



An
Bord
Pleanála

Inspector's Report PL17.249171.

Development	Construction of a house to the side of existing house.
Location	35 The Maples, Narrowways, Bettystown, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	LB/170311.
Applicant(s)	Patrick Shanahan.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Patrick Shanahan.
Observer(s)	Collette & Kieran Holt.
Date of Site Inspection	23 rd October 2017.
Inspector	Patricia Calleary.

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.26 ha is located in 'The Maples' housing development in Bettystown, County Meath. It comprises a side garden to House No.35 and is immediately adjacent to House No. 36. Houses in the vicinity are predominately of two storey detached type on generous sites. New terraced houses of a modern design have been recently constructed on the opposite side of the road to the south west. Bettystown playground lies c.600m to the north west of the site. The area is predominately residential in character and there is a retail development located c.300m to the east of the site.

2.0 Proposed Development

- 2.1. The proposed development would consist of the construction of a two storey detached house in the side garden of an existing house, number 35, adjacent to neighbouring house number 36. The proposed house would have a stated floor area of 103 sq.m with three bedrooms. It would have a half hipped roof and would present a similar design to houses in the area proximate to the appeal site.
- 2.2. The application was accompanied by the normal planning drawings and details. Following a request from the Planning Authority, further information was furnished which included shadow diagrams and revised drawings showing the extent of the extension to No.36 The Maples and separation distances to adjacent houses.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a decision to **refuse permission** broadly for reasons that the design was considered to be out of character with the existing houses in the area, that the development if permitted would unduly impact on the residential and visual amenities of the area and would set an undesirable precedent for similar future development.

3.2. Planning Authority Reports

3.2.1. **Initial Planning Report** - Following initial consideration, the Planning officer noted the key issues which required assessment included site zoning, design and layout, access, water services and Part V provision. The proposal was also screened for appropriate assessment. A request for further information was recommended broadly in relation to separation distances, overshadowing and bedroom sizes.

3.2.2. **Final Planning Report** - The further information received was deemed significant and was re-advertised. The following considerations were put forward on consideration of the further information received.

- Proposed dwelling if permitted in close proximity to the existing dwelling in the applicant's ownership and the recently constructed dwelling to the east would result in a negative impact on the character of the area due to the limited side separation distances between dwellings;
- Separation distances between rear opposing first floor windows would be 26m which is considered acceptable;
- Car parking provided for two cars which is considered acceptable;
- Applicant submitted that the dwelling would have a floor area of 103 sq.m and that all bedrooms would comply with the 'Sustainable Urban Housing Design' standards;
- Notes the applicant states that the development would not come under the requirements for Section 96 of the Planning & Development Act 2000 (as amended).

3.2.3. A recommendation to refuse permission was put forward which broadly centred on the design being out of character with houses in the area, would negatively impact on the existing residential and visual amenities of the area and would set an undesirable precedent for other similar types of development.

3.2.4. Other Technical Reports

- Transportation: No objection subject to condition;
- Water Services: No report received.

3.3. **Prescribed Bodies**

- Irish Water: No report received.

3.4. **Third Party Observations**

- 3.4.1. One third party observation was received from the residents of the adjoining dwelling house, No.36 The Maples, setting out their objections to the development. A further submission was received from the same party following the receipt of further information by the Planning Authority. Concerns are raised that the house would be out of character with the adjoining houses, would create a traffic hazard, would block light and cause overshadowing onto No.36, would lie contrary to the residential zoning and would represent over intensification of the site, which already hosts two houses.
- 3.4.2. The Planning Officer noted the concerns and stated that they have been taken into consideration in their assessment. I also note the contents of the observation, which I have taken into account in my considerations of the appeal.

4.0 **Planning History**

4.1. **Appeal Site**

- SA/50135 – Permission for a two storey extension to the side of an existing dwelling and associated works.

4.2. **In the vicinity**

- SA/20074 – Permission was granted for a two storey dwelling and associated works to the south east of House No.35.

5.0 **Policy Context**

5.1. **Meath County Development Plan 2013-2019**

- 5.1.1. Bettystown/Laytown/Mornington East is designated as a 'Small Town' in the settlement strategy for Meath County Development Plan 2013-2019 and has been given an allocation of 80 units under the Core Strategy for the plan period. The

broad approach for small towns is to manage growth in line with the ability of local services to cater for growth and respond to local demand.

- 5.1.2. The appeal site is location in an area assigned with the land-use zoning 'A1'/existing residential. Section 2.9.6 - Primary Land Use Zoning Categories of the Plan sets out guidance for 'A1' zones, stating that '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. Chapter 11 outlines Development Management guidelines and standards for residential development. Section 11.2.2.2 sets out standards for houses.

5.2. **East Meath Local Area Plan 2014-2020**

- 5.2.1. Section 3.4.1 – The site is zoned 'A1' – 'Existing Residential' with the objective 'to protect and enhance the amenity of developed residential communities' with the following guidance for development in A1 zones: 'The Planning Authority will be primarily concerned with the protection of the amenities of established residents'.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A first party appeal against the decision to refuse the development was received from Gráinne Mallon Architect and Planning Consultant on behalf of the applicant. It is summarised as follows:

- The site is zoned 'A1'- Existing Residential and the proposal for an infill dwelling is permitted in principle on lands with this zoning category;
- The layout and elevation treatment of the proposed dwelling is very similar to the existing and adjoining dwelling;
- The Planner notes that the proposed dwelling is similar in design to the dwellings either side, notwithstanding that the reason for refusal stated that the design was out of character with existing house types;

- The proposed dwelling maintains the established building line with a distance of 4.19m between the dwelling and its neighbour No.36 and a distance of 1.2m between the proposed dwelling and the applicant's dwelling and a separation distance of 26m from the dwelling to the rear;
- There will be no loss of sunlight or daylight to the adjoining neighbours dwelling, No.36, which lies due west of the site. Shadow diagrams for December were not prepared as the sun is low at this point and would have no greater impact than the occupier's own extension;
- There are a number of infill houses in the area, e.g. No.43a The Maples;
- A pre-planning meeting was held with Meath County Council in which it was accepted that circumstances had changed since the permission was refused in 2007.

6.2. **Planning Authority Response**

- 6.2.1. The planning authority provide a short response which includes a summary of the appeal grounds and requests the Board to uphold the decision of the Planning Authority.

6.3. **Observation**

- 6.3.1. An observation was received from Collette and Kieran Holt who are occupants of 36 The Maples, in which they state their objection to the proposed development. A summary of the issues raised in the observation is set out as follows:

- Proposed new entrance which is sited on a dangerous bend would give rise to a traffic hazard;
- Development would be out of character with the properties in the area;
- Development proposal is not comparable to the infill property at No.43a;
- The extension added to No.36 is single storey in scale and any shadows cast would therefore be minimal.

7.0 Assessment

7.1. Introduction

7.1.1. I have read the contents of the planning application and appeal file. I have also visited the site and environs and have considered relevant planning policy. The proposed development provides for the construction of a dwelling in the side garden area of an existing dwelling, within an established residential area where 'A1 - Existing Residential' (protect and enhance the amenity of developed communities) zoning applies. In this respect, I consider the development as proposed to be acceptable in principle subject to planning considerations outlined below.

7.1.2. The main planning issues arising in this appeal are as follows:

- Design and Layout
- Visual Amenity
- Residential Amenity
- Traffic
- Appropriate Assessment Screening

7.1.3. My considerations of each of the above issues are set out under the respective headings below.

7.2. Design and Layout

7.2.1. The proposal would appear to meet the Meath Development Plan standards in relation to private amenity space where the required minimum size of 60 sq.m is exceeded. The distance between the first floor windows of the proposed dwelling and that to its rear is c.26m, which I consider is acceptable. The overall floor area is stated as being 103 sq.m which is greater than the requirement for a 3-bedroom apartment as per the Department of Environment, Community and Local Government (2015) apartment guidelines.

7.2.2. The separating distance between gable walls of the proposed house and existing adjoining house No. 36 would appear to scale a distance of c.2.0m and would provide for a 900mm access to the rear of the proposed new dwelling. The distance

between the proposed house and the applicant's own house No.35 scales c.1.2m. Therefore, the design does not achieve the requirement of a minimum distance of 3.2m between the proposed house and both of its neighbouring houses at this location which is a stated requirement under Section 11.2.2.2 (Houses) of the Meath County Development plan. Nonetheless, having regard to stated policy in support of appropriate infill development, I consider that on balance, 1.2m would not be overly constrained and would be acceptable in the infill context.

7.3. Visual Amenity

- 7.3.1. While having cognisance to the concerns raised by the observer during the consideration of the proposal by the Planning Authority, with respect to overdevelopment and setting a negative precedent, the proposed development would not be visually incongruous or obtrusive within the streetscape.
- 7.3.2. The proposed dwelling design with a stated area of 103 sq.m is modest and would provide adequate private open space for both the existing and proposed dwellings, in compliance with Development Plan standards. Adequate provision for parking for two cars is proposed to the front of the dwelling. The height, design, building lines and finishes are all considered acceptable. The proposed dwelling would integrate satisfactorily with existing development in the vicinity and I do not consider that it would negatively impact on the character of the area or lie contrary to the character or pattern of development in the area.

7.4. Residential Amenity

- 7.4.1. In relation to consideration of residential amenity issues raised, the Meath County Development Plan 2013-2019 states that while proposals for infill development are acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in such proposals. The proposed dwelling would not give rise to overlooking onto properties noting the orientation, position of windows and adequate separation, particularly from the property to the rear where a separation distance of 26m would exist from opposing windows at first floor level. Neither would the development give rise to an overbearing impact or excessive overshadowing of any neighbouring properties.

- 7.4.2. Having reviewed the shadow drawings on the application file and taking into account the modest nature and scale of the proposed house and its orientation relative to House No. 36 in particular, issues of loss of daylight or sunlight would not be unduly significant.
- 7.4.3. As shown on the contextual elevation, the gable of the proposed house would be located c.2.0m from the gable of the adjoining existing house at No. 36 and c.1.2m to the host house (No.35). While the separation of 3.2m set out under Section 11.2.2.2 (Houses) of the Meath County Development plan would not be achieved, I consider that having regard to the design and layout where no undue overlooking, overshadowing or unacceptable loss of daylight would result, the proposed development would not have a detrimental impact on the residential amenities of neighbouring dwellings or dwellings in the general vicinity. Accordingly, I recommend that the development should not be refused for on the grounds of impacts on residential amenity.

7.5. **Traffic**

- 7.5.1. Concerns have been raised in relation to traffic and the creation of a traffic hazard. At the outset I note that there is parking proposed for two cars off-street to the front of the house. I also note the report of the Transportation Division of the planning authority, which states that they have no objections to the proposal, subject to the provision of two parking spaces positioned side by side within the site, which I note are presented on the site layout plan. I have no information before me to believe that the proposal, if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity. The low level of traffic and parking associated with one additional house would not create any significant issue with regard to traffic safety or impact unduly on the capacity of the road network. Any disruption caused by construction traffic would be temporary in nature and can be controlled by adequate construction management. I recommend that if the Board is disposed towards a grant of permission that this issue be dealt with by means of a condition requiring a construction management plan to be submitted and agreed with the Planning Authority prior to commencement of the development.

7.5.2. I do not support the view that a grant of planning permission for the nature, scale, design and location of a single dwelling such as that proposed would result in a traffic hazard and therefore permission should not be withheld for traffic reasons.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced suburban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that permission is **granted** for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Meath County Development Plan 2013-2019 and the East Meath Local Area Plan 2014-2020, which are supportive to appropriate infill development while protecting neighbouring amenities and to the nature, scale, extent and design of the development proposed, the general character and 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 of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and 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 26th 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 external finishes of the proposed dwelling shall include smooth render finish walls, painted with a neutral colour, and a hardwood painted timber front door and frame.

Reason: In the interest of visual amenity.

3. 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 Part 1 of Schedule 2 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to protect adjoining residential 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. 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 noise management measures, traffic management measures and off-site disposal of construction and demolition waste.

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

7. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity during the construction phase.

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.

Patricia Calleary
Senior Planning Inspector

26th October 2017