



An
Bord
Pleanála

Inspector's Report ABP-300251-17

Development	4 no. 2 storey detached houses, and 2 no. 2 storey semi detached houses, new access road and footpaths, landscaping and boundary treatments, car parking and associated site development works.
Location	Larrix Street, Kingsgate, Duleek, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB/170288
Applicant(s)	Dexol Holdings Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	John Kevin, Roisin Magee and others.
Observer(s)	None.
Date of Site Inspection	27 th February 2018.
Inspector	Karen Kenny

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1.0 Site Location and Description

- 1.1. The site is located in Duleek Village to the north east of Duleek Main Street and at the intersection of Larrix Street, Kingsgate Lane and Church Lane.
- 1.2. The site with a stated area of 0.265 hectares, comprises two derelict structures and an open field. The site boundaries are defined by a low stone wall and hedge planting. The site is bounded by Kingsgate Lane to the east, by Larrix Street to south and by residential properties to the north and west. The site is flat and there are no notable level differences in the area.
- 1.3. The area is developed at a low density and comprises a mixture of vernacular dwellings set along the road edge, bungalows and infill housing developments, to the south and north. Historic maps indicate that there were structures on all four corners of the intersection of Larrix Street, Kingsgate Lane and Church Lane at one time. Dwellings remain on the north-eastern and south-western corners, while the remnants of structures remain on the south eastern and north western (appeal site) sides. The area is served by a network of roadways that connect back to the town centre. The roads in the area are narrow and winding with no footpaths or public lighting.

2.0 Proposed Development

- 2.1. The original details submitted to the Planning Authority sought planning permission for the construction of 6 no. two storey houses comprising 4 no. detached houses and 2 no. semi-detached houses.
- 2.2. The proposal, as revised on foot of a request for further information from the Planning Authority, consists of 5 no. four bed detached two storey dwellings. The dwellings are set along a north / south axis close to the western site boundary. A new vehicular access is proposed from Kingsgate Lane. Car parking is provided within the curtilage of each dwelling with access from an internal access street. Two small areas of public open space are proposed and a cycleway and footpath is proposed along the public road.

2.3. The dwellings have an identical design, with a rectangular footprint and pitched roof over. Design features include a gable fronted element and a double height bay window. The external finishes include brick and cement render.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions.

Condition no. 2: Prior to commencement of development applicant to provide a revised dual elevation dwelling for unit no. 5.

Condition no. 3: Side glazing of first floor windows to master bedroom of unit no. 1 to be omitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following an initial assessment further information was sought in relation to design, landscaping, public lighting, road design, water services and issues raised in third party submissions. Following the submission of further information, the Planner's Report reflects the decision to grant permission.

3.2.2. Other Technical Reports

Road Design: No objection.

Public Lighting: No objection.

Water Services: No objection.

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. Third Party Observations

- 3.4.1. A total of 3 no. third party submissions were received and considered by the Planning Authority. The issues raised are similar to the issues raised in the grounds of appeal set out below.

4.0 Planning History

- 4.1.1. There is no planning history pertaining to the appeal site. The following planning history relates to a site to the north of the appeal site:

Reg. Ref. PL17.229852 / SA 801079: Application for demolition of an existing dwelling and outbuildings and the construction of 3 new dormer residential units with new site access, off street parking and private and public open space and all associated site works. Permission Refused by the Planning Authority. The decision of the Planning Authority was the subject of a first party appeal. An Board Pleanála overturned the decision of the Planning Authority and granted permission.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan 2013 – 2019 is the relevant Statutory Plan. The following objectives of the Development Plan are considered to be relevant:
- The site is zoned A1 'Existing Residential' with an objective "to protect and enhance the amenity of developed residential communities". Residential development is permitted in principle in this zone.
 - Section 3.4 of the Plan seeks to ensure that development in villages caters for a local catchment, that growth occurs in tandem with services, infrastructure and demand, that it is balanced, self-sustaining and supports a compact urban form and does not lead to unsustainable commuting patterns or increase the housing stock of the town by more than 15% within the lifetime of the Development Plan (Objectives SSOBJ15, SSOBJ16 and SSOBJ17).

- Chapter 11 sets out Standards for Residential Development including quantitative and qualitative standards in relation to design, dwelling size, private and public open space and car parking.
- Zoning Map – The site is shown as been within the protection area associated with a recorded monument. There are no other local objectives, road proposals or designations affecting the site.

5.1.2. Duleek Written Statement, Volume 5, 2016

Variation no. 2 of the Meath County Development Plan, 2016, introduced written statements, objectives and maps for urban centres that were previously subject to a Local Area Plan, including Duleek. The following policies of the Duleek Written Statement are considered to be relevant:

- SP 1:** To ensure that the growth and development of Duleek shall be directed to meet the needs of the local community in Slane and be in keeping with the existing character, amenity, heritage and landscape of the town.
- SP 2:** To encourage the sequential development of Duleek from the central core outwards, in order to ensure that the higher order facilities and the higher density development is located on the most central lands where possible, with optimum access and the highest level of services.
- UD POL 1:** To promote the development of a high quality, sympathetically designed, well landscaped and appropriately scaled environment that is in keeping with the existing character, amenity, environment, heritage and landscape of the village.
- UD POL 4:** To support and encourage development that either re-uses brownfield development land, such as sites in or adjoining the village centre, or appropriately located backland sites. Development of such sites will be subject to the relevant design standards and safeguards outlined in this Development Framework, where the protection of existing residential amenity and architectural conservation will be paramount.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal has been received from residents of the area. The grounds of appeal can be summarised as follows:

- The area does not have urban features and should not be developed as such. A total of 3 houses would be more appropriate.
- Site is bounded to north and east by bungalows. Two storey houses inappropriate.
- Proximity of windows to adjacent properties will result in overlooking. Use of an opaque window to prevent invasion of privacy does not work as these can be replaced with glass.
- Road width between crossroads and dwelling to the north is not 5.5 meters. It is currently 3.85 metres.
- Traffic hazard. The proximity of the proposed entrance to a road junction, the potential for an increase in traffic levels at junction and the potential for increased traffic speeds are mentioned.
- Wall to the north of the development is welcomed. Request a similar wall along the western boundary.
- No attempt to retain the historical character of the area. The materials of the stone wall bordering the west margin of Kingsgate Lane could be used in the construction of any eastern border.
- Site is not an eyesore. The site is a green area with historical connections that is visually pleasing.

6.2. Applicant Response

6.2.1. No response received.

6.3. Planning Authority Response

The response from the Planning Authority can be summarised as follows:

- Matters raised in the appeal were considered in the assessment of the application.
- The development is considered to be consistent with the policies and objectives of the Meath County Development Plan 2013-2019.
- The site is zoned Existing Residential and is within the urban development boundary for Duleek.
- The development is located and orientated in such a way so as not to result in any undue overlooking of existing properties.
- The design and scale of the dwellings arose as an issue during assessment. The development was reduced from 6 dwellings to 5 dwellings. The two storey design is considered to be appropriate at this location.
- The development will give rise to minimal and infrequent traffic movements and therefore, it is considered that the development will not give rise to the creation of a traffic hazard.
- The potential impact on existing properties was considered and the issue of suitability assessed as part of the overall appraisal.
- The issue of boundary treatments was assessed. Condition no. 2 of the grant of permission relates to revisions to boundary treatments.
- The area is not within an ACA and there are no protected structures on site or in the vicinity of the site.
- The site has been in private ownership and is not designated as a public open space.

6.4. Observations

An observation has been received from Cllr. Stephen McKee. There are no new issues raised in the observation.

7.0 Assessment

7.1.1. I consider that the issues arising in the case can be summarised as follows:

- Principle of Development
- Archaeology
- Overall Context, Density and Design
- Traffic
- Impact on Amenity
- Other

7.2. Principle of Development

7.2.1. The site is located within the development boundary of Duleek and is zoned A1 'Existing Residential' with an objective "to protect and enhance the amenity of developed residential communities". Residential development is permitted in principle in this zone. The proposed development is therefore acceptable in principle under the terms of the zoning objective.

7.3. Archology – New Issue

7.3.1. The southern section of the site is within a 'zone of archaeological potential' that is identified on the Record of Monuments and Places for County Meath. The details submitted with the application and the appeal do not address the issue of archaeological potential, nor was it raised by the Planning Authority in its assessment of the application. I would also note that the application was not referred to the National Monuments Section of the Department of Culture, Heritage and the Gaeltacht for comment. I recommend that permission is refused on the basis that the site is partially located within a zone of archaeological potential and that the Board cannot be satisfied on the basis of the details submitted with the application and the appeal, that the proposed development would not injure or interfere with archaeological features that may exist in or in the vicinity of the site. If the Board is minded to grant planning permission for the proposed development, I would recommend that an archaeological appraisal is provided and that the appraisal

is referred to the National Monuments Section of the Department of Culture, Heritage and the Gaeltacht for comment prior to a determination being made.

7.4. Overall Context, Density and Design – New Issue.

- 7.4.1. The appeal site is located approximately 250 metres to the north east of Duleek Main Street at a crossroads where a number of narrow roads intersect. While at the edge of the town centre the area is semi-rural in character due to the absence of public footpaths and public lighting and the presence of hedge planting along the road edges. Built form in the area includes vernacular dwellings along the road edge and low-density bungalows.
- 7.4.2. The appellants argue that the area is not urban and that the development is at odds with the character of the area. While I would agree that the area has a semi-rural character as discussed above, this does need be tempered by the fact that the site is within the development boundary of Duleek, is zoned for residential development and is close to the town centre. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities 2009 and the accompanying Urban Design Manual highlight the need to strike a balance between the protection of established character and the need to provide residential infill.
- 7.4.3. The Sustainable Residential Development set out density standards for residential development across a range of settlement types and areas. Densities in the region of 20-35 dwellings per hectare are envisaged on edge of centre sites in small towns. The proposed density of 19 units per hectare, while below the recommended density range is acceptable in my view, having regard to the small infill nature of the site and the character of development in the immediate area.
- 7.4.4. While the overall scale of the proposed development is acceptable, I consider that the design of the scheme (dwellings and layout) is suburban in character and that it fails to respond, in any meaningful way, to the site context. In my view a simpler architectural form is warranted, with building materials, planting and boundary treatments that respond to the local context and to the adjacent public roads.
- 7.4.5. In terms of the layout, I note that the Planning Authority requested an increase in road width at further information stage. However, I consider the revised roads layout to represent an over engineered design response. The carriageway width of 5 metres and the tighter turning radii at the entrance proposed in the details submitted

with the application are more than adequate to cater for a development of the scale proposed. In this regard, I would note that the Design Manual for Urban Roads and Streets (DMURS) recommends a standard carriageway width on local streets of 5 to 5.5 metres and a shared surface width of not more than 4.8 metres (Section 4.4.1 refers). The request of the Planning Authority to provide a cycleway along the eastern and southern boundaries is also questionable, given the absence of a cycle network in the area. In terms of public open space, the open space in the southern section of the development is inaccessible from within the development, which is contrary to guidance contained in the Meath County Development Plan and in the Sustainable Residential Development Guidelines in relation to open space provision.

- 7.4.6. While an improved design is readily achievable, the development as proposed is not in accordance with the guidance set out in the Sustainable Residential Development Guidelines, the accompanying Urban Design Manual or DMURS. Given the number of issues raised, I do not consider that the issues can be adequately or clearly addressed by condition. On this basis I recommend that permission is refused. I would note that this is a new issue that was not raised in the grounds of appeal.

7.5. Traffic

- 7.5.1. The capacity of the existing road network to cater for the proposed development and the impact of the development on the safety of the cross roads to the south has been raised in the grounds of appeal. I consider that the proposal would not significantly increase the number of traffic movements in the area and or give rise to material concerns regarding traffic safety. Kingsgate Lane, by reason of its width and alignment has a low design speed. I am satisfied on this basis that the proposed sightlines are acceptable and that the entrance maintains an adequate separation from the junction to south.

7.6. Impact on Amenity

- 7.6.1. Having regard to the nature and scale of the proposed development, which is two storey and the set back of the development from the adjacent residential properties to the north and west I would agree with the view of the Planning Authority, that the proposed development would not seriously injure the residential amenities of the adjacent properties by way of overlooking or overshadowing. The proposed dwellings maintain an adequate separation from the existing dwellings to the west

and north and I note that there are no opposing first floor windows. The development is therefore in accordance with the recommended separation standards set out in the Development Plan.

7.7. Other

- 7.7.1. The drawings and details submitted with the application and in response to the request for additional information, are considered to satisfactorily address drainage and water supply.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular 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. I recommend that planning permission be refused for the reason set out below.

9.0 Reasons and Considerations

1. The proposed development is located partially within an area of archaeological potential identified on the Record of Monuments and Places for County Meath. The Board is not satisfied on the basis of the information submitted with the application and the appeal that the development would not injure or interfere with a historic monument which stands registered in the register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987, or which is situated in an archaeological area so registered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site and to the established built form and character of the area, it is considered that the proposed

development, by reason of the layout and form of development proposed, would be out of character with the architectural form of the area and that the proposed design is not in accordance with the guidance set out in the 'Sustainable Residential Development in Urban Areas Guidelines 2009' or the 'Design Manual for Urban Roads and Streets, 2013'. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Karen Kenny
Planning Inspector

6th March 2018