



An  
Bord  
Pleanála

## Inspector's Report PL17.247993

---

<b>Development</b>	Demolition of 3 no. houses and construction of 19 no. houses and all associated works.
<b>Location</b>	The Milk Tree, Ratoath, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	RA160101
<b>Applicant</b>	Colm MacDaibheid
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant of Permission
<b>Appellants</b>	Damien Bradley & Margaret McNamee
<b>Observers</b>	Yes
<b>Date of Site Inspection</b>	27/04/17
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.767 hectares, is located to the south of the signal controlled junction of the R155 Fairyhouse Road and the Inner Relief Road (also referred to as the Jamestown distributor road) to the south of Ratoath town centre. The said distributor road links the R155 and R125 which is the main road connecting Dunshaughlin and Ashbourne. The 50 kph speed limits applies. The Broadmeadow River runs in an easterly direction to the north of the site (opposite side of the road).
- 1.2. The site is bounded by the Fairyhouse Road to the west and the Inner Relief Road to the north. The Meadowbank Hill residential development which straddles the Inner Relief Road is the east with a cul-de-sac serving 6 no. semi-detached houses up to the shared boundary which is delineated by a 1.8 - 2 metre high wall, backed by trees within the appeal site. Ratoath primary school bounds the site to the south with the shared boundary delineated by a mature leylandii hedge.
- 1.3. The site is roughly rectangular in shape and slopes up from north/north- west to east/south-east with site level differentials in the region of 4 metres. The site is comprised of three detached dwellings on individual plots. The southernmost dwelling has access onto the Fairyhouse Road with the other two accessed from a recessed area at the junction onto the Fairyhouse Road. Two of the dwellings are currently occupied whilst the 3<sup>rd</sup> (middle) is derelict.

## 2.0 Proposed Development

- 2.1. The application was lodged with the planning authority (PA) on the 08/02/16 with further plans and details submitted 25/11/16 following a further information (FI) request dated 30/03/16 with revised public notices received 12/12/16.

The proposal as amended comprises:

- Demolition of 3 no. dwellings and clearance of site and construction of 20 no. dwellings:
  - 8 no. detached, 2 storey, 4 bed units with attic accommodation
  - 8 no. semi-detached, 2 storey, 4 bed units with attic accommodation

- 1 no. detached, 3 storey, 5 bed unit with recessed balcony feature
  - 3 no. terraced, 3 storey, 3 bed units
- 2.2. The ridge heights vary between 9.21 and 10.685 metres with external finishes to be a mix of brick with selected cladding and masonry cills to windows.
- 2.3. The layout is around a central open space with a stated area of 960 sq.m. with a playground proposed along the southern boundary. Landscaped strips are also proposed to the front of the dwellings.
- 2.4. Access is proposed via a gated entrance from the cul-de-sac road in the Meadowbank Hill estate to the east with the southernmost access onto the Fairyhouse Road to be retained. A gated pedestrian access is to be developed from the Inner Relief Road. 2 no parking spaces per unit are to be provided
- 2.5. The existing boundary wall to Meadowbank Hill is to be retained along the shared boundary with the dwellings in the estate. The remainder of the boundary is to be removed and replaced at a set back with a low wall and railings.
- 2.6. Surface water disposal is by way of a combination of permeable paving, soakaways in rear gardens and attenuation via a StormTech system with discharge to be at a restricted rate of 1.60l/s to the existing 400mm diameter which is located in the footpath on the Inner Relief Road to the north of the site. The StormTech system is to be positioned under the access road at the entrance.
- 2.7. The application is accompanied by:
- Covering letter
  - Tree Survey and Report
  - Landscape Documentation
  - Thorntons Structural Defects report
  - Engineering Report.

## 3.0 Planning Authority Decision

### 3.1. Decision

The PA decided to grant permission for the above described development subject to 29 conditions. Of note:

Condition 2: 19 units permitted. Unit No.1 to be omitted and area designated as public open space.

Condition 20: €200 per dwelling as contribution towards expenditure incurred by the PA in the monitoring of the construction phases.

### 3.2. Planning Authority Reports

#### Planning Reports

The *1<sup>st</sup> Planner's* report dated 26/03/16 (countersigned) states that the proposal is acceptable in principle. The proposal does not have an appropriate mix of unit types. House design to be revised with consideration given to ridge height reduction to the south due to the difference in site levels, revisions to open space provision and detailed landscaping scheme. Site servicing requirements as detailed in the reports summarised below are also required. A request for FI is recommended. The *2<sup>nd</sup> report* dated 13/01/17 (countersigned) following FI states that many of the green spaces would constitute incidental open space and are not considered functional. The proposal would benefit from the insertion of an additional area of open space to the north in lieu of unit no.1. The design layout and servicing amendments are deemed to be acceptable. The proposal is considered to accord with the policies and objectives of the County Development Plan. A grant of permission subject to 29 conditions is recommended.

#### Other Technical Reports

The *1<sup>st</sup> report* from *Water Services* dated 22/03/16 recommends FI on surface water treatment and disposal that fully encompass the requirements of the Greater Dublin Strategic Drainage Study. Surface water attenuation calculations to be revised, greater application of SuDs and permission from Municipal Engineer to connect to existing drainage system on Fairyhouse Road or alternative separate outfall

proposals. The 2<sup>nd</sup> report dated 06/12/16 following FI considers the proposals to be acceptable subject to conditions.

The 1<sup>st</sup> report from S.E.E. Road Design dated 16/03/16 states that the proposed access onto the Inner Relief Road would conflict with the existing turning layout on that road. A more acceptable access would be from the estate to the south. The 2<sup>nd</sup> report dated 14/12/16 considers the revised layout to be satisfactory.

Housing Section in a note dated 24/0/216 states that Part V to be met by delivery of units on the site.

Public Lighting Section in emails dated 02/03/16 & 01/12/16 recommends conditions.

### **3.3. Prescribed Bodies**

The 1<sup>st</sup> report from Irish Water dated 10/03/16 recommends FI including further details on the water supply distribution network and alterations to the waste water disposal providing connection to the 225mm diameter sewer to the north. The 2<sup>nd</sup> report dated 06/12/16 following FI states there is no objection subject to conditions.

### **3.4. Third Party Observations**

Objections to the proposal received by the PA have been forwarded to the Board for its information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 6.1 below and the observations received summarised in section 6.4.

A note from the Ratoath Municipal District meeting of February 2016 states that the members oppose the proposal.

## **4.0 Planning History**

None pertaining to the site.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Meath County Development Plan 2013-2019

Ratoath is designated as a 'small town' and should cater for greater local growth rather than commuter growth and allow for a period of consolidation of local facilities and infrastructure to serve the local population and facilitate core sustainable communities.

Chapter 11 sets out Development Management Standards and Guidelines:-

In respect of small towns, sites which are located on well established, existing or proposed public transport routes or nodes with additional capacity, residential densities in excess of 35 net residential units per hectare should be utilised. In all other instances maximum densities of 35 net residential units per hectare shall be applicable, and in general, densities and house types shall be compatible with the established densities and housing character in the area.

Public open space shall be provided at a minimum rate of 15% of the total site area. Where residential developments are close to existing facilities or natural amenities or where in the opinion of the County Council .... a financial contribution in lieu of its provision may be required.

#### 5.1.2. Ratoath Local Area Plan 2009-2015

The plan was amended consequent to the variation of the County Development Plan setting an order of priority for the release of residentially zoned land.

The site is within an area zoned A1 – Existing Residential, the objective for which is to protect and enhance the amenity of developed residential communities. While infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect.

The development management standards and guidelines applicable to the LAP are those set out in the Meath County Development Plan 2013-2019.

The key principle which directs the housing policies in this plan is the delivery of a high quality living environment in neighbourhoods with a range of housing types and sufficient community facilities to serve the needs of residents. Generally, the objective will be to provide a range of residential units which vary in both size and type and an overall scheme design which can accommodate a broad population profile. The design and layout of overall schemes and individual units should aim to meet the requirements of lifelong living and, at the design stage, should take into account the needs to ensure that units can be extended and/or adapted in the future.

RES POL 3 – to achieve a mix of housing types and sizes in the consideration of individual planning applications for residential development.

RES OBJ 3 – to achieve a better and more appropriate mix of dwelling size, type, tenure and accessibility in all new residential development.

## 5.2. **Natural Heritage Designations**

None within or in the vicinity of the site.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The 3<sup>rd</sup> Party appeal by Damien Bradley & Margaret McNamee against the PA's notification of decision to grant permission can be summarised as follows:

- The proposal is inconsistent with the A1 zoning objective for the area in that the proposal would detract from the existing residential communities.
- Houses will overlook their dwelling and garden and will result in loss of privacy.
- It is reasonable to assume that the dwellings will be extended into the attic and therefore should be considered as 3 storey houses from the outset.
- There is a difference of 3.725 metres between the ridge of their dwelling and that nearest the boundary. The dwellings will be overbearing.

- The distance between their kitchen window and the windows in the nearest dwelling would be approx. 16.8 metres.
- Nos. 19 & 20 are to be located forward of the established building line of Meadowbank Hill (Nos. 91-96) and would have their rear elevations overlooking the front gardens of the houses. This would alter the character of the cul-de-sac.
- Access would be via a cul-de-sac. Safety issues arise.
- The proposed access would have an adverse impact on the quality of the public open space and would result in a significant loss of an amenity to residents.
- Issues would arise in terms of the gated entrance relating to noise and vehicular queuing to access same which could cause disruption to adjoining properties.
- The provision of a gated community does not align with the vision of connectivity and permeability in residential development and should not be permitted.
- Sufficient parking has not been provided which would result in overspill into adjoining areas.
- Site drainage proposals are inadequate and could adversely impact on their property.

## 6.2. Applicant Response

None received.

## 6.3. Planning Authority Response

The PA's response can be summarised as follows:

- This is a brownfield site located adjacent to existing social, commercial and educational facilities.
- Having regard to the separation distances between the proposal and the Meadowbank Hill estate, coupled with the implementation of the proposed site



specific landscaping proposals as submitted, it is considered that these mitigation factors are sufficient so as not to cause undue impact by reason of overlooking and loss of privacy.

- The current access proposal is considered to represent the optimal one in terms of road safety.
- The existing public open space will remain available to residents as it is at present.
- The parking provisions are in accordance with the development plan standards.
- The gating of the development is acknowledged.
- Surface water drainage to be constructed in accordance with the details provided by way of FI.

#### 6.4. **Observations**

Observations have been received from:

1. Frank & Jane Coyne
2. Alan & Kathy Clarke
3. Linda Cahill
4. Brian & Kathleen Kelly
5. Meadowbank Hill Residents Association

The submissions can be summarised as follows:

- The proposal is inconsistent with the A1 zoning objective for the area.
- The proposal would adversely impact on parking along the cul-de-sac. Sufficient parking is not provided within the development. The additional traffic will lead to major congestion. Access for emergency vehicles could be severely restricted.
- The additional through traffic would give rise to safety concerns for motorists and pedestrians. There will be a tendency for traffic to speed up when it reaches the wider road of the cul-de-sac.

- The proposal will add to additional traffic at the estate entrance which, at certain times, suffers from the heavy volumes on the inner relief road.
- The cul -de- sac is used by parents dropping off/picking up children from the national school. To remove this facility for the community will give rise to congestion on other roads.
- Additional traffic will result in increased noise levels.
- The proposed gates will lead to traffic congestion.
- Construction traffic would have an adverse impact.
- The proposal would adversely impact on the public open space which is used by residents of the estate over and above the 6 houses along the cul-de-sac. It will no longer be a safe place to play.
- The development will result in a loss of privacy of existing dwellings. Overlooking of rear gardens will arise. It would materially affect the enjoyment of their homes.
- The proposal will result in a loss of visual amenity.
- The density of the scheme is too high.
- There are no three storey dwellings in the vicinity and the proposed units will not be in keeping with the established housing stock. The dwellings are too high.
- The playground will attract anti-social behaviour.
- The building line will be broken The developer does not own the ransom strip along the wall of the cul-de-sac. It is queried whether he has the authority to access the site through the cul-de-sac.

## 7.0 Assessment

I consider that the issues arising in the case can be addressed under the following headings:

1. Compliance with Development Plan Provisions
2. Access and Traffic
3. Layout and Design
4. Site Services
5. AA- Screening

### 7.1. Compliance with Development Plan Provisions

- 7.1.1. As per the current local area plan for Ratoath the site is within an area zoned A1, the objective for which is to protect and enhance the amenity of developed residential communities. In principle the proposal would accord with the said zoning objective.
- 7.1.2. The proposal as amended, namely 20 dwellings, equates to a density of 25 units per hectare. Although relatively low, it is higher than the densities prevailing on adjoining lands notably those in Meadowbank Hill to the east and accords with the County Development Plan provisions for density requirements in such a designated 'small town' which sets a limit of no more than 35 units per hectare.
- 7.1.3. Having regard to the Guidelines for Sustainable Residential Development and the provisions of the current development plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide for additional residential development. I proposed to address such matters in the following sections.

### 7.2. Access and Traffic

- 7.2.1. The scheme as originally proposed entailed a new access onto the Inner Relief Road to the north of the site. Following consultation with the Road Design section which expressed concern regarding the location of same relative to existing junctions and the potential for conflicting vehicular movements, the proposal has been amended providing access via the cul-de-sac in Meadowbank Hill to the east. A number of observers contend that the applicant does not have sufficient legal interest to pursue

such an arrangement and that the 'ransom strip' is not in his ownership. In this regard there is no detail on file to confirm that the estate has been taken in charge by the local authority. However, on the basis that the local authority encouraged the proposed arrangement and the absence of any concerns expressed following the objections received during its assessment of the file in which this matter was raised, I consider that it is reasonable to work on the principle that the estate has been taken in charge and that the local authority's consent for the access arrangements would be forthcoming. Notwithstanding should the Board be disposed to a favourable decision, the applicant should be advised of section 34 (13) of the Planning and Development Act, 2000, as amended, and that a person is not entitled solely by reason of a permission to carry out development.

- 7.2.2. In addition to the new access from Meadowbank Hill one of the existing accesses onto Fairyhouse Road is to be retained and it to serve one of the proposed dwellings in the vicinity, most likely No.10, although this is not clear from the drawings. This could be addressed by way of condition should permission be granted.
- 7.2.3. I consider that the additional vehicular movements associated with the remaining 19 no. dwellings would not be material relative to that generated within the section of Meadowbank Hill estate that is to the south of the Inner Relief Road (c.58 dwellings). The cul-de-sac road with a carriageway of approx. 6 metres and the estate entrance from the Inner Relief Road are considered reasonable and are capable of accommodating the anticipated increase. I note the concerns regarding the potential impact of the prevailing on-street parking arising from the 6 dwellings along the cul-de-sac in terms of congestion. I would not subscribe to same and consider that there is adequate space to allow for passing vehicles and to allow for service and emergency vehicles.
- 7.2.4. Within the estate itself traffic calming measures and signage could be provided to address concerns regarding vehicular speed etc.
- 7.2.5. I would concur with the appellants that the proposal to provide for a gated development runs counter to development of permeable, connected and linked urban areas and serves to exclude and divide communities. In that context, therefore, the proposal would be contrary to the principles of the Guidelines on Sustainable Residential Development in Urban Areas and its companion document

Best Practice Urban Design Manual. Such provision should be omitted and the entrance arrangement altered accordingly.

- 7.2.6. The Board is advised that pedestrian access is also proposed from the Inner Relief Road. Again this should not be gated providing for pedestrian connectivity and permeability to the town centre that will benefit the wider residential area.
- 7.2.7. As per the Meath County Development provision 2 no. parking spaces per dwellings have been provided and is considered acceptable.
- 7.2.8. Concerns have been raised about construction traffic and the impact on amenities. This period, whilst disruptive, is temporary in duration and should permission be granted a Construction Management Plan can be conditioned which would be required to deal with matters pertaining to operational hours, noise, dust etc.

### 7.3. **Layout and Design**

- 7.3.1. The surrounding area is characterised by a relatively uniform pattern of development comprising largely of two storey, semi-detached and detached dwellings. The scheme, as amended, whilst providing for a mix of dwelling units is contributing to the larger dwelling unit stock which appears to be relatively well provided for in the area and does not avail of the opportunity to provide for smaller unit types to provide for a greater variety than that prevailing.
- 7.3.2. The proposed layout entails a mix of terraced, semi-detached and detached dwellings around a central open space area with seven dwellings backing onto the shared boundary with No. 91 Meadowbank Hill which is a conventional 2 storey, semi-detached dwelling. The position of the seven dwellings also represents the highest point of the site with finished ground levels of between 87.5 metres and 89.5 metres. The shared boundary is delineated by a 1.8 - 2 metre wall which is currently backed with a leylandii hedge along part and trees. As per the Arbortist's report the hedge is to be reviewed regarding 'retention context' although its removal would appear to be suggested by reason of their omission in the Landscape Design Plan. The trees in the vicinity of the access and along the northern boundary are marked for removal.
- 7.3.3. In view of the site levels it is queried why it was considered appropriate to position the houses types with the highest eaves and ridge height (at 10.435 and 10.560 metres respectively) along this shared boundary. The dwellings, while providing for

two storey accommodation, are designed with the necessary floor to ceiling height at attic level with stair access to facilitate future use for habitable purposes in line with the LAP requirements that design take into account the need to ensure that units can be extended and/or adapted in the future. The difference in the ridge height between those proposed and those in Meadowbank Hill are evident in Drawing - Site Section 2.

- 7.3.4. I also note that the rear gardens serving the seven dwellings will be between 11.21 and 11.83 metres in length. In view of these relatively short garden depths there is the very real possibility of the need to remove the mature hedge and trees along the boundary following a review in terms of their relationship to the new development.
- 7.3.5. I consider that the line of seven dwellings with such a short setback from the shared boundary with No.91, will have an adverse impact on its residential amenities in terms of unacceptable overlooking and loss of privacy and would have an overbearing impact both to the rear and front of the property. The fact that the Ratoath National School to the south has a higher eaves and ridge than the dwellings is of little consequence in that it is setback from the shared boundary. I consider it appropriate that in order to protect the amenities of the adjoining property that these 7 dwellings be omitted. A more appropriate house design that takes due cognisance of adjoining development and site levels may be feasible.
- 7.3.6. The open space provision comprises of a central area with a stated area of 960 sq.m. (with a small playground proposed along the southern boundary) and accounts for approx. 12.5% of the site area which falls short of the 15% requirement of the County Development Plan. Save for the said playground the amenity value of the said space is queried in view of the fact that it is traversed by paths which are required to facilitate access to the dwellings from the parking areas. The remainder of the open spaces within the scheme are incidental landscaped strips and cannot be considered to accord with functional open space provision. The planning authority considered it appropriate to require the omission of house no.1 by condition to provide additional space to meet the stipulated standards. In view of the above recommendation to remove the gated entrance arrangement I consider that this proposal provides an opportunity to tie in with the open space area that fronts the 6 dwellings along the cul-de-sac in the Meadowbank Hill scheme immediately

adjoining, the retention of which is a specific concern of the appellants and observers.

7.3.7. At this juncture I would submit that the amendments as recommended above in terms of the access treatment from Meadowbank Hill, the omission of the 7 dwellings along the eastern boundary and the omission of dwelling no.1 to facilitate the provision of open space, are symptomatic of overdevelopment of the site. To seek the above modifications by way of condition would, in my opinion, result in a materially different development to that originally proposed. I submit that in view of the substantive omissions required a refusal of permission would be the most appropriate course of action and the submission of a further application allowing for a holistic review of the design and layout taking due cognisance of the issues arising thereby affording an opportunity for the scheme to be amended and improved.

#### 7.4. **Site Services**

7.5. The substantive concern in this regard is the disposal of surface water. By way of further information the proposed arrangements were modified and now entail a combination of permeable paving, soakaways in rear gardens and attenuation via a StormTech system with surface water to be discharged at a restricted rate of 1.60l/s to the existing 400mm diameter which is located in the footpath on the Inner Relief Road to the north of the site. The StormTech system is to be positioned under the access road at the entrance. Concern is expressed by the appellants that the 5 metre setback between their garage/boundary and the soakaways in the garden cannot be attained. A condition requiring that surface water disposal complies with the requirements of the planning authority and does not flow onto adjoining property could be attached should permission be granted.

#### 7.6. **AA – Screening**

7.6.1. The nearest designated sites to the appeal site are Broadmeadow/Swords Estuary SPA (site code 004025) c. 18km to the east and the River Boyne and River Blackwater SAC (site code 02299) c. 18km to the north-west. Taking into consideration the size and scale of the proposed development within the town of Ratoath on a fully serviced site and, in view of the separation distances to the identified European Sites, 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. Having regard to the documentation on the file, the grounds of appeal, observations received, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. Having regard to the location of the proposed development adjoining the residential development of Meadowbank Hill, to the scale, bulk and height of the proposed dwellings along the eastern site boundary and the absence of adequate public open space, it is considered that the proposed development would represent overdevelopment of this site, would give rise to overlooking, loss of privacy of adjoining property, would give rise to an overbearing appearance and would be visually obtrusive. The proposed development would seriously injure the residential amenities of adjoining property and contravene the zoning objective of the Ratoath Local Area Plan which seeks to protect and enhance the amenity of developed residential communities. The proposed development, would, therefore be contrary to the proper planning and sustainable development of the area.



2. The proposed gated entrance serving the development from Meadowbank Hill is contrary to the principles of inclusivity and connection advocated in the Best Practice Urban Design Manual that accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of Environment, Heritage and Local Government, May 2009 and thus would be contrary to the current County Development Plan which requires adherence to the guidance contained within the said Design Manual. The proposed development, would, therefore be contrary to the proper planning and sustainable development of the area.

---

**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**May, 2017**