



An
Bord
Pleanála

Inspector's Report

ABP-305241-19

Development	Construction of a house to the east side of the existing house, an entrance on to the public road and associated site works.
Location	Manderley, St. Marys Villas, Drogheda, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	1989
Applicant(s)	Catherine & Geoff Fay
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Eimear & Kevin Tiernan
Date of Site Inspection	11 th December 2019
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The site is located on Cromwell's Lane, Drogheda, Co. Louth which is c.1.2km to the south-east of Drogheda town centre. It is located at a T-junction with St. Mary's Villas. The Drogheda rail line passes to the south of the site and the railway station is c.250m to the north-east. St. Mary's Hospital is located to the north-west and the Dublin Road is located to the north-east.
- 1.2. The site is currently the side garden of a dwelling known as 'Manderley'. The appellants live in the dwelling to the east known as 'The Walnut'. The dwellings along Cromwell's Lane comprise of large detached mature dwellings on large sites with a north-south aspect and varying architectural styles. The south facing rear gardens back on to the railway line.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. Initially planning permission was sought for a 2-storey detached dwelling in the side garden of Manderley with a stated gross floor area of 189.71sq.m and a height of 9.891m, served by a new entrance on to Cromwell's Lane. The dwelling presented a gable front to the road and included an attic/mezzanine. It also included a balcony at first floor level overlooking the rear garden. Private amenity rear garden space was 31sq.m.
- 2.2. Following the Planning Authority's request for further information, amendments were made to the design of the house, reducing the area to 147.8sq.m and the height to 7.785m, as well as modifying the roof profile to a hipped style to the front. The balcony to the rear was removed and the attic/mezzanine floor was also removed. The building lines to the front and rear were amended and as a result the rear garden area proposed is now 89sq.m. In addition, modifications were made to the access – it is now proposed to provide a shared access between the two dwellings.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the revised design subject to 4 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. As there was a request for further information, there are two reports on file. In summary they include:

- In the first report concerns were raised about the footprint of the existing dwelling as depicted on the drawing, the design proposed, the lack of amenity space, the potential for overlooking as a result of the balcony, and the three-storey nature of the dwelling.
- Following the response to the Further Information request, the Planner considered the roof profile to be acceptable noting that in the vicinity the roof style is not homogenous, and the proposal would not cause harm to the character of the area.
- The height is in keeping with the dwellings in the vicinity, and due to the removal of the balcony there will not be overlooking.
- Windows on the side of the dwelling are for non-habitable rooms and will not cause overlooking.
- Amenity space now accords with the County Development Plan standards.
- New shared access is acceptable, and Infrastructure Section have no objection.
- Recommends permission is granted.

The Planning Authority's decision is in accordance with the Planner's Recommendation.

3.2.2. Other Technical Reports

- **Infrastructure Section:** No objection subject to conditions

3.3. Prescribed Bodies

- **Irish Water:** No objection

3.4. Third Party Observations

There was one third party objection to the proposal from the neighbours immediately to the east in 'The Walnut' dwelling at both application stage and following the receipt of further information response. The objection is very similar in nature to the appeal and is dealt with in section 6 below.

4.0 Planning History

- **ABP Reg. 126474/LCC Reg. Ref. 01510023:** Planning permission was granted by the Board in March 2002 for a development consisting of the extension and alterations to the existing dwelling house on site, i.e. Manderley.

5.0 Policy Context

5.1. Louth County Development Plan 2015 – 2021

- 5.1.1. Chapter 2 of the Development Plan refers to Housing and it is noted that Drogheda is a Level 1 settlement. It is also noted that new LAPs will be developed for Dundalk and Drogheda and that the development plans will be sub-sets of and will be consistent with the County Development Plan.

5.2. Drogheda Borough Council Development Plan 2011 - 2017

- 5.2.1. Under this Plan the site is zoned 'RE' which has the stated aim "*to protect and/or improve the amenity of developed residential areas*".

5.2.2. Chapter 6 of the Plan refers to Housing. Section 6.6.8 refers to Infill and Backland Development. It states:

Development on these sites should have due regard to existing surrounding development in terms of design, scale, height and building line should be in keeping with the existing development and should not be detrimental to the local existing residential amenities in the area.

5.2.3. Table 6.3 addresses Private Amenity Space Standards. For suburban houses 80sq.m is the minimum standard. In the town centre/brownfield sites, it is 50sq.m.

5.3. Natural Heritage Designations

5.3.1. The appeal site is located:

- C. 0.5km to the south of Special Area of Conservation: River Boyne & River Blackwater SAC (Site Code: 002299);
- C. 1.2km to the south west of Special Protection Area: Boyne Estuary SPA (Site Code: 004080).
- C. 5.8km to the west of Special Area of Conservation: Boyne Coast & Estuary SAC (Site Code: 001957).
- C. 7km to the north west of Special Protection Area: River Nanny Estuary & Shore SPA (Site Code: 004158).
- C. 11.1km to the south west of Special Area of Conservation: Clogher Head SAC (Site Code: 001459).

5.4. EIA Screening

Having regard to the nature, scale and scope of the proposed development within the mature and built-up residential setting of Drogheda, Co. Louth, the nature of the receiving environment, the serviced nature of the site and its surroundings, 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

A third-party appeal has been submitted by neighbours to the east of the site. In summary it states:

- Development is contrary to zoning objectives for the site.
- Current proposal seeks to extend southwards beyond the existing/established rear two-storey built line. The front building line is also broken.
- Built footprint of existing dwelling Manderley is not accurately shown on the amended drawing and the entrance hall of the built dwelling is not indicated.
- Lack of detail on drawings – no palette of materials provided, no building soffit or rainwater guttering/downpipes on both houses indicated.
- Positioning of shared entrance is a traffic hazard.
- The building is orientated in an east-west direction – to change the roof apex style to a hipped roof does not change the orientation - the dwelling is excessive and inappropriate.
- Loss of amenity: Car parking is reduced to one space per dwelling.
- Quantum and quality of private open space for existing dwelling will be adversely affected.
- The proximity of the proposal to the existing dwelling will result in loss of direct sunlight and views of open sky impacting on health and well-being of occupants of that dwelling.
- There will be overshadowing resulting in an ongoing increase in financial costs to the inhabitants of both dwellings due to longer times for artificial lighting, heating and the creation of an alleyway.
- Cromwell's Lane consists of four bungalows and seven two storey dwellings. The proposal is for a modern sleek design of no outstanding merit which is in contrast to the established character.

- The proposal will require the removal of a large bough from a mature walnut tree on the adjacent property's north-westerly boundary.

6.2. Applicant Response

No response was received from the applicant.

6.3. Planning Authority Response

The Planning Authority responded stating that they have no further comment to make.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. I am satisfied that the principle of development is acceptable in the RE zoning. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenities
- Design of dwelling
- Traffic Hazard
- Appropriate Assessment

7.1. Residential Amenities

- 7.1.1. The appellants express concerns with the impact of the proposed dwelling on their residential amenities, as well as the residents of the existing dwelling Manderley, and potential new residents with respect to overshadowing, loss of light, car parking spaces and loss of/inadequate open space.

Overshadowing

- 7.1.2. The appellants consider that the new dwelling will cause overshadowing to both adjoining dwellings because it extends beyond the established two-storey built line. Furthermore, it is considered that this will cause an ongoing increase in financial

costs to the inhabitants of both dwellings due to the need to provide artificial lighting, heating and the requirement for Manderley to add security lighting to the formed alleyway.

- 7.1.3. In the first instance all three dwellings (proposed and existing) have south facing rear gardens. The appellants state that the building line of the proposed dwelling extends beyond the existing building line. This extension was addressed at Further Information stage and the revised proposal only extends slightly to the front and rear. Having regard to the orientation of the site, I am satisfied that the revised proposal will not have a seriously negative impact in terms of overshadowing on the dwellings either side. While I accept that currently there is a substantial distance between the appellants dwelling and the applicants, I note that there is a significant quantity of hedgerows, shrubbery and trees along the boundary which would result in a degree of overshadowing already. The development of a dwelling in this location would not cause such a significant change in overshadowing that it would warrant a refusal of permission.

Loss of Light

- 7.1.4. The appellants are concerned with the loss of light in Manderley, the applicant's dwelling. It is stated that there are two habitable rooms at first floor level with windows facing east and the proximity of the new dwelling will create a 'low performance luminous environment' requiring excess use of artificial lighting with resulting impacts on health and well-being of occupants.
- 7.1.5. I acknowledge that there will be a diminution of light, but I do not accept that it is excessive or seriously injurious to amenities. There is no dimension indicated on the drawing of the distance between the two side walls but using a scaled ruler on the drawing, it would appear to be c.2m. This is acceptable in an urban environment.

Private Open Space

- 7.1.6. The appellants question the quantum and quality of open space remaining for Manderley, being a six/seven-bedroom dwelling. The Drogheda Development Plan states that houses in suburban areas require 80sq.m and houses in brownfield/town centre areas require 50sq.m private rear open space.

- 7.1.7. There are no dimensions on the drawings to indicate what the remaining open space will be for the existing dwelling. However, the applicant states that the private open space for the new dwelling is 89sq.m. Having regard to that figure and simply comparing to the space left for Manderley it would appear to be substantially in excess of 80sq.m.
- 7.1.8. I note that the design for the proposed dwelling originally provided 31sq.m of rear space only. This was amended as part of the revised design at Further Information stage and is now 89sq.m.
- 7.1.9. Therefore, I am satisfied that both dwellings comply with the requirements of the Development Plan in terms of standards for the quantity of open space.
- 7.1.10. No information has been provided with respect to the appellants concerns regarding quality of open space. I note that there are significant trees and hedgerows along the side boundary and to the rear. While a number of these trees will have to be removed to make way for the dwelling, I am satisfied that the rear boundary trees will not need to be removed, thereby maintaining a noise and visual barrier with the railway line.

Parking

- 7.1.11. It is stated that there is only room for one parking space in each dwelling. As a result of the shared entrance, I am of the opinion that there is potentially room for additional vehicles. The road is effectively a cul-de-sac to the east due to the inadequate access onto Dublin Road and is therefore lightly trafficked at this location. Notwithstanding this, I am satisfied that there is plenty of room for on-street parking should it be necessary.

Conclusion

- 7.1.12. In conclusion, I am satisfied that there will not be a seriously injurious impact on the residential amenities of any existing or future occupants of the dwellings.

7.2. Design of Dwelling

- 7.2.1. The appellants note the lack of detail on the drawings as well as raising concerns with the design, building lines and orientation.

- 7.2.2. I agree with the appellants that there is a lack of detail with respect to rainwater pipes and guttering etc. that would normally be expected to be external on a dwelling such as that proposed. However, the drawings are of a sufficient standard to enable an assessment to be carried out. I am satisfied that the addition of pipes and guttering will not result in a material change to how the dwelling looks or cause overhang into neighbouring dwellings. I consider that an appropriate condition requiring the applicant to submit these details to the Planning Authority would be acceptable, should the Board be of a mind to grant permission.
- 7.2.3. The same applies to the materials to be used. Information supplied indicates that the materials will be traditional. Again, should the Board be of a mind to grant permission, I am satisfied that the detail can be agreed with the Planning Authority.
- 7.2.4. With respect to the design, I am of the opinion that it is lacking in innovation but the change to the roof profile at Further Information stage has improved the design considerably. I am satisfied that there is no homogenous roof style in the area, but the original proposed gable front would have been incongruous and out of place. The revised design to include a hipped roof has addressed this concern.
- 7.2.5. The appellants are not satisfied with the proposal breaking the building line to the front and the rear. However, there is no established building line along this side of Cromwell's Lane, and I consider the minor extension as revised at Further Information to be acceptable.
- 7.2.6. Building orientation is raised by the appellants and the dwelling is considered to be in an east-west direction. I do not agree, and I am satisfied that the design has sought to maximise its south facing façade to the rear, by including a large kitchen/dining open plan area.
- 7.2.7. The appellants state that a large bough of a walnut tree will have to be removed on the north-westerly boundary that is a major part of the visual character of the area. Having regard to the extensive nature of the trees and hedgerows I consider it appropriate that the applicant submits details of what trees are to be removed and how they intend to protect the remaining trees during construction. This can be done by way of condition should the Board be of a mind to grant permission.
- 7.2.8. To conclude, while the design lacks innovation, having regard to the Development Plan requirement that infill dwellings respect the surrounding area, I am satisfied that

the proposal is acceptable. Details that are omitted from the drawings do not prohibit an assessment of the overall development as I consider these to be minor and not material and can be addressed by way of condition should the Board be of a mind to grant permission.

7.3. Traffic Hazard

- 7.3.1. The appellants consider that the proposed positioning of the shared vehicular and pedestrian entrance will conflict with the vehicle manoeuvres at the junction resulting in a traffic hazard. Having regard to the site's location, I am satisfied that there will be adequate visibility for vehicles. Furthermore, the site is located on a quiet section of road, and is unlikely to be heavily trafficked. In addition, the applicant has demonstrated sufficient room for turning circles within the shared driveway.
- 7.3.2. I am satisfied that the proposed shared driveway will not pose a traffic hazard and is acceptable.

8.0 Recommendation

- 8.1. I recommend that permission should be granted for the proposed development subject to conditions

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands in the Drogheda Borough Council Development Plan 2011 – 2017 and to the policies and objectives of the Louth County Development Plan 2015 - 2021, to the nature, scale and design of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 12th day of July 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The width of the vehicular entrances shall be a maximum width of 3.6m.</p> <p>Reason: In the interest of visual amenity and pedestrian safety.</p>
5.	<p>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</p>

	<p>practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of residential and visual amenities.</p>
7.	<p>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.</p> <p>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.</p>

Ciara Kellett
Inspectorate

13th December 2019