



An  
Bord  
Pleanála

## inspector's Report ABP-303556-19

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<b>Development</b>	(a) Removal in part of Condition No. 3 of P.A. Reg. Ref. No. 94/1258 and An Bord Pleanála Ref. No. PL17.096766; (b) Construction of 6 no. 2-storey 4-bedroom semi-detached houses; and, all associated site works & services.
<b>Location</b>	Tudor Grove, Ashbourne, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	AA181312.
<b>Applicants</b>	Quarrycross Ltd.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party.
<b>Appellants</b>	Quarrycross Ltd.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> day of April, 2019.
<b>Inspector</b>	Patricia-Marie Young

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## 1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.485ha area and it is located centrally in a larger plot of land that has been developed on its western side in the form of a cul-de-sac of 18 no. matching in appearance and built form 2-storey semi-detached dwellings that collectively are referred to as Phase IV of the Tudor Grove and Tudor Heights residential development. This residential development is located to the north west of Ashbourne's town centre and c1.4km to the south east of the N2's junction with the R135, in County Meath.
- 1.2. The site and the above-mentioned semi-detached dwellings are served by an L-shaped access road that runs along part of the western boundary of the site with this access road indenting into the site area itself to include part of the access roads carriageway, a section of its pedestrian footpath and a turning area. At the time of my site inspection the turning area was in use as an area of on-street car parking and served as a drop off and collection point for 'Little Buddies' creche.
- 1.3. The ground levels of the appeal site are more elevated than the adjoining developed land immediate to the west of it. It is unmaintained, overgrown and in parts it is unsafe to traverse.
- 1.4. The northernmost section of the western boundary of the appeal site is not as indicated in the submitted documentation accompanying this application in that it appears that the adjoining property (No. 18 Tudor Grove) has modified their eastern side boundary to take in part of the appeal site on which they have erected structures including a new boundary fence and two outbuildings. In addition to this, this property discharges water collected from a lean-to structure directly into the appeal site along the western boundary.
- 1.5. The adjoining land to the east and south is open and in a very unkempt state. St. Mary's National School is located in close proximity to the southern boundary of the site and is robustly screened by mature coniferous hedging. As such views of St. Marys National School are limited from the site itself.
- 1.6. The northern boundary between consists of unmaintained hedgerows that are predominated by indigenous planting. The western boundary contains mainly timber panel fence along the shared boundary with No. 18 Tudor Grove, the remainder of the

site is not demarcated but there is some timber post and rail fencing within the site itself.

- 1.7. The adjoining land to the north has been residentially developed and is characterised by 2-storey semi-detached dwellings (Racehill Close and Racehill Road).

## 2.0 Proposed Development

- 2.1. By way of this application planning permission is sought for the following -

- Removal in part of Condition No. 3 of ABP Ref. No. PL17.096766 (P.A. Reg. Ref. No. 94/1258);
- Construction of 6 no. 2-storey 4-bedroom semi-detached dwellings;
- All associated site works and services.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** planning permission for the following stated reasons:

“1. *The proposed development including ‘removal in part of condition no. 3 of Planning Registry Ref. No. 94/1258 (An Bord Pleanála appeal reference number PL 17.096766) insofar as it relates to the application site’ is considered to contravene materially condition no. 3 of pl. ref: 94/1258 (appeal ref. no. PL17.096766) which required that, prior to the occupation of the first dwelling house, the subject site be provided as open space and finished to the satisfaction of the Planning Authority. The proposed development would result in a permanent loss of lands for ‘open space’ and a consequential permanent loss of recreational amenity for the wider Tudor Grove and Tudor Heights development. Furthermore, the proposed development would set an undesirable precedent in terms of non-compliance with planning conditions and would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *The proposed development is on an area of land indicated for use as open space under pl. ref: 94/1258 (appeal ref. no. PL.17.096766). The proposed development would therefore contravene materially the following policies of the Meath County Development Plan 2013 – 2019 –*

- *SOC POL 39- ‘to resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location’ and*
- *SOC POL 42- ‘to maintain free from development lands that are subject of a deed of dedication or identified in a planning permission as open space to ensure the availability of community and recreational facilities for the residents of the area’.*

*The proposed development would result in the loss of this area of open space and would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.”*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planning Officer’s report is the basis of the Planning Authority’s decision.

### **3.2.2. Other Technical Reports**

- **Water Services:** No objection.
- **Broadband Officer:** No objection.
- **Executive Engineer:** No objection.

## **3.3. Prescribed Bodies**

3.3.1. **Irish Water:** No objection.

## **3.4. Third Party Observations**

3.4.1. None.

## 4.0 Planning History

- **ABP Ref. No. 300097 (P.A. Reg. Ref. No. AA170958):** On appeal to the Board planning permission was **refused** for a development consisting of the construction of a housing development of 6 no. 2-storey, 4-bedroom, semi-detached houses, open space provision, extension of the estate road, all associated services, service connections, landscape, boundary treatment and site development works at the subject appeal site. The stated reasons and consideration for refusal reads -

“1. *It is considered that the proposed construction of six houses on the appeal site would contravene materially condition number three attached to the permission for development granted under planning register reference number 94/1258, (An Bord Pleanála reference number PL17.096766), which required that, prior to the occupation of the first dwellinghouse, the subject site (and adjoining lands) was to be provided as open space and finished to the satisfaction of the planning authority. The granting of planning permission for the proposed six houses would result in a permanent loss of lands for ‘open space’ and a consequential permanent loss of recreational amenity for the wider Tudor Grove and Tudor Heights development which the open space was intended to serve. It is considered that permitting the development would reduce the recreational amenities for the area to an unacceptable level and would also set an undesirable precedent in terms of non-compliance with key planning conditions. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.*

2. *The proposed development comprising six houses on a site which was indicated for use as ‘open space’ in planning permission register reference number 94/1258 (An Bord Pleanála reference number PL17.096766) would be contrary to the provisions of the Meath County Development Plan 2013 – 2019, as set out in Policy SOC POL 39, which seeks ‘to resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location’ and in Policy SOC POL 42 which seeks ‘to maintain free from development lands that are subject of a deed of dedication or identified in a planning permission as open space to ensure the availability of community and recreational facilities for the residents of the area’. These policies are considered to be reasonable. The proposed development would result in the loss of this area of open space, and would, therefore, seriously injure the amenities*

*of the area and would be contrary to the proper planning and sustainable development of the area.”*

- **ABP Ref. No. PL17.096766:** On appeal to the Board planning permission was **granted** subject to conditions for a development described as Phase IV of Tudor Grove residential scheme in 1995. This development comprised of the 18-no. 2-storey semi-detached dwellings to the west of the appeal site and within the blue line area of the site as indicated as lands in which the applicant has a legal interest. I note the following conditions imposed in the grant of permission –

**Condition No. 1** states that: *“the development shall be in accordance with plans and particulars submitted on 13 December 1994 as amended by details received on 30 May 1995 except where conditions hereunder specify otherwise”*. The stated reason for this condition is *“in the interest of proper planning and development”*.

**Condition No. 3** states that: *“the open space to be provided shall be finished to the satisfaction of the planning authority and agreed in writing prior to the occupation of the first dwellinghouse”*. The stated reason for this condition is *“in the interest of residential development”*.

In the accompanying plans submitted with this application the appeal site together with the adjoining lands to the east and south forms part of the open space provision indicated for the residential scheme proposed.

## 5.0 Policy and Context

### 5.1. Development Plan

5.1.1. The main area of the appeal site is zoned ‘A1’ – Existing Residential. The stated zoning objection for such zoned lands is *“to protect and enhance the amenity of developed residential communities”* in the Meath County Development Plan, 2013 to 2019, and the Ashbourne Local Area Plan (LAP) 2009 – 2015.

5.1.2. The eastern most dwelling indicated in the submitted application is located on lands zoned ‘G1’ – Community Infrastructure. The stated zoning objective for such lands is *“to provide for necessary community, social and educational facilities”*.

5.1.3. Chapter 11 of the CDP outlines Development Management Guidelines and Standards.

- 5.1.4. Section 11.2.2 'Houses' is relevant.
- 5.1.5. SOC POL 39 states: *"to resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location"*.
- 5.1.6. SOC POL 42 states: *"to maintain free from development lands that are subject of a deed of dedication or identified in a planning permission as open space to ensure the availability of community and recreational facilities for the residents of the area"*.

## 5.2. **Natural Heritage Designations**

- 5.2.1. None relevant.

## 5.3. **EIA Screening**

- 5.3.1. Having regard to the nature, scale and scope of the proposed development within the development boundary of Ashbourne, County Meath, the nature of the receiving environment, the serviced nature of the site and its setting, the significant separation distance between the site to the nearest sensitive location, I consider that 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.

## 6.0 **The Appeal**

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

- 6.1.1. The grounds of appeal can be summarised as follows -
- Reference is made to the planning and civil history of the site which includes a yet to be determined judicial review.
  - No objection was raised in relation to design and layout of the dwelling houses; the dwellings position on site; flooding; the proposals relationship with adjacent dwellings; transportation; surface water drainage; and, waste water arrangements.
  - The subject lands never provided a source of recreational amenity and have to date resulted in the creation of an area susceptible to anti-social behaviour.



- The subject site was always earmarked for future residential development and was not intended to be reserved in its entirety for open space.
- The requirement at the time the scheme was granted was 10% public open space provision.
- The 18 houses granted under PL17.096766 formed part of a standalone planning application. Earlier phases were also standalone phases of development.
- This application seeks to provide a quantum of open space which is in accordance with open space requirements in the Development Plan under which the site is zoned and to permanently remove open space which is being suggested.

## 6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows -

- All matters raised by the appellant were considered during their assessment of this planning application.
- The Board is requested to uphold its decision.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. I consider the key issues in this appeal are -

- Planning and Zoning History
- Open Space Considerations
- Material Contravention
- Design and Layout
- Appropriate Assessment
- Other Matters Arising

7.1.2. Notwithstanding, before I commence my assessment of these issues I raise a concern that the western boundary of the redline site area as shown in the submitted plans appear to incorrectly depict this boundary as it currently is. This raises several issues

in terms of assessing the planning merits of this application but also raises questions over the landownership of the appeal site area.

- 7.1.3. As described in Section 1 of this report the northernmost portion of the western boundary of the site indents in an easterly direction to accommodate an expanded rear garden area on which there are amended site boundaries to demarcate it and two outbuildings that appear to be associated with the commercial operations of a creche (Note: Little Buddies).
- 7.1.4. The Board may therefore consider it prudent prior to making a decision to seek clarification on this boundary; amended drawings; landownership clarification and consents of landowners directly impacted by the proposed development on their lands should that be deemed to be required.
- 7.1.5. Of further concern this neighbouring this building also contains a lean-to that contains rain water goods that in part over sails the western boundary in order to discharge rain water run-off directly onto the land subject of this application. The Board may therefore consider it prudent prior to making a decision to clarify whether permission exists for the same between the applicant and the adjoining landowner and, if it is substantiated that such a permission exists whether provisions have been made for this in the proposed development. I consider that the latter has not been satisfactorily demonstrated in the documentation submitted with this application.
- 7.1.6. The Board may consider these matters to be new issues in their determination of this appeal.

## **7.2. Planning and Zoning History**

- 7.2.1. I consider that the planning permission and history of the appeal site as set out by the Boards Planning Inspector for appeal case ABP Ref. No. 300097-17 is applicable up until the date that this case was decided, i.e. the 20<sup>th</sup> day of February, 2018. It reads as follows –

*“In 1995, planning permission was granted under Reg. Ref. 94/1258 / PL17.096766 for a housing development comprising 18 semi-detached dwellings, on lands which included the appeal site. The development was referred to on the public notice as comprising Phase IV of Tudor Grove residential scheme and the planning officers report refers to it as the final phase of the overall development of Tudor Grove. Condition No.2 attached to the decision required the omission of five dwellings on sites*

Nos. 1, 2 and 15 to 18. Following an appeal made solely against this condition under reference no. PL17.096766, the Board's decision was to direct the Planning Authority to delete this condition. Consequently the 18 houses as originally proposed were permitted.

Condition No.3 attached to the same planning permission under Planning Reg. Ref. 94/1258 reads as follows: 'the open space to be provided shall be finished to the satisfaction of the planning authority and agreed in writing prior to the occupation of the first dwelling house'. While the 18 houses were subsequently developed, the open space area was never landscaped or planted and it currently comprises unkempt and unmaintained open lands, which are fenced off and which do not read as part of the 18-house development or the wider residential area.

The appeal site on which the current six houses are proposed, lies within a portion of the lands referenced as 'open space' on the original drawings on foot of which permission was granted under Ref: 94/1258.

At the time, the 18 houses were permitted in 1995, the appeal site comprised lands that were zoned 'F1' 'Open Space' under the Ashbourne Development Plan 1989. Under the current Meath County Development Plan 2013-2019, the lands on which the appeal site lies, are currently zoned 'A1' 'Residential' broadly on the part of the site where the houses are proposed and 'G1' 'to provide for necessary community, social and educational facilities' on the majority/remainder of the site area which is shown proposed as 'open space'.

More recently, permission was refused by the Board for a similar development on the appeal site under ref: PL17.246868 / AA151349, primarily as it was considered that the proposed development would contravene condition No. 3 of 94/1258 /PL17.096766 and would be contrary to policy SOC POL 39 and SOC POL 42 of the current Meath County Development plan."

- 7.2.2. To the above I note that on the 20<sup>th</sup> day of February, 2018, the Board refused planning permission for a similar development broadly to that now sought under this application under ABP Ref. No. 300097-17 (P.A. Reg. Ref. No. AA/170958) as it was considered that the proposed development would contravene Condition No. 3 of P.A. Reg. Ref. No. 94/1258/ABP Ref. No. PL17.096766 and that it would also be contrary to policy SOC POL 39 and SOC POL 42 of the Meath County Development Plan.

- 7.2.3. I concur with the Planning Authority's Planning Officer in that the main difference between this previous application and the application now before the Board is that the appellant alongside the proposal to construct 6 No. 2-storey 4-bedroom semi-detached dwelling houses and associated site works now also seek the removal of the aforementioned Condition No. 3 as they contend that the development approved under P.A. Reg. Ref. No. 94/1258 like other developments in the Tudor Grove and Tudor Heights residential scheme were standalone applications. As such the collective provision of open space to serve the residents of this development and its adequacy should not prejudice the current proposal for additional dwellings at this location.
- 7.2.4. I note that the zoning of the subject lands has not changed since the Board made its decision on appeal case ABP Ref. No. 300097-17 but I also note that it would appear that the appeal site forms part of lands that are also subject to SOC OBJ 6 which seeks to facilitate the expansion of St. Mary's National School, which is situated in close proximity to the southern boundary of the appeal site.
- 7.2.5. Should the Board be minded to grant planning permission for the development sought under this application I recommend that it first needs to decide on whether or not there has been a substantial non-compliance with a previous grant of planning permission having regard to Section 35 of the Planning Act, as amended, and there is also in my view a concern that there was a reasonable expectation for those buying into Phase IV of the Tudor Grove residential scheme particularly that the open space set out in the permitted planning application for this development would be provided prior to occupation or if not some reasonable timeframe would have been sought by the developer in terms of providing this important residential amenity.
- 7.2.6. It is a significant concern that the conditions attached to the grant of permission were not for some reason enforced by the Planning Authority who I am cognisant are ultimately charged with dealing with such matters as they see fit.
- 7.2.7. It is also a significant concern that to permit the development sought under this application would undermine conditions attached to a grant of permission to facilitate a piecemeal and uncoordinated further expansion to the Tudor Grove/Tudor Heights residential estate, an estate where to date open space provisions are inadequate both quantitatively and qualitatively, and where there is nothing to suggest that this shortfall of passive and recreational open space amenity is to be reasonably addressed going

forward. In my view to permit such a development would imply that non-compliance will be tolerated by the planning system and this not only would erode public confidence it would also risk more widespread breaches of planning law alongside establishing an undesirable precedent. I therefore consider this not to be in the spirit of proper planning and sustainable development as provided for in under current legislation and planning policy provisions.

7.2.8. Based on the above, I consider that the general principal of the proposed construction of the dwelling houses on the appeal site is not consistent with the planning and zoning history of these lands and that the principal issue which needs to be addressed is whether or not it would be acceptable to develop a portion of the lands which were previously denoted as 'open space' lands in the associated documentation accompanying P.A. Reg. Ref. No. 94/1258 in 1995 for a housing development and for which planning permission was granted on appeal to the Board on the 21<sup>st</sup> day of December, 1995, under ABP. Ref. No. PL17096766 subject to conditions. Including but not limited to the overarching requirements of Condition No. 1 which sets out that the development shall be in accordance with plans and particulars submitted except where conditions hereunder specify otherwise and of particular relevance to the subject matter of this appeal Condition No. 3 which reads: "*the open space to be provided shall be finished to the satisfaction of the planning authority and agreed in writing prior to the occupation of the first dwellinghouse*". The stated reason for Condition No. 3 reads "*in the interest of residential amenities*".

7.2.9. I also raise a concern that there is ambiguity into the scope of how it is envisaged that SOC OBL 6 would be facilitated at this location. I therefore consider that arguably the future expansion of St. Mary's National School at this location is a consideration for development at this location and in the absence of a masterplan for the undeveloped lands in the applicant's ownership demarcated in blue that to permit the proposed development would be premature. Moreover, it would result in piecemeal and uncoordinated development. The Board, however, may consider this concern a new issue in the context of this appeal.

### 7.3. **Open Space Considerations**

7.3.1. The appellant contends that the proposed development is consistent with the current zoning of the site with residential development being permissible on 'A1' zoned land

and open for consideration on 'G1' zoned land. If permitted, it would provide a functional use to what is underutilised lands and would serve to improve the visual amenities of the area.

- 7.3.2. They also contend that previous applications which permitted residential development that now is collectively referred to as Tudor Grove/Tudor Heights residential scheme were standalone applications. As such it is not reasonable to expect that the subject lands be precluded from the type of development now proposed and a type of development that if examined in isolation provides above the required amount of open space provision and its consistent with its land use zoning.
- 7.3.3. Having reviewed the planning history of the site and its setting I concur with the Planning Authority and previous Board Inspectors in that the appeal site is clearly demarcated as an area proposed for open space for future occupants of the Tudor Grove/Tudor Height residential scheme. It would also appear that Phase IV of the Tudor Grove/Tudor Heights residential development was the final phase of the overall development and the grant of permission for this phase by way of Condition No.3 required that open space to be provided on the lands that are now subject of this application alongside adjoining land to the east and south.
- 7.3.4. Unfortunately for whatever reason the developer did not provide this open space and the Planning Authority did not enforce compliance with the conditions attached to this grant of planning permission.
- 7.3.5. I therefore agree with the previous Planning Inspector in their assessment under ABP Ref. No. 300097-17 that "*while the land was not developed as open space, this does not excuse it from that requirement*".
- 7.3.6. I also consider that as the planning history documentation for P.A. Reg. Ref. No. 94/1258 clearly indicates that the housing provided to the west was the final phase in the development of c151 dwellings on a stated 9.5ha plot of lands.
- 7.3.7. It is evident that this residential scheme as it currently presents lacks an appropriate quality and quantity of useable passive through to recreational space to accommodate the scale and the type of residential development contained within this scheme. Arguably the lack of such a provision also results in a diminished urban environment where such open space provisions provide important pockets of deep soil and areas that can positively contribute to biodiversity as well as ecology of such areas.

- 7.3.8. I therefore agree with the Planning Inspector in their assessment of appeal case ABP Ref. No. 300097-17 that there is no justifiable reason that land that was intended to be provided as open space would be lost for the development of additional housing, especially when it has been identified as open space on previous permitted residential scheme, irrespective of any change in zoning over the interim period.
- 7.3.9. Based on the above consideration, having regard to the lack of open space in the collective phases of Tudor Grove and Tudor Heights residential scheme I recommend that planning permission should not be granted for the proposed development as it would mean that the intended open space could not be delivered in compliance with grant of planning permission ABP Ref. No. PL17.096766 (P.A. Reg. Ref. No. 94/1258). In addition, to permit the proposed dwelling houses on this area would result in a permanent loss of lands for 'open space' and a consequential permanent loss of recreational amenity for the Tudor Grove/Tudor Heights residential scheme, in which it was intended to serve. For these reasons the proposed development would be contrary to the proper planning and sustainable development of the area.

**7.4. Material Contravention of Meath County Development Plan, 2013 to 2019.**

- 7.4.1. The Planning Authority's second reason to refuse planning permission attached to P.A. Reg. Ref. No. AA181312 states that the proposal would materially contravene policies SOC POL 39 and SOC POL 42 contained in the Meath County Development Plan, 2013 to 2019.
- 7.4.2. I note that Policy SOC POL 39 states that the Planning Authority will seek to "*resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location*". The applicant by way of their application and their appeal submission to the Board has not demonstrated that compliance with this policy.
- 7.4.3. I also note that SOC POL 42 states that the Planning Authority will seek to "*maintain free from development lands that are subject of a deed of dedication or identified in a planning permission as open space to ensure the availability of community and recreational facilities for the residents of the area*".
- 7.4.4. The appellant contends that the lands are not subject to a deed of dedication nor is their any evidence to substantiate that they are. Notwithstanding, it is apparent that this current application seeks to develop an area that was indicated as open space amenity for occupants of the Tudor Grove and Tudor Heights residential scheme under

ABP Ref. No. PL17.096766 (P.A. Reg Ref. No. 94/1258) and a condition that was endorsed by Condition No. 3 attached to that grant of planning permission and arguably also Condition No. 1. Condition No. 1 required that the development be provided in accordance with the plans and particulars submitted to the Planning Authority on the 13<sup>th</sup> day of December, 1994, subject to the standard safeguard except where other conditions imposed in the notification to grant specify otherwise.

- 7.4.5. Like the previous refused scheme ABP Ref. No. 300097 while the proposed development currently proposes an area of open space to serve the future occupants of the six dwelling houses proposed, given that they would be positioned on land which was to be provided as open space for existing residential development within the Tudor Grove and Tudor Heights residential development, it would nonetheless, reduce the open space provision to serve this residential scheme without putting forward any alternative passive or recreational open space amenity at another suitable location within the confines of this scheme. As a result, it would result in a reduced open space provision in a manner that would be contrary to SOC POL 39 and SOC POL 42 of the Development Plan.
- 7.4.6. As previously in my assessment above, the decision of the Planning Authority refers to development that, if permitted, would materially contravene the policies of their Development Plan, i.e. Policy SOC POL 39 and SOC POL 42. Therefore, should the Board be minded to grant permission for the proposed development sought under this application, I advise that they have regard to Section 37(2) of the Planning and Development Act, 2000, as amended.
- 7.4.7. This Section of the said Act sets out that if the Planning Authority decided to refuse planning permission on the grounds that a proposed development materially contravenes the Development Plan, the Board may only grant permission in certain circumstances. However, I hold a different view to the Planning Authority on the matter in that I consider that the development, if permitted, would not materially contravene the Development Plan. The policies referenced in the reason for refusal are general policies which seek to resist loss of open space and to maintain land identified in a planning permission as open space, free for recreational facilities of the area. They are not prescriptive in nature in relation to the appeal site. While the proposal would be contrary to the policies outlined, I do not consider that the proposed development, if permitted, would materially contravene the Meath County Development Plan.



## 7.5. Design and Layout

7.5.1. The appellant in their grounds of appeal considers that the design and layout of the proposed development does not give rise to any substantive issues. I do not consider this to be case.

7.5.2. As previously mentioned above I consider that the proposed development irrespective of the planning history of the site and the zoning provisions of the site as set out in the current Development Plan represents piecemeal and uncoordinated development of a plot of land for several reasons including but not limited to the following:

### 1) Masterplan:

In the absence of a masterplan for the lands that includes the appeal site area as well as the lands in the applicant's ownership to the east and south of the site I consider that to permit the proposed development would result in piecemeal and uncoordinated development.

An appropriate masterplan and vision for these lands is in my view necessary to ensuring that these lands not only integrate with good permeability and connectivity to surrounding lands but also that they provide an appropriate standard of residential amenity provided to meet the future needs of its occupants through to demonstrating that the relevant planning provisions requirements are achieved in a compliant manner.

### 2) Variety:

This scheme perpetuates a pattern of 2-storey semi-detached dwellings that not only predominate the Tudor Grove/Tudor Heights residential scheme but also adjoining residential developments including those adjoining the northern boundary (Note: Racehill Close and Racehill Road).

It is a policy of the Planning Authority under HS POL 1 of the Development Plan *“to encourage and foster the creation of attractive mixed-use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities”*.

This development scheme, if permitted, would reinforce an overprovided for dwelling type within this area and as such is inconsistent with the said policy.

### 3) Integration/Connectivity/Permeability:

There is an opportunity for increased levels of permeability to be achieved in the subject lands to adjoining lands around it including Racehill Close and Racehill Road to the north. To permit the proposed development would result in an introverted development that failed to maximise integration with existing urban fabric. Moreover, there is no Masterplan for these lands and adjoining lands that demonstrates otherwise.

For these reasons the proposed development, if permitted, would therefore be contrary to Policy HS POL 4 of the Development Plan which seeks to promote such integration within settlements.

4) Open Space Provision:

In relation to the design of the Open Space a concern is raised that not only is residential development proposed on land zoned 'G1' but also I question the design and layout along the northern boundary of the site which includes a permeable paving area midway along it that could potentially be used as a turning area, the lack of pedestrian footpath along the roadside verge and the presence of a turning area towards its eastern most end.

These components of the proposed open space provision diminish its quality in providing a safe accessible and appropriately integrated amenity space.

5) Ground Levels:

In relation to the suite of drawings submitted and having inspected the site it is in my view unclear how the applicant proposes to deal with the different ground levels on site relative to those on adjoining land to the west. Moreover, the proposed scheme, in my view, does not appear to demonstrate how it would integrate with alongside work with the existing topography in a positive manner.

6) Proposed Dwellings:

The submitted drawings showing the proposed dwellings, in my view, is unclear how the rooflights would be integrated into the 1<sup>st</sup> floor level of habitable accommodation or whether these rooflights are being provided for a storage or habitable accommodation within the attic space. This is a concern having regard to the ridge height, the eaves height, the roof shape and profile. This requires clarification.

7.5.3. Based on the above considerations, while I accept it would be desirable to secure a permeant solution for the appeal site lands that are currently vacant, in an unkempt state and of no functional amenity value to their surrounding urban fabric; notwithstanding, I consider in the absence of an acceptable coordinated plan and vision for the site together with the lands to the east and south, that is consistent with planning policy provisions the proposed development would be premature. I also consider the proposed development to be contrary to planning policy guidance including the Design Manual for Urban Roads and Streets, ‘Sustainable Residential Development In Urban Areas’, 2013; Guidelines for Planning Authority’s, 2008; through to its companion document ‘Urban Design Manual – A best practice guide’, 2009.

## 7.6. **Appropriate Assessment**

7.6.1. There are no European sites in the vicinity of the appeal site. In addition, it is proposed to connect the development to public foul sewer network and public water supply. Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, 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 is **refused** for the reasons and considerations as set out below. The Board may consider Reason No. 3 below is a new issue.

## 9.0 **Reasons and Considerations**

1. It is considered that the proposed construction of 6 no. dwelling houses on the subject appeal site would contravene Condition No. 3 attached to a previous grant of planning permission P.A. Reg. Ref. No. 94/1258, An Bord Pleanála appeal Ref. No. PL17.096766, which required that, prior to the occupation of the first dwelling-house, the subject site was to be provided as open space and finished to the satisfaction of the Planning Authority. The granting of planning permission for the proposed dwelling houses would result in a permanent loss of lands for ‘open

space' and a consequential permanent loss of recreational amenity for the wider Tudor Grove and Tudor Heights residential development in which the open space was intended to serve. Permitting the development would reduce the recreational amenities for the area to an unacceptable level and would also set an undesirable precedent in terms of non-compliance with key planning conditions. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development comprising 6 no. dwelling houses on a site which was indicated for use as 'open space' for residential development as granted permission on appeal to the Board under An Bord Pleanála Ref. No. PL17.096766, would be contrary to Policy SOC POL 39 which seeks to resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location' and subject of a deed of dedication or identified in a planning permission as open space to ensure the availability of community and recreational facilities for the residents of the area' of the Meath County Development Plan, 2013 to 2019. The proposed development would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The site forms part of a larger parcel of land which is currently vacant and in an unkempt state. Notwithstanding, this land is bound by residential, institutional and amenity land that has a mature established character. It is considered that in the absence of an agreed overall masterplan for these lands the proposed development would represent a piecemeal approach to the sustainable development of the area and would, thereby, conflict with planning policy provisions that seek coordinated, orderly and consolidated development within settlement that integrates in a sustainable manner with its existing urban fabric.

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Patricia-Marie Young

Planning Inspector – 30<sup>th</sup> day of May, 2019.