



An
Bord
Pleanála

Inspector's Report PL15.247862

Development	Erection of a house and associated works.
Location	Mellifont Park, North Road, Drogheda, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	16/360
Applicant(s)	Martin Carroll
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	(1) Gerry Kelly (2) Thomas Lowth
Observer(s)	None
Date of Site Inspection	10 th March 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The proposed site has a stated area of 0.067ha and comprises the side garden of the last house in a cul de sac in Mellifont Park, Drogheda, County Louth. Mellifont Park is characterised by two storey semidetached houses with front and rear gardens and it accesses North Road which links Drogheda town centre to the M1 in the north-western quadrant of the town. The application site comprises most of the side garden of an existing house and backs onto the rear of 4 Ashleigh Heights. To the north is the fairly extensive garden of a medical practice – ‘Sheelin’- which itself has direct access onto North Road. There is a significant number of trees along this boundary both within the application site and in the ‘Sheelin’ curtilage.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a dormer/two storey house with a separate vehicular access at Mellifont Park, Drogheda, County Louth.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission 7 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Initially the planner’s report recommended further information in relation to surface water disposal and the dishing of the footpath at the proposed new entrance. The planner’s report subsequently recommended a grant of permission.

3.2.3. Other Technical Reports

Irish Water reported no objection.

Infrastructure Office recommended further information in relation to disposal of surface water and details of the proposed footpath at the entrance. Following the

review of the further information submission the Infrastructure Office recorded no further objection.

3.3. Prescribed Bodies

There were no submissions by prescribed bodies.

3.4. Third Party Observations

The third party submissions, generally, anticipated the points made in the appeals.

4.0 Planning History

There is no relevant planning history for the site.

5.0 Policy Context

5.1. Development Plan

The site is zoned 'existing residential' in the Drogheda Borough Council Development Plan 2011 to 2017.

5.2. Natural Heritage Designations

There are no natural heritage designations in the area.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows;

- The proposed development comprises poor quality backland development. The proposed development would set an undesirable for similar backland development.
- The proposed development will overlook adjoining property.
- The proposal may impact on trees close to the boundary.

- The proposal may encroach on adjoining property.
- The proposed development will negatively impact on 4 Ashleigh Heights. The proposed house is just 9m off the boundary and has dormer windows at upper level overlooking 4 Ashleigh Heights.
- The proposed development is only 7m from a row of mature beech trees with the potential to impact on these.
- The proposed development will cause overflowing of the foul sewer in Mellifont Park.

6.2. Applicant Response

The applicant responded to the appeal as follows;

- There are two rows of trees on the northern boundary of the site; one in the application site, one in the appellant's property (Sheelin) separated by a fence. The only works proposed is the repair of this wooden fence. Sheelin is in use as a medical practice.
- The rear elevation of the proposed house is 25m from the rear elevation of the appellant's house (4 Ashleigh Heights). There will be no overlooking of this property.
- The proposed house has been designed having regard to the site and the surrounding area.

6.3. Planning Authority Response

The planning authority replied to the appeals that it had no comment to make.

6.4. Observations

There are no observations.

6.5. Further Responses

There are no further responses.

7.0 Assessment

- 7.1. The proposed development is located on a site zoned for residential uses in the Drogheda Borough Council Development Plan 2011 to 2017. The application complies with this zoning objective.
- 7.2. The appeal makes the point that the proposed development may give rise to overloading of the foul sewer on Mellifont Park. Having regard to the report on file from the planning authority 'Infrastructure Office' and the report from Irish Water which raise no objection on this issue I am satisfied that there is capacity in the sewerage system to accommodate effluent from a single additional house.
- 7.3. The appeal makes the point that the proposed development will impact on the adjoining house, '**Sheelin**', to the north of the application site. 'Sheelin' is in use as a medical practice and is accessed directly from North Road. There is a double line of trees on the boundary between the application site and 'Sheelin' and a partially fallen wooded fence which can be walked through. The appeal makes the case that the proposed development would overlook that property and that the development may impact on the trees along the boundary. The proposed house is about 7m off the boundary with 'Sheelin' but there are no first floor windows on the north elevation facing 'Sheelin's back garden. Therefore, I do not consider that overlooking is likely to arise. The maximum height of the proposed development at 8m will be visible from the 'Sheelin' site but not intrusively so. The application should have more fully considered the issue of overshadowing through the submission of a shadow analysis give the proximity to this boundary but overall I would not recommend refusal on the basis of impact on 'Sheelin'. I am satisfied that the development can be carried out without impacting on the area within the crown of any tree outside the application site and therefore that the proposal is unlikely to impact on the health of trees outside the site.
- 7.4. The second appellant is the owner of **4 Ashleigh Heights**. The south facing rear elevation of the proposed house backs onto the rear garden of 4 Ashleigh Heights.

The appeal makes the case that the proposed house is too close to the boundary and will give rise to overlooking of that property. It may be noted that the application documents state that the gross floor area of the proposed development is 175m², I calculate the gross floor area of the proposed house to be 240m². This is a relatively large house on a relatively small site. A consequence of this is that there are first floor windows within 8m to 9m of the boundary with 4 Ashleigh Heights. The separation distance rear window to rear window between the proposed house and 4 Ashleigh Heights is given as 25m but an unreasonably excessive element of this separation distance is provided by the rear garden of 4 Ashleigh Heights. I conclude therefore that the proposed house will give rise to unreasonable overlooking of the rear garden of 4 Ashleigh Heights and would seriously injure the residential amenity of that house.

- 7.5. The appeal makes a further point in relation to backland development in this regard I consider that a more modest development which has greater regard to the limitations on the site and the site context may be acceptable.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend refusal for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the excessive scale of the proposed development on a relatively restricted site and to the proposed development's proximity to the site boundaries it is considered that the proposed development would give rise to overlooking of, and visual intrusion into, the private amenity space of adjoining residential property. The proposed development would, therefore, seriously injure the residential amenity and depreciate the value of adjoining residential property and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

7th April 2017.