



An
Bord
Pleanála

Inspector's Report

ABP-307056-20

Development	Construction of house and detached single storey garage and vehicular access from Staleen Road
Location	Staleen, Donore, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB200088
Applicant(s)	Shaun Cox.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v's Grant
Appellant(s)	Derek and Rachel Cooney and Others.
Observer(s)	None.
Date of Site Inspection	7 th of August 2020.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.3484ha is located along Staleen Road to the north west of Donore Village. The site has an irregular configuration and is currently overgrown and undeveloped.
- 1.2. Access to the site is currently provided via an agricultural gate off Staleen Road to the south. A gated access along Murrays View also provides access to the site from the east.
- 1.3. The site is adjoined by existing single storey residential properties which front onto Staleen Road to the south and existing single storey dormer properties at Murray's View to the north. The access road which provides access to properties to the residential properties at Murrays View encloses the eastern boundary of the site. An open undeveloped rectangular plot of land adjoins the application site to the west.
- 1.4. The topography of the site is at a lower level than adjacent properties with a level difference of c. 2m from Staleen Road and adjoining properties to the north. Site boundaries include a low stone wall adjacent to Staleen Road to the south and post and rail fence adjacent to the access road to Murrays View to the east. A large planted embankment forms the northern boundary of the site and adjoining properties to the south are enclosed by a combination of stone wall, fencing and mature hedging.

2.0 Proposed Development

- 2.1. The proposed development comprises construction of a new detached two storey 4 bedroom house, new detached single storey garage and vehicular access from Staleen Road.
- 2.2. The dwelling is located to the north of the site and set back over 55m from Staleen Road. The property is south facing and has a floor area of 203sq.m. There is 805 sq.m. of private open space. The dwelling includes a hipped roof and has an overall height of 7.74m and eaves height of 5.8m.
- 2.3. The proposed external materials include a grey render finish and black concrete roof tiles. The proposed garage has a floor area of 60 sq.m. and is located to the west of the site.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council issued a decision to grant permission subject to 22 no. conditions. The following conditions are of relevance to the appeal.

- Condition no. 3: relates to external finishes and roof materials and requests samples to be submitted for written agreement of the planning authority.
- Condition no. 4: landscaping masterplan shall be submitted prior to commencement of development.
- Condition no. 8: Prior to commencement of development the applicant shall complete BRE365 for the proposed soakway on site.
- Condition no. 13: In relation to proposed vehicular entrance, roadside piers shall be at least 3m from the edge of the road and gates shall be at least 7metres from edge of road.
- Condition no. 15: Restricts use of the proposed garage for human habitation, commercial use, industrial use and for any other use other than a purpose incidental to the enjoyment of the dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report reflects the decision of the planning authority. The following provides a summary of the points raised.

- Residential Development is permitted in principle on lands zoned for A1 purposes. Provision of an entrance to the site on lands zoned for B1 Commercial/ Town or Village Centre is acceptable as it facilitates the development of the site for residential purposes.
- Height of dwelling at 7.74m is higher than adjoining dwellings c.6.5m. Deemed acceptable on the basis of lower levels on site.

- Adequate separation distance is provided from adjacent properties and no issues of overshadowing are envisaged in light of lower site levels.
- Site is located within buffer zone for Bru na Boinne. No conservation report is submitted. Based on site levels and existing development, it is not considered that the site will be visible from Bru na Boinne.

3.2.2. Other Technical Reports

Transportation Department: Submitted sightline details are acceptable. No details of new entrance provided. Recommends condition that roadside piers shall be at least 3m from road edge and gates shall be at least 7m from road edge.

Water Services Report: No objection subject to condition.

3.3. Prescribed Bodies

Irish Water: No objection subject to condition.

3.4. Third Party Observations

3.4.1. 9 no. observations were received in respect of the application from:

- Paul and Linda Dunne
- Derek and Rachel Cooney
- Michelle Woods
- Aidan Geraghty
- Ronan and Lesley Ann Lawless
- Steven and Elaine Coombes
- Shane and Samantha Coombes
- Kieran and Caroline O'Brien
- Patricia and Jacinta Coombes

3.4.2. The following provides a summary of the relevant points raised within observations on the application.

- Flood Risk – proposed house is located within low lying ground that collects water from surrounding properties.
- No details provided in relation to surface water run off, development is a danger to public health and safety.
- Proposed 2 storey dwelling is inappropriate and out of character with the existing single storey properties in the area.
- Impact of proposed backland development on residential amenity of adjoining properties in terms of overlooking and overshadowing.
- Proposed development is not in accordance with the sites A1 and B1 zoning objectives.
- Development is not in accordance with the core area of the Bru na Boinne UNESCO World Heritage Site.
- Sightlines on application drawings are incorrect. Adequate sightlines are not achievable at this location and footpaths are narrow. The proposal will result in a traffic hazard if permitted.
- Proposed garage resembles living accommodation.
- Impact of development on existing bank, rear garden and hedge boundary to the rear of existing property at Applewood Lodge.
- Proposed grey render finish would be at variance with existing properties in the area which comprise brick and natural stone and would be visually incongruous along Staleen Road which is an access to Bru na Boinne visitor centre and Newgrange Historical site.

4.0 Planning History

There is no planning history relating to appeal site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site is located within the administrative boundary of Meath County Council. The existing Development Plan for the area is the Meath County Development Plan 2013-2019.

5.2. Meath County Development Plan 2013-2019

- 5.2.1. Donore is identified as a village within the county settlement hierarchy. Table 2.4 of the County Development Plan entitled "Housing Allocation and Zoned Lands Requirements" identifies a housing allocation of 20 units for Donore over the development plan period.
- 5.2.2. SS OBJ 16 seeks *"To ensure that Villages grow in a manner that is balanced, self sustaining and supports a compact urban form and the integration of land use and transport"*.
- 5.2.3. A Written Statement and Land Use Zoning Objective Map for Donore is set out within Volume 5 of the County Development Plan. In terms of future development within the village the written statement for the outlines that:
- "The future development of Donore will seek to consolidate those lands within the Village Centre, specifically those backlands to the north and south of Slane/Stalleen Road and to the east of Duleek Road in a sensitive manner that will not negatively impact upon the setting of the Brú na Bóinne UNESCO World Heritage Site or indeed the character of the village"*.
- "New development should be cognisant of the village setting and be appropriate in terms of size, scale and density"*.
- 5.2.4. The appeal site is subject to the following zoning objectives.
- A1 Existing Residential: To protect and enhance the amenity of developed residential communities.

- B1 Commercial / Town or Village Centre: To protect, provide for and / or improve town and village centre facilities and uses.

5.2.5. The majority of the site is zoned for A1 “Existing Residential” purposes. The existing access to the site from Staleen Road is zoned for B1 purposes.

5.2.6. The Development Plan sets out the following guidance in relation to A1 zoned lands:

“In A1 zones, Meath County Council will be primarily concerned with the protection of the amenities of established residents. While infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals”.

5.2.7. The guidance relating to B1 zoned lands outlines that: *“it is intended to accommodate the majority of new commercial and retail uses in towns and villages within B1 lands identified for B1 land use zoning objective”.*

5.2.8. Residential use is listed as a permitted use on lands zoned for A1 and B1 purposes.

5.2.9. An objective for existing/proposed pedestrian walkway is illustrated on the zoning map along the existing footpath adjacent to the entrance to the site from Staleen Road.

5.2.10. Policy RD POL relates to residential development and seeks

“To ensure that Donore avoids the monotony of urban sprawl; excessive and monotonous duplication of house styles within residential developments will be strongly resisted. Future developments must have regard to the local setting and aim to create a sense of place and identity in any proposed future development”.

5.2.11. Development Management Guidance for residential development is set out in Section 11.2 of the County Development Plan. Section 11.2.2.2 relates to applications for single residential units. The following criteria are relevant:

- Table 11.1 minimum private open space provision of 75 sq.m. for a 4 bedroom house.
- A minimum of 22 metres, between directly opposing windows shall be observed. Where sufficient private open space is provided and privacy is maintained, this depth may be reduced for single storey dwellings.

5.2.12. Donore is located within the buffer zone of the Brú na Bóinne UNESCO World Heritage Site. The village therefore is positioned within a highly sensitive landscape setting within the Boyne Valley.

5.2.13. Protected views are listed in Appendix 12 and shown on Map no. 9.5.1. Protected views include 2 no. views to the west of the village orientated to the north-west and the north-east, respectively, and 1 no. view to the north of the village orientated to the west. The appeal site is not located within the path of the identified protected views.

5.2.14. The following policies are also of relevance:

- UD POL 5 To protect the character and setting of the Village, development proposals within the development boundary of the Village shall be required to be accompanied by a landscaping plan promoting the planting of indigenous tree and hedgerow species along the Village's development boundary, particularly to the north-west of the Village facing the Brú na Bóinne UNESCO World Heritage Site.
- FR POL To manage flood risk and development in Donore in line with policies WS 29 – WS 36 inclusive in Volume I of this County Development Plan.

5.3. **Natural Heritage Designations**

The following designated sites are located c.1km to the north west of the appeal site:

- Special Area of Conservation: River Boyne And River Blackwater SAC 002299
- Special Protection Areas: River Boyne and River Blackwater SPA 004232

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third-party appeal has been submitted by Aidan Geraghty Building Surveyor on behalf of observers on the application. The grounds of appeal primarily reflect those raised within the observations including:

- Non-compliance with Zoning Objectives

- Flooding
- Height – Proposed 2 storey dwelling is not in accordance with existing building typologies
- Impact on residential amenity – the proposed dwelling overlook at least 5 properties, the proposal will depreciate the resident’s amenities.
- Access – inadequate sightlines at entrance resulting in traffic hazard
- Surface Water disposal – conditions 5,6 and 7 relate to disposal of surface water and require the applicant to carry out tests to ensure surface water can be catered for within the site boundaries. Such tests should have been carried out prior to decision being issued.
- Proposed garage appears to be designed for residential purposes.
- Future development on the site.

6.2. Applicant Response

Downey Planning have submitted a response to the third-party appeal on behalf of the applicant. The following provides a summary of the points raised.

- Proposal is in accordance with A1 and B1 zoning objectives. Residential is listed as a use which is permitted on lands zoned for A1 purposes.
- Concerns raised relating to the disposal of surface water are addressed within correspondence prepared by Hydrocare Environmental. This confirms that the site is suitable for a soakway infiltration system.
- The low lying topography of the site renders it suitable to accommodate a 2 storey dwelling. The proposal will not have an adverse visual impact on the character of the area. The dwelling will not be visible from Staleen Road and will provide a continuous skyline with adjacent properties.
- In terms of overlooking and overshadowing reference is made to the c.2m height difference between the site and surrounding properties. The proposal will have a similar ridge height of neighbouring properties and appear as a single storey dwelling. This prevents any adverse impact in terms of overlooking and overshadowing.

- First floor windows of property will not result in overlooking of dwelling to the south as it is c. 30m away and located on higher ground.
- Reference to footpath width in third party appeal has no impact on the achievement of sightlines. The requirements of Condition no. 13 are noted.
- The proposal relates to a single residential dwelling and the applicant is looking to build his own family home.
- The proposed development is not located in proximity to any views and prospects identified within the Meath County Development Plan. There is no potential for adverse impact on Bru na Boinne UNESCO World Heritage site. The proposal will not be visible from Staleen Road.
- The proposal is an infill development providing for the optimum use of land within the existing footprint of Donore Village.

6.3. Planning Authority Response

6.3.1. Meath County Council's response to the grounds of appeal can be summarised as follows:

- Planning authority is satisfied that the majority of issues raised within the appeal were considered in the planning officers report.
- Infill development is acceptable in principle on lands zoned for A1 purposes.
- The proposal is not considered to have an undue impact on surrounding residential amenity.
- Surface Water discharge and flood risk are considered in report by Water Services Section.
- Report from Transportation Section assessed proposed entrance. Condition 13 is attached on foot of requirements from this section.
- Any future applications for the site will be assessed on their merits and is not relevant to the subject decision.
- Condition 15 restricts the use of the proposed garage.

- Requests An Bord Pleanála to uphold the decision of Meath County Council to grant planning permission for the development.

6.4. **Observations**

- None.

6.5. **Further Responses**

- 6.5.1. Correspondence received from Meath County Council dated the 29th of July 2020 states that the planning authority has no further comments in relation the first party response to the appeal.

7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Zoning Objectives
- Impact on Residential Amenity – (Overlooking, Overshadowing)
- Visual Impact
- Conservation
- Access
- Flood Risk and Surface Water
- Appropriate Assessment

7.2. **Compliance with Zoning Objectives**

- 7.2.1. The appeal site has a dual zoning objective within the Meath County Development Plan as detailed below:

- The majority of the site is zoned for A1 purposes with an objective to *“protected and enhance the amenity of developed residential communities”*
- The access to the site is zoned for B1 purposes with an objective to *“protect, provide for and or improve town and village centre facilities and uses”*.

- 7.2.2. A case is made within the third party appeal that the proposal is contrary to the zoning objectives pertaining to the site on the basis that (1) the A1 zoning objective does not cater for new residential development and (2) the proposal makes no contribution to the improvement of town and village centre facilities as required in accordance with Objective B1.
- 7.2.3. The majority of the appeal site is zoned for A1 purposes within the Meath County Development Plan. The full extent of the proposed residential dwelling is located on A1 zoned lands. “Residential” use is listed as a use which is permitted on lands zoned for A1 purposes.
- 7.2.4. The guidance set out within the Meath County Development Plan for A1 zoned lands outlines that *“In A1 zones, Meath County Council will be primarily concerned with the protection of the amenities of established residents. While infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals”*.
- 7.2.5. The proposed development relates to an infill proposal for a residential unit and such proposals can be considered in principle on lands zoned for A1 purposes subject to the protection of residential amenities of existing properties. In this regard it is clear that the A1 zoning objective caters for new residential development in instances where the amenities of existing residents are protected.
- 7.2.6. The B1 “Commercial / Town or Village Centre” zoning objective relates to a linear strip of the site which currently provides access to the site from Staleen Road. This zoning objective seeks to *“protect, provide for and or improve town and village centre facilities and uses”*.
- 7.2.7. The proposed development includes the provision of an access to the site on the portion of the lands which are zoned for B1 purposes. The development of this portion of the site as an access facilitates the delivery of a residential use on the site.

Residential is listed as a use which is permitted on lands zoned for B1 purposes. Having regard to the limited area of the site which is zoned for B1 purposes, I do not consider that this portion of the site could be delivered for any alternative use in isolation of surrounding lands.

- 7.2.8. The proposed residential use is in accordance with the existing pattern of development in the vicinity of the site. In particular it is noted that the adjoining residential properties to the east of the appeal site are zoned for B1 purposes and residential uses form a key component in the mix of village centre uses on B1 zoned lands within Donore. In this regard the proposal provides for a village centre use which is in accordance with the site's zoning objectives. I therefore consider that the development of this portion of the site as an access to a permitted use is in line with the B1 zoning objectives pertaining to the site.
- 7.2.9. On the basis of the above, I do not consider that the proposal is contrary to the zoning objectives pertaining to the site. The proposal can be considered on its merits subject to the detailed considerations below.

7.3. Impact on Residential Amenity

- 7.3.1. The proposed development comprises an infill development and is adjoined by existing residential properties to the north at Murrays View and south along Staleen Road.
- 7.3.2. The A1 zoning objective pertaining to the site seeks to "*protect and enhance the amenity of developed residential communities*" and the guidance within the Meath County Development Plan seeks to ensure that future development proposals on A1 zoned lands give careful consideration to "*protecting amenities such as privacy, daylight/sunlight and aspect in new proposals*". The impact of the proposal on the residential amenities of existing properties is therefore a key consideration in assessing the proposed development.
- 7.3.3. The third party appeal raises concerns that the proposal will have a negative impact on the amenity of adjoining residential properties. The properties in question are labelled as A,B,C,D, E and in the zoning map extract from the Meath County Development Plan attached to the appeal and relate to the 2 properties along Staleen Road to the south of the site and the 3 properties to the north of the site at Murrays view. All properties have a shared boundary with the appeal site.

- 7.3.4. Concerns in relation to overlooking of dwellings and rear gardens and overshadowing associated within the proposed 2 storey residential property are raised together with concerns relating the impact of the proposal on existing boundary treatments.
- 7.3.5. The appeal site comprises an infill backland site and is set back from the existing building line along Staleen Road by over 55m. The site is adjoined by existing residential properties to the north at Murrays View and to the south along Staleen Road. The proposed dwelling is located in the northern portion of the site and faces south. Windows are proposed at ground and first floor level along the northern, southern and eastern building elevations and at ground floor level along the western elevation.
- 7.3.6. The applicant has made a case that no negative impacts arise in terms of overlooking and overshadowing of existing residential properties having regard to the distance from adjacent properties and existing level differences of c. 2m.
- 7.3.7. Drawing no. SC-P-CE illustrates Existing and Proposed Contiguous Elevations. The proposed eastern contiguous elevation extends to include the nearest residential properties to the north and south of the proposed dwelling. The Proposed Contiguous Elevation illustrates that the height of the proposed dwelling is consistent adjoining properties having regard to the 2m level difference between the appeal site and adjacent properties. The proposed property will have a similar ridge height level of neighbouring dwellings and appear as a single storey property.
- 7.3.8. Drawing no. SC-P-PS illustrates that the proposed dwelling is set back c12.3m from the northern site boundary and c.14.7m from the southern boundary. The existing residential property to the south is located over 30m from the proposed dwelling and the dwelling is located over 27m from the building footprint of the nearest property to the north. The proposal maintains and exceeds the minimum distance of 22m between opposing windows of all adjacent properties to the north and south as detailed within the County Development Plan.
- 7.3.9. Existing site boundaries are also significant in considering the impact on residential amenity. The appeal site is overgrown and defined by an established planted and partially fenced embankment to the north east and north west. The existing properties to the south of the proposed dwelling are defined and enclosed by a

concrete wall and fence to the south west and fence to the south east together with extensive planting as illustrated in the attached photographs. Existing boundary treatment would further negate against overlooking on adjacent residential properties.

- 7.3.10. Condition no. 4 of the planning authority's notification of decision to grant permission furthermore relates to the submission of a detailed landscaping masterplan for the for written agreement with the planning authority. I consider the requirements of this condition to be warranted and appropriate in the context of the existing site characteristics and to further protect the amenity of adjacent residential properties. Boundary treatment should also enhance the amenity of the proposed dwelling by means of addressing the interface of the proposed dwelling with existing site boundaries which enclose properties to the south east and south west.
- 7.3.11. I note the reference to impact on the existing embankment to the north of the site within the submissions on the application. The proposed residential dwelling is sited over 12m from the northern site boundary and no works are indicated in the vicinity of the embankment. In this regard I do not envisage impact on the structural integrity of adjacent properties and gardens.
- 7.3.12. Having regard to the topography of the site, the siting and height of the proposed dwelling, existing boundary treatment and distance to existing residential properties I consider that impacts of overshadowing do not arise in the context of the proposed development.
- 7.3.13. Concerns are expressed within the third-party appeal in relation to the design of the proposed garage. A case is made that having regard to the number of window openings on each elevation that the structure is intended for use as a residential property.
- 7.3.14. I note that condition no. 15 of the decision of Meath County Council restricts use of the proposed garage for human habitation or for any other use other than a purpose incidental to the enjoyment of the dwelling and I consider such a condition to be appropriate to restrict the use of the proposed garage in the instance that planning permission is granted for the proposal.
- 7.3.15. Having regard to existing and proposed boundary treatment, separation distances between the existing and proposed dwelling and level differences on site I conclude

that no issues of overlooking or overshadowing arise which would negatively impact on the residential amenity of adjoining residential properties. On this basis I consider that the proposed dwelling has been designed in accordance with the A1 zoning objective pertaining to the site which seeks to “*protect and enhance the amenity of developed residential communities*”.

7.4. Visual Impact

- 7.4.1. Concerns are raised within the third party appeal in relation to the visual impact of the proposed residential dwelling both in terms of its height and proposed finishes. A case is made that the 2 storey nature of the dwelling is not in accordance with the existing pattern of development within the area which is characterised by bungalows. It is furthermore stated that the proposed grey render finish of the property is incongruous with existing properties in the vicinity which are clad in natural stone and brick finish.
- 7.4.2. Existing residential properties in the vicinity of the site primarily comprise of single storey dormer bungalows with hipped roofs. A variety of materials is evident in the surrounding area including brick, render and brick and natural stone finish. The proposed development comprise a two storey dwelling with render finish.
- 7.4.3. The site is located on low lying ground with a level difference of c2m from adjacent properties. The proposed dwelling has a maximum height of 7.74m. The Contextual Elevations illustrates that the proposal reads as a single storey dwelling and maintains a continuous skyline with adjacent properties. The contextual elevations furthermore illustrate that the proposed dwelling will not be visible from Staleen Road. Having regard to existing site conditions, I have no objection in principle to the height of the proposal.
- 7.4.4. In terms of the proposed finishes I note that existing residential properties at Murray’s View and Staleen Road comprise a mix of materials including brick, render and brick and natural stone finish. On review of the existing pattern of development in the area and within the wider Donore village area I have no objection in principle to the proposed render finish.
- 7.4.5. On the basis of the above I do not consider that the proposed infill dwelling would represent have a negative visual impact on the existing character and setting of the area on the basis of its proposed height or render finish.

7.5. Conservation

- 7.5.1. Donore Village is located within the buffer zone of the Brú na Bóinne UNESCO World Heritage Site. The village therefore is positioned within a highly sensitive landscape setting within the Boyne Valley.
- 7.5.2. A case is made within the 3rd party appeal that the proposed 2 storey dwelling is inappropriate in the context of visual impact on the character and settling of Bru na Boinne. Reference is made to views of the proposal from Staleen Road in this regard which provides access to the heritage site.
- 7.5.3. Protected views are listed in Appendix 12 and shown on Map no. 9.5.1. Views identified within Donore include 2 no. views to the west of the village orientated to the north-west and the north-east, respectively, and 1 no. view to the north of the village orientated to the west. The appeal site is not located within the path of the identified protected views.
- 7.5.4. The contextual elevations illustrate that the property will not be visible from Staleen Road and the proposal maintains a continuous skyline with existing development. In this regard, I do not consider that the proposal will impact on the character or setting of the Bru na Boinne UNESCO World Heritage site.

7.6. Access

- 7.6.1. At present access to the site is provided via Staleen Road to the south of the site. An existing agricultural gate is provided at the site boundary. The speed limit along Staleen Road in the vicinity of the site is 50 kmph. An existing footpath is provided along Staleen Road and the footpath is dished at the site entrance.
- 7.6.2. Access to the site is proposed via a 4m wide entrance from Staleen Road in the vicinity of the existing entrance. Drawing no. SC-P-PE illustrates a splayed vehicular entrance with a 1.1m high entrance wall and pillars set back 2.4m from the road edge. Sightlines of 70m to the east and west along Staleen Road are illustrated.
- 7.6.3. A report has been received from the Transportation Section of Meath County Council. No objection is raised in relation to the proposed access arrangements subject to set back of roadside piers to at least 3m from the edge of the road and gates by at least 7metres from edge of road. The requirements of the Transportation

Section are reflected in Condition no. 13 of the decision of the planning authority's decision.

- 7.6.4. Concerns are raised within the 3rd party appeal that the proposed entrance will result in a traffic hazard. Reference is made to the existing footpath width in the vicinity of the site and a case is made that appropriate sightlines cannot be achieved and the proposed entrance would constitute a traffic hazard on this basis.
- 7.6.5. In considering the grounds of appeal I note that the principle of an entrance to the site from Staleen Road is established and the existing properties in the vicinity of the site are accessed from the Staleen Road. Staleen Road runs in a straight alignment along the proposed site entrance no restrictions to visibility are evident. In this regard I have no objection to the proposed entrance subject to compliance with the requirements of Condition no. 13 of the permission.
- 7.6.6. Existing properties to the north of the site at Murrays View are accessed via an existing access road which adjoins the north eastern boundary of the appeal site. This are of the site is currently enclosed by post and rail fencing and an agricultural gate. No details of boundary treatment or interface with this roadway is provided as part of the application or appeal documentation. Details of boundary treatment should be addressed as part of the landscaping plan for the site.

7.7. Flood Risk and Surface Water Runoff

- 7.7.1. Concerns in relating to flooding and surface water disposal are raised within the 3rd party appeal. On this basis it is stated that the proposed house is located within low lying ground that collects water from surrounding properties to the north and the access road to Murray's view. It is stated that the area floods as a result, is unsuitable for habitation and is a danger to public health.
- 7.7.2. Reference is made within the appeal to the requirements of conditions attached to the decision of Meath County Council to grant permission for the proposal which require the applicant to carry out tests to ensure surface water disposal can be catered for within the site boundaries having regard to site conditions. A case is made that such tests should have been carried out prior to decision being issued.
- 7.7.3. Appendix 6 of the Meath County Development Plan includes a Strategic Flood Risk Assessment for County Meath. Appendix A of the SFRA includes a settlement flood

risk review and outlines that Donore is not at risk from fluvial flooding and no flood risk history is identified in the village.

- 7.7.4. A surface water soak pit designed to BRE Digest 365 standards was proposed to accommodate the development. Details of surface water proposals are illustrated in drawing no. SC-P-D submitted in conjunction with the application.
- 7.7.5. A report was received from Meath County Council Water Services Department on the application which outlined that the development as proposed broadly meets the requirements of the Water Services Section with regard to orderly collection, treatment and disposal of surface water. No objection is raised in respect of the proposal subject to compliance with conditions including completion of BRE 365 result for the proposed soakway and design of attenuation system suitable to site conditions. The requirements of the Water Services Section are reflected in Conditions 5-8 of the planning authority's decision.
- 7.7.6. Further details on the surface water disposal system are set out within the applicant's response to the third party appeal. An assessment of existing site conditions is undertaken and it is confirmed that the site is suitable for a soakway infiltration system. I note that the proposed soakways are located c 5m from the proposed dwelling and garage in accordance with the requirements of Condition no. 7.
- 7.7.7. Having regard to the information submitted I am satisfied that the proposed arrangements are sufficient to cater for surface water run-off relating to the site. The final details for surface water treatment should be subject to written agreement with the planning authority prior to the commencement of development. This point can be addressed by means of condition.

7.8. **Appropriate Assessment**

- 7.8.1. The appeal site is not located within or directly adjacent to any Natura 2000 site. The following designated sites are located c.1km to the north west of the appeal site:
- Special Area of Conservation: River Boyne And River Blackwater SAC 002299
 - Special Protection Areas: River Boyne and River Blackwater SPA 004232

7.8.2. The proposed development relates to an infill residential dwelling and the appeal site and the designed sites are separated by existing residential properties and a roadway at Murrays View.

7.8.3. Having regard to the minor nature of the development, the absence of a pathway to and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

Having regard to the zoning objectives for the site, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Meath County Development Plan 2013-2019 and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.
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	Reason: In the interest of clarity.
2.	The permission authorises 1 no. residential unit only. Reason: In the interest of clarity.
3.	Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.
4.	A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include details of (a) proposed locations of trees and other landscape planting in the development, including details of proposed species; (b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. Reason: In the interest of visual amenity.
5.	The design of the vehicular entrance to the site from Staleen Road shall include: (a) The roadside piers shall be set back at least 3 metres from the edge of the road. (b) Gates shall be at least 7m from the edge of the road. Reason: In the interest of traffic safety.
6.	The proposed garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling. Reason: In the interest of clarity.

7.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Details of the proposed surface water disposal system shall be submitted for written agreement of the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
9.	<p>The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development. All work is to comply with current Irish Water Code of Practice for Water and for waste water.</p> <p>Reason: In the interest of public health.</p>
10.	<p>All service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, access arrangements and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning</p>

<p>and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Stephanie Farrington
Senior Planning Inspector
20th of August 2020