



An
Bord
Pleanála

Inspector's Report ABP-302576-18

Development	Construct 1 no. 3 bedroom detached house and 1 no. 3 bedroom house with attached 2 car garage.
Location	Bonavalley, Athlone, Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	187114
Applicant(s)	Dermot O'Meara
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Dermot O'Meara
Observer(s)	None
Date of Site Inspection	7 th of December 2018
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The application site with a stated area of 0.34ha is located on the northern side of the R446 Dublin to Athlone Road. The existing two storey detached and extended dwelling and associated outbuildings are centrally located on this rectangular shaped site which has mature gardens front and back and access from the Dublin Road. The site is well screened from the road by mature planting and there are also trees and shrubs along the side and rear boundaries.
- 1.2. The site forms part of a row of mature dwellings with frontage onto the Dublin Road in the suburban area of Athlone. The house to the west is on a larger plot size and Cartronroy Heights is a linear form residential estate of detached houses with access off the Dublin Road to the east. There is a lay-by on the opposite side of the Dublin Road that includes a bus stop. The application site is located with a mature urban area of Athlone and within close proximity to both Athlone town centre and Athlone Institute of Technology.
- 1.3. The land to the north of the site is greenfield/open space and undulating rising sharply towards Cartronroy to the north so that the more elevated land to the rear can be seen as a backdrop to the rear of the site. There is also an undeveloped piece of land fenced off immediately to the east of the site and a bungalow closer to the road east of this. The rear of the two storey detached houses in Cartronroy Heights can be seen to the east of the site.
- 1.4. The access to the site is via a grid entrance from the Dublin Road. The site is within the 50km/h zone, but this section of the Dublin Road is very fast and heavily trafficked. There is a traffic light controlled junction to the west. There is a footpath on either side of the road.

2.0 Proposed Development

- 2.1. This is to comprise the following:
 - The construction of 1no. 3 bedroom detached house and 1no. 3 bedroom house with attached 2 car garage;

- The existing dwelling house on site is to be retained and a small non-habitable shed to the rear is to be demolished;
- Retention of existing site entrance to serve all 3no. properties (1no. existing and 2no. proposed).
- Retention of existing mains sewer connection and all additional sewer connections to be within the curtilage of the site. The application also includes other minor site-works and drainage.

3.0 Planning Authority Decision

3.1. Decision

On the 21st of August 2018, Westmeath County Council refused permission for the proposed development for 2no. reasons. These include in summary for reasons of unacceptable urban layout which would result of over development of a mature single plot of land which has an established use as a single residential unit on the Dublin Road approach to Athlone town centre, being contrary to Policy P-RLD7 of the Athlone Town Development Plan 2014-2020. Would be contrary to Development Management Standard 12.9.3 of this plan and would impact negatively on the residential amenities of the existing dwelling, would seriously compromise open space provisions and depreciate the value of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planner's Report

The Planner has regard to the locational context of the site, planning history and policy and to the submissions made. Their Report included regard to the following:

- They note the established and mature setting of this house and consider that the development comprises the intensification of residential development on this site.

- They consider that based on siting, layout and orientation that the proposal will impact negatively upon the amenities of adjoining properties and depreciate the value of adjoining lands.
- It would be contrary to Development Management Standard 12.9.3 of the Athlone Town Development Plan 2014-2020 - *New Residential Development in an Urban Area – Infill Residential Development*.
- Having regard to the scale and siting of the proposed development it is determined that there will be no impacts upon the integrity or conservation objectives of the Natura 2000 sites in the area and there is no need to proceed to a Stage 2 of AA process.
- They note the District Engineer does not raise objections to this proposal. The site is within the speed limit controls of Athlone town and it is proposed to use the established residential access.
- According to the draft CFRAMS map the site is located outside of any flood designated area.
- They consider that the proposed development would result in ad-hoc piecemeal development which would be out of character with the subject site and patterns of development in the immediate vicinity, would depreciate the value of adjoining lands and would set an undesirable precedent form similar such developments of this type in the future. It would contravene national policy and the provisions of the Westmeath CDP 2014-2020 and would be contrary to the proper planning and sustainable development of the area.

3.3. Other Technical Reports

District Engineer

He has no objection subject to compliance with current development standards including relative to surface water, access and footpaths and recommends conditions.

3.4. Third Party Observations

Submissions from local residents include the following:

- Concern that the proposal will add to the traffic entering and exiting onto an extremely busy main road which has an increasing volume of cyclists.

4.0 **Planning History**

There is no planning history on file relative to the subject site.

5.0 **Policy Context**

5.1. **National Policy**

The following documents are of note and regard is had to them in the First Party grounds of appeal:

5.2. **Project Ireland 2040 – National Planning Framework**

This aims to provide a broad ranging guide to development and investment over the coming years and seeks to empower national, regional and spatial planning in economic, environmental and social terms to 2040. In conjunction the National Development Plan seeks to provide a ten-year strategy for public investment.

They seek to deliver a greater proportion of residential development within existing built-up areas of cities, towns and villages to provide urban and rural regeneration.

The target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

5.3. **Section 28 Ministerial Guidelines**

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Midlands Regional Planning Guidelines 2010-2022
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the accompanying Urban Design Manual) 2009
- Design Manual for Urban Roads and Streets 2013

- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices).

5.4. **Athlone Development Plan 2014-2020**

This is the statutory plan for the area.

The subject lands are zoned *Existing Residential*.

Section 3.7 provides the Sustainable Development Policies & Objectives. These include Policy P-SR2 which seeks: *To encourage and promote the development of underutilised infill and backland development in the town subject to development management criteria being met.*

Policy P-RD2 seeks: *To promote higher residential density development in the town centre, and on brownfield and infill sites subject to Development Management Standards and the Evaluation Considerations in the NSS being met and existing residential amenity not being compromised.*

Objective O-SR1 seeks: *To promote connectivity and linkages between open spaces and existing residential developments in the town.*

Section 3.11 refers to Residential Layout and Design Policies & Objectives.

Policy P-RLD7 seeks: *To ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities.*

Chapter 12 provides the Development Management Standards. Section 12.9.3 refers to New Residential Development in an Urban Area – Infill Residential Development. This includes: *Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas where the character is established by its density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of the established character and the need to provide residential infill. The design approach should be based on recognition of the need to protect the amenities of directly*

adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design. However, subject to reasonable conformity with these, developments on infill sites, particularly those in excess of 0.5ha, should be capable of proposing their own density and character. Local Authority intervention may be needed to facilitate this type of development, in particular with regard to the provision of access to backlands.

5.5. Natural Heritage Designations

The Shannon Callows are designated as a Special Area of Conservation (SAC) and Special Protection Area (SPA). Lough Ree which is located to the north of the Athlone Town Development Plan area is designated as a SAC and SPA.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal has been submitted by Planning Consultancy Services on behalf of the applicant Dermot O'Meara. The grounds of appeal include the following:

- There is an absence of good quality housing and this application fulfils a need for good quality private houses, close to the IDA Business & Technology Park.
- They present a Table to demonstrate that the subject application is in Compliance with the National Planning Framework, and sustainable residential development policies in the Athlone Town DP.
- A statement of compliance with the relevant infill residential provisions contained within the Athlone TDP is summarised in Table 1. This notes compliance with the Sustainable Residential Development Policy P-SR2, Residential Density Policy P-RD2 and Section 12.9.3 – Development Management Standards for New Residential Development.
- They have regard to a number of recent Policy Documents relative to housing and provide a discussion of such.

- Recent strides in national residential planning policy has moved away from the overprotection of existing character. This has been replaced by more efficient use of land.
- They consider that the proposed development will fulfil a demand for this type of residential development without adversely affecting the residential amenities of the area.

Response to Reason for Refusal No.1

- There is a varied and mixed pattern of residential development in the area. The existing pattern of development on site accommodating one large house on this site area is unsustainable.
- The subject site is located within the built environment of Athlone, zoned residential and the lands are fully serviced.
- There is excellent pedestrian and cycle lane connectivity to the town centre to the west and Athlone IT to the east.
- The subject lands are located along a public transport corridor. A bus stop and dedicated bus layby and bus shelter are located on the southern edge of the road opposite the site.
- It is proposed to maintain the mature sylvan setting and protect existing trees on site.
- The scale design and height of the proposed dwellinghouses are in keeping with the existing houses and other two storey houses in the area.
- The proposed development would not constitute an over development of the site and complies with DP standard 12.9.11 relative to provision of private open space.
- They note that this is an outer suburban site and consider that the proposal would not be contrary to Policy P-RLD7.
- This would not constitute piecemeal development as there is no overall Masterplan for the area and each site must be looked at on its merits.

Response to Reason no.2

- The 3no. houses can be accommodated on site with adequate amenity open space for future residents, without adversely affecting the residential amenities and/or neighbouring properties.
- There is no discernible building line in this area and the proposed house along the southern part of the site would not be injurious to the character of the area.
- The proposed development complies with the requirements of Development Management Standard 12.9.3 in that it comprises sustainable infill development and will not adversely affect the residential amenities of the area. They provide details of this and how the proposed development will fit in with the pattern of development in the area.
- They note that adequate separation distances are available and there will not be problems of overlooking or overshadowing in view of the orientation and distance from adjacent properties.
- They refer to the revised site layout plan which accompanies this appeal and give details of proposed revisions.
- The proposed development will not devalue existing property and the two new private houses will enhance the residential context of the area.
- They consider that the proposal is appropriate on this land use zoning and served by a public transport corridor and ask the Board to overturn the Council's reasons for refusal and that permission be granted.

6.2. Planning Authority Response

There is no response to the grounds of appeal from the Planning Authority.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The application site is in the *Established Residential* land use zoning and is seen in the context of the existing housing in the suburban area, located on the eastern Dublin Road approach to Athlone town centre. Chapter 13 of the Athlone Town

Development Plan 2014-2020 sets out the general policies and objectives relative to Land Use Zoning. Section 13.2.1 refers to Residential and Objective O-LZ1 seeks: *To provide for residential development, associated services and to protect and improve residential amenity.*

- 7.1.2. There is a varied pattern of residential development in the area, with estate type development and some larger houses on mature sites with access from this section of the Dublin Road. It is a rectangular shaped site, on a larger than average plot size. The existing two storey detached house is located centrally on site with mature gardens front and back. It is of note that the site is constrained relative to linkages to adjoining developed and undeveloped lands and would be seen as infill and backland development. The Council considers that in the absence of a collaborative plan with adjoining lands it is considered that the proposed design will impact negatively upon the amenities of adjoining lands and set an undesirable precedent for ad-hoc, piecemeal development on mature sites within its immediate environs and as such would be contrary to the proper planning and sustainable development of the area.
- 7.1.3. The First Party provides that owing to the underutilized, infill and backland characteristics of the site, the proposed residential development is in accordance with Policy P-SR2 which seeks to encourage development of such subject to development management criteria being met. They consider that it complies with Policy P-RD2 of the said Plan which seeks to promote higher residential density development on such infill sites and with development management standards.
- 7.1.4. As noted in the Policy Section above Section 12.9.3 of the Athlone Town DP 2014-2020 provides the development management criteria for sustainable Infill Residential Development. It is of note that this corresponds with Section 5.9 (d) Inner suburban/infill of the Sustainable Urban Planning Guidelines 2009 in particular: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- 7.1.5. Therefore, while the principle for residential is in accordance with the land use zoning, the question is whether it would be seen as sustainable and be in

accordance with the established character of the area and protect and improve residential amenity for existing and future occupants. Regard is had further to these issues, taking note of the merits of the proposed development and the Council's reasons for refusal in this Assessment below.

7.2. Design and Layout

- 7.2.1. The application form provides that the area of the application site is 0.34ha. The g.f.s of the existing building is 200sq.m of habitable floor space. The g.f.s of house A: 242sq.m and B is 290sq.m i.e: 532sq.m of new g.f.s. The g.f.s to be demolished comprises a 38sq.m lightweight non-habitable shed. A Site Layout Plan, floor plans and elevations have been submitted showing the proposed house types and ancillary works.
- 7.2.2. Therefore, the existing house is to be retained in its central position on site, with house type A to the front and house type B to the rear. The new houses are to be 2 storey to match the existing. They are shown 8.75m in height. However, while house type A and the existing house have a south/north orientation, the larger house type B, which includes the double garage at the rear has an east/west orientation. This would look towards the rear elevations of the two storey houses in Cartronroy Heights to the east, however is a considerable distance from these properties. The rear first floor windows would look towards the rear garden area of the larger house type with mature garden to the west, which would not be desirable. Also, it is noted that house type A at the front of the site would have first floor rear windows c. 20m from and facing the front of the existing house. The First Party provides that this distance is more than adequate especially as Section 6.10 of the *Sustainable Residential Development in Urban Areas Guidelines* provides that: *While a 22 metre separation distance between opposing above ground floor windows is normally recommended for privacy reasons, this may be impractical and incompatible with infill development.* However, I would not consider that the proposed design and layout presents innovative solutions.
- 7.2.3. It is of note that a revised site layout plan and house plan for the northern (rear part) of the site, has been submitted with the First Party Grounds of Appeal. This shows house type A, rather than A and B i.e the double garage on house type B has been omitted. This allows for a separation distance of in excess of 29m between the

existing house and the proposed house to the rear. The First Party also note that the revised layout has the advantage of providing a uniform orientation within the development, without generating any perceived overlooking concerns to adjoining properties. Should it be deemed necessary they have no objection to the imposition of a condition to install opaque glazing along the first floor side elevation bedroom window. I would recommend that if the Board decides to permit that the revised plans be conditioned.

7.3. Impact on the Character and Amenities of the Area

- 7.3.1. Regard is had to the Council's reasons for refusal. The First Party provides that the proposal would not lead to over development of the site. They consider that the proposed development represents the appropriate density, and will accommodate 3no. residential units where 1no. dwelling currently exists on this site area of 0.34ha. They consider that this is an appropriate density for this area and note that each of the residential units on site has the benefit of large and well-proportioned front and back gardens. They refer to Development Standard 12.9.11 relate to 'Private Open Space for Houses'. This refers to development having regard to the general character of the area. It notes: *For 3/4/5 bedroom houses, a minimum of 60-75sq.m should be provided as private open space.* It is noted that all 3no. houses exceed this. However, the proposed site layout and orientation of the houses is not similar to the pattern of development in the area. While it is acknowledged that this is varied especially having regard to Cartontroy Heights to the east, that is more sustainable.
- 7.3.2. The First Party consider that this proposal would not constitute piecemeal development. They note that there is no overall Masterplan for this area of Athlone and there are no specific objectives to inform the overall development of residential lands in the area. They consider that the proposal would not be contrary to Policy P-RLD7 in that the proposal is not within or adjacent to the Athlone Town Centre and can be described as an outer suburban site. Also, that 2no. additional units along a bus route/public transport corridor between the Athlone IT and the town centre are more amenable to the delivery of sustainable communities as opposed to the preservation of a large house on a large under-utilised plot. It is of note (as quoted in the Policy Section above) that this policy while it refers to the town centre also encompasses *all new urban development.*

7.3.3. While each application for residential must be looked at its merits, regard must also be had to how this proposal would fit in with the pattern of development of the area. There is also concern that it would set an undesirable precedent for such uncoordinated piecemeal development of these sites with larger mature garden areas. It must be noted that the existing house is of no particular architectural merit, there is undeveloped land to the east of the site (which is included in the residential zoning), the site to the west also has a larger garden area. It is considered that a more co-ordinated approach to development would be more sustainable, relative to any future residential development in this area.

7.4. Infrastructural issues

7.4.1. It is proposed that all 3no. houses be served by the existing vehicular access to the Dublin Road. It is noted that a submission has been made by a local resident regarding additional traffic on this busy road. The Council's District Engineer recommends conditions and does not object to this proposal as the entrance is established and the site is located within the Athlone town speed limits. Should the Board decide to permit it is recommended that a condition relative to road concerns regarding the access be included.

7.4.2. It is proposed to connect to the existing drainage system. The District Engineer includes recommendations relative to surface water drainage. Should the Board decide to permit it is recommended that a drainage condition be included.

7.4.3. According to the draft CFRAMS maps, the application site is located outside of any flood designated area.

7.5. Screening for Appropriate Assessment

7.5.1. Having regard to the nature and scale of the proposed development within this fully serviced site in this established residential area and the nature of the receiving environment and the distance to the nearest European sites, 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.

7.6. **Screening for Environmental Impact Assessment**

7.7. Having regard to the nature and scale of the proposed development and taking into account the residential land use zoning and serviced site, the capacity of the soils on site to accommodate wastewater and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 **Recommendation**

8.1. I recommend that this proposal be refused for the reasons and considerations below.

9.0 **Reasons and Considerations**

1. The proposed development by reason of its siting, design and layout including the provision of a long access road to the rear of the site and the lack of linkages to serve the future residents, would constitute piecemeal and backland development which would seriously injure the amenities of the area, would result in substandard residential amenity for future occupants, would represent overdevelopment of the site and would not be in character with the established pattern of development in the area. It would set an undesirable precedent for further such piecemeal uncoordinated and backland development in the rear/front gardens of these properties. The proposed development would, therefore, be contrary to the provisions of Policy P-SR2 (backland development), Policy P-RLD7 (new urban development) and Development Management Standard 12.9.3 (infill development) of the Athlone Town Development Plan 2014-2020 and to Section 5.9(d) (infill development) of the Department of the Environment, Heritage and Local Government, Section 28, *Sustainable Residential Development in Urban Areas Guidelines 2009* and would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

18th of December 2018