



Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/323

APPEAL by Richard and Siobhan Flaherty of Clondoogan, Summerhill, County Meath against the decision made on the 23rd day of November, 2021 by Meath County Council to grant subject to conditions a permission to Eily and Colm O'Reilly care of Doran Cray Architecture of 4-5 Fagan's Lane, Maynooth, County Kildare.

Proposed Development: Retention planning permission for an existing single storey family flat to the rear of an existing dwelling. Planning permission is also sought for the provision of a new single storey link to connect the existing family flat to be retained to the existing dwelling, all together with associated site works and landscaping at Clondoogan, Summerhill, County Meath as revised by the further public notices received by the planning authority on the 29th day of October 2021.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Notwithstanding the stated need for a family flat to support the occupants of the main house and the proposal to construct a glass link between the family flat and the main house, the Board, in having regard to the provisions of DM POL 15 and DM OBJ 49 as they pertain to family flats, considered that the family flat by virtue of its size and layout was more akin to a separate dwelling to be occupied by a separate family unit. In coming to this conclusion, the Board considered the compliance criteria set out in DM OBJ 49 and was not satisfied that the proposed development would form an integral part of the structure of the main house or that the layout and design of the family flat, which immediately abuts a large manufacturing shed, would enable the flat to easily fully revert to being part of the original house when no longer occupied by the family members. The Board considered that the proposed development would be contrary to the provisions of the Meath County Development Plan 2021-2027 and would, therefore, not be in accordance with the proper planning and sustainable development of the area.
2. Having regard to the siting of the proposed development along the boundary with the dwelling to the south and immediately abutting a large manufacturing shed, the Board was not satisfied that the development would provide a satisfactory standard of residential amenity for occupants by reason of noise arising from manufacturing works and from the limited fenestration and availability of natural light in the family flat. The Board also considered that the development, for which retention is sought and the proposed development, in conjunction with the existing development on the site, would seriously injure the residential amenity of the adjoining dwelling to the south by reasons of overlooking and overbearance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the lack of clarity in relation to the planning history of the site and to the quantum and configuration of existing residential and commercial structures and uses on the overall site, the Board was not satisfied that the development for which retention is sought, and the proposed development would not further contribute to the haphazard overdevelopment of the site.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the existing pattern of development on the landholding, to the design and layout of the family flat for which retention is sought and the proposed development and did not consider that the development was in accordance with the policy provisions for family flats set out in the Meath County Development Plan 2021-2027. Furthermore, the board considered that the family flat by virtue of its siting, layout and design, would seriously injure the residential amenity of occupants of the family flat, and the occupants of the adjoining dwelling to the south and that a grant of retention and permission would give rise to further over development of the site.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *17th* day of *May* 2022