



An  
Bord  
Pleanála

## Inspector's Report PL15.249149

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| <b>Development</b>                  | House, entrance, boundaries, parking and associated works. |
| <b>Location</b>                     | Black Bull Cottages, Dublin Road, Drogheda, County Louth.  |
| <b>Planning Authority</b>           | Louth County Council                                       |
| <b>Planning Authority Reg. Ref.</b> | 16/686   |
| <b>Applicant(s)</b>                 | James Flannery   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant with conditions                                      |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Sean Farrelly  |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 11 <sup>th</sup> December 2017                             |
| <b>Inspector</b>                    | Hugh Mannion   |

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## 1.0 Site Location and Description

1.1. The application site has a stated area of 0.022ha and is located to the rear of number 1 Blackbull Cottages, Dublin Road, Drogheda, County Louth. The site is to the right (north side) of the access road to a housing development (about 33 houses) called 'Longwood' which are accessed from the Dublin Road. The site is currently accessed over a gated rear lane which provides access to 7 houses in Blackbull Cottages but it is proposed to access the proposed development from the Longwood development. Although there are sheds related to these cottages accessed over this lane none of the other gardens have been developed for houses.

## 2.0 Proposed Development

2.1. The proposed development (after significant amendment at application stage) comprises a single storey two bed house with a single parking space accessible from the 'Longwood' access road.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority granted permission for the proposal (as amended by further information) subject to 9 conditions

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report recommended a grant of permission as determined by the manager's order.

#### 3.2.2. Other Technical Reports

**Infrastructure Planning Section** (report dated 2 May 2017) sought additional information in relation to storm water disposal and sightlines on the public road. The second report (report dated 1/8/2017) reported no objection subject to conditions.

### **3.3. Prescribed Bodies**

There are no submissions from prescribed bodies.

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

Sean Farrelly/Buvinda Developments made an observation, generally querying the applicant's legal interest in the wall along the access to 'Longwood'.

Giovani Verrillo of 1 Blackbull Cottages in an observation stated that the proposed development would reduce the privacy and security of the houses in Blackbull Cottages and will give rise to overlooking of the observer's garden.

Longwood Residents Association made an observation stating that the application would endanger public safety by reason of traffic hazard.

## **4.0 Planning History**

There is no relevant planning history.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Drogheda Borough Council Development Plan 2011 to 2017 is the current development plan for the area in so far as it is consistent with the Lough County Development Plan 2015-2021.

The site is zoned RE 'to protect and/or improve the amenity of developed residential areas'.

### **5.2. Natural Heritage Designations**

See AA screening section below.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The wall through which it is proposed to provide vehicular/pedestrian access is in the ownership of the appellant and permission has not been given to provide the access proposed. The application is invalid.
- The planning authority's policy is to ensure compliance with the Sustainable Residential Development in Urban areas in relation to privacy, parking and design.
- Private open space should be 59m<sup>2</sup> in brownfield/town centre sites. Car parking is inadequate.

### 6.2. Applicant Response

- The applicant has sufficient legal interest to carry out the proposed development.
- There is sufficient private open space to meet the recreational requirement for the house.
- The site can accommodate two car parking spaces.
- 3 Black Bull Cottages has not been associated with the application site since 2002.

### 6.3. Planning Authority Response

- The location and private amenity space of the proposed house are acceptable.
- On foot of further information, the original floor area of 127m<sup>2</sup> was reduced to 64m and the maximum height from 7.5m to 6m.

#### 6.4. **Observations**

- There are no observations.

#### 6.5. **Further Responses**

There are no further responses.

#### 7.0 **Assessment**

- 7.1. The appellant appears to be the original developer of the housing in 'Longwood' and his net point is that the applicant does not have sufficient legal interest to carry out the proposed development. Relying on the material on file it appears that as part of the development on 'Longwood' the appellant (Sean Farrelly) provided a new/revised entrance from Dublin Road to what was a backland site. As part of that development the 2m high redbrick wall along the access from Dublin Road to the Longwood development was constructed including a new gate into the rear of all 7 houses in Blackbull Cottages. The application form states that the applicant is not the landowner but has permission from the landowner to make the application. It is possible to distinguish in this case between sufficient legal interest to carry out the development and sufficient legal interest to make the application. The Board does not have to determine that the applicant has sufficient legal interest to carry out the development; only to make a valid planning application. In the present case I conclude that the applicant has sufficient legal interest to make a valid application.
- 7.2. It seems likely that the site was once associated with one Blackbull Cottages but no longer comprises amenity space for any of those houses. The development of the site for residential purposes would not provide a precedent for further developments on the backlands of Blackbull Cottages in part because this site has, subject to sufficient legal interest, an independent access onto the 'Longwood' access road.
- 7.3. The application proposes to reduce the existing boundary wall to 600mm to facilitate sightlines onto the public street. Having regard to the scale of the proposed development, it's very modest capacity to generate additional traffic movements on a road where the 50kph speed limit applies I consider that the proposed development will not give rise to traffic hazard.

- 7.4. The Louth County Development Plan 2015-2021 (table 4.5) sets out guidance for space provision and room sizes in new houses. A two bed single storey house should be 60m<sup>2</sup>. The Drogheda Development Plan states (6.7.7) states that it will have regard to national policy in relation to floor areas in residential developments. The Sustainable Urban Housing: Design Standards for new apartments (DOECLG 2015) require 73m<sup>2</sup> for new two-bedroom apartment. The stated floor area of this new house is 64m<sup>2</sup>.
- 7.5. The Drogheda Development Plan in table 6.3 requires 60m<sup>2</sup> of private open space for two bed roomed houses. The revised application provides 44m<sup>2</sup> at the northern end of the site and a further area of 38m<sup>2</sup> at the southern end where the parking space is located. The glazing of the front windows is about 2m off the finished ground level. The sitting room/kitchen will have a north facing door and a high level window. The bedrooms are in the southern end of the house where direct sunlight/daylight could be expected to be better.
- 7.6. A key objective of national policy set out in the Sustainable Residential Development in Urban Areas (DOEHLG 2009) and the Sustainable Urban Housing: Design Standards for new apartments (DOECLG 2015) is to ensure high quality in the design and layout places and neighbourhoods and in individual residential units. Future residents of new housing development are entitled to expect decent levels of amenity, privacy and security. The adjoining Longwood housing development is laid out around its dedicated public open space with an easily readable palette of materials, roof shapes and window/door openings. The design of the proposed development as it addresses the public realm is seriously substandard in terms of solid to void ratios, the peculiar high level windows and roof profile. The proposed house will present an incongruous feature when seen in the context of the Longwood housing development or development on Dublin Road, specifically the Blackbull Cottages. The floor area is excessively small, the orientation of the living/dining room to the north will unacceptably reduce access to sunlight/daylight for these more important living areas, the public open space is located north of the building and will be unnecessarily shaded from direct sunlight. I conclude that the proposed development will seriously injure the residential amenity of future residents of the proposed house and the residential and visual amenity of property in the vicinity.

### **7.7. Appropriate Assessment**

7.8. Having regard to modest scale of the proposed development, its location in a built up residential area where public water supply and sewerage are available 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. Having regard to the foregoing I recommend permission be refused for the reasons and considerations set out below.

### **9.0 Reasons and Considerations**

It is an objective of national policy set out in the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (DOEHLG 2009) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DOECLG 2015) to ensure high quality in the design and layout of places and neighbourhoods and in individual residential units. Having regard to the restricted floor area of the proposed house, the restricted access to natural daylight and direct sunlight for the proposed living/dining room, the unacceptably poor amenity value of the private open space located to the north of the proposed house and the poor solid to void ratio in the front/roadside elevation it is considered that the proposed development would seriously injure the residential amenity of future residents of the proposed development and would seriously injure the residential and visual amenity of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Hugh Mannion  
Senior Planning Inspector

12<sup>th</sup> December 2017