



An  
Bord  
Pleanála

## Inspector's Report PL15.248990

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<b>Development</b>	Construction of a house within the curtilage of protected structures LHS 005-054 and LHS 005-055
<b>Location</b>	Back Lane, Carlingford, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	16/675
<b>Applicants</b>	Robert Kearney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Elizabeth-Ann McKeivitt
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> October 2017
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0239 ha, is located on the eastern side of Back Lane in Carlingford village centre, Co. Louth. The site, which is currently undeveloped and overgrown, slopes relatively steeply from west to east, with a c. 5.5m change in level from front to rear.
- 1.2. The site is bounded by Back Lane to the west, undeveloped land owned by the appellant to the north, a commercial building and associated yard area to the south, and by the rear yards of two semi-detached two storey vernacular buildings to the east, which are protected structures (Refs. LHS005-054 and LHS005-055, respectively). These two buildings address Newry Street, and the northern building is stated as being in the ownership of the applicant's family. The site was originally described in the statutory notices as being in the attendant grounds of these structures, but this was subsequently amended to being within the curtilage of these two structures.
- 1.3. A ruined structure which adjoins the northernmost of the two protected structures is a recorded monument (Ref. LH00351), with a plaque attached to it stating "A medieval house and stone head: This steeply pitched gable wall is a fragment of 16th century houses of at least two storeys. Note the carved stone human head high up on the south face".
- 1.4. Further along Back Lane, to the north of the appeal site, is a relatively recent development of terraced two storey housing, while a number of one-off houses of varying sizes and heights are located on the higher land to the west.

## 2.0 Proposed Development

- 2.1. The proposed development consists of a new dwelling house and all associated site works. The proposed house is a two storey over basement detached structure with a stated gross floor space of 228 sq m (reduced from 263 sq m following Request for Further Information). Due to the sloping nature of the site, the front of the house appears as a two storey structure, while the rear appears as a three storey structure. It is a three-bedroom house, with the bedrooms at ground floor level, and the kitchen

and living areas at first floor level. The basement is indicated as a 68 sq m area with glazed double doors providing access to the rear garden.

- 2.2. The proposed house has natural stone to the front elevation, facing Back Lane, and a render finish to the other three elevations, with a pitched slate roof to the front and a 'copper/zinc covered low pitch flat roof' to the rear. It features a double height glazed element to the front elevation, extensive glazing to the rear elevation and oriel windows to the side elevations. The oriel windows on the southern side elevation comprise three narrow angled windows, while that on the northern side elevation is a projecting copper/zinc clad box with narrow slit windows to front and rear. The proposed house also features balconies with glass balustrades to the rear elevation at upper ground floor and first floor levels.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

- 3.1.1. Louth County Council decided to grant planning permission subject to six conditions, including the following summarised condition:

- **C4:** Archaeological monitoring.

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

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

- The revised design will not adversely impact upon the status of the protected structures.
- Amended roof profile reduces the bulk of the extension and is flat roof form integrates the development into wider views of Carlingford when viewed from a distance.
- Moving the development off the northern boundary and retaining the stone wall and setting back the development from the boundary fully accords with concerns of objector.

- Reductions in height and moving forward of house on site results in a smaller footprint to rear. Amendments to window detailing assist in reducing overall impact of dwelling.
- Proposed development will have legible impact on the protected structure when viewed from Newry Street. Precedent for other tall buildings with split level designs at the higher ground level.
- Planning officer does not concur with objector's concerns regarding hen and stag parties.
- The building will have a physical impact on the streetscape and roofscape but will not constitute a dominant and incongruous element in the built form of the town when viewed from the wider area.
- The development would fall within the general clutter of roofscapes and would not stand out as an incongruous feature.
- Development would not diminish the distinctiveness of place within the village or affect the integrity, character and special interest of the protected structures.
- Proposed development can be accommodated without having an unreasonable impact on the setting of Carlingford village.

### 3.3. Other Technical Reports

3.3.1. **Infrastructure Section:** No objection.

3.3.2. **Conservation Officer:** The Conservation Officer's final report can be summarised as follows:

- Site is located in the curtilage, rather than the attendant grounds, of the protected structures. Historic maps show the site as the garden of the two properties.
- Bulk and form of proposed development is excessive with a flat roof rear return and two storey balcony which add to the bulk and clutter.
- Design has not had regard to the sensitive location at the rear of the two protected structures.

- Design has the potential, if reduced in scale and bulk and with removal of elements additional to the traditional form to achieve a development that would preserve the character of the ACA and the existing traditional architecture.
- The design with a depth of 7.5m, very low pitch and excessive additional elements on the highly visible rear elevation is pushing the boundaries of the traditional character of the ACA and protected structures.
- A dwelling of traditional proportions and design cannot be achieved by the imposition of conditions.
- Previous refusal reason by the Board still applies to subject development.
- Contextual elevations and cross section illustrate how much the proposed development will be over bearing and have a negative impact on the setting and context of the two protected structures.
- Photomontages demonstrate that, as with previous application, the development will be a dominant and incongruous element when viewed from the wider harbour area.
- Refusal recommended for three reasons, summarised as follows:
  1. Proposed development is not sensitively designed, has a negative impact on the protected structures and materially contravenes Policy HER 33.
  2. Proposed development would be a dominant and incongruous element in the built form of the town and would materially contravene Policy.
  3. Proposed development is contrary to Architectural Heritage Protection Guidelines for Planning Authorities.

### 3.4. Prescribed Bodies

3.4.1. **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** No objection subject to condition regarding archaeological monitoring.

3.4.2. **Irish Water:** No objection.

### 3.5. Third Party Observations

3.5.1. Two observations were made by the appellant at application stage, and following receipt of further information. The issues raised in the observations were generally as per the appeal, as well as the following:

- Inaccuracies in drawings:
  - Floor to ceiling height is not to scale. Heights are above average and contrary to local vernacular.
  - Inconsistencies in roof plan and balcony details.
  - Oriel window is not shown on front and rear elevations. This would indicate how it overhangs the boundary.
  - Chimney does not service any apparent device.
  - External stairway shown on both side elevations.
  - No detail to 85 sq m basement.
- An Bord Pleanála's Inspector in the previous appeal on the site considered that the site was better suited to accommodate a single dwelling of traditional proportions and design, set off the boundaries and using the existing land form. This guiding statement if followed, plus the overlooking and services issues, would have alleviated concerns.
- Concern regarding potential use of the development for hen and stag accommodation.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. **PL15.214216 (Reg. Ref. 05/930):** Permission refused for two houses, car parking and associated site works. The Board refused permission for the following reason:

- Having regard to the topography of the area and to the height and design of the proposed semi-detached dwellings, it is considered that the proposed development would constitute over-development of a restricted site and would

seriously injure the amenities and depreciate the value of property in the vicinity by reason of overlooking, inadequate separation and visual obstruction. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **4.2. Surrounding Area**

- 4.2.1. **ABP Ref. PL15.240038 (Reg. Ref. 11/407):** Permission granted in 2012 for retention and completion of a house and garage at Back Lane.
- 4.2.2. **ABP Ref. PL15.231123 (Reg. Ref. 07/2025):** Permission granted in 2009 for house at Back Lane.
- 4.2.3. **ABP Ref. PL15.123997 (Reg. Ref. 00/1654):** Permission refused in 2002 for six townhouses at Back Lane and two commercial units and two duplex units at Newry Street.
- 4.2.4. **ABP Ref. PL15.120473 (Reg. Ref. 99/1499):** Permission refused in 2001 for nine townhouses at Back Lane.

### **5.0 Policy Context**

#### **5.1. Louth County Development Plan 2015 – 2021**

- 5.1.1. The site is governed by the policies and provisions contained in the Louth County Development Plan 2015-2021.
- 5.1.2. Carlingford is designated as a Level 3 settlement in the County's settlement hierarchy and Policy SS 9 seeks to "promote and facilitate limited development within Level 3 Settlements that is commensurate with the nature and extent of the existing settlement, to support their role as local service centres and to implement the policies and objectives relative to each settlement as provided for in Appendix 2, Volume 2 (a)".
- 5.1.3. The Settlement Plan for Carlingford in Appendix 2 of the Development Plan states that "it is not necessary or appropriate to prioritise the development of any additional multi-residential development in the village over the period of this Plan, but rather to

promote the consolidation of the village centre through the reuse of brownfield sites and infill development.”

5.1.4. The Settlement Plan contains a number of Policies to protect the historical character and landscape setting of Carlingford, including:

- **CAR 2:** To promote and facilitate limited residential development that is commensurate with the nature and extent of Carlingford and which will assist in consolidating the village, over this Plan period, in compliance with the Core Strategy.
- **CAR 4:** To retain and enhance the village setting within its unique scenic backdrop.
- **CAR 5:** To protect and retain the historic integrity and plots of the medieval town and support its preservation in future development.

5.1.5. The appeal site is zoned ‘Village Centre’, to provide, protect and enhance village centre facilities and enable town centre expansion. The appeal site is also within the Architectural Conservation Area (ACA) and Area of Special Archaeological Interest for the village core and there are a number of protected structures and recorded archaeological monuments in the vicinity of the appeal site. A series of heritage related objectives which are relevant to the proposed development are set out in Chapter 5 of the Development Plan including HER 21, HER 22, HER 33 – HER 36, HER 45 – HER 50.

5.1.6. There are also a series of protected views and prospects in Carlingford. Policy HER 63 of the Development Plan seeks to preserve these views and prospects of special amenity value.

Appendix 4 of the Development Plan sets out development management guidelines for ACAs, while Appendix 5 includes a section setting out the history and character of the Carlingford ACA. It states that the most important views are of the town against the mountain backdrop, showing the relation of the town and castle between mountain and water and it includes the following Objectives:

1. To preserve the special character of the town, its medieval street pattern and its setting through positive management of changes to the built environment, in particular, by requiring that the height, scale, design and materials of any



proposed development within the ACA and in the adjoining area should complement the character of the town and not diminish its distinctiveness of place.

2. To protect the landscape setting of the village and the views both inward and outward.
3. To encourage the removal of visually intrusive elements such as overhead cables and inappropriate signage.
4. To require the preservation and re-instatement of traditional details and materials on existing buildings and in the streetscape where improvements or maintenance works are being carried out.
5. To use appropriate materials, street furniture and lighting in any public development of the area.

## **6.0 The Appeal**

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

6.1.1. A third party appeal was made by Elizabeth-Ann McKeivitt. The grounds of appeal can be summarised as follows:

- Application does not address appellant's concerns from previously refused application namely encroachment on appellant's wall and fitting of services, pipes and windows to the wall adjoining the site where the appellant intends to build a house.
- Development does not take on board the recommendations or substance of the Inspector's Report from the previous application.
- Boundary line is shown erroneously. The wall is owned by the appellant and is not a shared boundary.
- The planning officer's consideration vis a vis retaining the existing wall has a dreamlike quality considering the depths of excavation and foundations that will be required. Appellant is open to an agreed solution for a new party wall.

- The 'oriel window' overhangs appellant's property and is not distinctly shown on elevations or dimensioned/detailed. It is not necessary, as light can be taken from above.
- Revised plans show balconies overlooking appellant's property without side balcony screens as per previous Inspector's Report.
- Car parking provision is inadequate.
- Given the size and fenestration of the basement, appellant suspects it would not be used as storage space.

## 6.2. Observations

6.2.1. None.

## 6.3. Applicants' Response to Appeal

6.3.1. A response to the appeal was submitted on behalf of the applicant by McNamee Chartered Building Surveyors and can be summarised as follows:

- Issues of encroachment are civil matters, as accepted by the Inspector in the previous case.
- Applicant understands that boundary wall belongs to the appellant. Red line boundary is to the face of the wall, as noted on the drawing.
- Development runs with the contours of the site, reducing extent of excavations. Boundary wall can be retained in situ, given that proposed house has been relocated away from boundary.
- Applicant is willing to construct a new boundary wall for the appellant.
- Oriel window does not overhand the adjoining property. In essence it is not an oriel window but the first floor dining area overhangs the ground floor to provide additional width. Glazed sliver windows do not overlook property. Depth of oriel window is 400mm, while main body of building is c. 600mm from the face of the wall, and therefore it does not overhang.
- Applicant is willing to remove the oriel window from the proposed development.

- Sandblasted glazed panels are provided to the sides of the balconies, and can be raised to 2m high if required to prevent overlooking.
- Proposal provides for two off street car parking spaces.
- The lower ground/basement area is to be used as storage. Given the contours of the site it lends itself to accommodation being provided at this level, similar to the houses to the north.
- Proposed development has been revised on foot of the request for further information to reduce its bulk, form, glazing and floor area and to move it further away from the boundary to the north.
- The proposed development is lower than the previously refused scheme, when compared with ground level rather than floor level, and has been moved forward to align with established building lines which dramatically reduces the extent that it extends into the site to the rear.
- Proposed development would not be dominant or incongruous when viewed from the harbour area as in most cases it is hidden by existing structures. The site section indicates that it will not be visible from Newry Street.
- In terms of the previous Board refusal, the following points are noted:
  - A single house is proposed, compared to the two previously proposed.
  - Previous application involved raising ground levels by 1.8m. The current application does not increase ground levels but instead runs with the site.
  - Previous application had a hipped roof. Current application has a traditional pitched roof with gable ends and roof area to the rear that steps down.
  - Inspector in previous case considered that site was suitable for a single house of traditional proportions and design, set off the boundaries and using existing land form. The proposed development meets all these requirements.

## 6.4. Planning Authority Response

6.4.1. The Planning Authority's response can be summarised as follows:

- The appellant raises issues with boundary walls and legal title of boundaries, which lie outside the planning code to adjudicate upon.
- The site owned by the appellant is vacant at present and a house design will have limited impact on adjoining site.
- There will always be a degree of overlooking given the level changes from front to rear, but this is not considered to be a significant matter as the site is within the core village centre area and is typical of development at this location.

## 7.0 Assessment

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

- Design and layout.
- Architectural and archaeological heritage.
- Car parking and traffic issues.
- Boundary issues.
- Appropriate Assessment.

### 7.2. Design and Layout

7.2.1. Having regard to the location of the appeal site within the Carlingford ACA, I consider that the design and scale of the front elevation which addresses Back Lane is acceptable and consistent with the historic architectural character of the area through its use of natural materials such as stone and slate and its adoption of vernacular details in a contemporary context, including for example the use of gabled side elevations, vertically emphasised windows etc. The urban form along Back Lane is currently poorly defined, and I consider that the proposed development will assist in establishing a stronger building line and sense of enclosure that is more consistent with the character of the village and the existing townhouses to the north. I note that

the provision of infill houses that consolidate the urban form of Carlingford is consistent with Policy CAR 2 of the Development Plan.

7.2.2. With regard to the projecting oriel window, as indicated on the revised drawings submitted to the Planning Authority following the request for further information, I do not consider that it would overhang the property boundary, or that it would result in any significant overlooking or loss of privacy, since it only features very narrow strip windows facing east and west, not north into the appellant's property.

Notwithstanding this, I would tend to agree with the Conservation Officer that this element of the proposed development is somewhat excessive in the context of the historic and traditional streetscape within the Architectural Conservation Area and that it is not consistent with the character of the area. While the house is narrow and deep in plan, I do not consider that the slit windows within the oriel window element will be particularly effective in bringing light into the central portion of the house, and I consider that the proposed roof lights will be more effective in this regard. If the Board is minded to grant permission, I therefore recommend that the oriel window feature on the northern elevation be omitted.

7.2.3. The appellant has expressed concerns regarding potential overlooking from the proposed balconies to the rear of the house at upper ground floor and first floor level. In response, the applicant has suggested 2m high opaque glazed panels to the sides of the balconies. Having regard to the elevated position of the proposed house, the falling ground levels and the historic character of the area, I consider that the balconies represent a visually incongruous element of the development that would render the proposed house overly dominant in its relationship with the protected structures to the east. I also consider that the balconies would result in potential overlooking of the protected structures as well as the appellant's property. I consider that the applicant's proposal to provide 2m high opaque panels to the sides of the balconies would exacerbate the negative impact that they would have on the character of the ACA, and I recommend that the balconies be omitted by way of condition.

7.2.4. The basement area of the proposed house is sizable, with a floor area of 68.2 sq m. Due to the sloping nature of the site, the basement is located at garden level to the rear, with glazed double doors providing level access to the garden area, and additional glazing on the southern side elevation providing light into the basement.

Noting the lack of detail shown within the basement and the fact that it is located at garden level to the rear, I would share the appellant's concern that future occupants of the house could potentially seek to use it as habitable floor space. The basement only has a floor to ceiling height of 2.1m, which I consider to be inadequate for human habitation, and I therefore recommend that if the Board is minded to grant permission, that a condition be included to restrict the use of the basement to storage or other non-habitable uses ancillary to the main house.

- 7.2.5. Due to the elevated and sloping nature of the site, and the orientation of the proposed house, I consider that it is the rear elevation of the house that has the greatest potential to impact on the character of the ACA and on the visual amenities of the area. The village of Carlingford is nestled on the lower slopes of Slieve Foy as it falls towards Carlingford Lough, giving the village a strongly defined character which is established by the dense, non-uniform townscape engendered by the medieval street pattern and the stepped relationship between the village and the mountain, expansive views of which can be had from the harbour. The protection of this character and the associated views is reflected in Policy CAR 4 of the Settlement Plan for Carlingford set out in the Development Plan and in Objectives 1 and 2 of the associated Appendix 5.
- 7.2.6. In refusing permission for the previous proposal for two houses on the site, the Board considered that, having regard to the topography of the area and to the height and design of the proposed dwellings, the proposed development would constitute over-development of a restricted site and would seriously injure the amenities and depreciate the value of property in the vicinity by reason of overlooking, inadequate separation and visual obstruction.
- 7.2.7. I consider that the proposed development has generally addressed the shortcomings of the previous application, and that it is more responsive to the site context and the historic character of the area. I also consider that the site context has changed since the Board previously refused permission on the site, with permission granted for a number of developments along Back Lane and on the higher lands to the west. I consider that the result of this is that development on the appeal site would no longer be as visually dominant or intrusive in the townscape, due to the development of additional houses at a higher level. In this regard I would tend to concur with the Planning Officer that the development would fall within the general clutter of

roofscapes and would not stand out as an incongruous feature. This can be seen in the marked-up photographs submitted by the applicant in response to the request for further information, which includes a view from the harbour, looking westward across the village towards Slieve Foy.

- 7.2.8. Subject to removal of the balconies on the rear elevation and the projecting oriel window on the northern elevation, I therefore consider the design and layout of the proposed development to be broadly acceptable.

### 7.3. **Architectural and Archaeological Heritage**

- 7.3.1. The appeal site is located within the Carlingford Architectural Conservation Area and an Area of Special Archaeological Interest and is within the curtilage of two protected structures located to the east of the site. These structures, which are recorded in the National Inventory of Architectural Heritage as being of Regional importance, are described in the Record of Protected Structures as follows:

- **LHS005-054:** Attached two-bay two-storey house, built c. 1750, as a pair with the adjoining house to south. Now also in use as shop. This house was built as one of a pair with its neighbour to the south, and abuts the ruins of a sixteenth-century two-storey house which has a carved head on the gable to the north. It retains interesting features, such as the sash windows with exposed cases. The interior of the small shop is also worthy of note, once abundant in small Irish towns but becoming increasingly rare.
- **LHS005-055:** Attached two-bay two-storey house, built c. 1750, as a pair with the adjoining house to north. Lean-to extension to west. This house was built as one of a pair with its neighbour to the north. It retains interesting features, such as the sash windows with exposed cases. The building also has historical significance as it was the birthplace of Lorcan O'Muiceadonig, a priest and scholar.

- 7.3.2. The Development Plan includes various policies and objectives to protect the character of the ACA and protected structures. I have addressed the impact on the wider ACA in Section 7.2 above, and will address the potential impact on the protected structures in this section.

- 7.3.3. Policies HER 46 and HER 54 of the Development seek to retain the existing plot widths of the medieval town. While the appeal site comprises the curtilage of two protected structures, it appears from historic mapping that the curtilage of each of the two structures was not historically separated or otherwise delineated. I therefore consider that the proposed development would retain the existing historic plot width.
- 7.3.4. Due to the steeply sloping nature of the land, the existing relationship between the protected structures at the lower Newry Street level, and the sloping appeal site which is located at a significantly higher level on Back Lane is somewhat limited. The site cross-section provided by the applicant indicates that the proposed development will not be visible from Newry Street when standing opposite the protected structures. It will, however, become more apparent as one moves along Newry Street as well as from the wider harbour area.
- 7.3.5. I consider that the proposed development, as amended in response to the request for further information, is a significant improvement on the previous proposal which the Board refused permission for. In particular, I consider that the provision of one house which makes use of traditional materials and detailing to the Back Lane elevation, which makes better use of existing site topography than the previous proposal and which is located at a significantly higher elevation above the Newry Street protected structures is consistent with the pattern of development in the area, and the historic dense and stepped nature of development in the village.
- 7.3.6. While I do not consider that the proposed house itself will have a significant negative impact on the character or special interest of the protected structures, I consider that the proposed balconies on the rear elevation would be overbearing, would result in excessive overlooking and render the development overly dominant in its relationship with the protected structures. As outlined in Section 7.2 above, I therefore recommend that the balconies be omitted by way of condition, should the Board be minded to grant permission.
- 7.3.7. With regard to archaeological heritage, I note the potential for archaeological features to be encountered in this historic village centre location. An Archaeological Assessment Report was submitted on foot of the request for further information. This noted that bedrock is close to the surface of the site and considered that test trenching would be very limited in what it would reveal. The report therefore



recommends archaeological monitoring of the overburden stripping across the entire site. In light of this, and having regard to the submission made by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, I recommend that a condition be included regarding archaeological monitoring, should the Board be minded to grant permission.

#### **7.4. Car Parking and Traffic Issues**

- 7.4.1. The appellant contends that the proposed development includes inadequate car parking provision, while the applicant contends that two off-street spaces have been provided.
- 7.4.2. I note that the revised positioning of the house, following the request for further information, provides a hard surface gravel area of c. 6.7m (depth) x 5m (width) between the edge of the roadway and the front of the house. In my opinion this would be sufficient for the off-street parking of two cars.
- 7.4.3. Back Lane is a one-way street with offsets to control traffic speeds and I note that no footpath currently exists along Back Lane in the vicinity of the appeal site, and it is not proposed to provide a footpath in front of the appeal site. The established pattern of development includes a number of both recent and historic houses which either directly address the street, or which are partially set-back to provide unenclosed parking areas to the front, with the roadway appearing to operate as an informal shared space. I consider that the proposed development would replicate this established pattern of development and I also note that the Infrastructure Section of the Planning Authority had no objection to the proposed development.
- 7.4.4. Having regard to the village centre location of the appeal site, the narrow medieval nature of the roads in the village, the pattern of development in the area, the one-way system and speed controls that are in place along Back Lane, I consider that the car parking arrangements are acceptable and that the proposed development would not result in the creation of unacceptable impacts in terms of traffic hazard or obstruction of road users.

## **7.5. Boundary Issues**

- 7.5.1. The appellant contends that she owns the boundary wall between the two sites and that is not a shared boundary. She also contends that the proposed development will encroach on the boundary and that retention of the wall will be problematic given the depth of excavation and foundations required.
- 7.5.2. The boundary wall is currently in poor condition and comprises a mix of stone wall and hedgerow type vegetation. The proposed house is set back from the face of the wall by 600mm and generally makes use of existing site topography, although I note that it will be necessary to raise the ground level to the front of the site to provide level access to ground floor. I consider that there is no fundamental reason why the existing boundary wall cannot be retained, and that this is essentially a construction or engineering issue rather than a planning issue.
- 7.5.3. With regard to the issue of encroachment, as noted above the proposed house is set back 600mm from the face of the wall and I am therefore satisfied for the purposes of this planning assessment that the development will take place within the confines of the appeal site. In any event, I note that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a grant of planning permission to carry out any development.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, which relates to the proposed construction of one house on a serviced village centre location outside of any Natura 2000 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, subject to conditions as set out below.

## 9.0 Reasons and Considerations

- 9.1. 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 not have a significant negative impact on the character or integrity of the two protected structures to the east of the site (Refs. LHS005-054 and LHS005-055) or the wider Carlingford Architectural Conservation Area, 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 as amended by the further plans and particulars submitted on the 20<sup>th</sup> day of June 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. The proposed development shall be amended as follows:
  - (a) The projecting oriel window at first floor level on the northern elevation of the house shall be omitted.
  - (b) The balconies to the rear elevation of the house shall be omitted.

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. The basement shall only be used for storage or other non-habitable uses ancillary to the dwellinghouse.

**Reason:** In the interest of clarity and of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellinghouse 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. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. 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 without a prior grant of planning permission.

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

8. 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.

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.

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Niall Haverty  
Planning Inspector

16<sup>th</sup> November 2017