



An
Bord
Pleanála

Inspector's Report ABP 305154 -19

Development	Planning permission for construction of a new dwelling house and associated site works.
Location	15 Village Green, Blackrock, Dundalk, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	18/863
Applicant	Roisin and Brendan McVerry
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Roisin and Brendan McVerry
Observers	Jim Pringle Kieran McArdle
Date of Site Inspection	08 th November 2019.
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site is located on the northern side of Birch's Lane, on a junction with the R172 in Blackrock, County Louth. The site (0.04 hectares) is currently undeveloped / vacant and overgrown with grass. Lands adjoining the site to the west contain a detached two storey dwelling (No. 14 Village Green) and lands to the north contains a two-storey detached dwelling. The western boundary is defined with a timber fence c. 2m high and the northern boundary is defined with a brick wall c. 2m high. The roadside boundary is defined with a timber fence c. 1.4m high. A street light and utility pole are located at the south-eastern corner of the site.

2.0 Proposed Development

- 2.1. Application as lodged on the 25th October 2018 - Permission sought for the following;
- Construction of a detached 3 storey 3 no. bedroom dwelling (233.5 sq.m.) with roof terrace,
 - 2m high boundary wall to the eastern, northern and western boundaries and a 1.8m high wall to the southern boundary.
- 2.2. Revised Proposal as submitted by way of Further Information on the 24th June 2019:
- Provision of a 1m high wall with 0.8m high timber fence over, along the eastern and southern boundaries of the site.
 - Vehicular access off Birch's Lane.

3.0 Planning Authority Decision

3.1. Decision

Louth County Council refused permission for the proposed development. The reason for refusal was as follows;

1. *Having regard to the objectives of the current Development Plan for the area, in particular Policy HC 9 and to the relevant provisions of Ministerial Guidelines ‘Sustainable Residential Development in Urban Areas’ (Cities, Towns and Villages) Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in May 2009, in relation to quality urban design, it is considered that, by reason of the inappropriate position of the proposed dwelling having regard to the established building line on Birch’s Lane and the potential for over-looking into No. 14 Village Green and the existing two-storey dwelling to the north, the proposed development in its current layout, would militate against an attractive environment, and would seriously injure the residential and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports (6th December 2018 and 19th July 2019)

Basis for Planning Authority’s Decision. Include:

- The building line of the proposal would be at odds with the established building line along Birch’s Lane and would be incongruous in the streetscape.
- The proposed dwelling would directly overlook the first-floor eastern elevation windows of No. 14 Village Green, from the first and second floor.
- The flat roof profile would be incongruous in the streetscape.
- There is no impediment to a person on the roof terrace crossing the ‘buffer’ and looking directly down into the private amenity space to the rear of the neighbouring dwelling to the north.
- The proposed dwelling would result in some overshadowing of the dwelling to the north, particularly in winter time.

3.2.2. **Other Technical Reports**

3.2.3. ***Infrastructure Planning Report.***

Further Information sought providing revised drawings / documentation regarding the proposed roadside boundary wall, site entrance details / sightlines, constructions details of alterations to the footpath and the provision of a sufficient turning area for vehicles within the site.

3.2.4. ***Irish Water:***

No objection subject to Conditions.

4.0 **Planning History**

4.1.1. **Subject Site**

P.A. Ref.'s 09/167 and 14/172 Permission granted to Roisin & Brendan McVerry for a 2-storey dwelling and all associated site development works. Permission expired on the 26th August 2019.

4.1.2. **Adjoining site to the north**

P.A. Ref. 12272 This is the 2012 permission for the adjacent house to the north.

4.1.3. **Adjoining site to the west (No. 14 Village Green)**

P.A. Ref. 041177 This is the 2004 permission for the adjacent house to the west.

5.0 **Policy and Context**

Dundalk and Environs Development Plan 2009-2015 (as varied and extended)

Zoning: The site is zoned objective 'Residential 1' which seeks 'To protect and improve existing residential amenities and to provide for infill and new residential developments'.

Section 6.6.6 Building Lines -
The desirability of creating different urban forms will require more varied building lines in order to reduce the often regimented appearance of suburban layouts. However, where there are established building lines, particularly on infill development sites, these should be respected.

Section 6.6.7 Infill / Backland Development –
Development on these sites should match existing surrounding development in terms of design, scale, height and the building line should be in keeping with the existing development and should not be detrimental to the local existing residential amenities in the area.

Design and Scale –

The following design principles should be considered (interalia):

- *Avoidance of overlooking*

Table 6.7: Residential Car Parking Standards

Section 6.7.5 Privacy and Spacing between buildings; -
Roof terraces and balconies are not acceptable where they would directly overlook neighbouring habitable rooms or rear gardens.

Appendix 2 Urban Design Guidance - Building Lines

The following principles will apply:

- *Generally, maintain existing and established building lines where they exist*
- *Create new building lines where they do not already exist. e.g: in the case of Greenfield site with little context*

Building lines may be relaxed in the following circumstances:

- *For innovative design solutions where it can be demonstrated that the design will positively enhance the townscape*
- *Where important areas of public or civic space is to be provided.*
- *To accentuate an important building*

Louth County Development Plan 2015 - 2021

RES 28 *To provide at least 22m between windows of habitable rooms above ground floor level which face those of another dwelling.*

5.1. Other Relevant Government Guidelines

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).

Urban Design Manual - A Best Practice Guide (2009)

5.2. Natural Heritage Designations

The site is located 0.1km to the west of the Dundalk Bay SPA (Site Code: 004026) and SAC (Site Code: 000455).

6.0 Environmental Impact Assessment - Preliminary Examination

- 6.1.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A first-party appeal was received from Steven Peck, Chartered Town Planner, representing the applicants Roisin and Brendan McVerry, against the decision made by the Planning Authority to refuse permission for the proposed development.

7.1.2. The appeal submitted provides an optional revised proposal comprising the following;

- Provision of metal fin vertical louvres to the first-floor western side elevation window opens. The Agent states that the louvres will be fixed in position and will prevent overlooking between the proposed house and No. 14 Village Green.
- Provision of 1.6m high timber screening to the 2nd floor roof terrace. The Agent states that the timber screen will prevent overlooking of neighbouring dwellings to the north and west.

7.1.3. The following is a summary of the grounds of appeal.

7.1.4. ***Re. Position of proposed dwelling in relation to Birch's Lane.***

- The position of nearby dwellings along Birch's Lane vary. In view of the smaller size and configuration of the subject site, in comparison with the sites to the west, it is considered inappropriate to position the proposed house in line with the dwellings to the west along Birch's Lane. This would substantially reduce the scope for development on the site and would conflict with the key design principles of making efficient use of urban infill land, as set out in the Sustainable Residential Development in Urban Areas Guidelines (2009) and the accompanying Urban Design Manual (2009).
- The proposed design is considered an appropriate and attractive proposal in urban design terms for a key corner site on the Dundalk to Blackrock coast road. The proposed house will be in line with the existing residence on the Blackrock Road to the north. The Blackrock road displays a good variety of plot sizes and a changeable building line, reflecting its gradual development over time. It is considered that the proposed development responds appropriately to its site context.

- The position of the proposed house is substantially the same as that permitted under P.A. Ref. 09/167, as extended under P.A. Ref. 14/172.

7.1.5. Re. Overlooking

- The design of the proposed development has been carefully considered to ensure the privacy of the proposed house and the existing properties to the north and west. The relevant design measures include;
 - The provision of a 2m high perimeter wall at ground level, which will prevent overlooking at ground floor level.
 - There are no windows on the northern façade from which views into the neighbouring dwelling to the north. The 1st floor WC window will comprise obscure glazing.
 - There are no directly opposing windows to the west. The extent of overlooking between the proposed house and the windows of No. 14 Village Green is very limited, on account of the narrow fields of view in question.
 - The 2nd floor roof terrace features a physical 'buffer' to prevent overlooking of properties to the north and west. The buffer comprises a wall constructed behind the exterior roof terrace and acts to prevent a person from approaching the exterior roof terrace wall and hence acts to prevent overlooking of adjacent properties.
- The appellant is happy to carry out optional minor revisions, as detailed above. The minor revisions, if adopted, would avoid any material overlooking of neighbouring property to the north and west.

Re. Consistency with Planning Policy

- The proposal is consistent with the Sustainable Residential Development in Urban Areas Guidelines and accompanying Urban Design Manual by reason of the following;
 - The proposal makes an efficient use of an undeveloped corner site on the Dundalk to Blackrock Road, that is served by public transport.

- The proposal will have a plot ratio of 0.56 and site coverage of 29.8%, which is appropriate for a development of this type and location.
- The proposal is consistent with the relevant provisions of the Louth County Development Plan 2015-2021 and the Dundalk and Environs Development Plan 2009-2015 (as varied and amended) with regards zoning, residential design principles, infill development guidance, residential development standards, vehicular access and safety, drainage and services.

7.2. **Planning Authority Response**

The Planning Authority confirms that it has no further comment to make.

7.3. **Observations**

7.3.1. A letter of observation was received from Tony Ewbanks of Environmental Heritage Planning (EHP) Services on behalf of Paul Pringle, who resides at the neighbouring dwelling to the west, No. 14 Village Green.

7.3.2. Issues raised are summarised as follows;

- The proposed development does not constitute infill or brownfield development.
- The proposal represents overdevelopment of a limited site.
- The proposal would comprise an incongruous form of development and would be visually conspicuous and in conflict with the general pattern of development in the area.
- The proposal, by reason of its scale, massing, bulk and positioning would result in overlooking, overshadowing, overbearing impact and loss of daylight to neighbouring property No. 14 Village Green, thereby adversely impacting on the residential amenity of the residents of this dwelling.
- The drawings submitted are fundamentally flawed and misleading, in particular Dwg. No. 1230/PP/14 and 1230/PP/15 which have omitted a window of No. 14 Village Green and inaccurately shown areas of this dwelling which will not be overlooked. Drawings submitted show the extent of overlooking that will occur.
- A daylight or shadow diagram analysis has not been submitted.

- The proposed development would substantially breach the established building lines along the R172 and Birch's Lane. Reference made to similar development at Árd Easmuinn, Dundalk where An Bord Pleanála refused permission for a dwelling on the grounds that the proposal would be significantly out of scale and character with the general pattern of development in the vicinity and would appear to dominate the site and surrounding properties.
- The proposal will not provide sufficient circulation space within the site to allow a vehicle to exit the site in forward gear, if the other parking space is occupied. The likelihood of vehicles having to reverse onto the road would create a traffic hazard.

7.3.3. A letter of observation was received from Kieran McArdle, who resides at Cedar Lodge, a neighbouring dwelling adjoining the northern corner of the site. Issues raised are summarised as follows;

- The proposed development would result in overshadowing and loss of sunlight, particularly to the sunroom and patio to the rear of the neighbouring dwelling to the north. Photographs submitted, showing the sunroom and patio to the rear of this dwelling.

8.0 **Assessment**

8.1. The main issues for consideration in this appeal can be considered under the following headings;

- Layout / Building Line
- Overlooking
- Overshadowing
- Access / Parking Issues
- Appropriate Assessment

These are addressed under the headings below.

8.2. **Layout / Building Line**

- 8.2.1. The site of the proposed development comprises an undeveloped, un-utilised corner site, on a junction between Birch's Lane and the R172. The proposed dwelling is positioned in such a manner whereby its front elevation faces in a southerly direction towards Birch's Lane. The layout of the proposal is trapezium in shape, with a western elevation depth of 12.6m, a front elevation width of 8.7m, an eastern elevation depth of 9.7m and a rear elevation width of 15.2m.
- 8.2.2. The proposal is 3 storeys, with an overall roof ridge height of 9.5m. The roof profile of the proposal is flat with the second floor incorporating a roof terrace to both its western and eastern sides. Prevailing roof profiles of dwellings in the surrounding area are pitched / hipped.
- 8.2.3. The western / side elevation of the proposal would extend 12.6m forward of the front building line of the neighbouring dwelling to the west, No. 14 Village Green. The eastern / side elevation of the proposal would extend 1.4m forward of the front building line of the neighbouring dwelling to the north.
- 8.2.4. The proposal would maintain a setback ranging from 6.2m to 8.4m from the western boundary of the site, a setback of 3.3m from the front / southern boundary and 4.5m from the eastern roadside boundary, at its closest point.
- 8.2.5. The established building line of the three dwellings to the west of the site, along Birch's Lane, is linear, with the front building line of No. 14 Village Green angled slightly in a south-easterly direction, towards the subject site. The front building line of dwellings to the north of the site, along the R172, is variable.
- 8.2.6. I consider that the positioning of the proposed dwelling, 12.6 metres forward of No. 14 Village Green, would significantly break the established building line along Birch's Lane, thereby creating a significant intrusion onto the streetscape at this location. Such development would be contrary to Section 6.6.6 of the Dundalk and Environs Development Plan which requires that established building lines be respected. It is my view that the proposed development would be visually obtrusive as viewed from the street along Birch's Lane and, therefore, would detract from the character and visual amenity of the streetscape at this location. Furthermore, I consider that the depth, height and massing of the western elevation of the proposed development and its proximity to the western boundary, would have an overbearing impact on the visual and residential amenity of neighbouring dwelling No. 14 Village Green. Such

development would be contrary to the proper planning and sustainable development of the area. For this reason, I recommend that the proposed development be refused permission.

8.3. Overlooking

- 8.3.1. The proposal would maintain a setback of 6.2m from the western boundary and 11.4m from the front elevation of No. 14 Village Green, at their closest points respectively. As detailed in the observation submitted, No. 14 Village Green has window opes serving habitable rooms on both its front and eastern side elevations, at ground and first floor level.
- 8.3.2. The proposal provides 2 no. floor to ceiling height window opes (2.7m high x 3.6m wide) on its western side elevation at both ground and first floor level. These windows would serve a bedroom and living room at ground floor and an open plan kitchen/dining/ living room at first floor.
- 8.3.3. The applicant's appeal submission proposes amendments including the provision of fixed metal fin vertical louvres to the window opes on the side western elevation at first floor level. Fig. 6 of the appeal submission shows the view from the window ope serving the kitchen on the side western elevation, at first floor level. The front elevation of No. 14 Village Green is partially visible at an oblique angle through the louvres provided and the private amenity space to the front of No. 14 Village Green is fully visible. The Agent states in the grounds of appeal submission that these louvres will be fixed to prevent overlooking of No. 14 Village Green.
- 8.3.4. Notwithstanding the provision of such angled louvres, it is my view that the position and size of the window opes at first floor level, coupled with their proximity to the western boundary, would result in perceived overlooking and loss of privacy of the garden and habitable rooms to the front and side of No. 14 Village Green. Such perceived overlooking and loss of privacy would adversely impact the residential amenity of this dwelling and would, therefore, be contrary to the zoning objective of

the site which seeks to 'to protect and improve existing residential amenities'. For this reason, I recommend that the proposed development be refused permission.

- 8.3.5. The proposed dwelling would maintain a setback of 1.5m from the northern boundary of the site and 3.8m from the side southern elevation of the neighbouring dwelling to the north. The southern side elevation of that dwelling includes a small opaque glazed window ope at first floor level and a small window ope at ground floor level, towards its rear. The proposed dwelling would extend a depth of 6.2m beyond the rear building line of the neighbouring dwelling to the north.
- 8.3.6. There are no window opes serving habitable rooms on the northern rear elevation of the proposal at first or second floor level. Therefore, overlooking of the dwelling to the north, from this elevation would not occur.
- 8.3.7. At second floor level, the proposal provides a roof terrace (36.4 sq.m) along its western side. This terrace has a depth of 3.8m. Drawings submitted by way of Further Information, detail the provision of planting along the inside perimeter of the roof terrace. The roof terrace incorporates a low-rise wall 0.8m high, on the inside of the planted area, to provide a 'buffer' from the edge of the roof terrace. This roof terrace, with buffer zone, continues around the north-western and south-western corners of the dwelling.
- 8.3.8. The applicant's appeal submission proposes further amendments including the provision of 1.6m high timber screening along the inside perimeter of the 2nd floor roof terrace. Fig. 8 in the appeal submission, shows that the buffer wall within the inside perimeter of the roof terrace is 0.8m high. As pointed out in the Planning Report, it is considered that there is no impediment to a person standing on this low-rise wall, which would enable overlooking of neighbouring dwellings to the north and west. Such development would be contrary to Section 6.7.5 of the Dundalk and Environs Development Plan which states that roof terraces are not acceptable where they would overlook neighbouring habitable rooms or rear gardens.
- 8.3.9. Having regard to the above, I consider that the layout and design of the proposed roof terrace and its proximity to the northern and western boundaries would enable direct overlooking of the neighbouring dwellings to the north and west. Such development would be contrary Section 6.6.7 of the Dundalk and Environs Development Plan which seeks the avoidance of overlooking. Such development

would adversely impact the privacy and residential amenity of these neighbouring dwellings and accordingly would be contrary to the zoning objective of the site which seeks to 'to protect and improve existing residential amenities'. For this reason, I recommend that the proposed development be refused permission.

8.4. Overshadowing

- 8.4.1. The observations received express concern the proposed development would result in overshadowing and loss of sunlight to the neighbouring dwellings to the north and west.
- 8.4.2. The layout, positioning and height of the proposed dwelling, and its setback from neighbouring dwellings to the north and west are detailed in Section 8.3 above.
- 8.4.3. It is my view that the proposed dwelling would not adversely impact on the residential amenity of these dwellings by way of overshadowing.

8.5. Access / Car Parking

- 8.5.1. The proposed development provides a new vehicular entrance from Birch's Lane and the provision of 2 no. car parking spaces to the side of the dwelling. This complies with the requirements of Table 7.6 of the Louth County Development Plan. The paved area to the front of the dwelling would enable adequate turning within the site, without having to reverse out of the site.

8.6. Screening for Appropriate Assessment

- 8.6.1. Having regard to nature and scale of the proposed development to provide one additional house in a fully serviced and zoned residential area and the nature of the receiving environment and the lack of connections to the nearest European sites: Dundalk Bay SPA (Site Code: 004026) and SAC (Site Code: 000455), 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.

9.0 Recommendation

9.1. I recommend that permission be refused for the reasons and considerations below.

10.0 Reasons and Considerations

1. The proposed development, by reason of its depth, height and massing would significantly break the established building line along Birch's Lane, thereby creating a significant intrusion onto the streetscape. The proposed development would be visually obtrusive as viewed from the street along Birch's Lane and would, therefore, detract from the character and visual amenity of the streetscape. Such development would be contrary to Section 6.6.6 of the Dundalk and Environs Development Plan which requires that established building lines be respected and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by virtue of its depth, height, massing and its proximity to the western boundary, would adversely impact the visual and residential amenity of neighbouring dwelling No. 14 Village Green by way of overbearing impact. Such development would be contrary to Section 6.6.7 of the Development Plan, which requires that the design, orientation and massing of proposed development not cause any unacceptable overbearing on existing dwellings. The proposed development would, therefore, be contrary to the zoning objective of the site which seeks 'To protect and improve existing residential amenities'.
3. The position, size and design of the window opes on the western side elevation of the proposal at first floor level, coupled with their proximity to the western boundary, would result in perceived overlooking and loss of privacy of the garden

and habitable rooms to the front and side of No. 14 Village Green. Such perceived overlooking and loss of privacy would adversely impact the residential amenity of the occupants of this dwelling. Furthermore, the layout and design of the proposed roof terrace and its proximity to the northern and western boundaries would enable direct overlooking of the neighbouring dwellings to the north and west. Such development would be contrary Section 6.7.5 of the Dundalk and Environs Development Plan which states that roof terraces are not acceptable where they would directly overlook neighbouring habitable rooms or rear gardens. The proposed development would, therefore, adversely impact the privacy and residential amenity of these neighbouring dwellings and would be contrary to the zoning objective of the site which seeks 'To protect and improve existing residential amenities'.

Brendan Coyne
Planning Inspector
04th December 2019