



An  
Bord  
Pleanála

## Inspector's Report PL.15.249291.

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<b>Development</b>	Dwelling House.
<b>Location</b>	Rock Road, Blackrock, Co. Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	17/392.
<b>Applicant(s)</b>	Aidan & Eileen Donnelly.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tom & Shirley Duffy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> January 2018.
<b>Inspector</b>	Karen Kenny.

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## 1.0 Site Location and Description

- 1.1.1. The site is located to the south of Rock Road in Blackrock, a coastal village that is situated to the south of Dundalk.
- 1.1.2. The site, with a stated area of 0.072 hectares, is a backland site that comprises the rear garden area of an existing semi-detached cottage. It is proposed to construct a narrow driveway from Rock Road along the side of the existing dwelling and the site opens up to the rear to form a rectangular shaped site.
- 1.1.3. There are adjoining residential properties to the east and west of the site that front onto the Rock Road, and dwellings to the south and east that front onto Chapel Lane, to the east. The site is separated from adjoining dwellings to south, east and west by high panel fencing and mature hedge planting.
- 1.1.4. The area is characterised by low density residential development with a range of dwelling types and plot sizes.

## 2.0 Proposed Development

- 2.1. The development following the submission of revised plans and particulars to the Planning Authority can be described as follows:
  - The construction of a single storey dwelling in the rear garden of an existing semi-detached cottage. The proposed dwelling is set back from Rock Road by c. 35 metres and has a stated area of 155 square metres.
  - The construction of a shared vehicular access from Rock Road, to serve the existing and proposed dwellings, and a new driveway to the proposed dwelling.
  - Landscaping and associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to 7 no. conditions. The following condition is of note:

Condition no. 7: The applicant / developer is required to submit a memorandum of agreement in relation to the setting back of the roadside boundary on third party lands to improve sightlines. A section of Louth Bank wall along the front boundary is to be reconstructed behind the line of visibility as provided on the site layout map.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

3.2.2. Following an initial assessment, the Planning Authority issued a request for additional information in relation to matters that included dwelling size, separation from site boundary, landscaping, sightlines and drainage. On receipt of this information, the Planning Officer's assessment can be summarised as follows:

- Principle of dwelling considered acceptable having regard to the 'Residential 1' zoning objective under the Dundalk and Environs Development Plan 2009-2015.
- The design, scale and layout of the proposed dwelling is considered acceptable.
- Report refers to reduced impact on the neighbouring property to the east, given the single storey dwelling type, the increased separation distance between the boundary and the increased landscaping along the boundary.

### 3.2.3. Other Technical Reports

Infrastructure Section: No objection.

## 3.3. Prescribed Bodies

Irish Water: No objection.

## 3.4. Third Party Observations

A total of 3 no. third party observations were received and considered by the Planning Authority. Issues raised that are additional to the grounds of appeal set out below, can be summarised as follows:

- Noncompliance with Articles 22 and 23 of the Planning and Development Regulations. Submission refers to the scale of drawings and level of detail shown.

## 4.0 Planning History

4.1.1. Details of the planning history associated with the site is summarised below:

**Reg. Ref. 93/124:** Application for extension and alteration of existing dwelling on site. Permission Granted.

**Reg. Ref. 76/308:** Application for reconstruction of existing dwelling on site. Permission Granted.

**Reg. Ref. 64/87:** Application for reconstruction of existing dwelling on site. Permission granted.

4.1.2. Details of recent planning history associated with adjacent sites is summarised below:

**Reg. Ref. 15/679:** Application for extension of dwelling to the south. Permission Granted.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Louth County Development Plan 2015-2021 is the Development Plan for County Louth including the administrative area of the former Dundalk Town Council including Blackrock Village. Blackrock is located within the environs of Dundalk. The County Development Plan states that the Dundalk and Environs Development Plan 2009-2015 will be replaced by a Local Area Plan. In addition to the County Development Plan, I have reviewed the expired Dundalk Town & Environs Development Plan 2009 – 2015 as this provides the most recent zoning framework for the area.

### 5.1.2. **Louth County Development Plan 2015-2021**

- Dundalk (along with Drogheda) is designated as a Large Growth Town 1 in the Development Plan, reflecting its position in the Settlement Hierarchy of the Regional Planning Guidelines for the Border Region, 2010-2022.
- Section 4.4 sets out guidelines in relation to housing layouts and states that new development needs to recognise the existing character, street patterns, streetscape and building lines of an area and that this is imperative in the case of infill sites.
- Table 4.9 requires private amenity space provision at a rate of 80 square metres for 3 bed houses.
- Table 7.4 sets out minimum visibility standards for new or intensified entrances onto Regional Routes.
- Table 7.6 requires car parking provision at a rate of 2 spaces per dwelling.

### 5.1.3. **Dundalk Town & Environs Development Plan 2009 – 2015**

Blackrock Village was included within the area of the Dundalk Town & Environs Development Plan. The site was zoned 'Residential 1' with an objective '*to protect and improve existing residential amenities and to provide for infill and new residential development*'. The Town & Environs Development Plan stated that infill sites are excluded from the phasing requirements set out in the Core Strategy of the Plan.

## 5.2. **Natural Heritage Designations**

None.

## 6.0 **The Appeal**

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

6.1.1. 1 no. third party appeal has been received from the owners of two adjacent residential properties. The principle grounds of appeal can be summarised as follows:

- Substandard form of infill / backland development.

- Separation distance from adjacent residential properties are inadequate and would have a detrimental effect on the residential amenities of adjacent properties to the south and east due to noise and nuisance, proximity, overbearance and impact on outlook. Dwelling could be repositioned to the north.
- Development contrary to zoning provisions of Dundalk and Environs Development Plan which seeks to protect and improve existing residential amenities.
- Development contrary to policies of Dundalk and Environs Development Plan in relation to infill development.
- Revised details received by the Planning Authority at further information stage did not address the request to reduce the rear elevation length to 12.1 metres. The step (0.5 metres) on the southern end of the elevation, fails to reduce the overall length and minimise the scale of the development.
- Site ownership details are unclear and it is unclear whether the site still forms part of the overall landholding associated with the existing cottage (applicant's sisters dwelling).
- Proposed landscaping buffer does not allay appellant's concerns. Unlikely that hedge would grow to 1.8 metres and if it were to grow it would block light to the proposed and adjacent dwellings.
- Inadequate amenity for proposed dwelling due to outlook and impact of overlooking from the existing property to the east.
- The proposed development would be out of character with pattern of development in the surrounding area and would set an undesirable precedent.
- Access arrangements are sub-standard and contrary to standards of Dundalk and Environs Development Plan. Insufficient on-site turning and parking or circulation areas.
- Sightlines from proposed access inadequate. Louth Bank wall an important historical feature that should not be demolished without at least full details as to how this will be done and method statement for reinstatement.

- Materials and form of the dwelling are not characteristic of the area.

## 6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- Development is an infill development and is in compliance with the Residential 1 zoning objective.
- The applicants own the site. Solicitors letter and a copy of Land Registry documentation confirming ownership is included with the appeal response.
- The height, position and orientation of the proposed dwelling relative to adjacent properties means it will not overshadow neighbouring dwellings. The overall mass, height and scale is substantially less than the adjacent properties thereby negating any possibility for overbearing impacts.
- Windows will face a 1.8-metre-high fence which with increased separation distance and additional planting will nullify any negative overlooking impact or loss of privacy to adjacent properties.
- The reference to 22 metre separation in the grounds of appeal is not relevant in this instance as it refers to windows at 1<sup>st</sup> floor or above.
- The right to a view is not a material planning matter nor is its protection enshrined in any Development Plan policy.
- Proposed hedge planting will have sufficient space to grow and mature.
- Development designed to be low impact and to contribute to diverse character of surrounding built form and to be consistent with policy in Section 6.6.7 of Development Plan for infill development.
- Site entrance designed to achieve 49 metres sightlines, with removal, repositioning and reconstruction of a section of Louth Bank wall. Revised entrance details considered satisfactory by Planning Authority. The Louth Bank Wall is not a protected structure or recorded on the Record of Monuments and Places. The applicants propose to take extreme care in the wall's demolition and reconstruction to ensure the feature continues to contribute to the visual character of the property, the roadside and wider area.



- Sufficient private amenity space to comply with Development Plan standards.
- Two car parking spaces provided in accordance with Development Plan standards and ample circulation space exists.

### 6.3. **Planning Authority Response**

No response.

### 6.4. **Observations**

None.

## 7.0 **Assessment**

7.1. I consider that the main issues in this case are as follows:

- Principle of Development
- Visual Impact and Impact on Character of the Area
- Impact on Residential Amenity
- Sightlines
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The Louth County Development Plan 2015-2021 is the relevant statutory plan. Chapter 4 of the Plan sets out guidelines for housing development including infill development. The Dundalk and Environs Development Plan 2009-2015, while expired, sets out the most recent zoning framework for the area. The appeal site was zoned 'Residential 1' with an objective '*to protect and improve existing residential amenities and to provide for infill and new residential development*'. Having regard to the provisions of the Louth County Development Plan, the zoning objective under the Dundalk and Environs Development Plan 2009-2015, and the established residential character of the area, the proposed development is

considered to be acceptable in principle, subject to the assessment of the relevant planning issues identified below.

### **7.3. Visual Impact and Impact on Character of the Area**

- 7.3.1. It is proposed to construct a single storey dwelling with a stated floor area of 155 square metres in the rear garden area of an existing semi-detached cottage with shared vehicular access from the public road to the north. The proposed dwelling is contemporary in its design, comprising a rectangular structure with a mono-pitched roof over and a parapet height of between 3.1 metres and 4.34 metres. The development is setback by c. 30 metres from the Rock Road to the north and the proposed dwelling maintains a setback of 3 metres and over from third party residential properties to east, west and south.
- 7.3.2. The grounds of appeal argue that the area is characterised by dwellings on large sites and that the proposed development would be out of character with pattern of development in the area and would set an undesirable precedent. The applicant's response states that the area comprises a diverse mix of dwelling types and plot sizes and that the development would not be out of character. The applicants also contend that the development is designed to be low impact.
- 7.3.3. The proposed dwelling is of modest scale and height with a simple architectural language. I would concur with the applicant's view that the area comprises a diverse mix of dwelling types and plot sizes and also note from a review of historic mapping that there is a history of plot subdivision and infill development in the area. The site is well screened at present by planting and fencing and it is proposed to supplement existing planting along the site boundaries to provide additional screening.
- 7.3.4. I consider that the proposed development, notwithstanding its backland nature, would sit well within the established urban setting. I am satisfied that the proposed development on balance, represents an efficient use of zoned and serviced land. The development by reason of its design and orientation would not impact unduly on the amenities of adjacent residential properties or be at odds with the character of development in the vicinity. I am also satisfied that the overall scale and massing of the development is appropriate and that the development would not be unduly overbearing or intrusive when viewed from surrounding properties.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The grounds of appeal argue that the proposed development would have a detrimental impact on the amenities of the adjoining residential properties to the south and east, due to the proximity to these properties and that the development should be relocated to the north. A revised layout was received by the Planning Authority at further information stage. The revised layout repositioned the dwelling to increase the level of separation from residential properties to the south and east and seeks to orientate the access, dining and sitting areas away from the closest dwellings.
- 7.4.2. I would draw to the Boards attention the fact that the dwelling to the south incorporates a recently constructed extension along the shared property boundary that is not detailed on the submitted plans or on OSI mapping. The extension extends along almost the entire southern site boundary and maintains a setback of c. 1 meter off the shared boundary (PA Reg. Ref. 15/679 refers).
- 7.4.3. Notwithstanding the proximity of adjacent dwellings along the shared property boundaries, I consider that the development by reason of its low profile and design would not give rise to overlooking or overshadowing of the adjacent dwellings and that the development would not impact unduly on the amenities of dwellings in the vicinity by reason of noise or disturbance.

#### **7.5. Sightlines**

- 7.5.1. It is proposed to construct a new shared vehicular access onto Rock Road and to set back the stone wall to the east to achieve adequate visibility splays. The appellants argue that sightlines from the proposed entrance are inadequate and that the proposal to set back a section of Louth Bank wall to improve visibility should include a method statement.
- 7.5.2. Having regard to the nature and scale of the development and the sites location on a narrow roadway within an urban area I consider that the proposed sightlines of 49 metres at a setback of 2 metres from the road edge is acceptable and that the development would not result in an unacceptable traffic hazard. An agreement from the owner of the property to the east is submitted consenting to the alterations to the roadside boundary to the east. In relation to concerns raised in relation to the setting

back and reconstruction of the Louth Bank wall, I would note that this refers to dry stone wall that is a feature of County Louth and is prevalent in Blackrock, particularly along the Rock Road. This stone wall occurs intermittently along this section of the Rock Road and contributes to the character of the area. However, I would note that the wall has been removed along significant stretches of the road and what remains is not listed on either the Record of Protected Structures or Record of Monuments and Places. I would therefore have no objection to the proposal to set back this wall.

## **7.6. Other Issues**

- 7.6.1. A number of procedural issues have been raised. In relation to landownership, I am satisfied on the basis of the details submitted with the appeal that the application is made by a person who has sufficient legal estate or interest in the land to make the application or the approval of the person who has such sufficient legal estate or interest. In terms of the adequacy of drawings, I am satisfied that adequate detail is contained on the file to allow for the full consideration of the appeal.
- 7.6.2. While I would note that the details submitted with the application and appeal do not address requirements under Section 96 of Part V of the Planning and Development Act it is clearly evident on the basis of the site history and context that the application would fall within the exemptions provided for under Section 97 of the Act. On this basis I recommend, in the event of a grant of permission, that no condition is attached requiring compliance with Part V of the Act.
- 7.6.3. The development will drain to the existing public drainage networks in the area. The drawings and details submitted with the application and in response to the request for additional information, are considered to satisfactorily address surface water drainage, foul drainage and water supply.
- 7.6.4. I am satisfied that the development standards of the Development Plan with regard to open space and car parking standards are met and exceeded in respect of the proposed dwellings.

## **7.7. Appropriate Assessment**

- 7.7.1. Having regard to the minor nature of the development and its location in a serviced urban area, 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

- 8.1.1. Having regard to the location of the site within Blackrock and the pattern of existing development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the objectives of the Louth County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 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 10<sup>th</sup> day of August 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. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not permitted.

**Reason:** in the interest of residential amenity.

3. 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 the visual amenity.

4. The landscaping scheme shown on Drawing 3641-FI-01 submitted to the planning authority on the 10<sup>th</sup> day of August, 2017 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

**Reason:** In the interests of public safety and residential 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. The vehicular entrance serving the proposed development, including works to improve visibility shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

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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Karen Kenny  
Senior Planning Inspector

5<sup>th</sup> January 2018