



An
Bord
Pleanála

Inspector's Report PL17.248708

Development	House, roof mounted solar panels, new vehicular entrance gateway and all associated site works
Location	Kentstown, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA/170327
Applicant	Austin and Ann O'Driscoll
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Austin and Ann O'Driscoll
Observer(s)	None
Date of Site Inspection	18 th August 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.16ha, is located with the development boundary of Kentstown, a village to the east of Navan, in County Meath. The appeal site is located to the west of the village core on the southern side of a local road which features a ribbon of low density detached houses. The northern side of the road, which is outside the development boundary of the village, accommodates a mix of one-off houses and lands in agricultural use.
- 1.2. The appeal site comprises a narrow rectangle of land with dimensions of c. 15m x c. 100m and forms part of a larger L-shaped field which wraps around the applicants' existing single storey house immediately to the west. A detached two storey house adjoins the appeal site to the east. The appeal site is currently in agricultural use and is bounded by hedgerows to the front and sides, including relatively mature trees on the eastern boundary. To the rear (south) of the site, the land drops to a valley with the River Nanny flowing from west to east c. 180m south of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a part storey and a half, part single storey detached dwelling house with single storey annexes to front and rear, roof mounted solar panels, new vehicular entrance gateway in lieu of existing field gate and all associated works.
- 2.2. The proposed house is centrally located within the site with a north-south orientation (front elevation facing north). It has a maximum ridge height of 7.32m and a stated floor area of 166.5 sq m. The ground floor includes the main living accommodation as well as an en-suite master bedroom, with two bedrooms, a study and bathroom at first floor level. The finishes comprise a mix of render and natural stone to the walls, blue/black slate to the main roof and zinc cladding to the single storey monopitch roof to the rear.
- 2.3. It is stated that the proposed development will be connected to the public mains water supply and foul sewer network on the adjoining public road.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Meath County Council decided to refuse planning permission for the following reason:

- It is considered that the proposed development by reason of restricted road frontage of 15 metres and consequent unsatisfactory design and layout would be out of character with the pattern of development in this low density residential area. The proposal would therefore constitute a disorderly form of development which would impact negatively on the residential amenity of the adjacent properties and that would be out of character with the pattern of development in the area. Therefore, the proposed development would depreciate the value of adjacent properties in the vicinity, would set an undesirable precedent for similar future developments in the area, would detract from the visual amenity of the area and therefore, would be contrary to the proper planning and sustainable development in the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- The site is not identified as being in a flood zone.
- The proposed development would not be likely to have a significant effect on European sites. In light of this a Stage 2 Appropriate Assessment is not required.
- The key feature of the A1 zoning objective is the protection of residential amenities. This is emphasised in the explanatory text to the zoning objective which states that while infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities.
- Proposed dwelling can meet all the development standards set out in the CDP.

- Although the site is zoned residential it is 1km from the centre of Kentstown in an area with low development density which is rural in character.
- The site is very narrow, with a width of 15m and the proposed dwelling is located 1.5m from the eastern boundary.
- Proposed development does not address sufficiently the previous refusal reason and is out of character with the style of development in the area.
- The site is located on a straight section of road which has an adequate verge enabling sightlines to be achieved.

3.3. Other Technical Reports

- None.

3.4. Prescribed Bodies

- Irish Water: Further information required regarding details of the proposed connection to the public foul sewer.

3.5. Third Party Observations

3.5.1. One third party observation was submitted by Paul and Tracy O'Brien, residents of the property to the east of the appeal site. The issues raised can be summarised as follows:

- No specific objection to a dwelling house being constructed within the landholding, but Planning Authority should assess the application in the context of the previous refusal Reg. Ref. NA/30192.
- Concern regarding the position of the proposed dwelling 1.5m from the boundary with the observers' site while keeping a distance of 3.5m with the boundary to the applicants' current dwelling. This should be reversed.
- Proximity to eastern boundary would threaten the existing mature trees along that boundary. A condition should be included to maintain all of the existing trees.

- First floor window on the eastern elevation should not be permitted and replaced with a high level velux type window to a rear or front facing elevation to prevent overlooking.
- Site is subject to significant water retention in periods of heavy rain. Soakaways should be suitably designed and located to prevent flooding hazard.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **NA/30440:** Planning application lodged in December 2003 for a new dormer residence, connection to foul sewer and group water system and proposed new entrance. Application **withdrawn**.
- 4.1.2. **NA/30192:** Planning application lodged in June 2003 for outline permission for the construction of a new dwelling, entrance, connection to existing foul sewer and water main and associated works. Outline permission **refused** for one reason, similar to the current appeal.

4.2. Surrounding Area

- 4.2.1. I am not aware of any relevant recent planning history in the surrounding area.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

- 5.1.1. The appeal site is located within the development area boundary of Kentstown, which is designated as a 'Village' in the settlement hierarchy for County Meath. The northern half of the site is zoned Existing Residential (A1), the objective of which is 'to protect and enhance the amenity of developed residential communities', while the southern half of the site is zoned High Amenity (H1). The undeveloped lands along the northern side of the road are unzoned.

- 5.1.2. Section 2.9.6 of the Development Plan states that in A1 zones, Meath County Council will be primarily concerned with the protection of the amenities of established residents. 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 in new proposals.
- 5.1.3. Volume 5 of the Development Plan includes a Written Statement and zoning map for Kentstown. The development framework set out in the Written Statement seeks to ensure that new development contributes towards the consolidation of the village rather than its continuous outward spread, in order to promote the efficient use of land and of energy, to reduce pressure for one-off housing on rural lands, to minimise unnecessary transport demand, encourage walking and cycling and to enhance the existing built environment; and to enhance the character of Kentstown. Relevant Policies and Objectives set out in the Written Statement include:
- SP 1: To ensure that the growth and development of Kentstown shall be directed to meet the needs of the local community and be in keeping with the existing character, amenity, heritage and landscape of the village.
 - RD POL: Future residential development should integrate visually with the existing character of Kentstown.
 - LU POL: Investment in new or improved services in Kentstown shall be utilised properly through the prioritisation of development that either re-uses brownfield development and, such as sites in or adjoining the village centre, or appropriately located backland sites. Development of such sites will be subject to the relevant design standards and safeguards outlined in this Development Framework, where the protection of existing residential amenity will be paramount.
 - UD POL 1: To ensure that future residential development occurs in close proximity to existing services and facilities.
 - PL POL: To review the current status of public footpath and public lighting provision in Kentstown and to upgrade where necessary.
- 5.1.4. Chapter 11 of the Development Plan outlines development management standards and guidelines for residential development.

- SS OBJ 16 To ensure that Villages grow in a manner that is balanced, self sustaining and supports a compact urban form and the integration of land use and transport.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was made on behalf of Austin and Ann O'Driscoll. The grounds of appeal can be summarised as follows:

- The site which is 0.4 acres is sufficient to accommodate a modestly sized and tailored storey and a half dwelling house.
- Current application is materially different to the two previous applications as the site is now zoned A1 Residential under the current CDP, whereas in 2003 it was unzoned.
- A1 zoning objective supports infill development where careful consideration is given to protecting amenities such as privacy, daylight/sunlight and aspect.
- Applicants' have lived in neighbouring bungalow to the west since the early 1990s. They are now retired and the existing house no longer meets their housing needs or requirements. It is proposed to build a more compact and energy efficient house with wheelchair accessible living and sleep areas at ground floor and two additional bedrooms at first floor for visiting family. Applicants' daughters live close by.
- Site is served by public sewer, public water and all other necessary utilities. In addition there is a public footpath leading to the village centre.
- Storey and a half element of the proposed house respects the existing building line. Context elevation demonstrates that the house can sit comfortably between the existing houses.
- Proposed development will not cast or take light from adjacent properties and will have little or no impact on private open space amenity of adjacent properties.

- Proposed finishes are consistent with neighbouring houses.
- Overall footprint of proposed house is small compared with its neighbours. Its separation distance from the gable of the house to the east is 5.8m and from the gable of the house to the west is 5.3m. The applicants are open to moving the house by 1m to the west to address the third party concerns should the Board deem it necessary.
- Having stated that the proposed development met all relevant development standards, the reason for refusal appears contradictory. Applicants are unable to find a standard that restricts development on a site with a road frontage of 15m or less.
- In the Clasheen and Sommerville developments to the north of the village there are large detached houses on sites with a road frontage of 10.5m, in addition to the Churchfields development to the east of the village, where there are semi-detached houses with an overall combined road frontage of 15m.
- The subject site is the last available zoned infill site along the local road within the development boundary of Kentstown. As such, a grant of permission could not set a precedent for similar future development.
- In refusing permission, the Planning Authority will set an undesired precedent restricting infill development on zoned serviced lands which are vital in addressing housing needs.
- A 3D model and photomontages were commissioned to demonstrate that the proposed development is acceptable from a character and visual amenity viewpoint.
- Photomontages illustrate that the proposed house will integrate well and is appropriately sized and designed for the site with little or no impact on visual amenity or surrounding neighbours.

6.2. Planning Authority Response

- The Board should confirm the refusal of planning permission.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. I consider that the key issues in determining the appeals are as follows:

- Principle of proposed development.
- Design and layout.
- Residential amenities.
- Access and traffic.
- Other issues.
- Appropriate Assessment

7.2. **Principle of Proposed Development**

7.2.1. The applicants contend that the proposed development is acceptable in principle on the basis that the lands are zoned A1 and that infill development is supported under this zoning objective where careful consideration is given to protecting amenities such as privacy, daylight/sunlight and aspect. The Planning Officer, in his report, noted that while residential development is permitted in principle, the key feature of the A1 zoning objective is the protection of residential amenities.

7.2.2. Approximately half the site is zoned A1, with the remainder zoned H1 (High Amenity). The proposed house and associated driveway and soakaway is entirely located within the A1 zoned portion of the site and no structures are proposed within the H1 zoned area, other than a new fence to the western boundary. The H1 zoned portion of the site will be utilised as a rear garden for the proposed house.

7.2.3. Having regard to the above, I consider the proposed development to be acceptable in principle, and I consider that it will contribute to the consolidation of Kentstown village and the delivery of a more sustainable density of residential development. This is, however, subject to further consideration of the potential impact on residential amenities and the other planning issues identified above.

7.3. Design and Layout

- 7.3.1. The development along the southern side of the local road, while located on residentially zoned land within the development boundary for the village, is somewhat rural in character and consists of large single storey and two storey houses set within relatively large sites. Having regard to the open and undeveloped agricultural lands on the opposite side of the local road and the designated high amenity lands associated with the River Nanny valley to the south, I consider that this distinct and low density character is appropriate for the area.
- 7.3.2. There is no dominant house type or design in the area and I consider that the design of the proposed house and the use of high quality finishes such as natural stone, slate and zinc is reasonably complementary to the houses in the immediate vicinity. The house is relatively modest in scale for a detached dwelling, with a stated floor area of 166 sq m, and the site, while extending to c. 0.16 ha (0.4 acres), is long and narrow.
- 7.3.3. The houses in the area, while varying widely in size and design, all generally share a common front building line. The main two storey element of the proposed house is located behind this building line, with the projecting single storey element extending forward of the line. Having regard to the extensive boundary planting, and the single storey nature of the projecting element, I do not consider that this breach of the building line would be apparent from outside the site.
- 7.3.4. The proposed house has relatively high floor-to-ceiling heights of 2.7m at ground floor and 2.979m at first floor, resulting in an eaves level and ridge level in excess of the existing house to the east. Having regard to the position of the house on a narrow site between a single storey house to the west and a two storey house to the east, and to the established character of the area, I consider that it would be appropriate to reduce the eaves level and ridge level of the house by 0.25m so as to ensure that it more properly respects the existing character of the area and adjacent properties.
- 7.3.5. Two photomontages of the proposed house were submitted with the appeal. These provide views of the house from the public road from positions to the east and west of the appeal site. Having revised these and inspected the site, I am satisfied that the proposed house, with the benefit of the extensive mature planting to the boundaries

and subject to a slight reduction in height, would integrate well within this low density residential area, and will not significantly impact on the established character or the visual amenities of the area.

7.4. Residential Amenity

- 7.4.1. As the appeal site is relatively long and narrow, the proposed house would be located in reasonably close proximity to the existing houses to east and west. The owners of the adjacent house to the east made an observation to the Planning Authority regarding the impact of the proposed development on their residential amenity, however they have not made an observation on the appeal. The proposed house would be separated from the side elevation of the house to the east by a minimum of c. 5.8m at the rear, increasing to c. 8m at the front. Having regard to these separation distances, and the positioning of the two storey element due west of the existing house, combined with its shallow depth relative to the existing house, I do not consider that the proposed development would result in a significant overshadowing or overbearing impact on the house to the east. With regard to overlooking or loss of privacy, I note that a number of windows are proposed on the east elevation of the proposed house. These generally serve bathrooms or en-suites, with a kitchen window at ground floor and a high level window in the sitting area. The boundary between the two sites is densely planted with hedging and trees, and once the bathroom windows are fitted with opaque glazing, I do not consider that the proposed development would result in a significant impact in terms of loss of privacy or overlooking.
- 7.4.2. While I do not consider that the proposed development, in and of itself, will significantly impact on the residential amenities of the house to the east, I note that it is located 1.5m from the eastern site boundary. Having regard to the presence of existing boundary planting, which includes dense hedging and mature trees, I consider that the development as proposed could impact on the integrity of this boundary planting. The applicants have indicated that in light of the observation made by the owner of the adjacent house, that they would be agreeable to repositioning the proposed house by 1 metre to the west, which would give almost equal separation distances to the eastern and western site boundaries. I consider that this would be appropriate in the interests of protecting established residential

amenities, and I note that no other third parties would be directly affected by this relocation, since the applicants are the owners of the house to the west.

7.4.3. With regard to the potential impact of the proposed development on the residential amenities of the house to the west, I again consider that by virtue of the orientation, shallow depth, lack of first floor windows on the western elevation and the limited scale of the two storey element of the proposed house, that it would not have a significant impact in terms of overshadowing, loss of sunlight/daylight or overlooking.

7.4.4. In conclusion, I am satisfied given the distance to adjacent dwellings, the design and orientation of the proposed house and the established building typology of the area that the proposed development will not seriously injure the residential amenities of properties in the area.

7.5. Access and Traffic

7.5.1. The local road to the north of the appeal site, from which the proposed house will be accessed is c. 5 metres wide and is relatively straight and in good condition. The site layout drawing submitted with the application indicates that a 90m sightline can be achieved in both directions at a point 2.4m back from the road edge. I consider these sightlines to be adequate and I note that while the road is somewhat narrow, it has good visibility and frequent pull-in areas due to the number of vehicular entrances along the road and the wide grass verges on both sides of the road. I therefore consider that the access arrangements for the proposed development are acceptable and that it will not result in increased traffic congestion or the creation of a traffic hazard.

7.6. Other Issues

7.6.1. Water and Wastewater

The application form and drawings indicate that the proposed development would connect to the existing public water supply and public foul sewer located along the local road adjoining the site. No detailed drainage drawings were submitted and Irish Water made an observation to the Planning Authority seeking further information regarding the proposed connection to the foul sewer, including detail drawings of pipe locations, invert levels, sizes and gradient. I note that neither Irish Water nor the

Planning Authority have raised concerns regarding the capacity of the public water supply and foul sewer system to accommodate the proposed development and therefore if the Board is minded to grant permission, I consider that the nature and detail of the connections to the public utilities can be addressed by way of condition.

7.7. Appropriate Assessment

- 7.7.1. The nearest designated Natura 2000 Sites are the River Boyne and River Blackwater SPA and SAC (Site Codes 004232 and 002299, respectively) which are c. 6km to the north of the appeal site. The River Nanny flows to the south of the appeal site and the River Nanny Estuary and Shore SPA (Site Code 004158) is c. 18km to the east. Having regard to the nature and scale of the proposed development, which relates to the construction of an infill house on a zoned and serviced site within the development boundary of Kentstown village, the nature of the receiving environment and the distances to the nearest European sites, I am satisfied that 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. I recommend that planning permission should be GRANTED for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic impact and would 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, 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. The proposed development shall be amended as follows:
 - (a) The proposed house shall be relocated by 1.0 metre to the west.
 - (b) The eaves level and ridge level of the proposed house shall be reduced by 0.25m.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. All windows serving bathrooms shall be glazed with obscure glass.

Reason: To prevent overlooking of adjacent residential property.

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 visual amenity.

5. 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.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction works.

Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

9. 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.

Niall Haverty
Planning Inspector

6th September 2017