath.

The issues raised can be summarised as follows...

- Out of character with pattern of development, contrary Development Plan zoning , insufficient separation, overshadowing, overlooking, overdevelopment of the site, insufficient private and public open space, traffic issues, drainage issues.

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Meath County Development Plan 2013-2019. The appeal site is zoned A1 'Existing residential' with a stated objective 'to protect and enhance the amenity of developed residential communities'.

Chapter 11 Development Management Guidelines & Standards.

Table 11.1 Private Open Space

3 bed unit 60sqm.

4/5 bed unit 75sqm.

22m separation for opposing first floor windows.

11.9 Car Parking Standards.

2 per conventional dwellings.

5.2. Natural Heritage Designations

None.

5.3. EIA Screening

5.3.1 Having regard to nature of the development comprising of the construction of 1 no. dwelling, 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 first party appeal has been lodged by JFOC Architects on behalf of John Mullen, Unit 6c The court, Ashbourne Industrial Estate, Ashbourne, Co. Meath.

- The proposal is an appropriate form of development and has been designed to have regard to the existing pattern of development and design of existing structures within the housing development.
- The site is well connected to existing public transport infrastructure and accessible to a range of existing sports and community services.
- The proposal is for a 3 bed unit with the existing development having 4/5 bed units and such will add to the variety of accommodation in the existing housing development.
- The proposal is an efficient use of a zoned and serviced site and making use of a large side garden. The design is in keeping with neighbouring house and there are no windows on the rear elevation at first floor level and no issues regarding separation distances (22m) the level of private open space provided is in compliance with Development Plan standards. The level of separation from no. 36 (2m) is sufficient with less separation between some the existing dwellings in the housing scheme.

- The appellant has produced a shadow analysis that illustrates that the level of overshadowing would not be excessive.
- The proposal complies with Chapter 11 of the Meath County development Plan 2013-2019.

6.2. Planning Authority Response

6.2.1 A response has been submitted by Meath County Council.

- It is considered that the Board should refuse permission for the proposal as it constitutes a disorderly form of development and would impact negatively on the residential amenity of adjoining properties and be out of character with the pattern of development.

6.3. Observations

6.3.1 An observation has been submitted by Mary Liz McGrath, 6 The Briars, Baltrasna Park, Ashbourne, Co. Meath.

- The proposal would reduce light levels to no. 6 The Briars requiring increased need for heating and will inhibit the growth of produce in the observer's garden.
- The proposal is insufficient distance from the observers dwelling impacting adversely on light levels to existing windows and the living space of no. 6.
- The proposal would result in overshadowing at a number of adjoining dwellings including no. 33, 34, 35, 37, 6 and 5.
- The original design of the housing scheme provides for offsetting of the dwellings with the proposal out of character with this arrangement.
- The proposal would be contrary the A1 zoning objective.
- The location of the proposed dwelling would cause increased risk in relation to traffic safety due to proximity to the junction and possible obstruction of views.
- The observer question whether sufficient space is available for 2 no. off-street car parking spaces serving the new dwelling.

- The proposal is overdevelopment of the site with insufficient private open space retained with the existing dwelling.
- The existing drainage infrastructure may be at capacity for existing development at this location.
- The proposal increases the density of the existing housing development and there is limited green space relative to the number of residential units.
- Possible conversion of the attic would increase the demand in terms of car parking.
- The proposal would be visually obtrusive within the existing housing scheme.
- The observer questions the conclusions of the shadow analysis.

7.0 **Assessment**

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

Principle of the proposed development

Design, scale, pattern of development, adjoining amenities

Traffic impact/vehicular entrance

Appropriate Assessment

7.2. Design, scale, pattern of development, adjoining amenities:

7.2.1 The proposal is for a dwelling in the side of garden of an existing dwelling within an established housing development. The appeal site and surrounding lands is zoned A1 'Existing Residential' with a stated objective 'to protect and enhance the amenity of developed residential communities'. A new dwelling would be consistent with land use zoning however such would be subject to the proposal having an acceptable impact on the amenities of adjoining properties, being appropriate in design and scale, and generally being in accordance with the proper planning and sustainable development of the area. I would note that the provision of a dwelling on zoned

serviced lands and making an efficient use of the existing space would be consistent with the proper planning and sustainable development of the area. I would consider that principle of the proposed development is acceptable subject to a satisfactory physical and visual impact at this location with such elements being assessed in the following sections of this report.

7.3 Design, scale, pattern of development, adjoining amenities:

7.3.1 The proposal provides for a house in the side garden of no. 36. The proposal was refused on the basis it would be out of character with the pattern of development and have an adverse impact on the residential amenities of adjoining properties. No. 36 has a large side garden. The proposal provides for subdivision of the curtilage of no. 36. The proposed dwelling has been designed to match the architectural character, scale in terms of height, building line and roof profile of the existing dwellings at this location. I would disagree with the Planning Authority's assessment and note that the design, scale and footprint of the proposed dwelling has more than adequate regard to the pattern and scale of development on adjoining sites and make use of a large corner site. The proposed dwelling when viewed from the surrounding area would not look out of character or be visually obtrusive at this location.

7.3.2 In relation to development standards are contained under Chapter 11 of the County Development Plan (outlined planning policy section). In subdividing the curtilage of no. 36, the new dwelling is provided with a rear garden 60sqm in area with 61sqm retained to serve the existing dwelling. The requirement for a new dwelling under the County Development Plan is 60sqm in the case of a three-bed house, which is the case with the proposed development. The existing dwelling at no. 36 is a four bed dwelling as are the existing semi-detached dwellings that make up the scheme. The requirement for a four bed unit is 75sqm under Development Plan policy. I would note that the existing pattern of development does not provide for 75sqm of private amenity space to the rear building lines of existing dwellings in The Briars in all cases with a number of dwellings being below this level. I would consider that the level of private amenity space retained with no. 36 is sufficient and in keeping with the prevailing pattern of development at this location.

7.3.3 The requirement for car parking is 2 per conventional dwellings. The proposal provides for a new vehicular entrance and off-street car parking for two cars for the proposed dwelling and retains the existing driveway configuration for no. 36, which provides for 2 no. spaces. I would consider that the proposed development meets the Development Plan standards and retains such in relation to the existing dwelling. In regards to separation distances there are no windows proposed at first floor level on the rear elevation and the standard of 22m does not apply (the separation between the first floor elevation of the new dwelling and no. 6 is 16.463m). I would note that the separation between the new dwelling and no. 36 is 2m and such is sufficient to allow rear pedestrian access to the rear of the proposed and existing dwelling and is keeping with existing separation distance between houses in The Briars.

7.3.4 The proposed development was considered to have an adverse impact on the residential amenities of adjoining properties and be contrary to the zoning objective. The proposed dwelling is a continuation of the established building line of a number of existing dwellings. The proposal would have no adverse impact on the adjoining dwellings to the north as it respects the building line, height and orientation of the existing dwellings. The proposal does provide for a facade with windows at ground and first floor level on its southern elevation. This façade overlooks the service road and there is a significant degree of separation between it and the dwellings to south on the opposite side of the service road. As noted above there are no first floor windows on the rear elevation of the proposed dwelling with no issues regarding separation or overlooking relative to the existing dwelling to the east or any other dwellings. The level of separation between the proposed dwelling and no. 6 is 13.564m at their nearest points (rear single-storey annex of no. 6) and 16.463m at first floor level. I would consider that the level of separation and pattern of development is sufficient and would not be out of character with the existing pattern of development. I would consider that the proposed development would not lead to an unacceptable impact on light levels to the adjoining dwelling to the east and any other properties. I would acknowledge that the outlook to the rear of no. 6 would be changed as a result of the proposed development, I would however note that this

outlook would be an acceptable arrangement with an existing suburban housing development and would not out of keeping with the normal pattern of development expected within such. The appellant has submitted a Shadow Analysis showing the impact based on 20th March. It is noted that the proposal would meet the BRE Guidelines in regards to loss of light at adjoining properties (BRE guidelines recommend that at least half of the garden or open space can receive at least two hours sunlight on March 21). I am satisfied that design, scale and layout of the proposal has adequate regard to the amenities of adjoining properties and is acceptable in the context of impact on light levels and privacy regarding adjoining properties.

7.4 Traffic impact/vehicular entrance:

7.4.1 As noted above the proposal meets the minimum standards for off-street car parking. The location of the new entrance relative to the junction is not a concern given the residential nature of the location and traffic level and speeds associated with such. The Transportation Section of the Council indicated no strong objection to the proposal but did require that the driveways of both the proposed and existing dwelling at no. 36 be widened to 4m to ensure no blocked in parking. I would consider that the proposal submitted meets the required standards of the County Development Plan for two off-street car parking spaces. The proposed development would be satisfactory in the context of traffic safety and convenience.

7.5 Appropriate Assessment:

7.5.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2013-2019 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. 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 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.

3. The external wall and roof finishes shall match that of the existing dwellings within The Briars.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

5. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

6. The footpath shall be modified and dished at the entrance in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing, replanting of roadside tree(s) and repositioning of street lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of safety and visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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 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 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.

Colin McBride
Planning Inspector

18th March 2020