



An
Bord
Pleanála

Inspector's Report PL.15.248560.

Development	Construction of 4 no. houses and associated site works.
Location	Haynestown Cross, Marlbog Road, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	16/606.
Applicant(s)	Robert Lynch.
Type of Application	Outline Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Kevin Breslin.
Observer(s)	None.
Date of Site Inspection	1 st August 2017.
Inspector	Karen Kenny.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response.....	7
6.4. Observations	7
6.5. Further Responses.....	7
7.0 Assessment.....	8
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	11

1.0 Site Location and Description

- 1.1. The site is located at Haynestown on the south western outskirts of Dundalk Town. It is c. 5 kilometres south of the town centre and is accessed from the Marlbog Road at a location that is between Haynestown Cross Roads to the east and the M1 Motorway / Northern Rail Line to the west.
- 1.2. The site is located to the rear of a line of semi-detached cottages that front onto the southern edge of Marlbog Road. The original plots had long rear gardens and an infill housing development of 10 no. semi-detached houses (Caislean) has been constructed to the rear of three cottages. The appeal site comprises part of the adjacent rear garden to the east and it is proposed to extend this development.
- 1.3. The site has a stated area of 0.159 hectares. The ground level of the site has been raised above the level of the cottages to front by c. 4-5 metres. The agricultural lands to the rear are set under the level of the site by c. 1-2 metres. The site is separated from the agricultural lands to rear by a mature hedge.

2.0 Proposed Development

Outline permission is sought for the construction of 4 no. semi-detached dwellings and associated services.

- It is proposed to construct two pairs of semi-detached dwellings to the east of dwellings in Caislean.
- It is also proposed to extend the road, services and open space in Caislean to the east to serve the proposed development.
- Traffic from the development would exit onto the Marlbog Road through the Caislean estate and the existing vehicular access.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to 9 no. conditions. The following condition is of note:

Condition 6: Minimum sightline requirements are 75m x 4.5 m back from the edge of the carriageway at an object to eye height of 1.05m to 0.6m in each direction. The applicant will be requested at full planning permission to submit a formal legal agreement together with a map showing the extent of the lands so affected outside the site boundary and detailing the works required to comply with the visibility splay together with an undertaking from the landowner's solicitor that the agreement will be entered as a burden against the title of the land.

Reason: To ensure the development accords with traffic safety and to ensure that effective control is maintained.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The PA assessment can be summarised as follows:

- Site is zoned Residential 1 where it is an objective 'to protect and improve existing residential amenities and to provide for infill and new residential development'.
- Matters of detailed design are not provided for as application seeks outline permission.
- Further information was sought in relation to sightlines onto the Marlbog Road, turning bays, public lighting, paving, boundary treatments and lighting details.

The Planning Officers Report recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

Infrastructure Section: No objection (following F.I.).

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. **Third Party Observations**

Four submission were received. The issues raised in submissions are similar to those set out in the grounds of appeal below. The following additional items were raised in submissions to the Planning Authority:

- Development would contravene policy in relation to piecemeal or ad-hoc infill development.
- Concern in relation to safety during construction phase.
- Removal of mature trees would impact on amenities of the area.

4.0 **Planning History**

PA Ref. 00/320: Permission granted for 4 no. semi-detached dwellings on adjacent site to the west of the appeal site.

PA Ref. 06/469: Permission granted for 6 no. semi-detached dwellings on adjacent site to the west of the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The Louth County Development Plan 2015-2021 is the Development Plan for County Louth and includes the area of the former Dundalk Town Council. The County Development Plan states that the Dundalk and Environs Development Plan 2009-2015 (which related to the area of the former Town Council) will be replaced by a Local Area Plan. In the absence of a current Local Area Plan, the Dundalk Town Plan 2009 – 2015 will be reviewed, as well as the County Development Plan.

5.1.2. **Louth County Development Plan 2015-2021**

- Dundalk (along with Drogheda) is designated as a Large Growth Towns 1 in the Development Plan, reflecting its position in the Settlement Hierarchy of the Regional Planning Guidelines for the Border Region, 2010-2022.
- 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.

- Table 4.4 sets out a requirement for public open space provision at a rate of 15% of the site area.
- Table 4.9 requires private amenity space provision at a rate of 60 square metres for 1-2 bed houses and 80 square metres for 3 bed houses.
- Table 7.4 sets out minimum visibility standards for new entrances or existing entrances where there is an intensification of use. The standard for a county road is 75 metres at a setback of 4.5 metres from the carriageway.
- Table 7.6 requires car parking provision at a rate of 2 spaces per dwelling.

5.1.3. Dundalk Town Plan 2009 – 2015

The site was zoned 'Residential 1' in the Dundalk Town Plan with an objective '*to protect and improve existing residential amenities and to provide for infill and new residential development*'. The Development Plan states that infill sites are excluded from phasing requirements set out in the Core Strategy of the Plan.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

There is one third party appeal. The principal grounds of appeal that are relevant to the current appeal are summarised as follows:

- Non-compliance with conditions of previous permissions for Caislean development. Roads and public lighting remain incomplete.
- Inadequate sightlines onto Marlbog Road, lack of footpaths and lighting.
- Internal road is incomplete, narrow and unsuitable for further development.
- Under provision of car parking in existing development.

- Green area needs to be preserved.
- Deficiencies in foul drainage, water supply and surface water drainage serving the existing development.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- Lands are zoned R1 with an objective ‘to protect and improve existing residential amenities and to provide for infill and new residential development’.
- Development complies with policies of the Louth County Development Plan and the Dundalk & Environs Core Strategy.
- The proposed development is not linked to permission on adjacent site.
- Proposal to access the site through the internal roadway of the adjacent estate via a right of way (indicated on site plan).
- Structural stability / subsidence / workmanship are matters that lie outside of the planning code.
- Louth County Council’s Infrastructure Section and Irish Water recommended that permission be granted subject to conditions.
- Grounds of appeal generally lie with the fact that estate has not been fully developed in accordance with previous permissions. No formal request for taking in charge has been made to the Council.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1.1. I consider that the key issues in this case are as follows:

- Principle of Development and Compliance with Policy
- Sightlines
- Access
- Impact on Character of the Area
- Other
- Appropriate Assessment

7.2. Principle of Development and Compliance with Policy

7.2.1. The Louth County Development Plan is the relevant statutory plan. Dundalk is designated as a Large Growth Towns 1 and the Development Plan envisaged future housing growth in Dundalk. Chapter 4 of the Plan sets out guidelines for housing development including infill development. The Dundalk and Environs Development Plan 2009-2015 sets out the most recent zoning framework for the area. The appeal site was zoned Residential with an objective '*to protect and improve existing residential amenities and to provide for infill and new residential development*'. The proposed development is therefore considered to be acceptable in principle, subject to the assessment of the relevant planning issues identified below.

7.3. Sightlines

7.3.1. It is proposed to use the existing vehicular entrance from the Caislean development onto the Marlbog Road. The entrance is located along a strait section of the road at a point where the 80 k/h speed limit applies.

7.4. The County Development Plan sets out minimum visibility standards for new entrances and for existing entrances where an intensification of use is proposed. A minimum sight distance of 75 metres at a setback of 4.5 metres from the public road is required along county roads. Sightlines from the existing entrance are restricted to c. 15 metres to the east and west at a setback of 4.5 metres from the carriageway due to roadside boundaries that fall within the vision splay. The Planning Authority

issued a request for further information, requesting the applicant to submit details of the extent of works and lands affected and advising the applicant to submit a formal legal agreement for works to third party lands. The applicant's response stated that it would be premature to arrange for legal agreements at this stage and that agreement could be provided at the consequent permission stage. Details of the extent of works were not submitted. The Planning Authority granted permission subject to a condition that the sightline issue would be addressed at the consequent permission stage.

7.5. On the basis of the submitted information I am not satisfied that the applicant is in a position to implement sightline improvement works and to achieve the visibility standards set out in the Development Plan. I would also note that Section 36 (4) of the Planning and Development Act states that the Planning Authority shall not refuse to grant permission consequent of an outline permission, on the basis of any matter which has been decided in the grant of outline permission. I consider that the issue of sightlines should be addressed at the outline permission stage and on this basis recommend that permission be refused.

7.6. **Access – New Issue**

7.6.1. It is proposed to access the development through the internal road network of the adjacent Caislean estate. Louth County Council in responding to the appeal have stated that the estate is not taken in charge by Louth County Council. The site layout plan identifies a section of the road in yellow suggesting that a 'right of way' may exist between the public road and the appeal site. However, no information has been provided in relation to the ownership of the roadway and any right of way that may exist. While this is primarily a legal matter, it is not clear on the basis of submitted information whether the applicant has sufficient legal interest over the access road to access the proposed development.

I draw the Board's attention to the fact that the issue of access to the site, is a new issue which was not raised during circulation of the appeal. I am recommending refusal for another reason but if the Board consider granting the proposal, it may wish to seek input on this matter from the parties concerned.

7.7. Impact on Character of the Area

- 7.7.1. The site layout plan submitted with the application shows semi-detached dwellings with similar building lines and finished levels to the adjacent semi-detached dwellings to the west. The proposed roads and open spaces are a continuation of spaces within the adjoining development. It is considered that the nature and extent of development proposed, including the proposed density, is consistent with the character of development in the immediate vicinity. I would note that ground levels drop significantly along the northern site boundary. Should the Board be minded to grant permission I recommend that a condition is attached requiring the applicant to submit proposals to address the level difference through landscaping and boundary treatments at consequent permission stage.

7.8. Other

Water Services

- 7.8.1. It is proposed to connect to the existing public drainage and water supply networks. The drawings and details submitted with the application and in response to the request for additional information, are considered to satisfactorily address surface water drainage, foul drainage and water supply.

Impact on Residential Amenity

- 7.8.2. The proposed development maintains the building line of dwellings to the west and is set off the adjacent dwelling by c. 4 metres. While the development would face onto the rear garden of the cottages to the north and would be elevated above the level of these gardens, I am satisfied that there is adequate separation.

7.8.3. Development Standards

I am satisfied that the development standards of the Development Plan with regard to open space and car parking standards are met and exceeded in respect of the proposed dwellings.

7.9. Appropriate Assessment

- 7.9.1. Having regard to the nature and scale of development proposed, namely the construction of four infill dwellings and to the nature of the receiving environment, 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

- 8.1.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and my site inspection, I recommend that permission be refused for the reasons and considerations outlined below.

9.0 Reasons and Considerations

1. Louth County Development Plan sets out minimum visibility standards for vehicular entrances of 75 metres at a setback of 4.5 metres from the carriageway. It is proposed to intensify the use of an existing access onto a county road at a position where sightlines to the east and west are below the minimum standard. The Board is not satisfied on the basis of submitted information that the applicant is in a position to provide the minimum sightlines. The proposed development would, therefore, contravene the minimum visibility standards set out in Development Plan and would be contrary to the proper planning and sustainable development of the area.

Karen Kenny
Planning Inspector

30th August 2017