



An  
Bord  
Pleanála

## Inspector's Report ABP-303893-19

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<b>Development</b>	Construction of house, new site entrance onto Archerstown Demesne and all associated works.
<b>Location</b>	Milltown Road, Ashbourne, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	AA180459
<b>Applicant(s)</b>	Celine & Shane Burke
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Karen Doyle and Others
<b>Observer(s)</b>	Niamh Gallagher
<b>Date of Site Inspection</b>	10 <sup>th</sup> of May 2019
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The site is located to the south east of Ashbourne town centre. It is to the north east of Milltown Road in Ashbourne. The site is laid to grass and is rectangular in shape and is located to the rear of two established dwellings. At present it forms part of a large rear garden which serves the two detached bungalows to the front of the site. There is a wall along the northern and eastern boundaries of the site. To the north of the site is open ground which appears as landscaped open space and is bounded by The Beeches development to the west, White Ash Park to the east and Milltown Park to the south. The Archerstown Demesne housing development is a relatively new development of 2 storey houses located to the north west of the site. The access road to this development runs along the northern site boundary from the junction with the Milltown Road.
- 1.2. White Ash housing development, consisting of dormer bungalows, is located in a cul de sac to the north and east of the subject site. The general area is residential with a mix of older more mature properties and an amount of new build and on-going construction. There were road works on the Milltown Road further to the south of the site on the day of the site visit. The Broadmeadow River also lies to the south.

## 2.0 Proposed Development

- 2.1. It is proposed to construct a detached two storey dwelling and new site entrance onto Archerstown Demesne and all associated site works.
- 2.2. Details providing a background to and justification for the proposed development have been provided.
- 2.3. A Site Layout Plan, floor plans, sections and elevations have been submitted.
- 2.4. A letter has been submitted from the Developer and landowner as confirmation that he gives the applicants permission to gain access and make an entrance to their site on the Milltown Road via Archerstown Demesne.
- 2.5. A letter has also been received from the landowners giving consent for the applicants to apply for permission and to build on the family site.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 12th of February 2019, Meath County Council granted permission for the proposed development subject to 16no. conditions. These include relative to design and layout, infrastructural (access/roads and services) issues, construction issues and development contributions. The following are of particular note:

- Condition no.3 – *The finished floor level of the dwelling shall be 66.925m as shown on Site Layout Drawing No. C18-01-200A submitted to the Planning Authority on the 21/12/18.*
- Condition no.4 – *The entrance and gate piers should be setback 5.5m from the edge of the road and the access point constructed as shown on Dwg. No. C18-01-200A submitted to the Planning Authority on the 21/12/18.*
- Condition no.5 – *The applicant shall maintain a strip of land free from development to facilitate the provision of a cycle path along the Archerstown Demesne access road. The strip of land should be 2m wide measured to the south of existing precast boundary wall over the full extent of the blue line boundary.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report had regard to the locational context of the site, planning history and policy and to the submissions made. Their assessment included in summary regard to the following:

- The principle of development is permitted on this A2 residentially zoned land.
- They noted that this application is for one house only.
- They noted Transportation concerns relative to sightlines at the proposed access and boundary treatment.

- They noted the concerns of the Water Services Section relative to surface water design and that significant constraints currently exist in the network adjacent to the site.
- They noted that an exemption certificate under Section 97 of the Planning and Development Act 2000-2015 was granted.
- They considered that the proposed development would not be likely to have a significant effect on a European site and that a Stage 2 AA (NIS) is not required in this instance.

*Further Information Request* – included the following:

- The applicant was requested to demonstrate that sightlines, in accordance with DMURS, can be achieved from the proposed entrance.
- The applicant was requested to agree boundary treatment, including provision for a footpath and cycleway on the Milltown Road and to facilitate the development within the red line boundary of the site.
- To address the concerns of Irish Water regarding constraints to the network and capacity of the existing water supply and wayleaves. Also, of the Meath CC Water Services Section with respect to the orderly collection, treatment and disposal of surface water and to include a revised surface water design to incorporate permeable paving to the private driveway.
- Detailed Sections to be submitted to include finished floor levels and ridge heights for the proposed and existing dwellings to ensure that the proposed dwelling can be assimilated into this site without being visually obtrusive.

*Further Information Response* – This included the following:

- Revised drawings showing the revised site entrance and sightlines.
- A revised Site Layout Plan has been submitted to show modifications to the redline boundary. They welcome the proposed upgrade works to provide footpath and cycle way at the front of the site.
- The applicant made a pre-connection enquiry to Irish Water.
- Drawings have been submitted providing details relating to water supply and foul disposal to serve the proposed dwelling.

- Details regarding Irish Water wayleaves.
- BRE test reports prepared by Hydrocare Ltd.
- The proposed drive and parking area to be finished in permeable paving.
- Sections showing the proposed dwelling in the context of adjacent dwellings/structures in the vicinity of the site.
- The floor level of the proposed dwelling has been lowered by 300mm and a F.F.L of 66.925m is now proposed.
- The existing masonry boundary wall which backs onto White Ash Park is to be retained.
- The applicants are currently in cramped accommodation and are anxious to build on family lands adjacent to the family home.

*Planner's Response*

- They noted the Transportation and Water Services Section and Irish Water responses and that these consider the F.I submitted broadly meets their requirements and recommend conditions.
- They noted the revised plans including sections submitted and consider that the proposed development in view of the separation distances from White Ash Park is acceptable from a visual and design point of view.
- They concluded the proposed development is considered acceptable in the context of the Meath CDP 2013-2019 and recommended that permission be granted subject to conditions.

### **3.3. Other Technical Reports**

Water Services Section

They had concerns that the proposal does not meet the requirements of the Council's Water Services Section with respect to the orderly collection, treatment and disposal of surface water and recommended that F.I be submitted to include BRE 365 test results relative to the proposed attenuation system and a revised surface water design to incorporate permeable paving to the private driveway.

Transportation Office

They advised that the application be requested to demonstrate that sightlines, in accordance with DMURS be achieved. Also, that the applicant be requested to agree boundary treatment including footpath and cycleway on the Milltown Road within the blue line boundary and to facilitate the development within the red line boundary. They noted the F.I submitted and recommended conditions relative to the access and strip of land to facilitate a footpath and cycleway.

### **3.4. Prescribed Bodies**

Irish Water

They requested F.I in relation to significant water constraints existing in the network adjacent to the site, insufficient details being submitted and that the applicant nominate Irish Water as a beneficiary of a wayleave across the land to allow maintenance and repair of and access to the proposed wastewater services infrastructure.

### **3.5. Third Party Observations**

Submissions received from local residents include concerns regarding the following:

- Overlooking and loss of privacy and overshadowing relative to the adjoining houses in White Ash Park.
- Overly dominant and out of scale with existing houses in the area.
- Security risk due to the location of the proposed access and devaluation of adjoining houses in White Ash Park.
- A smaller scale lower profile house in this location would be preferable.
- Increase in density and concern that 3 dwellings in this area will be excessive, and impact adversely on the residential amenities of adjoining properties.
- Impact on landscaping and trees.

Issues raised are discussed further in the context of the grounds of appeal and in the Assessment below.

## 4.0 Planning History

The documentation submitted provides that no previous planning applications have been made on the subject site.

- AA/EX1822 – An exemption certificate under Section 97 of the Planning and Development Act 2000-2015 was granted to Celine Burke on the 29/05/2018.

## 5.0 Policy and Context

### 5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).

### 5.2. Meath County Development Plan 2013-2019

Chapter 2 provides the Core Strategy. Section 2.3.3 notes that Local Area Plans remain in place for Ashbourne and other towns. Future reviews of these LAPs will be required to be compliant with the Development Plan as varied.

Table 2.8 provides the Land Use Zoning Objectives and these include the Residential 'A1' and 'A2' zonings relevant to the subject site.

The Meath County Development Plan designates Ashbourne as a moderate sustainable growth town. Objective SSOBJ11 seeks *“to ensure that moderate sustainable growth towns develop in a self-sufficient manner with population growth incurring in tandem with the physical and social infrastructure and economic development, development should support a compact urban form and integration of land use and transport”*.

Chapter 11 of the Plan outlines detailed criteria for new residential development including quantitative and qualitative standards.

Volume 5 contains Additional Policies & Objectives for Local Area Plans - Ashbourne LAP. Strategic Policy SP 1 seeks to operate an Order of Priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the County Development Plan and prioritises the release of A2 'New Residential' lands.

### 5.3. Ashbourne Local Area Plan 2009-2015

The Ashbourne Local Area Plan supports the delivery of a high quality environment in neighbourhoods with the range of housing types and sufficient community facilities to serve the needs of residents. The following policies and objectives are relevant.

**RES POL 1** – *To provide for the integration of new housing into the natural and built environment in a manner that makes a positive contribution to the overall environment in the locality.*

**RES POL 4** – *To ensure the needs of pedestrians and cyclists are provided for in the design of layouts in residential areas.*

**INF OBJ 1** – *To upgrade and to pursue general environmental improvements at Milltown Road.*

**INF OBJ 2** – *To upgrade and to pursue general environmental improvements at Archerstown Road and the junction with Milltown Road.*

Section 3.4 and Table 8 - Land Use Zoning Objectives & Land Use Zoning Objectives

Section 3.5.2 Residential Development Key Principles

Section 6.6.1 Open Space Standards in Residential Areas. Table 10 – Minimum Private Open Space Standards for Houses.

It is noted in the 'Development Management Standards and Guidelines' of the LAP that the standards applicable to development in the Ashbourne area are those laid out in the Meath County Development Plan.

It is noted on the Council's website that a significant amendment to the Ashbourne LAP 2009 was made on March 2<sup>nd</sup> 2015 to ensure consistency with the land use zoning objectives and Order of Priority for the release of lands for each centre contained in the Meath CDP 2013-2019.



#### **5.4. Natural Heritage Designations**

There are no Natura 2000 sites in proximity to the subject site.

#### **5.5. EIA Screening**

Having regard to the nature and scale of the development and the fact that it is for the construction of a dwelling which is connected to the public water and drainage network, it is considered 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**

J.G. Consulting Planning and Development have submitted a Third Party Appeal on behalf of local residents Karen and Keith Doyle, Deirdre and Christopher O Driscoll and Alan Barrett of nos. 5, 4 and 6 White Ash Park (respectively). Their grounds of appeal include the following:

- The Further Information submitted accepts that the FFL and the eaves level will exceed that of the White Ash Park bungalows. The Appellants highlight that under Reg.Ref. DA30256, the developer of White Ash Park was restricted to bungalows with further restrictions omitting rear windows that would overlook the subject site.
- It is their view that the subject application is in material contravention of Policy RES POL 1 of the Ashbourne LAP insofar that it is deemed inconsistent with the existing built environment.
- It is the applicant's intension in the future to provide two further houses on this site to further exasperate the situation resulting in substandard haphazard backland development.

- While they note the residential zoning they are concerned that the proposed development in view of its orientation and height will impact adversely on the residential amenities of their properties in White Ash Park.
- They conclude that the development in its present form, due to its orientation, access and location is seriously detrimental to the established residential private amenity and would in conjunction with the further plans as indicated on the site layout plan result in depreciation in the value of their properties.
- The proposed development is premature pending a full and proper assessment of the overall land and their suitability for sustainable development.
- The site could be developed for a low density, single storey residential development without affecting the residential amenities of the adjoining residents in White Ash Park.
- The proposal in its present form cannot be conditioned to mitigate the serious negative impacts it would have on adjoining properties and should be refused on the grounds stated.

## 6.2. Applicant Response

Sheils Chartered Building Surveyors response on behalf of the First Party includes the following:

- The proposal within the A2 Residential zoning, compliments the current residential policies and this includes Res Pol 1.
- The applicant proposed access point onto Archerstown Demense, which serves the existing Beeches/Archerstown estate. The applicants dwelling design and scale is consistent with and compliments the design of other dwellings in The Beeches and the wider area.
- The proposal facilitates objectives INF OBJ 1& 2 in the Ashbourne LAP in respect of transport. The applicant has facilitated the Council's own objectives in relation to the above for the betterment of the area.

- They concur with the Planner's Report and Condition no.3 of the Council's permission.
- They note that the application is on family owned lands, and that there are considerable separation distances to no. 6 White Ash Park.
- Private amenity space will not be adversely affected and overlooking will not be an issue. The surrounding dwellings have windowless gables facing the subject site. There are no first floor rear windows facing at the rear of dwelling nos. 4,5 and 6 White Ash Park.
- The proposed orientation of the site compliments the use of one entrance instead of multiple entrances.
- They ask the Board to uphold the Council's decision.

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

Meath County Council has regard to the grounds of appeal and to the First Party response. They provide that the proposed development was considered by the Planning Authority to be consistent with the policies and objectives as outlined within the Meath CDP 2013-2019. They ask the Board to refer to the Planner's Report and to uphold the decision including conditions of the Planning Authority.

### 6.4. **Observations**

An Observation has been submitted from Niamh Gallagher of no.6 White Ash Park which includes regard to the following:

- Conflict and inconsistency with previously approved and declined decisions made within Ashbourne. Specific reference is made to Reg.Ref. DA/30256 and the issues then raised relating to the design of the dormer bungalows in White Ash Park.
- The proposed dwelling is 2 storey with the potential to be 3 storey (attic conversion) and will tower over and overlook their rear private amenity space.
- Concern about the outline for 3no. dwellings being shown on the Site Layout Plan originally submitted.

- Reference is made to other refusals for housing in the area such as Reg.Ref. AA180694.
- There is no provision for open green space for this development, or for the emergency services to gain access to the site within a cul de sac.
- The proposed development would be out of character and have a negative impact on the bungalows and dormer bungalows in the area.
- They query the accuracy of the drawings including the sections submitted.
- They ask the Board to overturn this decision its current form and request the applicants to resubmit a proposed bungalow or dormer bungalow dwelling and reduced density, which they would not object to.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

In terms of zoning, the zoning map for Ashbourne is contained in Volume 5 of the Meath County Development Plan and the subject site is primarily within the A2 Zoning Objective which seeks: *To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.* The area to the south of the site is within the A1 Zoning i.e: *To protect and enhance the amenity of developed residential communities.* Therefore, sustainable infill development would be in accordance with the residential zoning objective.

- 7.1.1. Regard is also had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- 7.1.2. Also, of note is Section 5.9 of the 'Sustainable Residential Development in Urban Areas Guidelines, 2009' which provides: *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.*

- 7.1.3. The First Party provides that this is an application on family lands, that form part of a larger landholding. They have regard to the revisions made in the Further Information submitted and consider that the proposal is in accordance with the zoning for the area and that the applicant complies with the requirements of the Meath County Development Plan.
- 7.1.4. The Third Parties provide that zoning alone is only part of the criteria when assessing the suitability of development proposed in the granting of permission but also includes the orientation, design, height and how it affects the residential amenity of the built environment in the immediate environment of the site. They are concerned that the current proposal will impact adversely on the residential amenities of their properties.
- 7.1.5. It is considered that the principle of an infill residential development is acceptable relative to the residential land use zoning. Regard is had further to the documentation submitted and to the issues raised by the Third Parties including compliance with planning policy and guidelines, design and layout, impact on the residential amenities of neighbouring properties, access and drainage and impact on the pattern of development and character and amenities of the area in this Assessment below.

## **7.2. Design and Layout and impact on adjoining properties**

- 7.2.1. The Site Layout Plan shows the proposed dwelling is to be located centrally on site, to the rear of the bungalows on the family landholding facing the Milltown Road. A new access is proposed from the rear of the site via Archerstown Demense. It is proposed to connect to existing services.
- 7.2.2. The floor area of the proposed 4 bedroomed two storey detached dwelling is 179sq.m and it is shown with a pitched roof 9.35m in height. External finishes include smooth render, select stone cladding to the front elevation and blue/black slate/tiles to roof finish. A Contextual Elevation has been submitted, although there is concern that this does not show the lower height of the houses in White Ash Park. Third

Parties are concerned that the proposed dwelling is too high and will cause overlooking and loss of privacy to the houses in White Ash Park. Also, that it will allow for a future attic conversion that will exacerbate these issues.

- 7.2.3. The ground level of the subject site while relatively level, is more elevated than the siting of two storey houses in The Beeches to the north. It also appears more elevated than the proximate dormer bungalows, as has been noted by the Third Parties and Observer in nos. 4 to 6 in White Ash Park. In response to the Council's concerns, as part of the F.I submitted the floor level of the proposed two storey dwelling has been lowered by 300mm in the revised plans submitted to give a finished floor level of 66.925m. This also notes that while the proposed dwelling will be higher than adjacent dwellings in White Ash Park, this is largely due to the ground levels in White Ash Park dropping significantly between houses 4 and 6 (they include an image of houses 1-6). They include a Site Section which takes in no.1 White Ash Park as well as no.1 The Beeches (the latter within Archerstown Demense) and they provide that this demonstrates that the proposed dwelling is similar in height to both these existing dwellings. It is noted that this sectional drawing does not include the dormers in the properties in White Ash Park. The Sections show the significant variation in height of the proposed dwelling relative to the dwellings to the rear in White Ash Park.
- 7.2.4. It is noted that the First Party refers to the proposed house reflecting the two storey house types in The Beeches in Archerstown Demense. These are more modern and recently constructed two storey semi-detached houses. In view of their location and orientation I would consider that they form a different entity to the subject site, which would be considered more in context of the surrounding lower profile residential development. The proposed dwelling will be seen more in the context of the bungalows on the subject land holding and the dormer bungalows in White Ash Drive, than the more modern and higher profile houses in The Beeches, Archerstown Demense.
- 7.2.5. The issue of separation distance relative to the dormer bungalows in White Ash Park is also referred to. Section 11.2.2.2 of the Meath CDP provides the Residential Design Criteria relative to Houses. This provides for a minimum of 22 metres between directly opposing windows, at first floor level. As shown on the plans submitted this is exceeded relative to the properties in White Ash Park. It is also

noted that in view of their design and orientation, the rear of the properties in White Ash Park do not have rear windows facing. The area of private open space for the subject site is to the rear of the private open space for the bungalow on the landholding facing Milltown Road. Therefore, the frontage of the proposed dwelling and the access will face the rear boundaries of the dwellings in White Ash Park, albeit some distance away.

7.2.6. Having regard to this being a more elevated site and to the lower ridge heights of the dwellings in proximity to the subject site, if the Board decides to permit, I would recommend that it be conditioned that revised plans be submitted showing the ridge height of the proposed house reduced to a maximum of 8.5m and the finished floor level of the proposed two storey dwelling reduced by 300mm as provided in the F.I submitted. This would serve to reduce the overall height of the dwelling by c.1m which would result in a more integrated and less visually dominant form of development, in character with the area.

7.2.7. It is noted that masonry and precast concrete walls currently form part of the existing site boundaries and that these are to be retained. A new 1.8m high masonry or concrete post and panel wall is proposed to separate the site from the other family lands. With regards to landscaping the areas shown green on the Site Layout Plan as originally submitted are to be laid to lawn with areas of shrub and tree planting. There is currently no planting on site. It is recommended if the Board decide to permit that a boundary treatment and landscaping condition be included.

### 7.3. **Access**

7.3.1. The access to the proposed dwelling is proposed from the access road to Archerstown Demense, close to the north western corner of the site. At present this forms a continuous boundary wall to the access road to the residential scheme in Archerstown Demense. This proposal will necessitate the removal of some panels in the boundary wall to facilitate the proposed access. The estate is not in charge of Meath County Council and the applicant has included a letter of consent from the landowner/developer to construct the proposed entrance. It is noted that the Council's Transportation Office provides that as per the F.I submitted the proposal to remove a section of the existing boundary wall to achieve the required sightlines is considered acceptable. They recommend that that the entrance gate piers be

setback 5.5m from the edge of the road and constructed as shown on the revised Site Layout Plan.

- 7.3.2. There is an area of landscaped open space to the north of this wall and the site, and the wall juts further forward of this. There is a footpath but no cycleway along the northern boundary of the site, in Archerstown Demense. The plans originally submitted show the site boundary in red and the landholding in blue. In response to the Council's F.I request and the recommendations of the Transportation Office, the revised Site Layout Plan includes a strip (identified by a red line boundary) along the Milltown Road to facilitate the construction of a footpath and cycleway as requested. This will also be of benefit to the residents of Archerstown Demense.
- 7.3.3. It is noted that as pointed out by the First Party this proposal would assist in facilitating Objectives INF OBJ 1 & 2 of the Ashbourne LAP i.e to upgrade and to pursue general environmental improvements at Milltown Road and at Archerstown Road and the junction with Milltown Road. They also note that they revised their own site boundary to accommodate such future measures.
- 7.3.4. It is recommended having regard to these issues and as supported by the Council's Transportation Office, that if the Board decide to permit that Conditions similar to Conditions nos. 4 and 5 of the Council's permission be included.
- 7.3.5. There are two separate vehicular accesses to the existing bungalows on the landholding from Milltown Road. The Submissions made consider that there is ample frontage along the Milltown Road from the existing houses on this landholding to serve the current proposal rather than there being a need to create a new entrance from Archerstown Demense at the rear. This does not appear to have been looked into as an alternative although that part of the landholding i.e fronting the Milltown Road is now included within the red line boundaries of the subject site. This would create backland development, whereas the current proposal allows for a separate entrance to the site from the Archerstown Demense residential development to the west. It is considered that the current proposal is preferable, particularly having regard to any possible future residential development of these lands. The latter would be subject to a separate planning permission.



#### **7.4. Impact on the Character and Amenities of the Area**

- 7.4.1. There is concern that the proposed development would be out of scale in terms of its appearance compared with existing development in the vicinity. The houses in White Ash Park and the houses in the vicinity facing Milltown Road are predominantly either bungalows or dormer bungalows. The Third Parties consider that the scale and height of the proposed two storey house as submitted will not be in keeping with and will cause overlooking, loss of privacy and overshadowing to adjoining properties. Also, that revised plans showing a redesign for a lower profile house type more in keeping with the character and building heights in the area would be preferable.
- 7.4.2. The dormer bungalows in White Ash Park are orientated so that they not have rear dormers or first floor windows directly facing the site. The ground floor of these properties is screened by the 1.8m boundary block wall. It is also noted that the proposed dwelling will be set 22m off the northern site boundary with no.6 White Ash Park and c.35m from the rear of this property. These properties are at a lower level than the subject site.
- 7.4.3. The Site Layout Plan originally submitted shows the outline of two further sites on this landholding. These would be further adjacent to the dwellings in White Ash Park and concerns include, relative to proximity leading to overlooking overshadowing and loss of privacy. As noted on the site plan originally submitted access to these future properties alongside the subject site would be via the access currently proposed. The Third Parties are concerned that provision of three large detached houses in this site area would be excessive and create a more cramped form of development than that of surrounding sites.
- 7.4.4. The Board may wish to refuse permission for the current proposal on the grounds that it would be premature and constitute piecemeal development, and that it would be preferable in the interests of proper planning and sustainable development that an application be submitted for the three houses. However, this application is only concerned with the subject site and if the Board decides to permit the current proposal, for one house, I would recommend that it be conditioned that modifications to the proposed design relative to a reduction in height as noted above be incorporated.

## 7.5. Drainage

- 7.5.1. A foul sewer currently passes through the site and the approximate location is shown on the drawings submitted. It is provided that a new manhole will be formed to connect the proposed dwelling to the existing foul drainage system. Having regard to surface water drainage it was initially provided that this would flow into a manhole located at the proposed new site access prior to connecting into the existing surface water drainage system within Archerstown Demesne.
- 7.5.2. The concerns of Irish Water and the Council's Water Services Section were noted in the Council's Further Information request. In response it is provided that the applicant has made a pre-connection enquiry to Irish Water. They provide that based on the information they have been given and on the capacity currently available as assessed by Irish Water, that subject to a valid connection agreement being put in place, their proposed connection to the Irish Water network can be facilitated.
- 7.5.3. Revised drawings have been submitted relating to the water supply and foul disposal to serve this dwelling. It is also provided that the applicant has no issue in nominating Irish Water as the beneficiary of a wayleave across the lands to allow maintenance and repair of the wastewater services which cross the section of the landholding not part of the application. They advise that a condition can be attached to any grant of permission requiring same. They attach BRE test reports prepared by Hydrocare Environmental Ltd. These provide that it is not possible to design a suitable soakway system for the proposed development per BRE 365 due to the very poor infiltration rate. To deal with the surface water generated on site an attenuation tank system has been designed to cater for the 1 in 30 year, 60min duration storm event. They provide that the attenuation tank shall drain to the public storm drain at a limited flow rate. The revised Site Layout Plan includes the proposed drive and parking area being finished in permeable paving.
- 7.5.4. It is noted that the Council's Water Services response provides that the revised proposal broadly meets the requirements of the Council with respect to the orderly collection, treatment and disposal of surface water. Should permission be granted they recommend a condition that all work shall comply fully with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Development.

7.5.5. As shown on the Land Use Zoning Map the site is not within Flood Zones A & B or in an area subject to flooding.

## 7.6. **Screening for Appropriate Assessment**

7.6.1. There are no designated Natura 2000 sites in the vicinity or indeed in the wider area around Ashbourne. The nearest Natura 2000 sites the Rogerstown Estuary SPA and SAC and the Malahide Estuary SPA and SAC are at their closest points in excess of 10 kilometres away. Therefore, having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the 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 and projects on a European Site.

## 8.0 **Recommendation**

8.1. It is recommended that permission be granted subject to the conditions below.

## 9.0 **Reasons and Considerations**

Having regard to the provisions of the Meath County Development Plan 2013 -2019 and to the nature and scale of the proposed development on residentially zoned land, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 21st day of December 2018 and the 18<sup>th</sup> day of January 2019 and by the further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of April, 2019, 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 floor level of the proposed dwelling shall be lowered by 300mm and the ridge height of the dwelling shall be reduced to 8.5 metres.

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 the visual and residential amenity of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The rear and side garden shall be bounded by block wall, 1.8 metres in height, capped, and rendered, on both sides and details of the boundary treatments and landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Permission is granted for one dwelling only and the entire premises shall be used as a single dwelling unit.

**Reason:** In the interests of clarity and the residential amenity of the area

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule

2, Part 1 of those Regulations shall take place within the curtilage of the house, including the rear garden area without a prior grant of planning permission.

**Reason:** In the interest of the residential amenities of the area.

7. (a) The vehicular access, serving the proposed development, shall comply with the requirements of the planning authority for such road works.

(b) The applicant shall maintain a strip of land free from development to facilitate the provision of a cycle path along the Archerstown Demense access road. The strip of land should be 2m wide measured to the south of the existing precast boundary wall over the full extent of the blue line boundary as shown on the Site Layout Drawing No. C18-01-200A submitted to the Planning Authority on the 21<sup>st</sup> day of December 2018.

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

8. 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.

9. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interest of visual amenity.

- 10 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 11 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.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Angela Brereton  
Planning Inspector

27<sup>th</sup> of May 2019