



An
Bord
Pleanála

Inspector's Report

ABP-305666-19

Development	Construction of 2 storey detached dwelling and all associated site works
Location	Archerstown Road / Milltown Road, Ashbourne , Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA190988
Applicant(s)	Philip Gaughan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Philip Gaughan
Observer(s)	none
Date of Site Inspection	18 th January, 2020
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Ashbourne close to the entrance to the Milltown Meadows residential development. The site comprises an irregular shaped parcel of land that is located on the northern side of the access road to the Milltown Meadows development from the Milltown Road. The site has been created by the realignment of the Archerstown Road, which is the access to the Milltown Meadows residential development and to Ashbourne RFC, which has been undertaken to improve sight lines and traffic safety at the junction of the Archerstown and Milltown Roads. The appeal site is therefore surrounded on three sides by roads, these being the old section of the Archerstown Road that has been made into a cul de sac to the west, the Milltown Road to the south west and the new road that connects the Archerstown Road with the Milltown Road and which runs to the east of the site. To the north, the site is bounded by undeveloped lands that comprise part of the lands that lie between the alignment of the old Archerstown Road and the new access road.
- 1.2. The site is currently undeveloped and vacant. There is a low hoarding that runs around the western perimeter of the site and the boundary of the rest of the site is defined by a timber post and rail fence. There was a container located on the site at the time of inspection and some fencing and other building materials were also present.
- 1.3. There are currently two accesses onto the site with one from the west off the cul de sac section of the Archerstown Road and a second located at the southern end of the site fronting the Milltown Road. The section of the Old Archerstown Road to the north of the first site entrance has been blocked with the deposition of soil and other building materials such that access is not available in this direction. The deposition of these materials has the effect of raising the ground level in this area to approximately the same as the appeal site.
- 1.4. The site slopes down slightly from north to south and it is noted that the Milltown Meadows residential development to the east is located at a significantly higher level with a retaining wall located opposite the site on the eastern side of the new access road. To the west, on the western side of the old Archerstown Road that is now a cul de sac, there is a single dwelling that is accessed from the Archerstown Road to the

north of the appeal site. This dwelling is located on a large site, and it is noted that there is an application with Meath County Council for the development of 4 no. houses within the curtilage of this house.

- 1.5. The applicant is stated to be the owner of the site. No adjoining lands are indicated in blue in the plans submitted with the application and it is not therefore clear whether the first party owns any of the adjoining lands, including those outside of the site boundary where the submitted site plan indicates screen planting. The stated area of the site is 0.02806 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey detached house on the site. Access is proposed to be from the north via the existing site entrance off the cul de sac section of the Archerstown Road that is now closed. The second existing site access is proposed to be closed up.
- 2.2. The proposed dwelling has a stated floor area of 86.5 sq. metres and comprises a predominately two storey floorplan with a single storey element on the south west elevation. The single storey element is characterised by a flat roof and metal fascia. The main roof is pitched and the building is proposed to have an overall height of 7.9 metres. External finishes are proposed to be render with a slate roof.
- 2.3. The dwelling is proposed to be located close to the eastern side of the site with a parking area proposed in the north west corner and a patio area and open space to the south and south west of the house.
- 2.4. The development is proposed to be connected to the public water supply and drainage networks.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a Notification of Decision to Refuse Permission for two reasons that can be summarised as follows:

- That the proposed development by reason of, layout and proximity to boundaries with roads on all sides would seriously injure the amenities of future occupants. The proposed development would constitute a disorderly form of development that would impact negatively on the amenity of adjacent properties, would be out of character with the character of the area and would seriously injure the amenities and depreciate the value of properties in the vicinity.
- That the required sight distances at the site entrance are not available and are such that the proposed development would endanger public safety by reason of a traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer notes the planning history of the site and its location at the entrance to the Milltown Meadows residential area and in a position surrounded by roads on three sides. The report notes that the lands appear not to be zoned and that the density and open space provision on the site appears to be satisfactory. The fact that there used to be a dwelling on the site historically and that the fact that the site is not zoned would appear to be an anomaly is also noted as is the recommendation for refusal from the Transportation Department. Refusal of permission consistent with the Notification of Decision to Refuse Permission which issued is recommended.

3.2.2. Other Technical Reports

Water Services – No objection subject to conditions.

Transportation – Recommends refusal of permission on basis of inadequate sight lines at the junction of the Old Archerstown Road (now a cul de sac) and the Milltown Road.

3.3. **Prescribed Bodies**

Irish Water – No objection.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

The following Planning History relates to the appeal site:

- Meath County Council Ref. AA/160981 – Permission refused to Philip Gaughan for the development of a two storey dwelling on the site and associated site works. Permission refused for two reasons which related to the design, layout and proximity of the development to site boundaries and lack of open space with the result that the development would be contrary to the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and a second reason relating to inadequate sight lines and the creation of a traffic hazard.

The following planning history relates to adjacent sites:

- Meath County Council Ref. AA/190230 – Permission sought for the demolition of an existing garage structure and the development of 4 no. two storey detached houses.
- Meath County Council Refs. DA/100175, AA/150025 and AA/151146 – Permission and subsequent amendments granted for the development of the Milltown Meadows residential area. A total of 67 no. dwellings permitted.

5.0 Policy Context

5.1. Development Plan

The appeal site is located within the boundary of the *Ashbourne LAP, 2009-2015*. The exact location of the appeal site does not appear to be the subject of any clear zoning, however, as noted in the report of the Planning Officer, there was previously a house on the site and the site was previously on the eastern side of the Archerstown Road and in the same block of lands as the Milltown Meadows development.

5.2. Natural Heritage Designations

The site is not located in or close to any European sites. The closest European sites to the appeal site are the as follows:

- **Rogerstown Estuary SAC and SPA** sites (site codes 000208 and 004015) are located to the east of the appeal site are xx km away at the closest point.
- **Malahide Estuary SAC and SPA** (site codes 000205 and 004025) are located to the south east of the appeal site are xx km away at the closest point. There is a hydrological pathway between the environs of the appeal site and this SAC / SPA in the form of the Broadmeadow River which runs through Ashbourne and passes to the north of the appeal site before discharging to the Malahide Estuary.

5.3. EIA Screening

Having regard to the nature and limited scale of the proposed development for which retention is sought, its location within an existing residential area and the fact that it is proposed to be connected to existing foul drainage and water supply networks, 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

The following is a summary of the main issue raised in the first party appeal submitted:

- That the site is the family home of the applicants mother and belonged originally to the applicants grandmother. The house that was on the site was vacant for a number of years, being demolished by the contractor who built the residential development to the east / northeast.
- The site was originally on the eastern side of the Archerstown Road.
- That the reason for the road closure and creation of the new road to the east of the site related to sightlines at the junction to the south west of the appeal site.
- That the original layout submitted for the residential development to the east / north east of the site indicated the appeal site as being open space serving the residential development. This was corrected in later information submitted.
- In the redevelopment of the area and revisions to the roads layout the council has not made any provision for the access to or development of the appellant's site.
- That the development would have a total of 74 sq. metres of open space which is in excess of the requirement and it is proposed to plant and screen the site boundaries.
- That, as recognised in the report of the planning officer, the site was formerly in residential use and the principle of residential development is acceptable.
- The extent of open space was considered acceptable by the planning officer however the nature and layout of that space was considered problematic. The proximity of the open space and the house to site boundaries was considered to result in a poor level of residential amenity.

- The site will however be heavily screened and planted and it should be noted that there will not be any traffic on the road to the west. The relationship of the house to the new road to the east is not significantly different to the new houses on the other side of the new road.
- It is not accepted that a new detached house would be out of character with the area.
- That the use of the old Archerstown Road / Milltown Road junction would be at a very low intensity compared to the previous use that was considered problematic by the transportation department.
- That the traffic issue could be completely overcome if traffic exiting the site travelled north and used the other junction with the Archerstown Road. The actions of the council including dumping material in this area have blocked this option.
- That the plot size while restricted is larger than the average plot size in a residential development.
- It is not accepted that the proposal would be disorderly. On the contrary, not developing the site would be disorderly and have a negative impact on visual and residential amenities of the area.
- There are limited similar sites in the county and so it is not clear how a precedent would be created.
- It is noted that the LAP encourages a mix of house types and unit sizes including two bedroom units. This is reflected in section 3.3 and RES Pol 3, and RES OBJ 3. The proposed development is consistent with these policies and objectives.

6.2. **Planning Authority Response**

The following is a summary of the main issues raised in the response received from the Planning Authority:

- That it is considered that the refusal should be confirmed as the development would constitute a disorderly form of development that would impact negatively on the residential amenities of adjacent properties and would be out of character with the pattern of development in the area.
- That the proposed access would be a traffic hazard due to the absence of sightlines.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development
- Design and Impact on Visual and Residential Amenities
- Traffic and Access Issues
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The appeal site is located on lands that are within the boundary of the Ashbourne LAP, 2009-2016 which has been extended. While the site is within the LAP boundary, an examination of the land use zoning map does not clearly indicate any specific zoning identified for the appeal site. Rather it would appear that the small area between the old alignment of the Archerstown Road and the new road constructed to the east, which contains the appeal site, is not the subject of any zoning. With regard to the principle of residential development being acceptable in this location, I note the fact that both the report of the Planning Officer and the first party appeal make reference to the fact that the previous use of the site was residential and that there was previously a house on the site. I also note the fact that

prior to the construction of the new access road to the east, that the site was on the eastern side of the Archerstown Road and contiguous to lands which were zoned residential and which are now the Milltown Meadows residential development. Having regard to these factors, I would agree with the assessment of the Planning Officer and the first party that the omission of the appeal site from any identified zoning is likely an anomaly and that the principle of residential development on the site is acceptable.

7.2.2. The first party appellant contends that in the redevelopment of the area, and revisions to the roads layout undertaken, the council has not made any provision for access to or the development of the appellant's site. The specific issues relating to site access and traffic safety are addressed in section 7.4 of this report below. The information provided by the first party indicates that the appeal site was the family home of his mother and belonged originally to his grandmother. It is further stated by the first party that the house that was on the site was vacant for a number of years, being demolished by the contractor who built the residential development to the east / northeast and also that during the course of the assessment of the application for the residential development to the east (Milltown Manor) that the appeal site was indicated as being open space serving the development before being corrected in later information submitted. While the history of the site with regard to its relationship to the Milltown Manor development is somewhat unclear, I would agree with the first party that the situation that has been left on the ground is unsatisfactory with the site left isolated by the realignment of the Archerstown Road and the altered junction arrangement with the Milltown Road. In its current configuration, the site cannot serve any useful open space function for the adjoining Milltown Manor residential development given its physical separation by the realigned road and difference in levels. In the absence of it being redeveloped for residential use, the site will likely remain as an unsightly feature at the southern end of the Archerstown Road where it occupies a visually prominent location at a busy junction. I would also agree with the first party that the actions of the council, and the condition in which the old section of the Archerstown Road has been left is poor and has an overall negative impact on the visual amenities of the area.

7.3. Design and Impact on Visual and Residential Amenities

- 7.3.1. Reason for Refusal No.1 as set out in the Notification of Decision to Refuse Permission relates primarily to the restricted nature of the site and the proximity of the proposed development to site boundaries and adjoining roads such that it would have a negative impact on the residential amenities of adjacent properties and on the visual amenities and character of the area. With regard to the site size and the proximity to boundaries, I note that the site is stated to be in the ownership of the applicant. It is not, however clear from the information presented with the application whether the adjoining lands, including that to the north and immediately outside the eastern and northern boundaries where screen planting is proposed, are within the ownership and or control of the first party.
- 7.3.2. In assessing the impact of the development on the amenity of the future occupants of the dwelling, it is noted that the site is located in a visually prominent location at a busy junction between the Archerstown and Milltown Roads. Any residential development on the site would in my opinion need to be well screened from the surrounding roads in order that an adequate level of residential and wider visual amenity would be achieved. The first party state that the site is proposed to be heavily screened and planted and that it should be noted that there will not be any traffic on the road to the west. This is correct, however the proposed house and associated area of private amenity space are sited at the southern end of the site adjoining the Archerstown and Milltown Roads. The landscaping to the new access road / new section of the Archerstown Road is proposed on lands that are outside of the red line boundary and such that it is not clear that this planting can be provided by the first party. No schedule of planting or landscaping proposals have been submitted with the application.
- 7.3.3. With regard to the separation of the house from the boundaries and the contention of the first party that the relationship of the house to the new road to the east is not significantly different to the new houses on the other side of the new road, it is noted that the proposed house would be sited within c.1.1 metres of the boundary at the closest point and such that it would be significantly closer to the road than the houses on the eastern side of the new road which are also at a significantly higher level.

- 7.3.4. The design and layout of the proposed house is such that all windows face south west or south east and do not therefore directly overlook the new road. The design would therefore present blank elevations to the south east and north east and significant screening would be required in order to mitigate the visual impact. Given the proposed design, the proximity of the proposed house to the site boundary and the road, and the uncertainty regarding the feasibility of the screen planting in the position indicated, I consider that the proposed layout would have a likely negative impact on the visual amenities of the area, being particularly visually incongruous when viewed from the north on the Archerstown Road.
- 7.3.5. The layout of private open space is proposed to be to the south west of the house and an area in excess of 70 sq. metres is indicated as being provided. This extent of open space is considered acceptable to serve a two bedroom dwelling of the scale proposed however, notwithstanding the design of house and its siting close to the eastern boundary, I consider that the area of amenity space proposed would not be sufficiently private or removed from the public road to ensure a satisfactory level of residential amenity for future occupants.
- 7.3.6. On site parking sufficient to accommodate two cars is indicated on the submitted Site Plan and this is considered to be adequate. I also note the fact that the development is proposed to be connected to the public water supply and drainage networks and that there is no objection in principle to such connections from either Irish Water or the Water Services section of the council.
- 7.3.7. The design of the proposed dwelling results in what would in effect be a single aspect layout. Given the limited depth of the floorplan and the fact that the primary aspect is proposed to be south west, I consider that the layout of the accommodation is acceptable in principle. As noted by the first party, the LAP encourages a mix of house types and unit sizes including two bedroom units to be provided within the plan area. I consider that the proposed two bedroom layout is consistent with RES Pol 3, and RES OBJ 3 of the LAP and that the scale of house proposed is acceptable in principle.

- 7.3.8. In principle, I do not agree with the planning authority that the provision of a detached dwelling on the appeal site would be out of character with the area. The environs of the site are residential in character and a detached dwelling is in my opinion acceptable in principle. In my opinion the main issue with the appeal site relates to its blank fenestration to the south east and north east, a feature driven by the proximity of the house to the adjoining road. Similarly, to the west, the main living areas and area of private open space are located excessively close to the adjoining public road and such that a high level of privacy and residential amenity would be difficult to achieve. Given the existing configuration of surrounding roads, I would agree with the assessment of the planning authority that in addition to resulting in a poor level of residential amenity for future occupants and having a negative impact on the visual amenities and character of the area, the proposed development would also result in a haphazard for of development on an isolated and exposed site in a visually prominent and busy location.
- 7.3.9. The comments of the first party with regard to the history of the site and the impact of the road realignment works in the vicinity are noted and, from the information presented, it would appear that limited consideration has been given to the future use or development of the appeal site. Notwithstanding this, the issues regarding visual and residential amenity identified above remain outstanding and it is considered that in order to be a feasible site for residential development the redundant section of the Archerstown Road to the west of the site as well as additional lands to the immediate north east would need to be incorporated into the site. Such an expanded site would facilitate the provision of additional separation between the house and site boundaries, a more typical house design and the provision of higher quality private amenity space. Any such revised proposal on an expanded site could also be designed to relate to the proposed residential development on lands located to the north west and would ideally be accompanied by comprehensive landscaping proposals.

7.4. Traffic and Access Issues

- 7.4.1. Reason for Refusal No.2 included in the Notification of Decision to Refuse Permission issued by the Planning Authority relates to the proposed access and specifically contends that the required sight distance standards are not available at the entrance to the site and that the proposed development would therefore endanger public safety by reason of a traffic hazard.
- 7.4.2. Where the reason for refusal states that adequate sight distances are not available at the site entrance what is being referred to is the available sight lines at the junction to the immediate west of the site where the old alignment of the Archerstown Road onto which the appeal site accesses, connects with the Milltown Road. As set out in the information on file, the realignment of the Archerstown Road and the creation of the new alignment and junction to the east of the appeal site was done to improve safety at the junction given the restricted sight lines at the original junction. While the original Archerstown Road / Milltown Road junction proposed to be used by the subject development was altered for traffic safety reasons there are, in my opinion, a number of issues to note. Firstly, as highlighted by the first party, the use of the junction would be at a very low intensity compared to the previous use that was considered problematic by the transportation department. Specifically, instead of local traffic including all 67 houses in the Milltown Meadows development using the junction it would only serve a single house. In addition, it is noted that the section of the Milltown Road where the junction is located is located in an area where the 60 km/hr speed limit applies and in a location which is within the built up urban area of Ashbourne. The provisions of DMURS are therefore considered applicable to the proposed development.
- 7.4.3. The restricted visibility at the junction with the Milltown Road is to the north west where a bend in the road and the presence of a large hedge on the adjoining site combine to restrict visibility in this direction for traffic exiting the proposed development. From my inspection of the site I assessed the maximum available sightline to the north west for traffic exiting the appeal site via this junction as between 25 and 30 metres when measured to the nearside road edge from a position 2.4 metres back from the road edge. Given this, it is considered that notwithstanding the single house that would be using the junction that the deficiency

in available sight line is such that it is significantly below the requirements set out in DMURS and such that it would endanger public safety by reason of a traffic hazard.

- 7.4.4. I note that the first party appellant highlights the option of an alternative access route to the site from the north using the section of the Old Archerstown Road that has been closed off with the road realignment works undertaken. However, as also noted by the first party, there has been material deposited on this section of the old road which has had the effect of raising the level and making passage along this route currently unviable. It is assumed, though not clear, that this material was deposited by the council and it is also considered likely that this section of road is in the ownership of the council who would need to consent to access via this route and clear the route. No such consent is indicated in the response of the Planning Authority to the grounds of appeal and it is not therefore considered that the option of an alternative access to the appeal site to the north is a practical option for consideration in this appeal.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the restricted nature and size of the site which is surrounded on three sides by roads, to the prominent visual location of the site at the Archerstown Road / Milltown Road junction and to the design of the proposed house with blank elevations to the north east and south east elevations which are in close proximity to the site boundaries and to the public roads to the east and south, it is considered that the proposed development would result in a visually prominent and incongruous form of development that would have a negative impact on the visual amenities of the area and result in a sub-standard level of residential amenity for future occupants of the development. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. Access to the proposed development is proposed to be via an existing site access and the junction between the Old Archerstown Road and Milltown Roads to the south west of the site where sight lines are significantly restricted to the north west of the junction. Having regard to the restricted sight lines in this location it is considered that the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users and that the development would therefore be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

20th January, 2020