



An
Bord
Pleanála

Inspector's Report ABP-301795-18

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| Development | Permission for development to consist of the construction of single storey dwelling with mono pitch roof design, detached domestic garage on lands to rear of current residence with upgrade to existing on site entrance to serve as shared entrance. Connection to public sewer and all associated site works. |
| Location | Dundalk Road, Castlebellingham County Louth |
| Planning Authority | Louth County Council |
| Planning Authority Reg. Ref. | 17/912 |
| Applicant(s) | Garret Byrne |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Verona Faulkner |
| Observer(s) | None |
| Date of Site Inspection | 21 st September 2018 |
| Inspector | Niall Haverty |

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.152 ha, is located on the eastern side of the Dundalk Road (R132), towards the northern edge of Castlebellingham Village, Co. Louth. The appeal site is located to the rear (east) of an existing single storey semi-detached house which is indicated as being in the same ownership. A detached house which appears to be single storey but which has numerous rooflights has been constructed to the rear of the adjoining semi-detached house to the north, with an additional backlands house located further to the south.
- 1.2. The appeal site is bounded by existing hedges, with residential development to north, west and south, and undeveloped agricultural grassland to the east.
- 1.3. Access to the site is indicated as being via the existing vehicular entrance to the existing house to the west.

2.0 Proposed Development

- 2.1. The proposed development, as amended on foot of a request for further information, consists of the construction of a single storey dwelling and a detached domestic garage on lands to the rear of the existing house, as well as the upgrading of the site entrance to serve as a shared entrance.
- 2.2. The proposed house would have a stated gross floor space of 187.32 sq m, and the garage would have a stated gross floor space of 38.27 sq m.
- 2.3. The proposed house is elongated in form, with its front entrance facing south. It would be separated from the northern boundary by c. 4m and from the southern boundary by c. 5.2m. It is a two bedroom unit, with finishes generally comprising napped plaster with areas of stone cladding and a pitched slate roof. A turning area would be provided in the area between the existing and proposed houses. The detached garage, which would be located to the east of the proposed house, would have a napped plaster finish, with a pitched slate roof. It is also proposed to widen the existing vehicular entrance to 8.3m to provide a shared entrance to both the existing and proposed houses. A landscaping plan was submitted, indicating infilling of site boundary planting, and additional planting within the appeal site.

2.4. With regard to services, it is proposed to connect to the public water supply system and the public foul sewer that traverses the site, and also to provide a soakaway for surface water disposal.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council decided to grant permission, and the following summarised conditions are noted:

- 2(a): Adequate visibility shall be made available and maintained for a minimum of 50m on either side of the proposed entrance from a point 3m back from the road edge.
- C4: Roof finish to be blue/black roof files/slates. Walls to be plaster/dash finish/natural stone.
- C5: Landscaping to be carried out in the first planting season following commencement.
- C7: Proposals for renewable energy sources to be submitted prior to commencement.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Proposed development is in accordance with the land use zoning objective.
- Proposed development is in accordance with Department guidelines and enhances the quality of living accommodation for the applicants.
- Appropriate Assessment is not required.
- Site is not located within the area of known flood risk.
- House has been redesigned to provide for a more traditional pitched roof form with gable ends.

- House has been relocated in a southern direction to create a 4m separation distance. This is acceptable to protect residential amenities.
- Landscaping plan is acceptable.
- Larder window is to be obscured. This is acceptable.
- Screen wall has been omitted and is to be replaced with screening planting. This is acceptable.
- Proposed development will not have a negative impact on the residential amenities of the area.

3.3. Other Technical Reports

3.3.1. Infrastructure Section: No objection, subject to conditions.

3.4. Prescribed Bodies

3.4.1. Irish Water: No objection.

3.5. Third Party Observations

3.5.1. One third party observation was received from the appellant. The issues raised were generally as per her appeal, as well as the following:

- Boundary treatments.
- Metal roof cladding is not in keeping with the local area.
- Boiler house is not illustrated on the plans.
- Appropriate sightlines have not been demonstrated.
- Applicant failed to carry out a traffic management plan. Staff car parking associated with petrol station to the west creates a traffic hazard.
- Interaction and turning movements between existing and proposed house have not been demonstrated.
- Stove is shown in the living room, but no chimney breast is noted on the elevations. Chimney would have a negative effect on the occupant of the neighbouring house.

4.0 Planning History

- 4.1. **Reg. Ref. 78558:** Permission granted in 1978 for reconstruction and extension of dwellinghouse.

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. The site is zoned 'Residential Existing', to protect and/or enhance existing residential communities and provide for new residential communities. The undeveloped lands to the east are zoned 'Residential New'.
- 5.1.2. Castlebellingham is designated as a Level 3 settlement, and Section 2.16.7 states that such settlements are characterised by a high degree of self-sufficiency and the ability to cater for limited additional residential development subject inter alia to capacity within the foul drainage system and public water supply.
- 5.1.3. The following Objectives and Policies are noted:
- **SS 9:** 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).
 - **HOU 1:** To ensure that new housing development is designed and constructed to the highest design standards respecting the existing settlement pattern of the settlement.
 - **HOU 2:** To require that new residential developments are consistent with the DECLG Sustainable Residential Development in Urban Areas (2009) and Urban Design Manual.
- 5.1.4. Section 4.9.6 sets out internal space requirements.
- 5.1.5. Section 4.11 relates to the energy performance of dwellings.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or in close proximity to any sites with a natural heritage designation. The closest Natura 2000 sites are the Dundalk Bay SPA (Site Code 004026) and the Dundalk Bay SAC (Site Code 000455), c. 1.4km to the east of the appeal site. Dundalk Bay is also a proposed Natural Heritage Area.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was lodged by Verona Faulkner. The issues raised in the appeal can be summarised as follows:

- Site location map and site layout plan are inaccurate and do not represent the adjoining premises and garage to the north, thus limiting the Planning Authority's ability to judge the application on its merits.
- Impacts in relation to loss of sunlight and shadow projection are unclear.
- The applicant did not omit the window on the north western elevation serving the larder in the revised drawings submitted.
- Applicant has not demonstrated compliance with Section 4.11 of the Development Plan. Building Regulations require 25% of the energy requirement to be derived from renewable energy sources.
- Landscaping plan and site layout plan conflict with each other. It is unclear how the existing tree boundary line is to be dealt with.
- Erosion of the existing privacy of the adjoining house to the north.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- No further comment.

6.4. **Observations**

- None.

6.5. **Further Responses**

- None.

7.0 **Assessment**

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

- Principle of proposed development.
- Design and layout.
- Residential amenity.
- Other issues.
- Appropriate Assessment.

7.2. **Principle of Proposed Development**

7.2.1. The proposed development comprises the construction of a new house to the rear of an existing house on residentially zoned lands within the development boundary of Castlebellingham village. The appeal site is currently under-utilised and overgrown. Given its village location, residential zoning and proximity to existing amenities and community facilities, I consider that it is a suitable location for infill development at an appropriate scale that respects existing residential amenities. Therefore, I consider that the proposed development is acceptable in principle, subject to consideration of the planning issues identified in Section 7.1.

7.3. **Design and Layout**

7.3.1. The design of the proposed house, as amended following a request for further information, is relatively low profile with an elongated plan form. While the design and materials are relatively traditional and consistent with the design and character of the existing house to the front of the site, the layout is somewhat unusual with the

entrance located on the 'side' (southern) elevation rather than the 'front' (western) elevation. Given the orientation of the site and the elongated form of the proposed house, I consider this approach to be appropriate in the interests of housing quality, given that it results in a more efficient plan layout by reducing the amount of floor area dedicated to circulation.

- 7.3.2. The proposed house would be similar in height to the existing house to the front of the site, and would be lower in height than the appellant's house to the north. Having regard to the backlands nature of the proposed development, it will not be readily discernible from the street or the wider area, and I therefore do not consider that the proposed house would be overly dominant in this established residential area or that it would be seriously detrimental to the visual amenities or character of the area.
- 7.3.3. However, with regard to the proposed shared entrance, I note that it is intended to widen the existing entrance to a width of 8.3m. I consider that this width is excessive in this edge-of-village location and that it would be detrimental to the visual amenities and established character of the area. I further consider that it is unnecessary, since the proposed site plan shows what appears to be an inset parking area for the existing house located to the rear of the house, to the south of its rear garden. Having inspected the site, I consider that the existing entrance is sufficiently wide to serve two dwellings, with car parking to be provided as indicated on the Site Plan. If the Board is minded to grant permission, I therefore recommend that the widening of the existing entrance be omitted by way of Condition.
- 7.3.4. Finally, with regard to the landscaping proposals, I note that while the Site Plan would appear to show a second line of planting inside the existing northern boundary hedgerow, the submitted landscaping plan indicates that the site boundary planting is to be infilled with a stated blend of native species. Having regard to the presence of existing mature planting along this boundary I consider that the proposal to infill and strengthen this is sufficient and that a second line of planting is not necessary. I note that the submitted landscaping plan does not show the proposed garage and that the proposed tree planting would clash with the location of the garage. I therefore recommend, if the Board is minded to grant permission, that a condition be included requiring a revised landscaping plan to be submitted to the Planning Authority for agreement, prior to the commencement of development.

7.3.5. In conclusion, I consider the design and layout of the proposed development to be generally acceptable, subject to the conditions outlined above and subject to consideration of the potential impact on residential amenity.

7.4. Residential Amenity

7.4.1. The proposed house is located to the rear (east) of the existing house owned by the applicant, and to the south of the appellant's house, which is also a backland development. There are significant separation distances between the proposed development and the existing houses further to the south. Having regard to this, I consider that the only dwellings with the potential to experience a significant negative impact on residential amenity are the appellants' house and the applicant's existing house.

7.4.2. As the appeal site is due south of the appellant's property, development of the site has the potential to result in overshadowing or loss of sunlight/daylight. However, I note that the front elevation of the appellant's house is west-facing, and the only windows on the southern gable elevation, facing the appeal site, are very small and likely to be of limited utility in terms of sunlight and daylight. The proposed house would be separated from the northern site boundary by c. 4m, and due to its single storey nature would have an eaves height of c. 2.7m, with a maximum ridge height of c. 5.6m. Due to the orientation of the proposed house, this ridge line would be parallel to the northern boundary, and would have a c. 7m separation distance from the boundary. I note that the appellant's house is separated from the common boundary by a similar distance to the proposed house and that ridge height of the appellant's house is also c. 1m higher than the maximum ridge height of the proposed house. Having regard to the single storey design of the proposed house, the orientation of the existing and proposed houses and the separation distances, I do not consider that the proposed development can result in any significant overshadowing or loss of sunlight/daylight to the appellant's property. Similarly, with regard to the applicant's existing house to the west of the appeal site, I note that it would be separated by c. 35m from the proposed house and I do not consider that any significant overshadowing would occur.

7.4.3. With regard to the potential for overlooking, I note the presence of an existing hedgerow along the boundary between the appeal site and the appellant's property,

and that it is proposed to infill this hedgerow with additional planting. The only windows on the northern elevation of the proposed house facing the appellant's property are a bathroom window and a small high-level window (c. 1.7m above ground level) serving a utility room, both of which are to feature obscure glazing. Having regard to the proposed use of obscure glazing, the relatively small size of these windows, and noting the boundary planting, I do not consider that either window would result in significant overlooking or loss of privacy. Four velux type roof lights are also proposed on the northern roofslope to serve the proposed kitchen and study. These roof lights would be located at a high level and would not have the potential to result in any overlooking. As a result of the single storey design, the separation distances and the boundary planting, I do not consider that the proposed development would have the potential to result in any significant overlooking of other parties.

- 7.4.4. In conclusion, I am satisfied given the site characteristics, the distance to adjacent dwellings, and the design and orientation of the proposed development, that the proposed development will not seriously injure the residential amenities of properties in the area.

7.5. Other Issues

- 7.5.1. The appellant contends that the applicant has not demonstrated compliance with the requirement to provide a minimum of 25% of the development's energy requirement from active renewable energy sources.
- 7.5.2. I note that, should planning permission be granted, the developer will be required to comply with the requirements of the Building Regulations, including all relevant renewable energy and sustainability requirements. While no renewable energy sources are indicated on the drawings submitted, this omission does not absolve the developer from his obligations under other codes, or the requirement to seek a further grant of planning permission for any such renewable energy sources, should this be required.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, which relates to an infill development on a suitably zoned and serviced site and which is not within or immediately adjacent to 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, for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Louth County Development Plan 2015-2021, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, 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 20th day of April 2018, 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 proposed widening of the existing vehicular entrance shall be omitted and the inset area to the south of the rear garden of the existing house shall be reserved for car parking to serve the existing house.

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 site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the reinforcing and strengthening of the existing hedgerows along all side and rear boundaries of the site,
- (b) the incorporation of the proposed garage to the landscaping layout, and
- (c) details of the boundary treatment between the rear garden of the existing house and the access road to the proposed house.

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 visual 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. 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.

6. 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.

Niall Haverty
Planning Inspector

24th September 2018