



An
Bord
Pleanála

Inspector's Report ABP 306576-20

Development	Construction of infill dwelling with attic storage/playroom.
Location	Greek Park, Navan Gate Street, Trim, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA190371
Applicants	Kieran & Darina Maher
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant	Mary B Ryan
Observers	None
Date of Site Inspection	08 th May 2020.
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.08 ha) is located on the southern side of the Navan Gate Road in Trim and comprises the side garden of a two-storey detached dwelling, stated as being the applicant's parents dwelling. This dwelling has a pitched roof profile and its elevation finishes are rendered. A detached single storey garage is located to its side/rear. The site as outlined in red is largely under lawn with a chain-link fence and tall mature hedging defining the eastern boundary, a wall c 1.6m high defining the western boundary to the rear of the existing dwelling and a wall c. 1m defining the southern roadside boundary. Tall shrubbery and trees subdivide the front from the rear of the site and 2 no. semi-mature deciduous trees are planted inside the northern roadside boundary. The ground level of the site is relatively level and is raised c. 1 metre above the adjoining the public footpath along its northern roadside boundary. The neighbouring dwelling on the adjoining site to the east comprises a two-storey detached dwelling with a single storey extension to its rear. Lands adjoining the site to the south are designated the 'Porch Field Conservation' Architectural Conservation Area (ACA). This ACA contains a National Monument identified as the 'Town Gate & Medieval Roadway' (RMP No. ME036048053).

2.0 Proposed Development

- 2.1.1. Application as lodged on the 01st April 2019 - Permission sought for the following;
- Construction of a detached 2.5 storey 3 no. bedroom dwelling (202 sq.m.) with a storage / study / playroom at attic level.
 - Ridge height of proposal: 9.1m.
 - New vehicular access off the Navan Gate Road and driveway, serving the proposed new dwelling.
 - The provision of a new 1.2m - 2m high wall, subdividing the site between the existing and proposed new dwelling.
 - Construction of a detached single storey plantroom (10 sq.m.) to the rear of the dwelling.

- Connection to all mains services and all associated site works.

2.1.2. Revised Proposal as submitted by way of Significant Further Information on the 22nd November 2019:

- Modifications to the existing vehicular entrance to provide an extended recessed concave shaped entrance providing separate vehicular entrances and driveways serving both the existing and proposed new dwelling.

Documentation submitted includes;

- Revised site layout plan.
- Letter from Mr. Kevin Maher (the applicant's father and landowner), signed and witnessed by a solicitor giving consent for the lowering of the front boundary wall to a height of 900mm for the purposes of achieving adequate sightlines.
- Landscape plan, tree protection plan and tree works plan detailing existing and proposed trees and vegetation on the site.
- Existing and proposed contiguous front elevation photomontage.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Meath County Council granted permission for the proposed development subject to 17 no. Conditions. Noted Conditions include the following;

C.2 Prior to commencement, submit sufficient legal interest to reduce the existing boundary wall to the west of the proposed site entrance to 850mm in height.

C.3 Prior to commencement, reduce the existing boundary wall to the west of the proposed site entrance to 850mm in height, remove and set back the existing wall to the east of the proposed entrance and achieve and maintain unobstructed sightlines to the satisfaction of the Planning Authority.

- C.4 Prior to commencement, submit a revised site layout plan detailing revised boundary proposals for the eastern site boundary. This shall ensure that no overlooking of the adjacent property to the east from the proposed side facing kitchen window.
- C.5 Prior to commencement, submit a revised side / eastern elevation drawing showing opaque glazing to the first-floor landing window.

3.2. Planning Authority Reports

3.2.1. Planning Reports (23rd May 2019 and 09th January 2020)

Basis for Planning Authority's Decision. Includes:

- Further Information was requested providing the following;
 - 1) A revised proposal exploring the possibility of providing a shared vehicular entrance. Where a new entrance is proposed, provide sightlines of 2.4m x 49m in both directions. Where proposed works are outside the ownership of the applicant, submit written consent from the landowner.
 - 2) Submit a landscaping plan showing existing and proposed vegetation and details of proposed boundary treatment.
 - 3) Submit contiguous elevation drawings of the proposed development.
- The revised proposal submitted provides a new vehicular entrance serving the proposed dwelling.
- The letter of consent submitted refers to the lowering of the front boundary wall to 900mm and not 850mm as per the Transportation Dept. report requirement. This issue can be dealt with by way of Condition, in the event of a grant of permission.
- Concerns raised by a third party regarding overlooking from the side facing kitchen window of the proposal can be dealt with by way of Condition.
- The proposed development would not negatively impact on the visual or residential amenity of the area.

3.3. Other Technical Reports

- 3.3.1. **Roads Section:** No objection subject to Condition requiring a reduction in the height of the existing boundary wall to the west to 0.85 metres and removing and setting back the existing wall to the east in order to provide unobstructed sightlines. These works should be completed prior to any other works commencing on site.
- 3.3.2. **Water Services Section:** No objection subject to Conditions.
- 3.3.3. **Irish Water:** No objection subject to Conditions.

4.0 Planning History

P.A. Ref. 92/1357 Permission granted in 1993 to K. Maher for an extension to the dwelling.

5.0 Policy and Context

5.1. Trim Town Development Plan 2014 – 2020

Zoning: The site is 'A1 - Existing Residential' which has the objective 'To protect and enhance the amenity of developed residential communities'. The use class 'Residential' is permitted under this zoning.

Architectural Conservation Area - Lands adjoining the site to the south are designated the 'Porch Field Conservation' Architectural Conservation Area.

Section 2.4.3 Development Management Standards - states the following;

Chapter 11 of the Meath County Development Plan 2013 – 2019 set outs Development Management standards for new planning applications in County Meath. For the purposes of the Trim Development Plan 2014 – 2020 and to ensure consistency with the county standards, please refer to Chapter 11 of the Meath County Development Plan 2013-19 for development management requirements.

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

Chapter 11 Development Management Guidelines & Standards

Section 11.2.2.2 Development Management Standard for Houses

Table 11.1: Minimum Private Open Space Standards for Houses

5.3. **Other Relevant Government Guidelines**

Development Management Guidelines (2007)

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

Urban Design Manual - A Best Practice Guide (2009)

5.4. **Natural Heritage Designations**

The site is located 0.3km to the north-east of the River Boyne And River Blackwater SAC (Site Code: 002299) and SPA (Site Code: 004232).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A third-party appeal was received from Mary B. Ryan, who resides in the neighbouring dwelling on the adjoining site to the east. The following concerns were raised in the grounds of appeal:

- The proposed development would seriously injure the residential and amenity value of the Appellant's dwelling.
- The application should have been invalidated by reason that the drawings submitted do not accurately detail the appellant's dwelling. In particular, the drawings submitted do not detail the extension to the rear of the appellant's dwelling.

- The contiguous elevation photomontage submitted is misleading and suggests a much wider divide between the appellants dwelling and proposed development.
- The height of the proposed development at 9.1m is equivalent to a three-storey apartment development. The height of the proposal would be out of character with the height of dwellings in this part of Trim.
- The proposed dwelling lacks sympathy with the line and form of adjacent houses and with the monuments of national and international significance in the surrounding neighbourhood.
- The availability of an extensive rare site should have presented an opportunity to accommodate a development with a lower height and volume.
- The proposed development fails to present a level of architectural and urban design sensitivity to the historical context of Trim.

6.2. Applicant's Response

Declan Clabby & Associates, Architecture & Project Management, has responded on behalf of the applicant to the third-party grounds of appeal, addressed under the headings below;

6.2.1. *Injurious to residential and amenity value of appellant's property.*

- The proposed development is situated on a 10m wide site and would maintain a separation distance of 3.3m from the dwelling to the east and 5m from the dwelling to the west.
- In order to ensure a greater level of privacy between the dwellings and to eliminate any possible overlooking from the ground floor kitchen window, An Bord Pleanála may wish to consider the provision of a 2 metre high post and panel fence or other boundary treatment along the side boundary of the site, behind the front building line of the proposed dwelling. Such provision would ensure no impact on the residential amenity of the appellant's property.

6.2.2. *Alleged inaccuracy of photomontage and maps*

- All drawings and maps submitted with the application are accurate and portray the situation as it exists on site and the correct location of the proposed dwelling.

- The photomontage is not to scale and is a 3-dimensional photo image, with the proposed new dwelling superimposed into same and for this reason would not be accurate.
- The Appellant refers to inaccuracies in the plans prepared i.e. that there is an extension to the rear of their house not reflected on the site plans. This extension was constructed after the site survey and the application was lodged with Meath County Council. The applicants were not aware of its existence until much later as it was constructed as an exempted development and did not seek planning permission.
- The extension to the rear of the appellant's dwelling is set back c. 5.7m from the common boundary.
- The proposed development will have a minimal impact on the Appellant's extension and dwelling.

6.2.3. ***Height and mass of proposed development***

- The ridge height of the proposed dwelling is 9.1m, the ridge height of the applicant's parents dwelling to the west is 8.4m and the ridge height of the appellant's dwelling to the east is 7.9m.
- The ridge height of the proposed development does not represent a material height difference in the established built character of the area.
- The house is set with a gable facing the road and sloping roofs running east and west which further relieves the height difference.
- An Bord Pleanála may wish to reduce the height of the proposed dwelling to 8.5m. Such amendment by way of Condition would not significantly amend the proposed design, would be acceptable to the Applicant and may help address the concerns of the Appellant.
- The height, mass and proportions of the proposed two storey dwelling is in keeping with its surroundings, in particular with the Appellant's dwelling with its front facing gable elevation and plain contemporary style windows.

6.2.4. **Building Line**

- The front building line of the proposed dwelling is set back slightly behind the front building line of the Appellant's dwelling and extends beyond the Appellant's dwelling to the rear. If appropriate, An Bord Pleanála may wish to consider the dwelling being moved forward by 1.2m.

6.2.5. **Shadow and Light**

- The Appellant's dwelling is facing south to the rear and will only come into shadow in the evening after 5pm, where not only the applicant's dwelling but also the applicant's parents dwelling cast a shadow into the Appellant's rear garden.
- The proposed development would not affect the light of the appellant's dwelling.

Appendices submitted include the following;

- Photomontage of the proposed screen fence.
- Photographs of the sun location and shadow cast at various times during the day on the 01st March 2020.
- Photograph showing the extension to the rear of the appellants dwelling.

Note: The Agent states that revised drawings showing the new extension to the rear of the appellants dwelling have been submitted. There is no record of these on the file.

6.3. **Planning Authority Response**

- The Planning Authority is satisfied that all matters outlined in the appeal were considered in the course of its assessment of the planning application, as detailed in the Planning Officer's report.
- In relation to the issue of a negative impact on the established residential amenity of the appellant's dwelling, the Board should note the existing separation distances between dwellings on this side of Navan Gate Street and the existing pattern of residential development in the area.
- The height of the proposed dwelling is consistent with the height of the dwellings to either side.

- The width of the proposed dwelling is less than that of the appellant's dwelling and by reason of its design will not result in any undue overlooking of the appellant's dwelling.
- Regarding a perceived devaluation in property, the appellant has not presented any documentary evidence to this effect. In the absence of any definitive proof to the contrary, it is considered that the proposed development, as presented, will not result in a devaluation in property values.
- With regard the accuracy of the drawings submitted, the Planning Authority is satisfied that the drawings submitted are in compliance with the requirements of the Planning and Development Regulations 2001 (as amended).
- In relation to a perceived conservation impact on the established built and cultural heritage of Trim Town, the Board should note that the site is not located within the defined extent of Trim Town Walls, the Trim Historical Core (ACA), the Porch Field Conservation Area (ACA) or within the Trim Zone of Archaeological Potential. The application. Therefore. was not referred to the Meath County Council Conservation Officer.
- The proposed development, as presented, will not result in any negative impact on the established built and cultural heritage of Trim Town.

6.4. **Further Responses**

- 6.4.1. Further to the applicant's submission, the appellant submitted a letter elaborating on the issues raised in the grounds of appeal. No new material issues arise.

6.5. **Observations**

None

7.0 **Assessment**

The main issues in this appeal can be considered under the following headings;

- Validity of Drawings submitted
- Scale, Design and Visual Impact

These are addressed under the headings below.

7.1. Validity of Drawings submitted

- 7.1.1. The appellant objects to the proposed development on the grounds that the drawings submitted are inaccurate and do not accurately detail the full extent of the appellant's dwelling on the adjoining site to the east. In particular, the drawings submitted do not detail the extension to the rear of the appellant's dwelling and the contiguous elevation photomontage submitted is misleading in suggesting a much wider distance between the proposed development and the appellant's dwelling. The applicant contests this, stating that all drawings submitted are accurate, that the extension to the rear of the appellant's dwelling was constructed after the subject application was lodged with Meath County Council and that the photomontage drawing submitted is not to scale and therefore would not be accurate. The Planning Authority responded to this issue stating that the drawings submitted are in compliance with the requirements of the Planning and Development Regulations 2001 (as amended).
- 7.1.2. Article 22 of the Planning and Development Regulations 2001 (as amended) and the Meath County Council planning application form sets out the drawings and documentation that are required to accompany a planning application, including (inter alia) location / layout plans, floor plans, elevations and section drawings required to describe the proposals. The subject planning application was lodged with the Planning Authority on the 01st April 2019. Having reviewed Google imagery of the site recorded in 2020, I note that the single storey extension to the rear of the appellants dwelling on the adjoining site to the east was not constructed at this time. In the absence of evidence demonstrating otherwise, it is my view that the drawings submitted accurately detailed the land and structures to the which the application related and features in the vicinity at this time. I acknowledge that the contiguous elevation photomontage submitted is misleading in its representation of the distance between the proposed development and the dwelling on the adjoining site to the east. However, as stated by the applicant, this photomontage is not to scale and thereby would be inaccurate. Nonetheless, I consider that the site layout plan, floor plans and elevation drawings submitted accurately detail the layout, form and design of the proposed development and its context in relation to adjacent structures at the time of its

submission. I am satisfied, therefore, that the drawings submitted are in compliance with the requirements of Article 22 of the Planning and Development Regulations 2001 (as amended). On this basis, I recommend, that the appeal should not be upheld in relation to this issue.

7.2. Scale, Design and Visual Impact

- 7.2.1. The appellant objects to the proposed development on the grounds that the height of the proposed dwelling is out of character with the height of dwellings in the surrounding area. The appellant also objects to the proposal on the grounds that its height, massing and building line lacks sympathy with the form and line of adjacent houses and national monuments in the vicinity and would have an overbearing impact. The appellant puts forward that the proposal presents a poor level of architectural and urban design sensitivity to the historical context of Trim and would be poorly integrated into the site. The appellant considers that a dwelling with a lower height and volume would be more appropriate. The applicant's response to this is set out in Section 6.2 above.
- 7.2.2. The 'Porch Field Conservation' Architectural Conservation Area (ACA) adjoins the southern boundary of the site and contains a National Monument identified as the 'Town Gate & Medieval Roadway' (RMP No. ME036048053). The site is located outside the Trim Historical Core Architectural Conservation Area and the Trim Zone of Archaeological Potential. There are no other National Monuments or Protected Structures within the immediate vicinity of the site.
- 7.2.3. The proposed development provides for the construction of a 2.5 storey dwelling with a ridge height of 9.1m. The roof profile of the proposed dwelling is pitched with a gable elevation presenting to the front. The front gable incorporates with a narrow widow c. 0.8m wide at attic floor level and a large window c. 3.8m wide on the rear gable elevation at attic level. Contiguous elevation drawings showing the height of the existing dwellings to either side of the proposed development have not been submitted. The Agent representing the Applicant states in the response to the grounds of appeal that the ridge height of the applicant's parents dwelling to the west is 8.4m and the ridge height of the appellant's dwelling to the east is 7.9m. The roof profile of the neighbouring (Appellant's) dwelling to the east is pitched, presenting a gable elevation to the front and the roof profile of the applicant's parents dwelling is pitched

with a sloped roof presenting to the front. The character of dwellings in the vicinity along the Navan Gate Road comprises two storey dwellings on the southern side of the road and a mix of single, 1.5 storey and two storey dwellings on the northern side. The front building line of the proposed dwelling broadly aligns with the front building line of the neighbouring dwellings to either side. The proposal has an elevation width of 7 metres. The width of the dwelling on the adjoining site to the east is c. 7.8 metres and the width of the applicant's parents dwelling is c.12.5 metres.

- 7.2.4. Having reviewed the drawings submitted, I consider that the gable fronted elevation of the proposal would be similar to the neighbouring dwelling on the adjoining site to the east. However, it is my view that the provision of a window ope on the front gable elevation at attic level would be out of character with the pattern of development in the surrounding area. Furthermore, the size of the window ope on the rear gable elevation at attic level is excessive and would be visually obtrusive as viewed from the Porch Field Architectural Conservation Area which adjoins the site to the south and Recorded Monument located within. Given the elevated context of the site, c. 1 metre above the public road, it is my view that the height and 2.5 storey gable fronted elevation of the proposed dwelling would detract from the character and visual amenity of the streetscape along Navan Gate Road. Furthermore, given the 1 metre separation distance between the proposed dwelling and the eastern side common boundary, and the ridge height of the proposal 1.2 metres above the neighbouring dwelling to the east, I consider that the proposal would have an overbearing impact on the neighbouring dwelling to the east. I note however that the applicant, in the response to the Grounds of Appeal, provides the option to The Board of reducing the height of the proposed dwelling to 8.5m. It is my view that such a reduction in height of the proposed dwelling in conjunction with the omission of the window ope on the front elevation at attic level and a reduction in the size of the window on the rear elevation at attic level would provide a more acceptable form of development. Such revision would enable the provision of a store / play / study room at attic level, providing an acceptable balance between an appropriate design and providing accommodation that meets the space needs of the occupants of the dwelling. This issue can be dealt with by way of Condition in the event of a grant of permission.

- 7.2.5. Given that the site is located outside the Trim Historical Core Architectural Conservation Area, I do not consider that the proposal would impact on the historical or architectural heritage of Trim.
- 7.2.6. The proposed development complies with the residential development management standards as set out in the Meath County Development Plan 2013 – 2019. Given the context and orientation of the proposed development and its separation distance from the neighbouring dwellings to either side (3.2m to the east and 5m to the west), I do not consider that the scale, extent and height of the proposal would adversely impact on the residential amenity of these dwellings by way of overshadowing.
- 7.2.7. I note that the Planning Authority imposed Conditions requiring the submission of drawings prior to commencement of development showing the provision of opaque glazing to the first floor landing window on the side / eastern elevation at first floor level and the provision of boundary proposals along the eastern side boundary, to prevent overlooking of the dwelling on the adjoining site to the east. I consider that such Condition requirements are appropriate. Furthermore, given that the ground floor kitchen window on the side eastern elevation faces directly into the rear garden of the dwelling on the adjoining site to the east and that the kitchen within the proposed dwelling would be served with a window ope and large sliding patio doors on the rear elevation, I consider it appropriate the kitchen window ope on the side elevation should comprise a high cill level window ope. This would prevent perceived overlooking and protect the residential amenity of the neighbouring dwelling on the adjoining site to the east while providing additional light to the kitchen within the proposed dwelling.
- 7.2.8. In conclusion, I recommend that the appeal should not be upheld in relation to this issue.

7.3. Screening for Appropriate Assessment

- 7.3.1. Having regard to nature and scale of the proposed development to provide one additional house in a fully serviced and zoned residential area and the nature of the receiving environment and the lack of connections to the nearest European site the Boyne And River Blackwater SAC (Site Code: 002299) and SPA (Site Code: 004232), no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

- 9.1. Having regard to the residential land use zoning of the site, the pattern of development in the area, the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22 nd November 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	Prior to commencement of development, the applicant or developer shall submit for the written agreement of the Planning Authority revised drawings detailing the following; (i) The existing boundary wall to the west of the proposed site entrance reduced to 850mm in height.

	<p>(ii) The setting back of the existing wall to the east of the proposed site entrance to achieve unobstructed sightlines to the satisfaction of the Planning Authority</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
3.	<p>Prior to commencement of development, the applicant or developer shall submit for the written agreement of the Planning Authority revised drawings detailing the following;</p> <ul style="list-style-type: none"> (i) The ridge height of the proposal reduced to 8.5 metres. (ii) The omission of the window ope on the front elevation of the dwelling at attic level. (iii) The window on the rear elevation at attic level shall be reduced in width to extend a maximum width of 2 metres. (iv) The window ope on the eastern side elevation serving the stairwell shall be permanently fitted with obscure glazing. (v) The window ope on the eastern side elevation serving the kitchen shall comprise a high-level window ope with a cill level no less than 1.8 metres above ground level. <p>Reason: In the interest of residential amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
5.	<p>The applicant or developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The following requirements of the Planning Authority shall be adhered to in full;</p> <ul style="list-style-type: none"> (i) The vehicular access, serving the proposed development, shall comply with the requirements of the Planning Authority for such road works.

	<p>(ii) Any entrance gates shall open inwards towards the site and not outwards onto the public road.</p> <p>(iii) All works shall be carried out at the developer's expense and to the requirements of the planning authority.</p> <p>Reason: To ensure a satisfactory standard of development and in the interest of traffic safety.</p>
7.	<p>All external finishes, including roof tiles, shall harmonise in colour and texture with the dwelling on the adjoining site to the west.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>All public service cables to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<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</p>

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.

Brendan Coyne
Planning Inspector
03rd June 2020