



An
Bord
Pleanála

Inspector's Report

ABP-306070-19

Development	Construction of detached 2.5 storey dwelling. Widening of vehicular entrance and forming shared entrance between existing and proposed dwelling.
Location	Dublin Road, Bryanstown, Drogheda, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19763
Applicant(s)	Paul Farrell & Bernadette McGrory
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Michael & Evelyn Taaffe
Observer(s)	None
Date of Site Inspection	6 th of May 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The application site is located on a corner site at the junction of the Dublin Road (R132) and Bryanstown Village Road which is an established residential area on the south side of Drogheda. This is a prominent corner site that forms the side garden area of the existing red brick mock detached Edwardian property 'Carlington Lodge' which appears to be in office/residential use with associated on-site parking area. There are 4no. side windows in the side elevation facing. The gates were closed on the day of the site visit.
- 1.2. Access to the site is via a lay-by off the main Dublin Road and the existing entrance is to be widened to serve both properties. There is a footpath and parking available along the site frontage. There is a low wall along the north east and western site boundaries with the road. No. 32 Bryanstown Village is a detached single storey dwelling that forms part of a row of bungalows to the south west. There is a low wall and a dense hedgerow within the subject site along the western site boundary. The curtilage of another property set further back on a larger site area with access from the Dublin Road, is to the south of the site.

2.0 Proposed Development

- 2.1. This is to consist of the following:
 - Construction of a new detached 2.5 storey dwelling
 - Widening of existing vehicular entrance and forming shared entrance between existing and proposed dwelling.
 - New pedestrian gate
 - New boundary treatment and all associated site works.
- 2.2. Documentation submitted with the application includes the following:
 - Design Statement and Architects Illustrations by McKeivitt King Architects.
 - A letter re: surface water by HydroCare Environmental Ltd.
 - Drawings including a Site Layout Plan, Floor Plans and Elevations and a Contiguous Elevation to the Dublin Road have been submitted.

3.0 Planning Authority Decision

3.1. Decision

On the 8th of November 2019, Louth County Council granted permission for the proposed development subject to 5no. conditions. These include regard to infrastructural issues, development contributions and construction works.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This had regard to the locational context of the site, planning history and policy, to the interdepartmental reports and the submissions made. The Planner's Assessment included the following:

- The development meets with the zoning objective for residential use.
- They consider that the property is a well-designed architectural house and does not constitute overdevelopment.
- Sufficient private amenity open space has been provided for within the layout.
- They do not consider the proposal adversely impacts the residential amenities of adjoining property or the character of the area.
- They provide that the development will not give rise to significant effects individually or in combination with other plans or projects on a European site.
- They regard to infrastructural issues relative to roads and parking and drainage and consider these can be subject to conditions.
- They conclude that the proposed dwelling would not adversely affect the visual amenity, residential amenity or public health due to appropriate design and recommend permission be granted.

3.3. Other Technical Reports

Infrastructure Directorate

They recommended that F.I be sought relative to an auto track assessment for car parking and noted the need for a Geotechnical Report relative to the provision of an Infiltration Blanket.

3.4. **Prescribed Bodies**

Irish Water

They have no objections subject to conditions to the proposed development.

3.5. **Third Party Observations**

A Submission was made by adjoining local residents to the west and this was noted in the Planner's Report. As these are the subsequent Third Party Appellants their concerns are considered further in the context of their grounds of appeal and in the Assessment below.

4.0 **Planning History**

The Planner's Report notes that there is no recent planning history relevant to the subject site.

5.0 **Policy Context**

5.1. **National Planning Policy Provisions**

- National Planning Framework, 2040.
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- Design Manual for Urban Roads and Streets (DMURS) (DHPLG and DTTS 2019).
- Best Practice Guidelines for Delivering Homes Sustaining Communities - Quality Housing for Sustainable Communities (DEHLG, 2007)

5.2. Louth County Development Plan 2015-2021

- 5.2.1. This Plan provides the strategic planning policies and objectives for the County. Section 2.16.4 notes that the Statutory Plan for Drogheda and the surrounding area is currently the Drogheda Borough Council Development Plan 2011-2017 which is still in place and Policy SS4 seeks: *To review the Drogheda Borough Council Development Plan 2011-2017 and to prepare a Local Area Plan for Drogheda and Environs which will be consistent with the provisions of the County Plan.*
- 5.2.2. In addition to the County Development Plan, I have reviewed the *Drogheda Borough Council Development Plan 2011-2017* as this provides the most recent zoning framework for the area.

5.3. Local Planning Policy Provisions

The Drogheda Borough Council Development Plan 2011 to 2017 is the applicable plan for the site and its setting in so far as it is consistent with the Louth County Development Plan, 2015 to 2021.

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

Settlement Strategy:

Table 2.2 Drogheda is a Large Growth Town in the Settlement Hierarchy.

Policy SS 1 seeks to maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.

Residential development standards:

Chapter 6 refers to Housing and Community Facilities. This has regard to Sustainable Residential Development, to the suitability of residentially zoned land for housing and housing mix. Table 6.1 provides the Design Principles for Sustainable Communities. Policy HC 8 refers to implementing the guidelines and best practice manuals issued by the DoEHLG. Section 6.6 provides Design Guidelines. Section 6.6.8 is generally supportive of appropriately designed sustainable Infill/Backland Development. Reference is also had to Design and Scale and to Open Space.

Section 6.7 provides Residential Development Standards.

Table 6.2 provides the Residential Density Targets for Drogheda Borough (Dwellings per ha). Section 6.7.3 and Table 6.3 relate to Private Amenity Space considerations. For a three bedroomed plus house (Greenfield/Suburban this is 80sq.m) and Policy HC 18 relates.

Policy HC 19 and Section 6.7.4 refers to Public Open Space requirements. Section 6.7.5 and Table 6.6 provide the Residential Car Parking Standards which are 2 per dwelling.

Variation no.1 relates to the Core Strategy.

5.4. Natural Heritage Designations

The site is located c1.1km to the south of the Special Area of Conservation: River Boyne & River Blackwater SAC (Site Code: 002299).

The site is located c1.1km to the south west of the Special Protection Areas: Boyne Estuary SPA (Site Code: 004080).

5.5. EIA Screening

Having regard to the nature and scale of the development, on a fully serviced site and the lack of any direct hydrological connectivity from the site to any nearby sensitive receptors, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Brady Hughes Consulting has submitted a Third Party Appeal on behalf of adjoining local residents Michael & Evelyn Taaffe. Their grounds of appeal include note of their earlier submission at application stage and regard to the following:

Design and Layout

- They have regard to the residential zoning objective and the need to protect established residential property from undue negative impacts. The proposed development contravenes the residential zoning objective by virtue of its height, scale and design.
- They have significant concerns about the design, scale and siting of the proposed dwelling house and the impact it will have on the residential amenity of their home.
- It will be higher than the existing house on the Dublin Road. It will be overly dominant and be overbearing and result in loss of amenity and overlooking of their property a single storey bungalow.
- The proposed dwelling will have limited private amenity space, given the scale of the house and will be set too close to the site boundaries.

Unsolicited Further Information – Procedural issues

- They are concerned about the significance of the unsolicited information submitted on behalf of the applicants. They also quote from the Development Management Guidelines 2007, in this regard.
- They refer in particular to the issues of boundary fencing and drainage i.e the location of the public sewer. They consider that these raise new and contentious issues.
- The acceptance of this submissions without reference to Article 35 of the Regulations was, in their opinion unlawful and as such they ask the Board to nullify the decision.
- They consider that the Planner's Report did not deal fully with these issues and provide a list of issues relative to where F.I should have been requested.
- They consider that there is no rationale for not seeking clarification of these matters by way of an F.I request as recommended by the Infrastructural Department.

Drainage

- They are concerned that public services including the route of the public sewer are not shown on the drawings submitted. They have submitted a map and photographs relative to the sewer line. They consider that further information should have been requested on this issue.
- They note that the sewer needs access for repair and maintenance and no information has been provided as to how this will be catered for. Wayleaves have not been accounted for.
- They refer to other applications where the issue of the location of the public sewer was subject to an F.I request by the Council.

Subsidence

- They note subsidence problems in the area which has resulted in them having to have sections of their house underpinned. They provide that the site is located in an area of reclaimed quarry or gravel pit.
- This being the case they provide that there is a serious risk of contaminated filling having been placed therein. They consider that an environmental assessment of the fill material that will be disturbed by the construction process should have been undertaken.

Impact on Character and Amenities of the Area

- It will be out of character with other residential property in the area. A contextual elevation has not been submitted showing the property from the Bryanstown Village road and photomontages do not provide accurate views.
- They have submitted a contextual drawing showing their single storey dwelling relative to the proposed 3 storey house. They submit that it may be possible to locate a lower profile smaller house that would be more appropriate on this site.
- They fail to see how this type of proposal would reduce homelessness in line with National Policy and Guidelines.
- The fact that a busy office is located on the subject site is not mentioned in the planning application documents. The limited space on the subject site will

restrict the parking spaces used by staff and customers calling to the existing office use on site.

Conclusion

- They consider that this proposal will have an adverse impact and has not been properly assessed. They request that the Board to overturn this decision and to refuse permission.

6.2. Applicant Response

McGill Planning Chartered Town Planners have submitted a response on behalf of the Applicant to the grounds of appeal which includes the following:

Zoning and Principle of Development

- New residential development is permitted in principle on this zoning and this proposal will enhance and not negatively impact on the character of the area.
- The proposed design that has been positively assessed by the PA.

Impact of House Design and Layout

- They consider this bespoke house successfully integrates with its suburban setting and provides an attractive transition taking into the context the varied scale of housing in the area.
- The single storey height of the kitchen wing is an intentional design element which seeks to integrate with the appellants house and the row of bungalows to the west along Bryanstown Village.
- They submit they have provided a contextual elevation in conjunction with the drawings and visuals on the planning file.
- Also an aerial photo to show that similar to the proposed development, the bungalows are proximate to the site boundaries.
- The proposal addresses two elevations on this prominent corner site. Providing a lower building would result in a poor design outcome for this key corner site and be contrary to planning policy and guidelines.

- It is both in accordance with the zoning objective for the site and the urban design principles espoused in national and local planning policy.
- They provide that no overlooking of the Appellant's property from the upper windows will occur.
- They refer to the 2m screen fence to be erected along the S/W boundary, retention where possible of the existing boundary hedge and the relocation of the proposed kitchen window to the N/W elevation.
- They provide that the proposed development is in accordance with private open space standards in the Development Plan.

Parking and SUDs

- They provide that the proposal will not result in a loss of parking for the adjoining residential/commercial property. They consider there is ample parking available.
- The Planner's Report assessed the issues raised relative to car manoeuvring within the development site and in relation to the proposed SUDs measures and concluded that these could be addressed by condition. They refer to Condition no. 2(i) and (ii) in this regard.
- Infiltration blankets are common devices used on small urban sites as an alternative to soakaways which would normally be used on larger sites.
- They refer to the Site Layout Plan and note the length of the front drive and consider it is ample to cater for the turning movements of 2no.cars.

Ground Conditions

- They rebut the claims of contaminated fill under the application site and provide that claims of historical subsidence are unsubstantiated.
- The site to be developed is no different to the existing house which has never been impacted by subsidence.
- They note that there are various methodologies which can be employed during construction phase to ensure that neighbouring properties are not structurally compromised.

- They have regard to the letter prepared by Doherty Finegan Kelly Engineers which states that the full design of foundations and structure will be carried out before development commences. They provide that this can be conditioned and they will comply with same.

Foul Sewer

- They note that the appellants claim that there is a live sewer serving their house which runs under the application site and the proposed house and refute this.
- The Board will note from the planning file that official Irish Water records for the area indicate no such drain nor it connecting to the public system at this location. Public wastewater and surface water serving Bryanstown Village runs under the public road.
- The appellant's reference to Reg.Ref. 18/757 is irrelevant as in that case both Louth Co.Co. and Irish Water records clearly identified a public foul sewer running through the site and the design had to be revised to accommodate same.
- Louth Co.Co. records show no evidence of a live public drain running through the subject site. Irish Water has raised no objection to the proposed development. The appellant's claims are unsubstantiated and unsupported.

Procedural

- They provide that the submission made by the applicant was to clarify for the PA some additional useful information which came to light after the application was lodged.
- This included clarification in regard to the fence and boundary treatment; a letter from the scheme engineer clarifying the full design of foundations and structure will be carried out before development commences; a copy of Irish Water public water services map for the area.
- They consider the information submitted sought to clarify for the PA and was not significant in planning terms. Also, that it is submitted within the context of Article 29(1)(a) of the Planning and Development Regulations 2001 (as amended).

- They note that the Council's permission included Condition no.1 having regard to compliance with the plans and particulars as originally submitted.
- No subversion of the planning process or loss of third party rights has occurred. The Board is now considering this appeal *de novo*.

Conclusion

- They ask the Board to consider the proposed wooden boundary fence proposal and the revised ground floor window design in its adjudication of the proposed design. They consider these to be relatively minor additional measures, but which seek to future mitigate any perceived amenity impact on the appellant's amenities.
- They consider the grounds of appeal are unreasonable and unsubstantiated.
- This is a comprehensive, sensitive and well considered layout and design which respects the existing character and amenities of the area.
- They request the Board to dismiss the grounds of appeal regarding technical matters (e.g. overlooking, parking, private open space, ground conditions, public drain). They consider none of these are correct or substantiated.
- They note the Council have granted permission and provide that the proposed development is in line with planning policy and guidelines. They ask the Board to grant permission subject to conditions.

6.3. Planning Authority Response

Their response includes the following:

- The development is consistent with the zoning objective for existing residential under the Drogheda Borough Development Plan 2011-2017 (as extended).
- The property is a well-designed architectural house in terms of urban, form, fit and scale within a built-up area and they do not consider it overdevelopment.
- It meets with national policy in the promotion of more compact growth and the amenity space provided is sufficient and accords with development plan standards.

- The building has been carefully designed to mitigate overlooking or impact on no. 32 Bryanstown Road.
- Irish Water has a class 1 no objection report to the development. The Infrastructure Section were satisfied that the conditions which relate to car manoeuvres inside of the curtilage of the site and a report from a geotechnical engineer were addressed by condition.

Subsequently in response to a further submission they provided they have no further comments to make.

6.4. **Observations**

None.

6.5. **Further Responses**

Brady Hughes Consulting submitted a further response on behalf of the Third Party. This reiterates some of the points made in their grounds of appeal and includes the following:

Impact of Design and Layout

- The proposed three storey house to be constructed within 3m of their bungalow neither protects nor improves their amenity and is therefore contrary to the residential zoning objective.
- They provide a sketch of how the proposal would look relative to their dwelling. Their house is 5.6m to ridge from the surrounding ground level, the proposed development is 10m high.
- The only contextual elevation shown is the one from the Dublin Road, no such elevation has been submitted relative to Bryanstown Village.
- If they wish to build so close to the appellant's property they should build a bungalow to respect the compact form.
- This is a speculative development to build a big house of high value.
- They note their concerns about overlooking windows.

- The amenity value and actual value of their property deserves to be protected.
- They consider the area of private amenity open space is deficient and poor quality.

Infrastructural issues

- They reiterate their concerns about the usage of the infiltration blanket, given the history of subsidence relative to the area of the site.
- They are concerned that interfering with the ground water conditions in such circumstances can cause significant structural impact on the subject development and neighbouring properties.
- They note the underpinning of their property – work that was necessary due to subsidence as the house straddled the boundary of a filled quarry and original ground around it.
- They enclose letters about the ongoing drain blockage issue on McGrory's property. They reiterate their concerns about foul sewer serving the row of bungalows and passing through the site, under the proposed house.
- This will be a matter for Irish Water to ensure connections to existing houses are retained and that requirements are met for wayleaves and maintenance.

Procedural Matters

- Their concerns have been wrongly dismissed by the First Party. They should have had an opportunity to comment on the amendments made by way of Further Information and revised Public Notices should have been erected.
- They do not consider that Article 29(1)(a) is intended to be used in this way. This is not the mechanism for unsolicited information.

Conclusion

- The Appellants consider that their points are valid and that their appeal should not be dismissed.
- The house is too big for the site and this is the key issue. A smaller house would be more easily accommodated on this site without detriment to the amenities of adjoining residents.

- Their concerns about the poor ground condition relative to subsidence issues have been raised.
- The removal of the high hedge and replacement of same with a 2m boundary fence is not acceptable to the appellants.
- They request that the decision of the Council be overturned and permission for the proposed development be refused.

7.0 Assessment

7.1. Planning Policy Considerations

- 7.1.1. As shown on the Drogheda Borough Council – Variation No. 1 Land Use Zoning Objectives Map the site is proximate to the south eastern Borough Boundary and is zoned RE Residential Existing, where the objective seeks: *To protect and/or improve the amenity of developed residential communities*. It is noted that infill development or development of a corner site is generally supported where this objective is met, and the principle of sustainable residential development is acceptable within this residential zoning. Note is had to the Section 6.6.8 of the Drogheda DP which provides that infill development should be designed to have due regard to the existing surrounding development in terms of design, scale, height and building line and not be detrimental to the local existing residential amenities of the area.
- 7.1.2. 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. Section 2.6 refers to Securing Compact and Sustainable Growth. This also means ensuring that smaller scale opportunities for infill and brownfield development are realised.
- 7.1.3. 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.*

- 7.1.4. The First Party provides that the site is an infill development, on a fully serviced site and they consider the proposal is in compliance with Development Plan standards and policies and seeks to make sustainable use of residentially zoned land. They provide that the bespoke design addresses this prominent corner site and is not out of character with the existing houses in terms of size, scale and height. Also, that the proposal has been designed so that it will not impact adversely on the amenities of proximate residential including the Appellants property.
- 7.1.5. Regard is had further to the documentation submitted and to the concerns raised by the Third Party including compliance with planning policy and guidelines, issues regarding the design and layout, scale and height of the proposed development, boundary treatment, access and drainage implications and impact on the pattern of development and character and amenities of their property and of the area in this Assessment below.

7.2. **Unsolicited Further Information**

- 7.2.1. The Third Party are concerned about the submission of unsolicited information during the course of the application and consider that this is significant and contentious and that further information should have been sought by the Council relative to drainage issues and boundary treatment. Reference is made to Section 5.10 *Unsolicited further information* of the Development Management Guidelines 2007 which notes this should only relate to non-contentious matters, such as clarification of details already submitted. This also refers to the requirements of Article 35 of the Planning and Development Regulations 2001. This provides details of the requirements relative to: *Notice of further information or revised plans*. They consider the submission of this information in this format to be unlawful.
- 7.2.2. The First Party provides that the information submitted is not significant and sought to clarify details regarding the wooden fence proposed to supplement the low boundary wall with the applicant's property in the interests of privacy of both properties; a letter from the scheme engineer clarifying the full design of foundations and structure to be carried out before development commences; a copy of Irish Water public water services map for the area. They do not consider that it constituted a need for an F.I request or is unlawful, rather it was to provide further clarity to the

PA in its adjudication of the planning application. They contend that this submission has been made in the context of Article 29(1)(a) of the Planning and Development Regulations 2001 (as amended). They provide that this submission was made, genuinely by the applicant in order to provide further clarity to the PA in its adjudication of the planning application.

- 7.2.3. Regard has been had to the issues raised by both parties. However, it is considered that this is a matter for the Council rather than the Board relative to the processing of the application. It is considered that this constitutes a procedural issue for the Local Authority and is not within the remit of the Board. The Board has regard to the information on file and the documentation submitted and is considering this application *de novo*.

7.3. Design and Layout and Impact on the Amenities of Adjoining Property

- 7.3.1. The application form provides the area of the site is 0.05ha and the gross floor area of the proposed dwelling is c.266sq.m. The proposed detached 4 bed roomed dwelling is to be located on a prominent corner site in the side garden area of the existing 2 storey detached property to the south. As shown on the plans this is to be 10m to ridge height comprising 3 floors. The ground floor is to include a single storey front projecting porch and a bedroom and lounge with single storey kitchen/dining area at the rear. The first floor accommodation includes 3no. bedrooms, en-suite and shower room and the second floor, a master bedroom, en-suite and storage area. Roof lights and side dormers are to be included at second floor level. Sections and Elevations have been submitted. External finishes are to include selected brick and roof slated with zinc finish to the dormer windows.
- 7.3.2. The Third Party has concerns that the proposed development will be detrimental to the residential amenities of their single storey bungalow to the S/W and will be overly dominant and overbearing for their property and cause overlooking. The First Party response notes the transitional single storey element adjacent to the boundary with this property and that as shown on the drawings proposed first floor windows on the S/W side elevation will be obscure glazed. As a further measure and as shown on the drawings submitted in response to the appeal submission they propose to relocate the proposed kitchen window from the S/W facing elevation to the N/W

elevation. If the Board decides to permit, in accordance with these revised plans, I would recommend this be conditioned.

7.4. Regard to Open Space

- 7.4.1. There is concern that the proposed dwelling will not have adequate quality private amenity space. Section 6.7.3 of the Drogheda DP refers to the provision of private amenity space, which is free from undue observation as being a fundamental part of residential amenity. This notes that private amenity space should normally be provided to the rear of houses. Table 6.3 provides the Private Amenity Space Standards and for 3 plus bedrooms on suburban sites this is 80sq.m. As shown on the plans submitted this is within the minimum standard, although it is noted that the rear garden area is irregularly shaped and is shown located between the proposed and existing building to the south.
- 7.4.2. The rear garden area will be partially overlooked by the windows in the first floor of the side elevation of Carlington Lodge. It is considered that the corner of the proposed dwelling should be set at least 1m back from the boundary with the adjoining site of Carlington Lodge. This would also allow better access for the provision of service connections to the rear of the proposed dwelling. Also, that the proposed first floor windows facing the existing dwelling should be obscure glazed. I would recommend if the Board decides to permit that this be conditioned.
- 7.4.3. The First Party provide that appropriate boundary treatments will mitigate overlooking from the proposed windows at ground floor level. There is currently an existing low boundary wall and hedge between the application site and the neighbouring dwelling to the west. It is also proposed to erect a 2m high timber privacy screen as part of this application. They provide that the hedge will be retained where possible. The Third Party has concerns about this fencing and the possible removal of a large area of boundary hedge to erect this fence. I noted on site that this boundary hedge is within the application site and forms a dense screening feature along the S/W boundary for the frontage of the bungalow facing.
- 7.4.4. The proposed single storey element is now shown set c.1.2m back from this site boundary. I would consider that it would be preferable to set back the proposed development a minimum of 2m from this western site boundary so that the boundary

hedge could be retained/augmented along this boundary. If the Board decides to permit, I would recommend that this be conditioned.

7.5. Access and Parking

- 7.5.1. It is proposed that the existing entrance from the Dublin Road be widened to facilitate the proposed development. As shown on the Site Layout Plan this would result in the use of a joint entrance but two separate gated entrances to the existing and proposed properties.
- 7.5.2. It is noted that the Third Party have raised concerns that the proposed development if implemented would affect the number of parking spaces available to the commercial office for customers and staff using the applicants existing facilities on the site, and that no reference to this business/commercial use has been made in the application documents. In response the First Party provide that in comparing existing and proposed layouts a small section of tarmacked area will be removed to facilitate the new development. They note that the Applicants are living and working in their family business in this property. They provide that the commercial parking requirements are low and that there is ample parking available on site. They also note that there is additional parking opportunities available immediately outside the entrance to their property in the layby along the frontage off the Dublin Road. I would consider that it is important that the current proposal would not result in an over spill parking along the layby at the side of the Dublin Road, which would not be desirable.
- 7.5.3. It is proposed to provide two on-site car parking spaces which is in accordance with DP standards for a 4 bedroom dwelling. Having regard to the Site Layout Plan, I note that in view of the location of the porch that the entrance to the driveway from the parking area is narrow, and would recommend that in view of this and the building line, that the porch area be reduced to a maximum of 2m in width. If the Board decides to permit, I would recommend that this be conditioned.
- 7.5.4. The Council's Infrastructure Division recommended that an autotrack assessment be done to ensure manoeuvrability within the confines of the site, i.e to negate the requirement of a vehicle to reverse out onto the public road. This was included as Condition no.2 (i) of the Council's permission. If the Board decides to permit, I would

recommend that a condition regarding the vehicular access and parking area be included.

7.6. Impact on the Character and Amenities of the Area

- 7.6.1. The Third Party consider that the proposed house in view of its scale, form and height will appear overly dominant in the area and in particular be out of context with their bungalow and adjoining properties. They consider that a lower profile more transitional house type such as a 2 storey 3 bedroom house would fit in better, allow for a better distribution of private amenity space and be more appropriate on this site. A Contiguous Elevation has been submitted showing views from the Dublin Road. However, there is concern that no contextual elevation was provided showing views from the Bryanstown Village road. Also, that the photomontages are not adequate. The Third Party have provided an elevational drawing showing the proposed three storey new house in the context of their single storey dwelling.
- 7.6.2. In response the First Party considers that this is a bespoke house design which addresses this prominent corner site and successfully integrates with its urban setting and provides an appropriate transition having regard to the context of the varied scale of other houses in the area. They note the single storey element of the kitchen wing and provide that this is an intentional design element which seeks to present a suitable scale and to integrate with the row of bungalows to the west.
- 7.6.3. In view of its locational context it is visually important relative to the character of the area that this proposal addresses this prominent corner site facing the Dublin Road. It is noted that it corresponds to the building line of the adjoining bungalows on Bryanstown Village Road but is set at an angle to Carlington Lodge to the S/E. As shown on the Contiguous Elevation in view of the height, it will also be higher and more dominant than this property. The existing house appears to be c.9m in height and the proposed house c.10m. I consider that the height will appear overly dominant on this corner site in the street scene. If the Board decides to permit, I would recommend that it be conditioned that the ridge height be reduced to a maximum of 9m to correspond to the height of Carlington Lodge. I would recommend that the modifications referred to in this Assessment be conditioned to improve the

integration of the house relative to the proximity of adjoining properties and the appearance in the streetscape.

7.7. Drainage

- 7.7.1. The Third Party's concerns relative to drainage are noted. They noted that this infrastructure is not shown on the subject drawings and the existing site layout plan does not indicate public services located within the subject site. They provide that the foul sewer passes under the rear garden in No. 32 under the proposed development site falling towards the Dublin Road. They enclose a map with their appeal to show this. They provide that wayleaves (likely to be 6m high centred on the pipe) will need to be provided for maintenance purposes and these have not been catered for. They refer to the drawing and photographs submitted with their appeal to prove the existence of the sewer.
- 7.7.2. The First Party provide that DFK Engineers contacted Irish Water in relation to a possible drainage pipe crossing the site. Also, that a map from Irish Water is enclosed to show that a drainage pipe is not located under the application site. They provide that the official Irish Water records for the area and Louth County Council records indicate no such drain nor it connecting to the public system at this location. They provide that public wastewater and surface water serving Bryanstown Village is under the public road. They contend that the Appellant's claims are unsupported and unsubstantiated.
- 7.7.3. Having regard to concerns about drainage issues, I would consider that this is a matter for Irish Water and the Council. if the Board decides to permit, I would recommend that an appropriate drainage condition be included.
- 7.7.4. The Third Party are concerned about the appropriateness of the infiltration blanket as a means of collecting surface water and discharging it in this concentrated area and refer to problems of subsidence. The First Party response provides that due to site constraints soakaways could not be designed to cater for surface water runoff from the proposed single dwelling house.
- 7.7.5. The Infrastructure Division of the Council, advised that the applicant be requested to submit a report from a chartered Geotechnical Engineer demonstrating that the provision of the proposed infiltration Blanket will not compromise the stability of the

proposed dwelling, taking cognisance of its proximity to same. This was included as part of Condition no. 2 of the Council's permission. If the Board decides to permit it is recommended that a condition similar to no. 2(ii) of the Council's permission regarding this issue be included.

7.8. Construction issues

- 7.8.1. The Third Party refer to problems of subsidence in the area and include historic O.S mapping to show the use of part of the site as a quarry. In response to the grounds of appeal the First Party refute that there is any issue with contaminated fill or subsidence on this site. They provide that notwithstanding this there are a variety of methodologies which can be employed during the design and preparation of foundations to ensure that both the house being built and neighbouring properties are not structurally compromised. There is a letter on the planning file from Doherty Finegan Kelly Engineers which states that the full design of foundations and structure will be carried out before development commences and it is provided that the applicants will comply with same.
- 7.8.2. It is important that construction be in accordance with best practice relative to the site conditions and not impact adversely on neighbouring property or the surrounding area. I would recommend, if the Board decides to permit that in view of the issues raised that it be conditioned that a Construction Management Plan be submitted.

7.9. Screening for AA

- 7.9.1. Having regard to the nature and scale of the proposed development and its location within a long established built up urban area which is connected to existing public services, which includes public mains water and wastewater, and the separation distance to the nearest sensitive location and lack of a direct aquatic connection, there is no real likelihood of significant effects on any European sites arising from the proposed development and the need for Appropriate Assessment screening is not required.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions below.

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(as extended) 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. 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 received by An Bord Pleanála on the 17th day of January, 2020, 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 ridge height of the dwelling shall be reduced to a maximum of 9 metres.
 - (b) The single storey kitchen element shall be sited a minimum of 2 metres off the western boundary.
 - (c) The kitchen window shall be inserted in the north western elevation.

- (d) The first floor windows in the south western and south eastern elevations shall be obscure glazed.
- (e) The porch area shall be reduced to a maximum of 2m in width.
- (f) The corner of the proposed dwelling shall be sited a minimum of 1m off the south eastern site boundary.

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. 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.

- 4. 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.

- 5. 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.

Reason: In the interest of visual amenity.

- 6. (a) Details of proposed boundary treatments at the perimeters of the site, including heights, materials and finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The existing hedgerow along the western boundary shall be retained and augmented.

Reason: In the interest of visual and residential amenity.

7. The vehicular access, and parking area serving the proposed development, shall comply with the requirements of the planning authority for such works.

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, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

10. The applicant shall submit a report from a chartered Geotechnical Engineer, demonstrating that the provision of the proposed Infiltration Blanket will not compromise the stability of the proposed dwelling. This shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. 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.

12. 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 management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

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

13. The development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

14. 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.

Angela Brereton
Planning Inspector

13th of May 2020