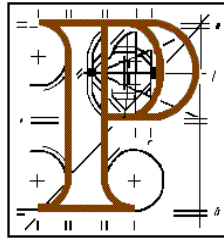


An Bord Pleanála



Inspector's Report

Development

8 no. semi-detached houses at Lagore Road, Dunshaughlin, Co. Meath.

Planning Application

Planning Authority: Meath County Council

Planning Authority Register Reference: RA/150449

Applicant: KNL Construction

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Katherine Tierney

Type of Appeal: Third Party

Observers: Marian Kane

Rose & Mary Cuskelly

Sinead McCullough

Suzie & Declan Farrell

Date of Site Inspection: 14th January, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by Katherine Tierney against a decision by Meath County Council to grant permission to KNL Construction to construct 8 no. semi-detached houses at Lagore Road, Dunshaughlin, County Meath.
- 1.2 The proposal comprises the construction of 4 no. three bedroom and 4 no. four bedroom semi-detached, two-storey houses laid out in a linear pattern to the rear of established properties on a site area of 0.393ha. Provision of two car parking spaces per unit is proposed and it is proposed to upgrade the pedestrian access into the site by the provision of a footpath along the western side of the access road. The development would be connected to mains water supply and a public sewer. Details submitted with the application included a planning report, a report on tree protection measures, a traffic assessment and an archaeological assessment (dated November, 2003).
- 1.3 Submissions were received by Meath County Council from Rose and Mary Cuskelly, Declan and Suzie Farrell, and Sinéad McCullough raising concerns about overlooking and traffic safety. A further submission was also received from Katherine Tierney. The grounds of the appeal reflect the principal concerns raised.
- 1.4 The reports received by the planning authority were as follows:

The Public Lighting Engineer recommended conditions relating to the provision of lighting for the development.

The Water Services Engineer recommended further information in relation to the provision of surface water drainage, with particular regard to on-site provision and prevention of flooding.

Irish Water requested further information relating to connection to the public sewer and further details on the water distribution network for the development.

The Roads Engineer had no objection subject to conditions.

The Department of Arts, Heritage and the Gaeltacht had no objection subject to the attachment of a condition relating to archaeology.

The Conservation Officer had no objection subject to conditions.

The Planner considered the principle of development to be acceptable as it was viewed to be consistent with the Core Strategy and zoning objective for the site. It was submitted that the applicant had ensured there was no overlooking by reason of separation distances. Private and public open space provisions were regarded as acceptable. Concerns relating to access were regarded as having been addressed. Parking was considered adequate. The further information requests relating to water services were noted. The impact on the nearby protected structure (St. Sechnall's Church) was not considered significant. It was considered there was no identifiable flood risk from the development. A request for further information was sought on the water services issues and the applicant was also asked to respond to third party submissions.

- 1.5 Further information was sought on 23rd June 2015 and a response was received from the applicant by the planning authority on 28th August 2015. Unsolicited further information was received by the planning authority in relation to a services layout plan on 10th September 2015.
- 1.6 Further to the receipt of further information, the Planner considered the submission acceptable and recommended that permission be granted subject to conditions.

- 1.7 On 30th September, 2015, Meath County Council decided to grant permission for the development subject to 26 conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 14th January, 2016.

2.2 Site Location and Description

The site of the proposed development comprises backland, located at the northern end of the village centre of Dunshaughlin. It is accessed from Lagore Road. It is bounded to the north by St. Seachnaill's Church (a protected structure) and graveyard, and otherwise is flanked by a mix of residential and commercial properties. A right-of-way exists to the site from the south comprising access to the rear of a commercial property. The access onto Lagore Road is flanked to the west by a Bus Éireann bus stop.

2.3 Dunshaughlin Local Area Plan 2009

Zoning

The site is zoned "A1: Existing Residential/Infill Area" with the objective "To protect and enhance the amenity of developed residential communities."

The Plan states:

New development should be consistent with good architectural standards and should respect the character, scale and layout of existing development in the town. The bulk and massing of new developments

should be sympathetic to historic development, street pattern and plot widths in Dunshaughlin.

Section 1.2 of the Plan states:

“The Dunshaughlin Local Area Plan is valid for a period of six years from the date of adoption in 2009 to 2015 or until the LAP is amended or a new Plan is made.”

2.4 Planning History

P.A. Ref. RA/140779

An application for 9 no. houses was refused by the Council in February, 2015 for three reasons relating to adverse traffic impacts, inadequate pedestrian provisions, and inadequate separation distances between buildings.

3.0 THIRD PARTY APPEAL

3.1 The appellant resides at “Lisheen”, Ratoath Road, Dunshaughlin to the east of northern end of the appeal site.

The grounds of the appeal may be synthesised as follows:

- A previous application for 9 houses was refused. It has not been explained how the potential traffic hazard now no longer exists.
- There are technical defects in the application relating to an incorrect site address and distance of structures to the nearest dwelling.

- It is contended that overlooking will occur and a drawing is submitted in support of same. The overlooking problem is seen to contravene the objectives of the Meath County Development Plan to protect the privacy to the rear of existing residential properties. It is requested that dwelling nos. 7 and 8 be reduced to single-storey to address overlooking impacts or that they be constructed a level lower by at least 1.3m, in the event permission is to be granted.

4.0 APPLICANT'S RESPONSE TO APPEAL

4.1 The response to the appeal by the applicant's agent may be summarised as follows:

- * A traffic report was prepared and a revised entrance layout was designed to address concerns in relation to traffic hazard. It was subject to review by road safety auditors who were satisfied there was no need to move the bus stop in the vicinity and that the revised layout would not give rise to a traffic hazard. The Council's Road's Section had no objection.
- * The Council validated the application based on the address submitted. The separation distance between the corner of the proposed dwelling and the corner of the appellant's house is correctly shown as 41.4 metres. The appellant's conservatory is single storey and, having regard to the separation distance in excess of 22 metres, the issue of overlooking does not arise.
- * The planning authority examined the proposal in the context of the surrounding area. There is no basis to the suggestion that there is an overlooking problem or that it contravenes the objectives of the

Development Plan. There is no justification for the request to reduce houses 7 and 8 to single-storey height.

5.0 PLANNING AUTHORITY RESPONSE TO APPEAL

5.1 It is submitted:

- The site is located on lands primarily zoned A1 to protect and enhance the amenities of developed residential communities. It is also located within Phase 1 in the Order of Priority of Variation 2 of the CDP 2013. The development is thus consistent with the Core Strategy and zoning objective.
- No overlooking is ensured by reason of separation distances being well in excess of normal standards of 22m between opposing windows.
- The applicant has submitted a traffic assessment which details that there is no necessity to relocate the nearby bus stop having regard to the limited traffic generated. The Road Design Section has not expressed any objection. The previous reason for refusal is thus deemed to have been addressed.
- The planning authority is satisfied the applicant has adequately described the nature and extent of the proposal and has specified the correct address.

6.0 OBSERVATIONS

6.1 Observation by Marian Kane

The observer, residing at No. 2 St. Seachnail's, objects to the proposal because the exit onto the Lahore Road is between two retail units and a busy bus stop and because of overlooking concerns.

6.2 Observation by Rose & Mary Cuskelly

The observer, who resides at No. 3 St. Seachnail's, objects to the proposal for reasons relating to overlooking and the traffic hazard arising from the access arrangements.

6.3 Observation by Sinéad McCullough

The observer, who resides at No. 4 St. Seachnail's, objects to the proposal for reasons relating to overlooking and the traffic hazard arising from the access arrangements.

6.4 Observation by Suzie & Declan Farrell

The observers, who reside at No. 5 St. Seachnail's, object to the proposal for reasons relating to overlooking and the traffic hazard arising from the access arrangements.

7.0 ASSESSMENT

7.1 Introduction

7.1.1 I am of the opinion that the issues relevant to the consideration of the proposed development are:

- The design suitability of the development in its context,
- The impact on residential amenities, namely by way of overlooking,
- The traffic impact, and
- Impact on cultural heritage.

7.1.2 I note that the appellant has raised concerns in relation to technical defects of the application and this will also be considered.

7.2 The Design Suitability of the Proposed Development

7.2.1 The proposed development comprises the construction of 8 no. semi-detached houses and ancillary works. The houses could reasonably be described as suburban style family units laid out in a linear pattern on backland to the rear of properties on Lagore Road, enclosed by the curtilage of houses on St. Seachnaill's to the east and church grounds to the north. The site is zoned "A1: Existing Residential/Infill Area" with the objective "To protect and enhance the amenity of developed residential communities." Therefore, the principle of residential development on the land is assured. The Plan requirement is also that new development should be consistent with good architectural standards and should respect the character, scale and layout of existing development in the town. The bulk and massing of new developments should be sympathetic to historic development, street pattern and plot widths in Dunshaughlin.

7.2.2 The applicant and the planning authority in the application process to date have made reference to the Department of the Environment, Heritage and Local Government's *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* and the *Urban Design Manual – A Best Practice Guide*, with emphasis on principal aims and urban design

recommendations. In the context of the Guidelines, it is acknowledged that the principle of the proposed development evidently contributes to the development of brownfield and serviceable land. The general scale of the proposal is also seen to be somewhat compatible with residential development in the environs of the site. This suggests, therefore, that while higher density development in this town centre location may be viewed as more favourable in principle, the counter-argument is that the density of development in this instance is somewhat compatible with the established residential pattern in the vicinity and so is in keeping with the Guidelines' requirement for the scale of new residential schemes to be in proportion to the pattern and grain of existing development.

7.2.3 The *Urban Design Manual – A Best Practice Guide*, which accompanies the Guidelines, provides 12 criteria encapsulating the range of design considerations for residential development. It is my submission that the proposed development addresses satisfactorily the requirements set out, including respect of the development's context, connectivity, provision of a decent standard of amenity, and adequacy of parking.

7.3 Impact on Residential Amenity

7.3.1 The site is within an urban, town centre location. The development achieves adequate separation distances to avoid overlooking of houses, albeit that established rear garden spaces could potentially be subject to overlooking from first floor windows of the proposed new houses (over 20 metres between House nos. 7 and 8 and the boundary with the appellant's property). The reality of compacting urban development on available backlands in a built-up location such as this is that frequently a degree of overlooking is inevitable. However, it is a question of balance and in this town centre location the development ultimately provides significant

separation between established and proposed buildings to avert overlooking between opposing windows by being significantly in excess of the 22 metre separation distance prevailed upon developments as being a minimum requirement. Further to this, I note that there is significant potential to provide screening along the site's perimeter, where it flanks the rear boundaries of adjacent residential properties to the east, and I consider that an appropriate planting scheme would address overlooking concerns substantively in the medium term.

7.4 Traffic Impact

7.4.1 I note the planning authority refused permission for the development of nine houses on this site in 2015 for reasons which included traffic hazard resulting from the access arrangements and conflict with a nearby existing bus stop, and the inadequacy of pedestrian facilities to serve the development. Regarding the latter, it is noted that the proposed development seeks to provide a footpath along the west side of the access road and this would link with the established footpath on Lahore Road. It is considered that the current proposal adequately addresses the previous concerns raised on this matter and would meet occupiers' needs.

7.4.2 With regard to the proposed junction arrangements with the Lagore Road and the existence of the bus stop to the west, it is noted that the proposal does not seek to make revisions to the bus stop location to address the matter raised in the previous reason for refusal. The submitted traffic assessment is, however, acknowledged. This report concludes that the existing bus stop does not require relocation to address traffic safety concerns. It is my submission to the Board that the development is proposed to be sited in a town centre location and that invariably there may be some delay arising from congestion associated with traffic

movements on the public road serving the proposed site. However, there must be a balanced response to this where the development is on lands zoned for residential use, fully serviceable, and where adequate sightlines can be provided at the junction with Lagore Road, particularly in the context of the limited traffic movements likely to be generated by eight houses. Some degree of conflict is likely to arise at times in this town centre location where on-street parking is permitted, where there is periodic drop-off and pick-up by bus services on the road, where street furniture, lamp standards, etc. exist. However, the scheme proposes the development of eight houses and the traffic generated by the proposal in this urban centre location could not reasonably be construed as a significant traffic hazard either for existing street users or those likely to utilise the proposed access road.

7.4.3 In conclusion on this issue, I must note for the Board that the access into the main body of the appeal site is established. It provides vehicular access to the rear of the properties flanking the access road and off which parking takes place, notably by patrons using the commercial premises at this location. The proposed residential development would not contribute significant additional vehicular movements at the access onto Lagore Road when regard is had to the established nature of the access that is in use at present.

7.5 Impact on Cultural Heritage

7.5.1 While not an issue specifically raised by the third party in the submission to the Board, I acknowledge the separation distance from the protected structure in the vicinity and the enclosed nature of the site and the unlikelihood of any adverse consequences by way of impact on this nearby structure. I further note the archaeological sensitivity of the site.

The site is located within the Zone of Archaeological Potential for Dunshaughlin (ME044-033). I consider compliance with the requirement of the Department of Arts, Heritage and the Gaeltacht to be in order for the inclusion of a condition in any grant of planning permission relating to pre-development testing.

7.6 Validity of the Application

- 7.6.1 I note the appellant has raised concerns about the use of an incorrect site address. I must acknowledge, firstly, that the planning authority accepted the application as being valid and raised no concerns with the address used. Secondly, however, and more importantly, it is apparent that the public notices used appear to have provided those living in the vicinity of the site knowledge of the application for the proposed development. The appellant and others in the vicinity were not prohibited from making submissions to the planning authority and the appellant has not been restricted in making an appeal to the Board. In this context, I am satisfied to conclude that the notices, and the address used, did not undermine third party contributions to the planning process to date.
- 7.6.2 The appellant also raises concerns in relation to the submitted drawings showing inaccurate separation distance due to the failure to show the conservatory attached to the rear of her property on the drawings and consequential reduced distance between proposed house no. 8 and her property. It is correct to state that the conservatory exists and is not shown on the submitted drawings. It is also notable that the appellant states that the separation distance between the conservatory and house no. 8 measures 37.5 metres. It is my submission, in accepting this measurement, that the separation distance at 37.5 metres between opposing windows provides sufficient distance to ensure overlooking from

one building into the next is adequately mitigated, particularly in the context of the accepted, commonly espoused minimum separation distance of 22 metres (see for example *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* and the current Meath County Development Plan 2013-2019 – Section 11.2.2.2) being exceeded and in the context of this site being within a built-up, town centre location.

8.0 RECOMMENDATION

It is recommended that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to adequate separation distance between the proposed development and existing residential development in the vicinity and the utilisation of an established vehicular access serving a range of uses at this location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and would otherwise 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 submitted to the planning authority on 25th August 2015 and 10th September 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 conditions.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include a plan to scale of not less than 1:500 showing –

- (i) Details of screen planting to be provided along the eastern flank boundary with neighbouring residential properties,

- (ii) Trees, hedging and shrubs to be retained, and
- (iii) Hard landscaping works.

Details shall include a timescale for implementation.

Reason: In the interest of residential and visual amenity.

5. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features, which may exist within the site. In this regard, the developer shall:-
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any stripping of top-soil, and
 - (b) employ a suitably-qualified archaeologist to assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation).

In default of agreement on any of these requirements, the matter shall be referred to the Board for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

6. 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 first occupation of dwellings, 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.

7. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed

between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

Kevin Moore

Senior Planning Inspector

January, 2016.