



An
Bord
Pleanála

Inspector's Report ABP – 306661 – 20.

Development

Demolition of an existing 2-storey dwelling and the construction of 13 no. 2-storey dwellings, connection to all public services, the provision of two new site entrances in addition to the existing entrance the provision of access off Bellview Road and access off the Dublin Road together with all associated site works and services.

Location

Bellview, Dublin Road, Mullingar, County Westmeath.

Planning Authority

Westmeath County Council.

Planning Authority Reg. Ref.

196049.

Applicants

Aine, Eithne & Ita Boyan.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant

Jo Geraghty.

Observers

1. Richard & Margaret Deane.

2. P. O'Grady, N. Brosnan & B. Coady.

Inspector

P.M. Young

Date of Site Inspection

2nd day of July, 2020.

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1.0 Site Location and Description

- 1.1. The rectangular shaped appeal site which has a stated area of 0.67ha is located in in the eastern suburbs of Mullingar town, c0.5km from the Royal Canal and c1.5km as the bird would fly from its Train Station, in County Westmeath.
- 1.2. The site benefits from two road frontages. The southern boundary addresses the heavily trafficked R392 (Dublin Road) at a point where the posted speed limit is 50kph, there is a wide pedestrian footpath, light standards, and a number of directional signs. This boundary contains an attractive period stone wall that contains an attractive with cast iron gates towards its easternmost end with this entrance situated c67m to the east of a set of signalised pedestrian lights and c83m to the east of T-junction that serves residential development of Beechlawns onto the Dublin Road. This lies to the south west of the said entrance. Behind this boundary there are several mature trees of varying species behind which is a rising in ground level mainly grass front garden area with a 2-storey habitable detached dwelling situated on a high point of the site. To the rear of this dwelling the grounds are substantially overgrown and the side boundaries to the east and west are characterised with mature trees.
- 1.3. The northern boundary of the site addresses a cul-de-sac local road (Note: L65037). This cul-de-sac road provides connection onto the main access road serving the Bellview residential estate onto the Dublin Road and in its current form it provides access for an agricultural gate that is located on the north westernmost corner of the subject site from which it opens onto an L-shaped portion of land that wraps around the aforementioned 2-storey detached dwelling on site and its associated private and semi-private amenity spaces. This cul-de-sac road is also bound on its northern side by sites occupied by Teagasc and a Department of Agriculture and Food as well as a single storey detached dwelling. The latter shares part of the western boundary of the site towards its northernmost end and integrated with this boundary is a single storey detached garage structure whose roof structure over and associated rain water goods overhang and appear to drain into the subject site area.
- 1.4. The L-shaped portion of the site can be described as overgrown and unkempt. It is delineated by a dense and wide boundary mainly consisting of mature coniferous trees towards the Dublin Road end of its western boundary. There is also evidence of dumping on the L-shaped portion of the site and a pedestrian sized pathway that runs

from the rear garden area of the aforementioned dwelling into it. Towards the northernmost end of the western boundary there is a solid concrete block wall with the northern boundary itself consisting of post and rail fencing. This northern boundary for the main part adjoins the car park area associated with the single storey Mullingar Bridge & Amenity Centre.

- 1.5. The ground levels of this cul-de-sac road appear higher than the Dublin Road and fall in a westerly direction from the car parking area of Mullingar Bridge & Amenity Centre to where it meets the main access serving the Bellview residential estate. In addition, the lands within this portion of the site area appear to fall significantly in a southerly direction with the higher point of the site being located around the location of the aforementioned dwelling on site.
- 1.6. To the east and west of the site there are detached dwellings set on substantial garden plots with the land in the surrounding predominated by residential developments. Of note, a Modern Movement house called 'Petitswood', is located alongside the southernmost side of the western boundary of the site. This two-storey detached dwelling dates to c1935, is listed under the NIAH Inventory (Register No. 15311004) and is afforded protection as a 'Protected Structure' (RPS No. 019-216) in the County Westmeath's Register of Protected Structures. This dwelling is in a poor state of condition, is vacant and the lands in which it is sited are unkempt.
- 1.7. In the immediate vicinity of the site there are a number of other buildings of merit including 'Glenmore House' to the south east which dates to c1830 is listed under the NIAH Inventory (Register No. 153110031) and is afforded protection as a 'Protected Structure' (RPS No. 019-213/019-214/019-215). In addition, the site is also located in close proximity to 'Clonard House' which dates to the c1800, is listed in the NIAH Inventory (Note: 15311006) as well as is afforded protection as a 'Protected Structure' (RPS No. 019-218). Both of these buildings contribute to the intrinsic character and quality of this area.
- 1.8. Immediately across the Dublin Road from the site there is a water tower and a mixture of single storey, dormer to two storey buildings accommodating mainly residential uses but also including a car wash facility to the south west.
- 1.9. Photographs taken during my inspection of the site and its setting are attached.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of an existing 2-storey dwelling with a stated gross floor spaces of 192m² and the construction of 13 no. 2-storey dwellings with a stated gross floor area of 1,938.5m². The 13 no. 2-storey dwelling units would consist of 5 no. detached dwellings; 2 no. semi-detached dwellings; and, 6 no. dwellings contained in two terraces of three dwelling units each served by 30 on site car parking spaces. Eight of the proposed houses are indicated as 3-bedroom dwelling units; 4 are indicated as 4-bedroom dwelling units; and, one is indicated to be a 4 bedroom plus dwelling unit. Planning permission is also sought for connection to all public services, the provision of two new site entrances together with all associated site works and services.
- 2.2. The proposed development was subject to **further information** and **clarification of further information** requests.
- 2.3. On foot of the **clarification of further information** revised public notices were provided with this indicating that the changes to the proposed development include *“minor alterations to the internal roads layout. A refuse vehicle swept path drawing and a new hydrological and surface water management”*. The applicant’s clarification of further information was received on the 20th day of December, 2019.
- 2.4. On foot of the applicant’s **further information** response revised public notices were provided with these indicating that the changes would include *“a new house type, changes to the site layout and changes to the plans and elevations of the terraced”*. It also indicates that a Shadow Impact Analysis, Hydrological and Surface Water Report and Landscaping Layout have been included with their submission to the Planning Authority. This was provided on the 26th day of October, 2019.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission subject to 20 no. conditions. Of note are the requirements of the following conditions:

Condition No. 2: Subsection (a) requires that the form of unit 7 (on the western boundary) such that the 1st floor projection and south facing window arranged as proposed for unit 12 (on the eastern boundary) is replicated.

Subsection (b) requires a revised eastern entrance onto Bellview Road so that the piers are balanced across the entrance.

Condition No. 4: Relates to details for tree protection measures.

Condition No. 5: Requires that the stone boundary wall along Bellview Road be retained with only minimum stone masonry removed.

Condition No. 7: Sets out the soft landscaping requirements.

Condition No. 8: Requires in part the designated public open space areas shall be made available for the continuous use and enjoyment of the public.

Condition No. 9: Requires an agreed phasing plan.

Condition No. 13: Development Completion Bond.

Condition No. 14: Part V agreement.

Condition No. 15: Sets out roads and footpath requirements.

Condition No. 16: Surface water treatment.

Condition No. 20: Archaeological Monitoring.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planning Officer's report is the basis of the Planning Authority's decision. This report was on foot of a request for further information and clarification of further information. In relation to the final report the Planning Officer was of the view that the applicant had demonstrated that as much as possible of historic stone wall on the southern boundary of the site would be maintained and it was considered that subject to a condition requiring the piers to be replicated and for entrances to be balanced across the junction that on balance the proposed development was an appropriate

form of development whilst protecting this historic feature, the landscape and biodiversity present at this location.

3.2.2. On the 22nd day of November, 2019, the Planning Authority issued a request for clarification of further information relation to the following two items:

- “1. The applicant shall submit a hydrological and surface water management report showing that proposed attenuation is adequate and that required infiltration is available on the site. The surface water system must be capable of retaining all surface water from the site including the permeable paved driveways as this paving has a tendency to silt up and become impermeable through time. No surface water from the development shall be allowed to flow on to the public road.*
- 2. Please supply swept path details for a refuse vehicle to access and exit the development in a forward gear.”*

3.2.3. The Planning Officer’s report considered that a number of the revisions made to the initial design was satisfactory with this including the distances of the buildings from site boundaries being improved so that tree planting and landscaping could be accommodated. It was also considered that the revisions ensured that overlooking between proposed units and existing units accorded with required standards as well as that no adverse overshadowing would arise and that adequate passive surveillance was now included in the design in relation to the proposed open spaces. This report concluded with a request for clarification of further information in relation to the issues set out in items 1 and 2 above.

3.2.4. On the 26th day of April, 2019, the Planning Authority issued a request for further information relating to the following five items:

- 1) Requires revised site layout plan that shows: a) pedestrian crossing over Dublin Road; b) site levels; c) treatment between site and lands to the east; and, d) layout of the development relative to the extended existing dwelling house to the east.
- 2) Requires a daylight impact assessment.
- 3) Requires an improved soft landscaping scheme.
- 4) Requires a hydrological and surface water management report.
- 5) Requires a number of various concerns to be addressed including the considered breach of the overlooking 22m standard in the design concept put forward for the

proposed dwellings and their siting relative to existing residential properties; improved boundary treatments including screening; concerns relating to the alterations to the boundary wall along the Dublin Road; through to the lack of passive supervision.

3.2.5. The above items correspond with the concerns raised in the initial Planning Officer's report which I note considered that the density of the scheme was appropriate having regard to planning policy provisions through to in terms of 'Appropriate Assessment' that the proposed development, individually or in combination with another plan of project, is not likely to have a significant effect on a European site. This report concludes with a request for further information to be sought.

3.2.6. **Other Technical Reports**

Area Engineer: Final report no objection, subject to safeguards.

Senior Executive Officer: Standard Part V should apply.

3.2.7. **Prescribed Bodies**

- **Irish Water:** No objection, subject to safeguards.
- **Department of Culture, Heritage and the Gaeltacht's** submission can be summarised as follows:
 - By way of a condition to any grant of permission the stone boundary wall to Bellview Road be retained and only minimal masonry needed for safe entry/egress be carried out with the existing entrance be kept without alteration as one of the entrances serving the proposed development.
 - The site includes hedgerows and treeline habitats which have the potential to support breeding birds and form a linear habitat for foraging/feeding bats.
 - The proposed development has the potential to cause adverse effect on a significant area of the habitats and local species populations of bats which are listed under Annex IV of the EU Habitats Council Directive 92/43/EEC.
 - In addition, the proposed development has the potential to cause an adverse effect on a significant population of wild birds which are protected under the Wildlife Acts 1976 to 2018 by way of the loss of hedgerows and trees; the

hedgerow/tree removal/trimming as part of the proposed development if it were to take place during the breeding season through to disturbance.

- In order to mitigate the potential adverse impacts identified two conditions are recommended to any grant of permission. That is: 1) that hedgerow and tree removal or hedgerow maintenance should not take place during the breeding season between the 1st March and 31st of August; and, 2) it should be ensured that proposed landscaping plans provide adequate replacement habitats and habitat connectivity for bats and breeding birds.

3.3. **Third Party Observations**

- 3.3.1. Several 3rd Party concerns were raised to the proposed development during the course of the Planning Authority's determination of this application. These are attached to file and I have noted their content. I consider that the substantive the concerns raised in them correlate with those raised by the appellant and observers in their submissions to the Board.

4.0 **Planning History**

4.1. **Site and Setting**

- 4.1.1. No relevant planning history.

5.0 **Policy & Context**

5.1. **National Planning Context**

- **National Planning Framework - Project Ireland 2040, dated 2018.**

This document sets out the government's plan and vision for shaping the future growth and development of Ireland to 2040. Over that time, it estimates that the population of the country will increase by up to 1 million. It sets out the strategy to plan for the demands this growth and it includes 10 no. goals, referred to as National Strategic Outcomes including:

National Strategic Outcome 1 (Compact Growth), which focuses on pursuing compact growth policy at national, regional, and local level. From an urban

development perspective the aim is to deliver a greater proportion of residential development within existing built up area of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

- **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009.**

These guidelines focus on the delivery of quality residential development and promote higher residential densities on residential zoned land including locations such as city and town centres, brownfield sites, public transport corridors, inner suburban/infill sites etc, subject to good design, the provision of a good quality living environment for future occupants and the protection of the amenities of adjoining property.

- **Urban Design Manual, A Best Practice, DOEHLG, 2009.**
- **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018.**
- **Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets DMURS, 2013.**

5.2. Mullingar Local Area Plan, 2014 to 2020.

- 5.2.1. Under this plan the subject site is zoned 'Proposed Residential' under Map Ref: MLAP 14. There is a generic stated objective for residentially zoned land under this plan. This is set out under Objective O-LZ1 which states "*to provide for residential development, associated services and to protect and improve residential amenity*".

5.3. Development Plan

5.3.1. Westmeath County Development Plan, 2014-2020.

This County Development Plan is the overarching statutory plan for the entire county of Westmeath including the urban area and environs of Mullingar town.

5.4. Natural Heritage Designations

5.4.1. There are several Natura 2000 sites within a 15km radius of this appeal site. The nearest to the site are:

- The Special Area of Conservation: Wooddown Bog SAC (Site Code: 000694) which is located c3.1km to the east.
- The Special Protection Areas: Lough Ennell SPA (Site Code: 004044) which is located c3.9km to the south west.
- The Special Area of Conservation: Lough Owel SAC (Site Code: 000688) which is located c4.2km to the north west.
- The Special Protection Areas: Lough Owel SPA (Site Code: 004047) which is located c4.2km to the north west.
- The Special Area of Conservation: Lough Ennell SAC (Site Code: 000685) which is located c4.4km to the south west.
- The Special Area of Conservation: Scragh Bog (Site Code: 000692) which is located c5.8km to the north west.

5.5. EIAR Screening

5.5.1. The proposed development is of a type that constitutes an EIA project and is a sub-threshold project under Class 10(b)(i) Part 2, Schedule 5, of the Planning and Development Regulations, 2001 (as amended), construction of 500 dwelling units. However, the proposed development is:

- The 30 units is significantly below the threshold set out in the Schedule;
- This is a brownfield serviced site with a significant 3.1km lateral separation between it and the nearest European Site, which is located to the east and is separated by a landscape that falls mainly inside the settlement and developed boundaries of the settlement of Mullingar;
- The site is a brownfield site within the settlement of Mullingar and benefits from existing connections to wastewater and potable water public infrastructure;
- The proposed development is a type of development which is not likely to give rise to the use of significant natural resources or the production of wastes, pollution, or

environmental nuisance subject to standard good practice measures during demolition, construction through to operation.

- The proposed development is a type of development where potential adverse impacts on protected species and important habitats can be mitigated by ensuring that any hedgerow and tree removal occurs outside of breeding seasons and the site is of a size where ameliorative landscaping can be provided to replace habitats alongside improve habitat connectivity for both bats and breeding birds identified for protection.
- The site is zoned for residential development and lies within the boundaries of an existing settlement where this type of development can be more positively absorbed than on green field, edge of settlement through to un-serviced sites alongside can make better use of existing infrastructure, amenities through to services in a manner that has less potential for adverse environmental impact.
- Both local through to national planning policy provisions direct residential development like that proposed to settlements to achieve a more compact form of development.

Based on the above considerations the potential impacts on the environment are unlikely to be significant, either by magnitude, special extent, or nature of impact. There is, therefore, no real likelihood of significant effects on the environment based on the nature, size, and location of the proposed development.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- The principle of residential development at this site is not objected to.
- The proposed development fails to accord with local planning provisions.
- Concerns are raised in terms of the traffic impact of the proposed development.
- The proposed development represents overdevelopment of the site.
- The proposed development would result in a loss of privacy by way of overlooking.

- The proposed development would depreciate the value of the appellants property.
- Any redevelopment of this site is required to have regard to its site context and the existing built character of the surrounding area. It is considered that the design resolution put forward has not had regard to its setting nor to residential zoning of the site which requires protection and improvement of residential amenity.
- Five of the proposed dwellings would be accessed from the Dublin Road and would exacerbate existing problems for those using this heavily trafficked road in its vicinity as well as would give rise to additional road safety hazards.
- The existing building line of the Dublin Road has not been reflected in the design of the proposed scheme.
- Houses identified as B1/5 and D1/12 are positioned close to the appellants property boundary and there is an inadequate provision of boundaries and screening proposed. As a result, the proposed development would be visually overbearing as viewed from their property with this visual overbearance added to by the additional height of the dwellings relative to their property and other properties in the immediate vicinity.
- The distance between the appellants property and the dwellings proposed on site are considered to be inadequate.
- It is requested that the Planning Authority's grant of permission be overturned, and the design of the proposed residential scheme be revisited.

6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- This appeal site is located c500m from the town centre of Mullingar as defined and benefits from dual frontage to the south of the site as well as to an internal housing estate access cul-de-sac within Bellview on the northern side of the site which also serves the Bridge Amenity Centre and the Driving Test Centre. Against this context the site is considered to be inner suburban/infill and is residentially zoned and is serviced.
- The proposed density is not out of context with its setting.

- The revisions made to the initial design ensures that there is no direct and undue overlooking of adjoining and neighbouring properties.
- Condition No. 7 of the notification to grant permission requires an agreement of boundary treatments as well as landscaping which includes the eastern and western boundaries. The applicant is happy to comply with its requirements and not to damage any existing natural or manmade boundary treatments.
- The proposed development would not represent an overbearing presence in its contextual setting.
- It is considered that the impact of the proposed development upon existing neighbourhood dwellings would not be contrary to the proper planning and sustainable development of the area.
- A shadow analysis has been submitted which examines the impact of the development on the appellants property. It is not considered any adverse overshadowing would arise.
- The only windows that directly face onto the appellants property are windows serving bathrooms and landings. These windows could be fitted with opaque glazing. It is not considered the proposed development would give rise to adverse levels of overlooking of the appellants property.
- The design alterations required under Condition No. 2 of the notification to grant permission results in the proposed development being compliant with the local planning provisions.
- The Planning Authority in their assessment of this application has had regard to the 3rd party concerns raised.
- The proposed development balances the need to achieve a higher density whilst protecting existing residential amenity from undue adverse impact.
- The proposed development accords with planning policy provisions.
- The Board is requested to uphold the decision of the Planning Authority.

6.3. Planning Authority Response

6.3.1. None received.

6.4. Observations

6.4.1. The joint observation received from Patricia O'Grady, Natalie Brosnan and Brendan Coady can be summarised as follows:

- Principle of residential development of this site is not objected too; however, it is considered that the proposed development would constitute the overdevelopment of this site and would diminish the established residential amenities of the area.
- The Dublin Road is characterised by single residences on large plots set back from the road and it is against this context that it is considered that the proposed development would diminish its established residential amenity in a manner that is inconsistent with local planning policy provisions.
- By stepping forward the proposed dwellings on the southern portion of the site it reduces the amenity of the area to the front in a manner that is not in the best interests of good design.
- The proposed entrance to the south east and south west are not suited to the revised use of the site and the expected volumes of traffic that would be associated with the proposed development.
- There is inadequate provision for two-way traffic on site and this would result in a traffic hazard at the entrances onto the Dublin Road.
- House D1/12 is 3m higher than the existing residence (Whitewell) to the east and the ground floor living spaces of this existing residence would be directly overlooked from this dwelling. The separation distances are less than that required in the local planning provisions.
- The proposed dwellings on the northern side of the site are 3m higher than the houses on the southern side of the site and this is not considered to be in the best interests of good design.
- The nature and scale of the proposed development is inappropriate for its setting.

6.4.2. The observation received from Richard & Margaret Deane can be summarised as follows:

- In relation to the requirements set out under Condition 6(a)(ii) of the notification to grant planning permission it is considered that the site boundary between the

northern side of the site facing onto the Mullingar Bridge, the Amenity Centre and the Teagasc building should be of masonry construction or similar solid wall to a minimum height of 2m over ground level of the public open space provided as part of the proposed development.

- In relation to the requirements set out under Condition 7(a)(ii) of the notification to grant planning permission it is considered that the trees and plants provided for in the public open space should be of sufficient height and density to provide an impervious soft barrier between the 8 houses in block C6 to C1/13 and should be maintained at a maximum height of 4m.
- The existing minor road leading to the Teagasc and the Mullingar Bridge and Amenity Centre should not be used by heavy construction machinery during the site development stage as it would result in various nuisances for the users of this road as well as it is considered to be unsuitable for such use.
- The boundary on the western side of the site between C6/D7 and the private dwelling to the west should be of a concrete block or similar solid construction with a minimum height of 2m above ground level of the proposed private open space in that location.
- Soft landscaping should be provided in the private open space along the rear boundary walls of C6/D7 prior to the first occupation of these houses with this to provide an impervious barrier between the proposed development and the private dwelling to the west of the site as well as be maintained at a maximum height of 4m.

6.5. Referred

- 6.5.1. The Board referred this appeal to An Taisce – The National Trust of Ireland, An Chomhairle Ealaíon, The Heritage Council and Failte Ireland as it was of the opinion that the proposed development might have the potential to detract from the appearance of Protected Structure: Clonard House (RPS No. 019-218). However, no responses were received.

7.0 Assessment

7.1. Introduction

7.1.1. I consider that the main issues in this appeal case are those raised in the grounds of appeal and by the observers I am satisfied that no other substantive planning issues arise. I propose to deal with the issues under the following headings:

- Principle of the Proposed Development;
- Density;
- Residential Amenity Impact;
- Visual Amenity Impact; and,
- Traffic.

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

7.1.3. For clarity I note that my assessment below is based on the revisions made to the proposed development by way of the applicants further information response and by way of their clarification of further information response as I consider that these have resulted in cumulative qualitative improvements to the proposed development, whilst still keeping the same number of dwelling units proposed through to still proposing two access points onto the Dublin Road to serve the five detached dwellings to be positioned on the southern portion of the site.

7.1.4. These responses in my view have also added necessary detail to various matters that were lacking in their clarity including arrangements for surface water drainage through to ensuring that the design of the two access points onto the Dublin Road resulted in minimal loss of stone masonry to an attractive period stone wall boundary that in its own right is a feature of built heritage interest that warranted protection from undue loss and damage.

7.1.5. They responses also included improvements to the overall design response to minimise adverse impact on the established residential amenities of adjoining properties through to provided scope for an improved soft landscaping resolution for the proposed development to mention but a few of the qualitative improvements achieved.

7.1.6. I also consider that the proposed dwellings in terms of the internal space, the private through to open space meet local through to national qualitative as well as quantitative requirements and standards. As such I consider that the proposed development be permitted the residential amenity for future occupants would be consistent with proper planning and sustainable development alongside benefit from a location which is in walking distance to the centre of Mullingar through to a wide array of services and amenities.

7.2. Principle of the Proposed Development

7.2.1. This appeal site lies within the settlement boundary of Mullingar town, which is a designated linked Gateway town with Athlone and Tullamore. Within this context it is situated within its eastern fringes in an urbanscape that is predominantly characterised by various types of residential development c0.5km from the route of the Royal Canal at its nearest point and within c1km of the town's historic centre, both which lie to the west of the site. To the east, north and south of the site the surrounding land has been substantially developed. In addition, the surrounding context contains examples of period properties that connect with the historical development of this settlement and its expansion outwards from its centre. As such the site and its setting could be considered as forming part of the early suburban expansion of Mullingar that occurred along key routes like the Dublin Road.

7.2.2. Within the context of Mullingar the site is therefore within easy reach of a wide variety of facilities, amenities through to infrastructure which are widely recognised as being both beneficial too and synergistic with residential development like that proposed under this current application before the Board.

7.2.3. Indeed, many of these are within walking distance of the site and within the confines of the settlement of Mullingar there is a variety of educational facilities, employment opportunities as well as a public transport options including a rail link to other settlements via the Mullingar train station which is located c1.7km by road to the south west of the site. Also, this site benefits from road frontage onto one of the key routes into the centre of Mullingar but also providing easy connection to the wider public road network with Junction 15 of the N4 located c1.6km by road to the east.

7.2.4. The Midlands Gateway which the settlement of Mullingar forms part of is the fifth largest in terms of population in the country and Mullingar benefits from its location in

the traditional east west transport axis that traverses the Irish Midlands. Under the Midlands Regional Planning Guidelines, 2010 to 2022, it is targeted for accelerated population and economic growth in a structured and cohesive manner.

- 7.2.5. As part of the Westmeath County Development Plan, 2014 to 2020, the core strategy, its policies and objectives seek to prioritise the sequential development of infill and brownfield land alongside channelling residential development to serviced lands within its settlements including key settlements within its county boundaries like Mullingar. It includes provisions like policy P-CS4 which seeks: *“to prioritise sequential development including the development of infill and brownfield lands”* alongside policy P-SR1 which also seeks *“to support the principle of sequential development in assessing all new residential developments, whereby areas closer to the centre of the town including underutilised and brownfield sites, will be chosen for development in the first instance”* as part of promoting sustainable patterns of development.
- 7.2.6. In a manner consistent with this Mullingar’s Local Area Plan reiterate this approach in its provisions. For example, policy P-SR2 states that the Planning Authority will seek to encourage and promote the development of underutilised infill. Under this plan arguably the appeal sites potential for future residential development is recognised in part under Map Ref. MLAP 14 where it is zoned ‘Proposed Residential’ despite the presence of an existing detached two storey dwelling house on part it. A dwelling which I note under this application demolition is sought as part of accommodating the proposed residential scheme of 13 dwelling units and their associated works.
- 7.2.7. In relation to the land use zoning objective the said LAP provides the following generic objective for residentially zoned land: *“to provide for residential development, associated services and to protect and improve residential amenity”* and residential development is deemed to be acceptable on such land subject to safeguards.
- 7.2.8. In relation to the proposed demolition of the existing dwelling on site. I observed that this dwelling was inhabited at the time of my site inspection but I observed that despite it not being an unattractive dwelling in its own right it is of no particular architectural merit to warrant initial concern in terms of demolition. Further, having regard to local planning provision I found that it is of not afforded any specific protection as a building of architectural merit or other type of significance nor was it identified as being part of

an architectural conservation area that would warrant its protection and safeguarding from demolition.

- 7.2.9. Despite this the site is within the visual curtilage of a number of Protected Structures of merit and its southern boundary contains an attractive tall period stone wall and entrance addressing Dublin Road.
- 7.2.10. This boundary wall is recognised as being of merit and worthy of safeguarding by both the Planning Authority as well as the Department of Culture, Heritage and the Gaeltacht. As such the proposed development seeks modifications to this boundary feature and its existing entrance it is appropriate that due consideration is given to the impact on this built feature in the consideration of any development so as to ensure that there is no adverse impact upon it and its contribution to the public realm of the Dublin Road.
- 7.2.11. In relation to local through to national planning policy provision I am cognisant that the efficient and compact use of serviced lands within existing settlements is a type of development supported under the National Planning Framework. For example, National Policy Objective 3a of the said Framework seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- 7.2.12. Within local through to national planning provisions the proposed development as revised generally the proposed development complies with required standards through to government guidelines including providing a more compact residential scheme; providing a mix of housing type; a design that seeks to harmonise and respect its neighbourhood context in a positive manner; maximisation of serviced sites and underutilised serviced sites within settlements through to provides qualitative residential amenities for future occupants in terms of internal and external design of the individual housing units on land where there is the potential for less reliance on car.
- 7.2.13. Based on the above considerations I consider that the general principle of the proposed demolition of the existing dwelling house on this site and the residential redevelopment of this brownfield site within an inner suburban area in the settlement of Mullingar for the construction of 13 no. dwelling units is acceptable subject to safeguards and the proposed modifications to the period stone wall addressing the Dublin Road must demonstrate that as far as practicable and as far possible that a

balance is achieved to ensure that this boundary is retained and conserved with minimal loss of original built fabric.

7.3. Density

- 7.3.1. The appellant and observers in their submissions to the Board consider that the density of the proposed development is inappropriate and out of character with the sites context which they described as being in part characterised by detached dwellings on large garden plots on either side.
- 7.3.2. The applicants refute this and they consider that the density they put forward in their design scheme for this site as revised achieves an appropriate balance of increased density in a manner that accords with planning provisions at local through to national level whilst at the same time reaching a balance with existing development that characterises its immediate vicinity. In addition, they highlight that the design has also had regard to the constraints that presents in this site which includes existing mature trees of interest through to the varying topography of the site relative to land bounding it alongside has regard to the fact that the northern portion of the site addresses a local road with a different streetscape scene to that of the southern portion of the site which addresses the Dublin Road.
- 7.3.3. Against this varied context they indicate that the design approach they have has resulted in five detached dwellings addressing the Dublin Road and served by the provision of one additional entrance onto this road with generous private open space provisions for each of these units fronting onto a one-way internal access road that would run between the proposed and existing entrance.
- 7.3.4. Whereas the design on the northern portion of the site puts forward a different design approach with a semi-detached pair and two terraces accommodating the remaining 8 dwellings proposed as the streetscape scene of the local road that they would address include a more varied in scale through to mass built forms but crucially a denser pattern of development.
- 7.3.5. Altogether this has resulted in two distinctive and physically separate residential responses to the amalgamation of a site that currently consists of a underutilised and unkempt grounds around a 2-storey detached dwelling house and an L-shaped wrap around of overgrown land with no current functional use nor no existing built structures upon it. As such the design resolution put forward in this application proposes a

density of 19 units per hectare with the density of the northern portion of the site been given as 25 units per hectare whereas the southern portion of the site having a density of 14.7 units per hectare. This is I note is against the context of this rectangular shaped site having a given site area of 0.67ha.

- 7.3.6. In terms of national planning provisions, the National Planning Framework, I am cognisant that it sets out a number of strategic goals including to provide compact settlements, increased residential density in the interest of sustainability and it advocates making the best use of underutilised land including land that could be defined in planning terms as ‘infill’ and ‘brownfield’ in locations that are served by existing public infrastructure like water and drainage as well as synergistic amenities, services through to facilities that are beneficial to residential developments.
- 7.3.7. Of note National Strategic Outcome 1 (Compact Growth) of the NPF which focuses on pursuing compact growth policy at national, regional and local level, from an urban development perspective indicates that the aim is to deliver a greater proportion of residential development within existing built up area of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.
- 7.3.8. In addition, under National Policy Objective 35 of the NPF it states that: *“increased residential density in settlements, through a range of measures including reduction in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”*.
- 7.3.9. Further, Section 2.6 of the NPF also recognises the importance of continuous regeneration and development of existing built up areas as attractive and as viable as greenfield development through to the preferred approach for compact development being focused on reusing previously developed brownfield land.
- 7.3.10. In addition, I note that the Sustainable Residential Development in Urban Area Guidelines under Section 5.9 supports the provision of additional dwellings within inner suburban areas of towns. It indicates that 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. The local area plan should set out the planning authority’s views with regard to the range of*

densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.”

- 7.3.11. The County Development Plan for the settlement of Mullingar indicates that in a manner that is consistent with the above stated guidelines that higher densities will be considered subject to good design and development management standards being met and demonstrated. With policy P-RD 1 stating that it is a policy of the Planning Authority: *“to promote higher residential density developments in town centres”*, in particular it identifies Mullingar, with this being subject to safeguards. In addition, policy P-RD3 states that it the Planning Authority shall seek: *“to ensure that new housing development in towns and villages is of an appropriate scale, layout and design quality, and that it relates to the character and form of the settlement”*.
- 7.3.12. In relation to local area plans, Section 2.2. of the Mullingar Local Area Plan indicates that an average density of 35 units per hectare will be sought for residential development in order to accommodate the level of population growth envisaged with policy P-H12 stating that the Planning Authority shall seek: *“to ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space”*. In addition, Table 2.6 of the LAP indicates that for inner suburban/infill locations that the general density parameters would be site specific.
- 7.3.13. As discussed in the previous section of this report this appeal site lies in the eastern inner suburban area of Mullingar. It is surrounded by existing development and as a residentially zoned and serviced site with a 0.67ha containing one detached dwelling of a stated 192m² gross floor area it has in my view latent potential to accommodate a much greater density of residential development than that present with such development in such a scenario benefitting from its inner suburban serviced location in easy access of amenity, services and the like.
- 7.3.14. As recognised by the Planning Authority in their determination of this application there are also a number of constraints in terms of maximising residential units on this site. I also consider having examined the design resolution put forward and its evolution resulting from responding to the Planning Authority’s further information response and

clarification of further information response that the applicants have also been cognisant of this sites constraints with the design responding to these constraints in various ways. The most substantive constraints presenting in my view range from:

- The site context with the adjoining land to the east and west developed in low density manner. As such any redevelopment of this site, in keeping with the land use zoning of the site and its setting ensures that it results in no undue adverse impact upon established amenities, in particular residential amenities that are sensitive to change.
- The need to ensure that any increase in dwelling unit numbers at this location would not have any adverse road safety impact on the public road network on which it would be dependent upon, in particular the heavily trafficked Dublin Road with the site being in close proximity to several other entrances serving other developments as well as road junctions and a signalised pedestrian junction. The latter lies in the immediate vicinity of the westernmost side of the southern boundary.
- The presence of a very attractive period stone wall and entrance bounding the southern boundary of the site which as previously noted is recognised as being of sufficient merit to safeguard and protect.
- The presence of mature trees and planting of qualitative visual through to ecological merit within the confines of the site.
- The topography of the site relative to adjoining lands. That is to say the ground levels of the site are c3m higher than adjoining and neighbouring land to the east and in excess of c4m to the west and south west of the site. This has the potential to impact the building height of future structures on this site, particularly where little augmentation of ground levels is proposed and having regard to the fact that the adjoining property to the west, which is a Protected Structure, is on lower ground levels. As such additional sensitivity would be required ensuring that any increased height is not visually overbearing in its context.

7.3.15. Having examined the design resolution put forward and as revised it is my view that has responded in a satisfactory manner to these constraints to ensure that an acceptable balance is achieved between ensuring that an increased density is achieved by way of addressing the site as two separate entities so that the southern

portion of the site which can strike a more successful balance with existing adjoining residential properties to the east and west of it, which includes a Protected Structure and is characterised by less dense residential development and a more dense residential development where there is greater capacity for the surrounding land at this point to establish its own unique identity due to the variable nature and extent of buildings in its immediate context together with more localised streetscape impact due to the fact that the proposed buildings at this point would be addressing onto the end of point a cul-de-sac road alongside being in closer proximity to more dense residential developments, in particular Beech Grove and Bellview Heights.

- 7.3.16. Despite this I am of the view that the local planning policy provisions do recognise that within the settlement of Mullingar that there is a shortage of 2 bedroom dwelling units and whilst there is a mixture 4 bedroom plus, 4 and 3 bedroom dwelling units within this modest in number scheme of 13 dwelling units the proposed scheme does not include any 2 bedroom units. This in my view a missed opportunity in terms of the design not having regard to a recognised local need of a dwelling type in the mixture of units proposed in this modest in number scheme and national guidance does advocate that regard should be had to the residential needs of an area in terms of its future housing stock.
- 7.3.17. Outside of this particular concern, I am of the view that this residential scheme does put forward a range of different housing types within its modest number of 13 dwelling units that would support a variety of different types of tenure within this area whilst achieving a more sustainable increased residential density on what is currently an underutilised parcel of inner suburban land.
- 7.3.18. On balance, subject to safeguards of protecting and reinforcing both the soft and natural features of merit within this site I consider that the overall density 19 units per hectare is an acceptable set specific compromise at this location as it achieves a higher density of residential development that at the same time is respectful to its much developed setting alongside the variety that exists within this setting as appreciated from the cul-de-sac road to the north and the Dublin Road, one of the main arteries into the settlement of Mullingar to the south. For these reasons I consider that the density of the proposed development is consistent with local planning policy provisions that provide for site specific densities at such locations through to national planning

policy provisions which advocate increased densities whilst achieving compact urban forms and making most efficient use of serviced lands.

7.4. Residential Amenity Impact

- 7.4.1. The appellant and observers in their submissions to the Board raise concerns regarding the impact of the development on the residential amenities of adjacent properties and on properties in its vicinity. Including but not limited to the potential adverse impacts for road users in the vicinity of the two entrances serving the five dwelling houses proposed on the southern portion of the site and the in relation to the local road bounding the northern portion of the site from which access to the public road network for the remaining proposed dwellings within this scheme is proposed, particularly during construction phase should planning permission be granted and the potential for depreciation of their properties should a development of this design, density and nature be approved.
- 7.4.2. The applicant refutes that any substantial adverse impact would arise and that the design of the proposed development they note in their response to the Board that the design resolution of the scheme has been amended during the course of its determination by the Planning Authority. The amendments have in their view ensured that no undue diminishment of established residential amenities would occur by way of inadequate separation distances, overshadowing, overlooking, visual overbearance through to nuisances arise from the construction phase through to occupation.
- 7.4.3. Having examined the documentation submitted with this application, having also examined the site as well as its setting and while I note that the proposed dwellings are of a height that exceeds that of the dwellings on either side of it by c3m in their 2-storey built forms their height have in my view been contributed to by the localised changes in ground levels, particularly on the site relative to the adjoining land to the east and west. But as one journeys along the length of the Dublin Road its alignment which I observed is quite straight its horizontal nature is variable and it together with the ad hoc manner in which most of the buildings have been constructed over the decades through to the last two or more centuries in its vicinity has given rise to a varied and staggered building height though by and large being characterised by 2-storey built forms. Indeed, on the opposite side of the road there is a tall water tower that adds further to the variety of built forms within the streetscape scene as

appreciated from the public domain. Moreover, the ground levels also rise in a northerly and north easterly direction within the context of the site with the surrounding urbanscape maintaining a strong legibility of its undulating topography.

- 7.4.4. Against this context I do not consider that the proposed height of the proposed scheme in terms of its address of the Dublin Road or indeed the cul-de-sac road to the rear, which I also observed included the varying building heights and built forms associated with the Teagasc, the Department of Agricultural Food and the Mullingar Bridge & Amenity Centre, is not out of context. Nor is, in my view, the provision of a level of homogeneity in terms of the design having regard to prevalence of homogenous residential schemes in the vicinity through to the provision of a more traditional approach in terms of the choice of architectural expression through to palette of materials.
- 7.4.5. There are also generous lateral separation distances included in the design resolution between the proposed dwelling units and existing dwelling units that adjoin the sites eastern and western boundaries when one considered the inner suburban location of this site and the lateral separation distances that are characteristic of residential schemes in this setting. For example, Bellview, Beechlawns, Beechgrove and Glenview.
- 7.4.6. In terms of the residential scheme itself the nearest proposed dwelling to the eastern boundary of the site is labelled and identified as B1/5. The design resolution has this dwelling unit setback in excess of 5m from the said boundary. There is a similar lateral separation distance from the proposed dwelling labelled B1/1 which is the nearest dwelling to the western boundary of the site. Both of these are the nearest dwellings to the side boundaries shared with adjoining 2-storey dwellings, which in terms of the dwellings to the east and west addressing the Dublin Road are both sited on substantial garden plots. In addition, in terms of overall ground level to ridge height their height is not dissimilar to the height of the dwelling units proposed within the site, including those addressing the Dublin Road.
- 7.4.7. I note that the Urban Development & Building Heights Guidelines for Planning Authorities, 2018, in a manner consistent with the NPF under Section 1.9 indicates that there is scope to consider general building heights of at least three to four storeys,

coupled with appropriate density, in locations outside what would be defined as city and town centre areas including suburban areas subject to safeguards.

- 7.4.8. Whilst the constraints of the site include the varying topographical site levels it also includes the fact that the site is adjoined by a Protected Structure on its western side. This building and the grounds within its curtilage occupy a lower ground level still to that of the site.
- 7.4.9. As such the proposed height of the scheme which is 2-storey and not the 3 to 4 storeys advocated for consideration under national planning guidance building height and its appropriateness is relative to its context and whether or not its context could absorb in sympathetic manner the additional building heights proposed alongside the already discussed increased density. In the context of both the Dublin Road and the adjoining cul-de-sac road together having regard to the established pattern of development including the variable single storey to two storey building heights on the adjoining land together with the significant changes in topography and the lack of any augmentation of the ground levels to achieve lower ground levels to site the proposed dwellings on I consider the proposed height is acceptable. As it would achieve an appropriate staggering of building heights which would be in keeping with the varied nature of built forms that characterises adjoining and neighbouring land as well as within the wider streetscape scene of the Dublin Road as appreciated from the public domain.
- 7.4.10. I also note in relation to the single storey dwelling adjoining the northernmost end of the western boundary of the site, whilst still benefitting from a decent in size plot having regards to the inner suburban location, there is c11m lateral separation distance between the shared boundary with this property and the side elevation of proposed dwellings labelled C/6 and D7. In addition, the streetscape scene that this dwelling forms part of includes the Teagasc two storey building and it is a defining built form on the opposite side of the road in terms of its high visibility.
- 7.4.11. Such separation distances together with the presence of mature trees within the site allow space for increased planting and boundary provision, including additional screening, where this may be required.
- 7.4.12. In terms of the overall context of the site and its setting I do not consider that the proposed two storey height of the dwellings proposed for this residential scheme is out of character or at odds with its streetscape setting. I further consider that maintaining

the grounds level with limited augmentation is respectful of the topography that characterises this area and the historic pattern of development in this area. I therefore do not consider lowering the height of the proposed dwelling units to replicate the heights of dwellings on adjoining lands would be appropriate. As this would result in a further reduction in density that can be achieved in a manner that would be contrary to maximising the density on this residentially zoned serviced site in an inner suburban area, with the LAPs ambition to achieve c35 units per hectare subject to safeguards and through to the national guidance advocating that taller buildings comes hand in hand with achieving more dense and compact urban landscapes.

- 7.4.13. In terms of overlooking and reduced privacy I consider having had regard to the lateral separation distance between existing properties (Note: as considered from the first-floor level of the proposed dwellings relative to existing dwellings); the orientation of the proposed built structures and their solid to void provisions relative to those of existing residential buildings; the lack of habitable rooms overlooking directly onto adjoining and neighbouring properties and the like I do not consider that this is a significant issue in this case and the inner suburban context of this site where some degree of overlooking can be expected. In the context of the design scheme put forward I consider that this has been reduced to level that could not be considered significantly adverse.
- 7.4.14. Further, it would be appropriate that non-habitable rooms at first floor level within this scheme are provided with opaque glazing to further mitigate against overlooking between proposed and existing residential properties as well as their private open space provisions.
- 7.4.15. Moreover, in terms of boundary treatment a solid boundary of c2m in height is generally considered to be appropriate in such contexts as part of robustly demarcating boundaries through to adding to privacy of private amenity open spaces associated with dwellings.
- 7.4.16. This could also be required by way of an appropriate condition and on this point I note that having regard to the dimensions of the private open spaces associated with dwellings labelled C6 and C1/13 I do not consider the observers request that an impervious soft barrier to a maximum height of 4m is reasonable as such a barrier would reduce residential amenities for future occupants by reducing the levels of

daylight and increasing the levels of overshadowing. There are more generous amenity spaces surrounding adjoining dwellings on either side of the eastern and western boundary should reinforced planting be deemed something that occupants of these existing properties may wish to provide and maintain within the confines of their properties in future to provide additional screening over and above that generally provided within such suburban contexts. There are also more generous private amenity open space provisions to increase planting in the other proposed dwelling units that also include shared eastern and western boundaries.

7.4.17. In relation to overshadowing the applicants have submitted a sunlight and daylight assessment of the impact of the proposed development on adjoining properties. Given the built form of the dwellings proposed; the lateral separation distance between the proposed dwellings and existing dwellings, particularly those to the west and east; the orientation of the proposed dwellings and existing dwellings I consider that adverse overshadowing of adjacent and neighbouring properties is not a substantive concern in terms of the design put forward should the Board be minded to grant permission for the proposed development and if it were subsequently implemented.

7.4.18. I am also satisfied that the amended design has ensured that adequate levels of passive surveillance of public open space has been included ensuring that these spaces feel safer for their users. This could also be reinforced by the provision of appropriate lighting in the vicinity of the communal open space provisions as well as the internal access ways.

7.4.19. On the matter of the concerns raised on the matter of nuisance during the construction these would be of a limited duration and the potential of adverse impact mitigated by way of conditions which could include a waste and construction management plan that could deal with issues relating to construction traffic, noise, dust, hours of operation and the like.

7.4.20. Based on the above considerations I am not satisfied that the development will not have a material adverse impact on the residential amenities of adjoining properties by virtue of loss of privacy, overshadowing and overbearing impacts.

7.5. **Visual Amenity**

7.5.1. Subject to the conditions ensuring appropriate landscaping of the site including but not limited to the provision of more robust soft landscaping along the perimeters of the site

to ameliorate the loss of natural features and the protection of mature trees which the scheme indicates would be maintained; together with the ensuring that any interference to the period stone masonry wall and entrance is minimised as far as practical and as far as possible through to that qualitative palette of materials, finishes and treatments are used during the construction of the proposed dwellings as well as their associated works including boundaries, entrances through to private to public area surfacing treatment. All of which can be dealt with by way of appropriate worded conditions. I am satisfied that the proposed development, if permitted, subject to such safeguards would not result in any significant diminishment of the visual amenities of the area.

7.6. Traffic

- 7.6.1. Having inspected the documentation submitted with this application through to having inspected the site and its setting I consider that the design resolution approach in dividing the site area into two distinctive areas with the less dense portion of the design which contains five detached dwelling units dependent on an existing and proposed access onto the Dublin Road, which I note is also a regional route, providing connection to the town centre of Mullingar to the west and to the N4 to the east, with one-way system minimising the directional flow of traffic associated with these dwellings. Together with the remaining eight dwellings addressing the local road which bounds the western most end of the norther boundary and which opens onto Bellview Road which benefits from a designed junction onto the Dublin Road which is located c58m to the west of the south westernmost corner of the site is an appropriate approach to lessen the impact of the additional traffic the proposed development would generate onto the existing public road network in its immediate vicinity.
- 7.6.2. In my view it also lessens the potential for conflict with other road users and with those accessing and egressing from other junctions as well as entrance points in the immediate vicinity of both roads.
- 7.6.3. I further note that the Planning Authority's Area Engineer in their final report raise no objection to the manner in which the proposed development would access the public road network with the access arrangements being amended during the course of the planning applications determination by the Planning Authority on foot of a request for further information.

- 7.6.4. In addition, the proposed car parking provision (Note: 30 spaces altogether for the 13 dwelling units proposed which includes 4 no. visitor parking spaces) alongside the design of the access points onto the road network which at this point has a posted speed limit of 50 kilometres per hour has been designed in a manner that accords with local planning provisions but also the requirements of DMURS alongside best practice measures of Sustainable Urban Drainage.
- 7.6.5. In relation to the concerns raised in terms of using the local road during the construction phase and any associated nuisances that would arise from the same I consider that it would be appropriate that this matter be dealt with as part of a comprehensive demolition, construction and waste management plan or plans as deemed appropriate should the Board be minded to grant permission for the development sought under this application. It is standard practice for such matters to be agreed with the Planning Authority by way of condition as part of any grant of permission for this type of development.
- 7.6.6. Notwithstanding, having regard to the proximity of the existing entrance on the Dublin Road to a signalised pedestrian crossing, which is located towards the western end of the southern boundary of the site; the heavy volume of traffic that characterises this regional road of a vehicular nature through to pedestrian and cyclists; the existence of several entrances and junctions within proximity of this entrance; the lack of any hard shoulder through to the built heritage importance of the stone wall and entrance on the eastern most end of the southern boundary of the site, a safe balance would need to be reached in terms of accommodating access to the site during the various phases of demolition and construction. In my view upon consideration it may not be appropriate that the Dublin Road is the main entrance during the main phases of the any development permitted on this site.
- 7.6.7. Despite this concern I am not convinced that the proposed development, if permitted, would give rise to any substantive road traffic hazard or road safety issue subject to standard safeguards and having regard to the extent of existing development in this area it is my view that road users would of all modes would be anticipating hazards in these types of streetscapes and such would be using these roads with caution. This need for caution is reflected in the posted speed limit. I am not convinced that the quantum of traffic associated with the demolition of the existing dwelling on site; the construction of 13 no. dwelling units on site together with associated works through to

occupation of the proposed dwelling units which would be the more medium to long term impact of the proposed development would give rise to is excessive or significant in the context of the public road network at this location.

- 7.6.8. Based on the above considerations should the Board be minded to grant permission for the development sought under this application I recommend that it include the requirements of Condition 9 and 15 of the Planning Authority's notification to grant permission.

7.7. Built Heritage

- 7.7.1. There are several notable buildings within the streetscape scene and setting of this site that are afforded protection. Those in the immediate vicinity of the site are: 'Petitswood' which is located alongside the western boundary of the site which is afforded protection as a 'Protected Structure' (RPS No. 019-216) in the County Westmeath's Register of Protected Structures. In addition, to the south east of the site is Glenmore House which dates to c1830 which it and a number of associated features within its curtilage are also afforded specific protection as 'Protected Structures' (RPS No. 019-213/019-214/019-215) and the site is also located in close proximity to Clonard House which is afforded protection as a 'Protected Structure' (RPS No. 019-218).

- 7.7.2. In relation to 'Petitswood' the Modern Movement 2-storey dwelling house which dates to c1935 this is in a poor state of repair and uninhabited. Whilst the proposed development, if permitted, would inevitably change its context within its urbanscape setting by bringing built forms closer to it through to these built forms will become part of its visual setting when appreciated from the public realm I do not consider this impact to be seriously detrimental to it as it is building designed to occupy the confines of what appears to be a largely unchanged site boundary though occupying a significantly unkempt site. The boundaries between it and the site are defined by mature coniferous trees with the adjoining portion of land within the site area and situated immediately to the east of it is overgrown and unkempt.

- 7.7.3. The separation between 'Petitswood' and the nearest proposed dwelling in this scheme, i.e. dwelling unit labelled B1/1 is above that which one would normally find in an inner suburban area. The proposed scheme by maintaining and reinforcing boundaries through to reinforcing these boundaries together with conserving the stone

wall along its southern boundary as far as possible and as far as practical will enhance the appreciation of a built feature that also extends along the Dublin Road frontage of this Protected Structure.

- 7.7.4. Subject to safeguards the proposed development would arguably improve the streetscape scene of this Protected Structure as appreciated from the public domain and in turn may contribute in time to ensuring that this Protected Structure is restored and find a viable future use again that contributes towards safeguarding it into the future alongside reversing its unkempt curtilage and poor visual appearance.
- 7.7.5. In relation to the other Protected Structures within the immediate vicinity of the site arguably the traditional design approach chosen, particularly for the detached dwellings addressing the Dublin Road, is not of character with a number of period buildings that occupy the streetscape scene of the Dublin Road. Further the palette of materials chosen is not out of character with that characterising period buildings within this streetscape scene nor of later built insertions within this streetscape scene and the wider suburban scape.
- 7.7.6. On the other hand, it may have been more appropriate that a lightweight contemporary of its time architectural design approach would have been a more appropriate response at this location as this would have added to the variety of buildings that are present from various architectural periods in this urbanscape setting.
- 7.7.7. Notwithstanding, the design concept chosen subject to a qualitative built, landscaping and boundary response during construction together safeguards put in place to mitigate any undue loss of original built fabric of the attractive masonry stone wall on the southern boundary of the site; protection of natural features such as mature trees ear marked for protection with any additional landscaping measures ensuring a qualitative response that ameliorates for any loss of natural features should ensure that the intrinsic character and quality of this stretch of the Dublin Road, including the Protected Structures it contains would not be adversely impacted from the proposed development were it to be permitted.
- 7.7.8. In terms of the stone wall along the southern boundary of the site which is a feature of the northern stretch of the Dublin Road at this location. This boundary adds a sense of place, identity and contributes to the visual qualities of its streetscape setting. It is in part in a poor state and would require sympathetic conservation to ensure that it

continues to positively contribute going forward to the Dublin Road streetscape scene. It also adds a sense of enclosure and it would be preferable that any new boundary treatments that would be visible from the public through to semi-public domain seek to reinforce with the provision of a matching stone outer finish.

- 7.7.9. I note that the Department of Culture, Heritage and the Gaeltacht did not raise objections to the proposed development subject to the masonry boundary wall on the southern boundary being retained and with only minimal loss permitted to it for entry and egress onto the Dublin Road together with the existing entrance being kept without alteration.
- 7.7.10. As part of the applicant's revisions to the proposed scheme they have demonstrated that this is largely their intention, but a one-way access system has been proposed for traffic safety and convenience of future occupants. Through the Planning Authority's determination of this scheme the boundary treatment including the entrance treatments of the proposed and existing entrance was revised with this in mind.
- 7.7.11. In relation to the presence of this wall; the extent of built heritage and having regard to the historic evolution of the settlement of Mullingar it would be appropriate that any grant of permission in my view include an archaeological monitoring condition as a precaution. I note Condition No. 20 of the Planning Authority's notification to grant permission includes such a condition and subject to this safeguard I consider that the proposed development would not give rise to any substantive built heritage and/or archaeological concerns were it to be permitted.

7.8. Appropriate Assessment

- 7.8.1. The proposed development is located within an urban area on zoned lands that are serviced. It is not located within or adjoining any Natura 2000 sites. The nearest such site relative to it is Wooddown Bog SAC (Site Code: 000694) which is located c3.1km to the east. There is nothing to support that the site is used as a habitat for feeding, roosting and the like by any protected species. Whilst the site contains mature trees these are mainly non-indigenous and are afforded no specific protection but this does not mean that together with the unkempt grounds that characterise the site which includes grass meadow, hedgerows, some native trees and a large area of ground with no discernible functional use that the site is not without any ecological value and as such the precautionary conditions Department of Culture, Heritage and the

Gaeltacht's recommended in the event of a grant of planning permission should ensure that this ecological value is not compromised. On balance, it is reasonable to conclude on the basis of the information on file, together with that available in the public realm and having inspected the site, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites. A Stage 2 Appropriate Assessment is, therefore, not required.

7.9. Other Matters Arising

7.9.1. **Depreciation of Property Values:** Concerns are raised that the proposed development, if permitted in the form proposed, would depreciate the value of property in the immediate vicinity of the site. No expert evidence has been provided to demonstrate, support, and substantiate that this would be the case through to why this would arise in such an inner suburban location within the settlement boundaries.

Further, on the other side of the argument if this were to be considered one would on balance also have to look at the context of the site with the L-shaped portion of the site currently being used in part for ad hoc dumping of waste; the attractive stone boundary wall is in a process of decay and of need of repair with it being an attractive man made feature that adds to the qualities and intrinsic character of the Dublin Road through to the proposed development would provide a streetscape address at the end of the cul-de-sac road that adjoins the northern boundary with it adding to the level of passive surveillance for users of this road including amenities like the Mullingar Bridge and Amenity Centre.

On balance while I acknowledge that the proposed development would give rise to a change in context and setting, particularly for existing detached dwellings to the east and west of the site; notwithstanding, there is no evidence to substantiate that the proposed development, if permitted, would give rise to any depreciation of property values.

7.9.2. **Oversailing and Encroachment:** Having inspected the site I observed that the property adjoining the northernmost end of the western boundary includes a garage type structure whose eastern side elevation overlaps with where it would appear the shared boundary between the site and this property is located.

This elevation is also included as overlapping with the red line area of the site and the roof structure over this garage structure appears to further overhang and encroach onto the main site area. It also includes rainwater goods that oversail onto the main site area and a downpipe that discharges into the site area. No clarity has been provided that there is an agreement in place for this arrangement and the design put forward in my view is ambiguous on this matter.

That is to say whether or not it includes carrying this forward including the discharge of rainwater into what would be the private amenity space associated with dwelling labelled C/6 through to if this is the case would this be incorporated into any capturing of rainwater on site in a manner that accords with best practice sustainable design practices for urban areas.

Should the Board be minded to grant permission I consider that a condition may be appropriate to clarify this matter and as a precaution an advisory note reiterating the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended). This reads as follows "*A person shall not be entitled solely by reason of a permission under this section to carry out development*". Given the information available on file I am not in a position to ascertain that the relevant consents are in place in relation to this particular concern.

- 7.9.3. **Boundary treatments:** In terms of safeguarding and protecting residential amenities of properties bounding the eastern and western boundaries of this site it would be appropriate in my view that any grant of planning permission include a condition that seeks to ensure the provision of appropriate boundary treatments. It is also appropriate that these are also provided between the individual dwellings proposed, in particular their private amenity space provision. This in my view can be required by way of an appropriate worded condition should the Board be minded to grant planning permission for the development sought under this application. In terms of ensuring that appropriate boundaries are achieved between new and existing residential properties where amendments may be proposed to existing shared boundaries this will require appropriate consents to be in place and I therefore reiterate Section 34(13) of the Planning and Development Act 2000 (as amended) which I have previously referred to above.

- 7.9.4. **Drainage/Water:** Irish Water and the Planning Authority have raised no objection to the proposed development subject to a number of safeguards which can be addressed by way of condition should the Board be minded to grant permission for the proposed development. These safeguards are reasonable and would ensure that the water supply through to foul and surface water are provided in a manner that would be consistent with best practice.
- 7.9.5. **Other potential nuisances arising from demolition and construction:** As previously discussed in my report above nuisances arising from the demolition through to construction phases of the proposed development, if permitted and if implemented, such as dust, noise, vibrations and the like would be of a short duration and there are standard for conditions that are ordinarily included to minimise such impacts on adjoining and neighbouring properties as far as possible and as far as practical. Should these requirements not be adhered to there is enforcement provisions available to the Planning Authority to use should any breaches be brought to their attention and should it be deemed necessary that action is required to remedy the same.
- 7.9.6. **Lighting:** Should the Board be minded to grant permission for the proposed development I recommend that it include lighting that increases the safety of the public amenity open spaces and internal access roads proposed. This lighting should be directional and should not result in any undue glare or dis-amenity to adjoining properties or indeed those using the public road network.
- 7.10. **Condition No. 2 of the Planning Authority's notification to grant permission:** Should the Board be minded to grant permission for the proposed development I consider that the requirements of this condition and its two sub-conditions are reasonable as they improve the residential and visual amenity outcomes. I also consider achieving balance and symmetry for the modified existing entrance onto the Dublin Road would also contribute towards the visual amenities and presentation of the proposed scheme as appreciated from the public domain of this road. As such I recommend its inclusion in any grant of permission.

8.0 Recommendation

- 8.1. I recommend that permission be **granted**.

9.0 Reasons and Considerations

Having regard to the location of the site within the settlement boundary of Mullingar, the pattern of development in the area and the nature and scale of the proposed development, having regard to relevant local through to national planning policy provisions, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential, visual, built heritage, environmental through to ecological amenities of the area and it would be acceptable in terms of traffic safety and convenience. 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 26th day of October, 2019; and, the 20th day of December, 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. The proposed development shall be amended as follows:
 - (a) The built form of unit 7 on the western boundary shall be revised so that its 1st floor level projection and south facing window arrangement as proposed for unit 12 on the eastern boundary, is replicated.
 - (b) The eastern entrance onto Dublin Road such that the piers are balanced across the entrance.
 - (c) All new and modified boundaries on site that are visible from the public domain, the public open spaces and the semi-private domain shall be finished in stone

that matches that of the period boundary wall addressing the Dublin Road (R392).

(d) All boundaries to be provided to delineate private open space of the proposed dwelling units shall be of solid construction of a minimum height of 2m as measured from the highest adjoining ground level and they shall be capped and rendered on both sides.

(e) Design specifications and materials for all entrances onto the public road.

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 interest of clarity, orderly development and residential amenity.

3. The stone boundary wall that addresses the Dublin Road shall be retained with only minimum loss of historic built fabric permitted to facilitate the proposed revised entrance arrangements.

Where existing fabric is to be removed to facilitate the entrance arrangements onto the Dublin Road these shall be removed with due care; with removed stones numbered and reused where possible and where practical in the new entrance arrangement.

Where conservation works shall be carried out to this stone boundary wall, details of such works including the areas to which works would be carried out, the methodology for these works including the palette of materials to be used and any structural interventions required to ensure its stability these works including details of all interventions and modifications to it shall be subject to a conservation management plan that shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The development shall be carried out in accordance with this plan, and the relevant works shall be restricted to conservation, consolidation, presentation works.

Reason: In the interest of visual amenity and to ensure that maximum elements of this historic structure are maintained and protected from unnecessary damage or loss of built fabric.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) Existing trees, hedgerows, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping;
- (ii) Linear tree and hedging habitat along the eastern and western boundaries as detailed in the submitted plans together with measures for interconnecting tree and habitats within the site, in particular along the northern and southern boundaries of the site;
- (iii) The measures to be put in place for the protection of existing landscape features during the demolition and construction period;
- (iv) The species, variety, number, size and locations of all proposed trees and shrubs. These shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species;
- (v) Details of screen planting. This shall not include cupressocyparis x leylandii coniferous type species;
- (vi) Details of internal access road and public amenity space planting. This shall not include prunus species;
- (vii) Hard landscaping works, specifying surfacing materials and their drainage capabilities for floorspace (including any visual demarcation of designated users including but not limited to car parking bays, pedestrian pathways, driveways, access roads and the like), public amenity space and all finished levels.

(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.

(c) Details of all measures to be used to safeguard the stone wall bounding the southern boundary of the site during demolition and construction works.

(d) A timescale for implementation, including details of phasing.

This shall be supplemented by landscape management plan prepared by a suitably qualified and experienced Landscape Architect. This management plan shall be consistent with the Arborist Report received by the planning authority on the 4th day of March, 2019, it shall include details that makes provision for no removal of trees, hedgerows and shrubs within this mature site during the breeding season between the 1st day of March to the 31st day of August alongside it shall provide adequate replacement habitats and habitat connectivity for bats and breeding birds.

The development shall be carried out in accordance with this plan and all planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings 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. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. Details of these elements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. Site development and building works shall be carried out only between the hours of 0700 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

9. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

13. 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. That all necessary measures 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.

Reason: To protect the amenities of the area.

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. The developer shall pay to the planning authority a financial contribution in respect of the Clonmore Link Road & Robinstown Link Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

20. 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.

Advisory Note: Insert Section 34(13) of the PDA, 2000, as amended.

Patricia-Marie Young

Planning Inspector

8th day of July, 2020.