



An  
Bord  
Pleanála

## Inspector's Report PL15.248662.

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<b>Development</b>	Outline permission for dwelling house and wastewater treatment plant.
<b>Location</b>	Rath Park, Knockbridge Road, Dundalk, Co. Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	1766.
<b>Applicant(s)</b>	Caitriona Griffin.
<b>Type of Application</b>	Outline Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Caitriona Griffin.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> August 2017.
<b>Inspector</b>	Karen Kenny.

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## 1.0 Site Location and Description

- 1.1. The site is located on the western outskirts of Dundalk Town, 3 kilometres west of the town centre and west of the junction of the R171 Regional Road and the Ardee Road.
- 1.2. The site is located in the established residential area of Rath Park, that comprises eighteen detached dwellings set within large sites. The appeal site is an undeveloped infill site located centrally within the development. Dwellings at the western end of this development, including the appeal site, are served by a single vehicular access from the R171 Regional Road. Dwellings to the east are served by a single entrance off the Ardee Road.
- 1.3. The site with a stated area of 0.292 hectares is rectangular in shape. The site is bounded by residential properties to the east, west and north and lands to the south are in agricultural use. The site boundaries are defined by mature tree and hedge planting and the site is generally flat and in keeping with the level of adjacent properties.

## 2.0 Proposed Development

- 2.1.1. Outline permission is sought for the construction of 1 no. dwelling and a proprietary treatment system with percolation area. Vehicular access is proposed onto a cul-de-sac road to the west of the site. The submitted site layout plan details a dwelling at the northern end of the site and a wastewater treatment system at the southern end.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse Permission for two reasons. Reasons for refusal related to:

- The lack of the required sightlines onto the R171 Regional Road; and
- The applicant's failure to demonstrate sufficient legal interest in the lands required to achieve minimum visibility standards.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

3.2.2. Following an initial assessment, the Planning Authority issued a request for additional information on matters of sightlines, drainage, right of way, effluent treatment, water supply and Part V. On receipt of this information, the Planning Officer's assessment can be summarised as follows:

- Principle of a dwelling considered acceptable having regard to the 'Residential 1' zoning.
- Land Registry Folio confirms a Right of Way to the subject site.
- Applicant has addressed concerns in relation to environmental compliance and Part V.
- The applicant has failed to demonstrate the achievement of visibility requirements set out in the Development Plan.

The Planners Report recommends that permission be refused.

#### 3.2.3. **Other Technical Reports**

Infrastructure Section:      Recommends Refusal.

### 3.3. **Prescribed Bodies**

None.

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

One submission was received. Issues raised in the submission that are relevant to the appeal can be summarised as follows:

- Access to the site is via a private laneway from the R171. The access road was developed with the estate over 35 years ago.
- Laneway serving the development is in poor condition. Development would increase traffic on the laneway.
- Entrance from the R171 is substandard with poor visibility for users entering and exiting and there is a steep decline.

- Site unsuitable for development due to danger of trees falling. Trees provide a habitat for birds and wildlife.
- Proliferation of septic tanks in the area and no connection to the public sewer.
- Existing access should not service the development and an alternative from the N52 Ardee Road is available.
- Orientation of the dwelling should be in line with existing houses. Single storey or dormer dwelling would not overlook adjacent properties.
- Dwelling should maintain setback from adjoining dwellings, similar to existing setbacks.

## 4.0 Planning History

### PA Ref. 16/377

Outline permission sought for dwelling and wastewater treatment system on appeal site. No response to request for further information.

## 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 including the area of the former Dundalk Town Council. The County Development Plan states that the Dundalk and Environs Development Plan 2009-2015 will be replaced by a Local Area Plan. In the absence of a 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 Town 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 4.9 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.
- Policy TC 10 is 'To prohibit the creation of new accesses or the intensification of existing accesses onto Protected Regional Routes that are listed in Table 7.3 of the Development Plan, subject to a number of exemptions'. The R171 is identified as a Protected Regional Route.
- Table 7.4 sets out minimum visibility standards for new or intensified entrances onto Regional Routes.
- Table 7.6 requires car parking provision at a rate of 2 spaces per dwelling.

### 5.1.3. Dundalk Town & Environs 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*'. Undeveloped lands in the surrounding area are zoned 'Residential 2' with an objective '*To provide for new residential communities and supporting community facilities subject to the availability of services*'. The Development Plan states that infill sites are excluded from the 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

6.1.1. A first party appeal has been received. The principle grounds of appeal can be summarised as follows:

- The private laneway / junction of the R171 is an established junction that serves 10 no. dwellings. The Dundalk & Environs Development Plan does not

set out any visibility standards for entrances nor does it provide a classification for road types.

- The addition of a single dwelling represents a modest 10% increase in the volume of traffic using the entrance. Compelling the applicant to undertake major improvements is inequitable.
- No recorded collisions in the vicinity of this entrance / junction.
- The use of an existing entrance onto a public road is preferable to a new entrance from both a road safety and environmental perspective.
- The site is an infill development on residential zoned lands and therefore promotes and supports a wide range of sustainable planning objectives including the Core strategy.
- The circumstances are unique to this application and shall not represent an unacceptable precedent.

## 6.2. **Planning Authority Response**

- 6.2.1. No further submissions or observations to make. Request the Board to uphold the decision to refuse permission on the basis that the development, if permitted, would endanger public safety by reason of traffic hazard and obstruction of road users.

## 6.3. **Observations**

None.

## 6.4. **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

- Other Issues
- 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 Town 1 and 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. The appeal site is an infill site in an established residential area. It is proposed to provide a vehicular access onto the existing estate roadway at the end of a cul-de-sac that serves 10 no. dwellings. Access onto the public road would be from the existing estate access onto the R171 Regional Route, which is a Protected Regional Route under the Development Plan.
- 7.3.2. The Louth County Development Plan 2015-2021 sets out minimum visibility standards for new entrances onto Regional Roads and for existing entrances where an intensification of use is proposed of 215 metres at a setback of 4.5 metres from the edge of the carriageway. It is also a policy of the Development Plan to prohibit new accesses or the intensification of existing accesses onto 'Protected Regional Routes' such as the R171, subject to a number of exemptions.
- 7.3.3. Sightlines from the estate onto the R171 Regional Road are limited to c. 10 meters at a setback of 4.5 metres to the east and west due to roadside boundaries and the junction is clearly deficient in terms of its design and layout. The Planning Authority refused permission for the development on the basis that sightlines at the point of access onto the R171 do not meet the visibility standards set out in the Louth County



Development Plan. The applicant in the grounds of appeal argues that the entrance is long established and already serves 10 no. dwellings.

- 7.3.4. The key matters that arises in respect of the proposed development is whether standards of the current Development Plan apply to the proposed development and whether the development would alter the extent of traffic movements from the entrance onto the public road. While I note, on the basis of submitted information, that the roadway is not taken in charge by the Planning Authority, the entrance has been in operation for a period of over 30 years and currently serves 10 no. dwellings. The proposed development is a single infill dwelling on residential zoned lands within an established residential area. The development does not propose to create a new access onto the Regional Road and I consider that the additional traffic movements that would be generated by a development of the nature and scale proposed at the entrance onto the public road would be negligible. On this basis I consider that the standards set out in the Development Plan which relate to new or intensified entrances are not applicable and that the development would not substantially alter the traffic movements at this location and is therefore acceptable.
- 7.3.5. The second reason for refusal related to the applicant's failure to demonstrate sufficient legal interest in lands adjacent to the entrance onto the R171 to achieve minimum visibility standards. On the basis of the conclusion in Section 7.3.4 above it is considered that this issue is no longer relevant.

#### 7.4. **Other Issues**

##### **Impact on Character of the Area**

- 7.4.1. The appeal site is located in an established area that is characterised by detached dwellings contained within large sites, with a mixture of single storey, dormer and two storey dwellings in the area. The proposed site layout is consistent with the layout and character of development in the immediate vicinity.

##### **Water Services**

- 7.4.2. Water supply would be from the existing public network and surface water disposal would be addressed through on site soakpits. The details submitted with the application and in response to the request for additional information, are considered to satisfactorily address the issues of surface water drainage and water supply.

7.4.3. It is proposed to install a proprietary wastewater treatment system and percolation area on the site. Details of a site suitability test were submitted to the Planning Authority at further information stage. The report of the Environment Compliance section of the Planning Authority, states that supervised tests were carried out and that there is an adequate percolation rate. The tests identified a T value of 69.12 and concluded that the site is suitable for a secondary treatment system with percolation area. A secondary treatment system is proposed in accordance with the requirements of the EPA Code of Practice for Wastewater Treatment & Disposal Systems Serving Single Houses (2009). I would note that the site layout plan submitted with the further information does not accurately reflect the location of the proposed percolation area, based on the location of the suitability tests. This issue can be addressed by condition and at consequent permission stage.

#### **Impact on Residential Amenity**

7.4.4. Having regard to the nature and scale of the proposed development, and the proposed set back from adjacent residential properties, I consider that the proposed development would not seriously injure the residential amenities of properties in the vicinity.

#### **7.4.5. 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.

#### **7.5. Appropriate Assessment**

7.5.1. Having regard to the nature and scale of development proposed, namely the construction of an infill dwelling 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**

I recommend that permission should be granted subject to the conditions for the reasons and considerations set out below.

## 9.0 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 and would not conflict with the objectives of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions:

1. This outline permission relates solely to the principle of the development on this site and it shall not be construed as giving consent to the following matters:

- (i) The overall site layout of the development.
- (ii) The design of the dwelling to be developed.

**Reason:** In the interest of clarity.

2. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:
  - (i) A boundary treatments and a landscaping plan for the site to include the retention of mature boundary planting.
  - (ii) Design proposals which have regard to the design and character of the built environment in the vicinity.
  - (iii) Details of the location of the wastewater treatment system and percolation area based on the percolation tests that were carried out on the 20<sup>th</sup> day of April 2017.
  - (iv) Details and specifications for the vehicular entrance to the site from the cul-de-sac.

**Reason:** In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the

planning authority on the 3<sup>rd</sup> day of May, 2017, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

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Karen Kenny  
Senior Planning Inspector

7<sup>th</sup> September 2017