



An  
Bord  
Pleanála

## Inspector's Report PL17.248700.

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<b>Development</b>	Demolition of existing dwelling and construction of new dwelling.
<b>Location</b>	Baltrasna Lane, Ashbourne, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	RA/161027.
<b>Applicant(s)</b>	Mary O'Rourke.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mary O'Rourke.
<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 fronts onto Baltrasna Lane c. 2.6 kilometres south of Ashbourne. The site is rectangular in shape and has a stated area of 0.204 hectares. It comprises an existing bungalow and a detached garage to the rear. The boundaries include hedge planting and fencing and there is a drainage ditch to the rear of the site.
- 1.2. The site is located in a rural area that is characterised by ribbon housing development. There are residential properties to the north, south and east of the appeal site and playing pitches to the west (rear). The dwellings in the vicinity are a mixture of detached single storey, dormer, storey and a half and two storey dwellings with varying architectural styles.

## 2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing house and garage and to construct a new dwelling and garage with wastewater treatment system and associated site works.
  - The proposed dwelling is of contemporary design with a flat roof over. The dwelling has a floor area of 262.3 square metres and has a rectangular footprint. The dwelling is part single storey and part two storey with a maximum parapet height of 6.88 metres. The proposed detached garage is located to the rear of the dwelling.
  - The dwelling to be demolished is a bungalow with a stated floor area of 149 square metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse Permission for 1 no. reason. The reason for refusal related to the design of the dwelling and states that the design would be out of character with the existing house types and pattern of development in an established residential area.

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

#### **3.2.1. Planning Reports**

Following an initial assessment, the Planning Authority issued a request for further information in relation to drainage, sightlines and dwelling design and finishes. On receipt of this information, the Planning Officer's Report notes the following:

- Issues raised in relation to wastewater treatment and sightlines were addressed in the response.
- The proposed dwelling design is not in accordance with the Rural House Design Guide and would be out of character with the established pattern of development in the area. The Report states that while the planning authority has no objection in principle to contemporary design, it is considered that the current proposal does not comply with the Rural House Design Guide.

#### **3.2.2. Other Technical Reports**

Road Design Office: No objection subject to conditions.

### **3.3. Prescribed Bodies**

Irish Fisheries Board: No objection.

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

None.

## **4.0 Planning History**

None.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. Chapter 10 of the Development Plan sets out policies and objectives for

development in rural areas. The following policies and criteria are considered to be relevant.

**RD POL 31:** To encourage and facilitate the appropriate refurbishment of existing housing stock in rural areas and in certain limited cases the replacement of existing dwellings subject to development assessment criteria outlined below.

**Section 10.15.1 - Criteria for Replacement Dwellings:**

- That in the case of replacement dwellings, to require that the original structure was last used as a dwelling and that its roof, internal and external walls are generally intact;
- That replacement dwellings are provided at locations where safe access and acceptable wastewater disposal arrangements can be put in place and where specific development objectives or other policies of the Planning Authority are not compromised, and;
- That the replacement dwelling shall be designed to be of a size and scale appropriate to the site, and the design of replacement dwellings in rural areas shall comply with the 'Meath Rural Design Guide'.

**RD POL 9:** To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

## 5.2. **Natural Heritage Designations**

None.

## 6.0 **The Appeal**

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

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

- Applicant undertook pre-planning consultation and received positive feedback.
- Flat roof ensures that the overall height of the dwelling is provided at the lowest possible height to minimise its potential impact on the receiving environment. The flat roof to first floor aligns with the ridge line of the house

on the left hand side. The flat roof to the single storey element is lower in height than the ridge line to the house on the right – hand side.

- With a pitched roof it would be considerably larger than the adjoining houses and could not be integrated successfully. The situation is made more difficult by the need to raise the finished floor level of the dwelling due to the previous flood event onsite that rendered the dwelling uninhabitable.
- The Sustainable Rural Housing Guidelines for Planning Authorities 2005 encourage the use of innovative design for rural dwellings.
- The design does not contravene the principles of the Meath Rural House Design Guide. The neighbouring dwellings are in fact examples of forms that are specifically stated to be unsuitable in the rural area and the proposed development should not be required to conform to these typologies.
- The Meath Rural Design Guide specifically encourages ‘innovative design approaches’.
- The subject scheme provides a simple and clear form with good proportions, scale, orientation, detailing and appropriate use of materials as required for ‘innovative design approaches’.
- Flat roofed design is shown as an exemplar in many rural housing design guidelines.

## 6.2. Planning Authority Response

No new issues raised.

## 6.3. Observations

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
- Dwelling Design

- Other Issues
- Appropriate Assessment

## **7.2. Principle of Development and Compliance with Policy**

7.2.1. The Meath County Development Plan 2013-2019 is the relevant statutory plan. The appeal site is located in a rural area that is identified in the Development Plan as an area Under Strong Urban Influence. The Development Plan allows for the replacement of existing dwellings in rural areas in circumstances where the original structure was last used as a dwelling and its roof, internal and external walls are generally intact (RD POL 31 refers). I noted during an inspection of the site that the existing dwelling (c. 1970's) has its roof and internal and external walls intact. I am therefore satisfied that the dwelling meets the criteria for replacement dwellings set out in the Development Plan. In addition, the dwelling is not considered to be of any special architectural or historic merit and I am satisfied that its demolition would not be contrary to Development Plan policy in relation to the protection of architectural heritage. I therefore consider that the proposal to replace the existing dwelling is acceptable in principle, subject to the assessment of the relevant planning issues identified below.

## **7.3. Dwelling Design**

7.3.1. Permission is sought to replace an existing bungalow with a new dwelling. The proposed dwelling is of contemporary architectural design with a flat roof over and a proposed brick finish throughout. The dwelling has a rectangular footprint and is designed as a part single storey, part two storey flat roofed block. The two storey element on the southern end has a stated parapet height of 6.88 metres matching the ridge height of the adjacent dwelling to south, while the single storey element has a stated ridge height of c. 3.99 metres. The dwelling would be sited at the location of the existing dwelling and respects the front building line of dwellings to the north and south.

7.3.2. The Planner's Report notes that the proposed dwelling would be out of character with the existing house types and pattern of development in an established residential area and that it would contravene the provisions of the Development Plan in relation to the design and siting of development in rural areas. The grounds of appeal argue that the Meath Rural Design Guide specifically encourages 'innovative

design approaches' and that the proposed dwelling with simple and clear form, good proportions, scale, orientation, detailing and appropriate use of materials is consistent with the principles of the Meath Rural House Design Guide. The grounds of appeal also argue that neighbouring dwellings are design forms that are stated (in the Design Guide) to be unsuitable in the rural area and that the proposed development should not be required to conform to these typologies.

- 7.3.3. While the appeal site is situated in a rural area, Baltrasna Lane has been subject to significant ribbon development and that the rural character of this area has been eroded overtime. I consider the proposed dwelling to be an infill dwelling in an established residential area. The proposed dwelling has a simple architectural style with a rectangular block form. While the flat roof is not reflective of the traditional vernacular in this area I consider that it is a simple roof form that adheres to the principles of good design as set out in the Meath Rural House Design Guide, and that it would not appear visually incongruous relative to the existing mix of housing typologies at this location. In relation to external finishes, I would note that the proposed brick finish is an integral part of the dwelling design and that the selected brick is rustic in terms of its colour and texture. I am therefore satisfied that the finish can be absorbed within the local landscape. While the footprint and height of the proposed dwelling is larger than the existing dwelling on site, the site is not a prominent site within the local landscape and I consider that the overall scale and mass of the dwelling is not excessive when compared against the existing pattern of development in the area. It is considered appropriate that new development in a rural area would incorporate native landscaping of indigenous species that reflects the rural context. Should the Board be minded to grant permission I recommend that a condition is included in relation to landscaping.

#### 7.4. Other

##### **Water Services**

- 7.4.1. It is proposed to remove an existing septic tank and to install a new treatment system. The site is located on a locally important aquifer with low vulnerability and would therefore be suitable for a septic tank subject to site conditions. Details of a site suitability test were submitted to the Planning Authority at further information stage. The tests identified a T value of 76.98 which reflects the high water table,



encountered at 0.5 metres below ground level. The T value is not within the acceptable ranges for the use of a septic tank. A P value of 32.8 does however, indicates that a secondary treatment system with polishing filter would be acceptable at ground level. A package aeration system and sand polishing filter is proposed with discharge to ground. I am satisfied, based on the submitted site characterisation form that the proposed treatment system is suitable and that it meets the requirements of the EPA Code of Practice for Wastewater Treatment & Disposal Systems Serving Single Houses (2009) in terms of separation distances and the design of the system.

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

#### **Sight Distances**

- 7.4.3. It is proposed to relocate and widen the existing vehicular entrance to the site. Drawing No. 108 submitted to the Planning Authority at further information stage shows sightlines of up to 90 metres from the vehicular entrance. This accords with the standards set out in Section 10.19 of the Meath County Development Plan.

#### **Flood Risk**

- 7.4.4. OPW CFRAMS mapping indicates that the subject site is not located in Flood Zone A or B and has a low probability of river based flooding. The Drainage and Service Report submitted with the application indicates that there has been a recent flood event at the property due to the surcharging of a local drain. It is proposed to raise the finished floor level of the dwelling from an existing finished level of 70.69 metres OD to between 71.00 and 71.25 metres OD to protect against any future surcharge event. Having regard to the established residential use of the site and the fact that the site is not within a fluvial flood zone, this approach is considered to be acceptable.

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

- 7.4.5. The proposed development is set off the adjacent dwellings to the north and south by c. 15 meters and c. 10 metres. The first floor windows in the southern gable of

the dwelling have the potential to overlook the adjoining property to south, however, I am satisfied that this issue can be addressed by condition. I am satisfied that the proposed development would not impact unduly on the amenities of dwellings in the vicinity.

### **Development Standards**

- 7.4.6. 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.

### **Appropriate Assessment**

- 7.4.7. 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 established residential use 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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26<sup>th</sup> day of April 2017, except as may

otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Windows in the southern elevation of the dwelling at first floor level shall be of obscure glazing.

**Reason:** In the interests of visual amenity and residential amenity.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

4. 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.

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

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. 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.

7. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 26<sup>th</sup> day of April, 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.  
(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.  
(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.  
(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.  
(e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

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

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 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.

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Karen Kenny  
Senior Planning Inspector

18<sup>th</sup> September 2017