



An
Bord
Pleanála

Inspector's Report PL.15.248308

Development	Retention of partially constructed dwelling house and permission for construction of remainder including retention of alterations to plans previously granted.
Location	Barrackfield Lane, Clogherhead, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	16883.
Applicant(s)	Mark Boylan.
Type of Application	Retention.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Joe and Teresa Halpin.
Observer(s)	None.
Inspector	Karen Kenny.

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1.0 Site Location and Description

1.1. Barrackfield Lane is a narrow laneway on the eastern outskirts of Clogherhead, Co. Louth. The western side of Barrackfield lane is defined by low profile semi-detached cottages (c early 1900's). There are a number of more recent infill dwellings to the side and rear of the cottages. The opposite side of the lane is characterised by agricultural land and three detached dwellings.

2.0 Proposed Development

2.1. Permission is sought for the retention and completion of a dwelling and for alterations to the previously approved plans and elevations.

2.2. The alterations proposed to the approved dwelling can be summarised as follows:

- Repositioning of the dwelling on site with reduced set back off the northern boundary;
- Alterations to the location of windows and doors and the insertion of storey and a half windows in place of dormer windows, including new windows on the southern elevation;
- Revised roof profile, including increased ridge height at the rear over the kitchen / dining area and family room to incorporate storage space over; and
- Increase in the footprint of the family room to the rear of the dwelling.

2.3. Decision

Decision to Grant Permission subject to 6 no. conditions.

Further information submitted following a request from the PA, omitted 3 no. first floor windows in the southern elevation and included a revised site layout plan that shows the 'as constructed' position of the partially complete dwelling. Condition no. 2 requires the development to be completed within 1 year and condition no. 6 requires the applicant to submit details of boundary treatments.

2.4. Planning Authority Reports

2.4.1. Planning Reports

2.4.2. The Planning Officers Report reflects the decision to grant permission.

2.4.3. **Other Technical Reports**

Infrastructure Section: No Objection.

2.5. **Prescribed Bodies**

Irish Water: No Response.

2.6. **Third Party Observations**

2 no. submissions were received. Issues that are additional to those raised in the grounds of appeal set out below are as follows:

- The narrow laneway is not designed to cater for the extent of development and the proposed development will exacerbate congestion at this location.

3.0 **Planning History**

Appeal Site

0652: Permission granted for dormer dwelling on the appeal site. Extension of duration granted for 5 years under Reg. Ref. 11/42.

08779: Permission granted for part single storey / part dormer extension to dwelling on a site to the north of the appeal site.

071877: Permission refused for single storey / storey and a half extension to dwelling on a site to the north of the appeal site. The refusal reasons stated that the development would be incongruous with the existing dwelling and would be detrimental to the residential amenity of dwellings to north and south.

13/273: Permission granted for a detached dwelling on a site to the east of the appeal site.

01/276: Approval granted for a detached dormer dwelling on site to north east of the appeal site. Outline permission granted under PA Reg. Ref. 99/1344.

4.0 Policy Context

4.1. Development Plan

The Louth County Development Plan 2015-2021 is the relevant statutory plan.

- Clogherhead is identified as a Level 3 Settlement (Small Town) in the Development Plan Core Strategy.
- The appeal site is zoned Residential (Existing).
- Section 4.4 sets out guidelines in relation to housing layouts and states that new development needs to recognise the existing character, street patterns, streetscape and building lines of an area and that this is imperative in the case of infill sites.

4.2. Natural Heritage Designations

None

5.0 The Appeal

One third party appeal has been received from the adjoining landowner to the north of the site.

5.1. Grounds of Appeal

The principle grounds of appeal are summarised below:

- Dwelling siting is not in accordance with approved plans. The structure is closer to the property to north resulting in an unexpected and undesired loss of privacy.
- The height of the proposed building and its front elevation are out of character with the cottages around it.
- The development represents an overdevelopment of the site.

- The development will give rise to overlooking of existing dwellings to north and south and potentially to the west of the site. It would result in an undesirable loss of privacy for adjoining sites.
- The development will give rise to loss of daylight and overshadowing of properties in the vicinity.
- Sight lines do not meet the requirements of the Development Plan. Standards cannot be achieved as sight lines pass through properties that are outside of the control of the applicant.
- Boundary hedging between properties is shown as being set back in two places giving the impression that there is a question in relation to the true boundary line.
- Concerns that the store at first floor could be converted into bedrooms.

5.2. Applicant Response

- Visibility lines indicated on the plans submitted are available and this has been inspected upon and approved by Louth County Council. The carriageway is narrow, with limited traffic volumes and slow traffic speeds.
- The applicant and agent are certain that the location of the structure to-date is wholly within the confines of the site.
- There are two storey and storey and a half dwellings erected on Barrackfield Lane, and the development under construction, while located adjacent to single storey developments is not unique to this location.
- The site is at a lower level than the adjoining property to the north.

5.3. Planning Authority Response

None.

5.4. Observations

None.

5.5. Further Responses

None.

6.0 Assessment

The application seeks permission for the retention and completion with amendment, of a dwelling that was granted permission under PA Reg. Ref. 0652 (as extended under PA Reg. Ref. 1142). The previous permission expired in July 2016. It is considered appropriate, having regard to the extent of alteration proposed, to assess the development in its entirety.

I consider that the main issues in this case are as follows:

- Principle of Development
- Visual Impact
- Impact on Residential Amenity
- Traffic
- Other Issues
- Appropriate Assessment

6.1. Principle of Development

6.1.1. The application site is zoned Residential (Existing). I am satisfied that the proposed residential development is acceptable in principle within the zoning category.

6.2. Visual Impact

6.2.1. The appeal site is a narrow infill site of 0.51 hectares that is located between two low profile semi-detached cottages. Ground levels slope from north to south at this location and the site is visible in the surrounding area. At time of site inspection, there was a partially completed dwelling on site, completed to first floor level with some elements of the first floor block work in place.

6.2.2. It is considered that the development granted under Ref. 06/52 represented a significant development on a relatively modest infill site. The proposed dwelling is

rectangular in shape with a depth of 22 metres and a width of 8 metres at front, stepping in to 5.5 metres at the rear. It is a storey and a half dwelling, with a stated ridge height of 6.4 metres. While similar to the previously approved dwelling, it incorporates number of changes to roof profile, footprint and siting that would further increase the scale and mass of the structure.

- 6.2.3. The proposed dwelling would incorporate storey and a half windows to front and side, in place of previously approved dormer windows. The ridge height of 6.4 metres to the front is unaltered. It is however, proposed to raise the ridge of the roof section that runs perpendicular to the rear to 6.4 metres, where it had previously stepped down to 6.276 metres and 4.927 metres. Other alterations include an increase in the width of the family room at ground level and the insertion of a store room at first floor in the attic space above the kitchen / dining room and family room. It was proposed to insert 3 no. additional windows to the first floor store room, however, the applicant omitted these windows in response to a request for further information. The stated floor area of the development approved under PA Reg. Ref. 06/52 was 198 square metres, while the stated floor area of the proposed dwelling is 256 square metres, due primarily to the inclusion of the attic storage space.
- 6.2.4. The architectural style of the dwelling is considered to be broadly in keeping with the nature of infill development along the lane. However, having regard to the pattern of development in the area and the proximity of the proposed dwelling to the site boundaries, it is considered that the increased scale and mass of the dwelling represents an over development of the site and would be at odds with the profile and character of development in the immediate vicinity.

6.3. Impact on Residential Amenity

- 6.3.1. The grounds of appeal argue that the dwelling is not sited in accordance with previously approved plans and is closer to the northern boundary, resulting in loss of privacy. The grounds of appeal also argue that the development would result in loss of daylight, overshadowing and overlooking of properties in the vicinity.
- 6.3.2. The further information drawings submitted by the applicant detail the position of the dwelling relative to the northern site boundary. The approved dwelling had a setback of between c. 1.2 metres and c. 3.0 metres, while the dwelling on site has a stated

set back of between 0.95 metres to 1.05 metres. I noted at time of inspection that there is an existing boundary hedge and fence in place between the properties.

- 6.3.3. Having regard to the extent of the set back from the dwellings to the north and south I am satisfied that the development as amended by further information, would not give rise to undue overlooking or overshadowing of the adjacent dwellings.

6.4. **Traffic**

- 6.4.1. The appeal submission argues that sightlines from the proposed vehicular entrance do not meet Development Plan standards. The public road to the front of the dwelling is narrow with limited traffic volumes and slow traffic speeds. It is considered, having regard to the alignment of the road and to the nature and extent of traffic using the road, that adequate sight lines can be provided and that subject to same, the development would not create an unacceptable traffic hazard or unacceptable inconvenience to other road users.

- 6.4.2. It is considered that the drawings fail to adequately detail the design of the proposed vehicular access and perimeter boundary. I recommend in the interest of clarity, that should the Board be minded to grant permission, it would include a condition requiring detailed drawings of boundary treatments and the vehicular entrance to be submitted to, and agreed in writing with, the planning authority.

6.5. **Other Issues**

- 6.5.1. I am satisfied that the development standards of the Louth County Development Plan are met and exceeded in respect of the proposed dwelling.
- 6.5.2. It is proposed to connect to a public water main and public sewer to front of the dwelling. I raise no issues in relation to services, however, should the Board be minded to grant permission I recommend that standard conditions in relation to water and drainage are included.
- 6.5.3. The grounds of appeal raise an issue in relation to the northern property boundary. The issue of ownership is a legal matter and is considered to be beyond the scope of this assessment.

6.6. **Appropriate Assessment**

- 6.6.1. Having regard to the minor nature of the development and its location in a serviced urban area, 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.

6.7. Conclusion

- 6.7.1. While it is considered that the overall scale and mass of the proposed dwelling, represents an overdevelopment of the site and would be at odds with the profile and character of development in the immediate vicinity, should the Board be minded to grant permission, I would consider that this issue can be addressed by way of condition. It is considered that the scale of the development approved under Ref. 06/52 would be acceptable, and that the applicant could be requested to submit revised drawings to this effect for written agreement within 3 months of a grant of permission. To mitigate against any future overdevelopment of the site, I would also recommend that a condition is included to exclude exempted development categories falling within Class 1 or Class 3 of Schedule 2 of the Planning and Development Regulations.

7.0 Recommendation

Grant permission with conditions.

8.0 Reasons and Considerations

Having regard to the 'Residential' zoning of the site and the pattern of existing development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24th day of February 2017, except as may otherwise be required in order to comply with the following

conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The ridge height of the roof section running east / west over bedroom no. 4 and the kitchen / dining area shall not exceed a ridge height of 6.276 metres (as approved under 06/52).
 - (b) The ridge height of the roof over the family room shall not exceed 4.927 metres (as approved under 06/52).
 - (c) The first floor storeroom, shown on drawing PL-003 shall be omitted from the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within 3 months of the grant of planning permission.

Reason: To reduce the scale of the proposed development in the interest of visual and residential amenity.

3. Details of boundary treatments and the vehicular entrance shall be submitted to, and agreed in writing with, the planning authority within 3 months of the grant of planning permission.

Reason: In the interest of clarity and amenity.
4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity.
5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of

Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house.

Reason: In the interest of the amenities of the area.

6. 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. Drainage works shall be completed within 3 months of the final grant of permission unless otherwise agreed with the planning authority.

Reason: In the interest of public health.

7. 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.

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.

Karen Kenny
Inspectorate

11 July 2017