



An
Bord
Pleanála

Inspector's Report

ABP-307530-20

Development	Construction of 3 no. two storey dwellings and associated works
Location	Rear Of The Whitehouse, Dunshaughlin Road, Ratoath, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA191222
Applicant(s)	Toby Developments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Toby Developments Ltd
Observer(s)	(1) Joe Fulham (2) Marion McKenna (3) Caitriona Phelan
Date of Site Inspection	11 th August 2020

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0841 hectares, is located to the west of Rathoath town centre. The appeal site is located to the rear of two recently constructed dwellings fronting the Dunsoughlin Road (R125). The site is separate from the dwellings and is defined by 2m high block walls. The site is a vacant site that would have been part of the curtilage of a dwelling that was replaced by the two recently constructed dwellings. The appeal site has frontage along the residential service road in Woodland Park, with the southern boundary of the site consisting of the edge of a small green area with a block wall defining the boundary of Woodland Park relative to development to the north. There are two-storey semi-detached dwellings located along the southern side of the service road.

2.0 Proposed Development

2.1. Permission is sought for construction of 3 no. two-storey, four bed houses, each dwelling to be provided with on-curtilage car parking spaces and private amenity space comprising rear gardens; (ii) new vehicular entrances to be provided from Woodlands Park (one to each dwelling); and (iii) landscaping, boundary treatments, drainage and all ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on three reasons...

1. The proposed development for 3 no. dwellings on a restricted site size is considered to represent overdevelopment when compared to established character and setting of the site and the adjacent dwellings to the immediate east and west on the northern side for Woodland Park estate road. It is considered therefore that the proposed development, if permitted, would set an undesirable precedent for similar proposals in the area and has the potential to seriously injure the existing amenities in the area. The proposed development as presented, is not considered to be in accordance with the proper planning and sustainable development of the area.

2. The proposed development, if permitted, would endanger public safety by reason of traffic hazard and is therefore not considered to be in the interests of the proper planning and sustainable development of the area.

3. The proposed development is on lands zoned A1 Existing residential in the Rathoath Local Area Plan 2015, the relevant zoning objective for which is 'to protect and enhance the amenity of development residential communities'. The proposed development, as presented, is considered to conflict with this zoning objective and is therefore not considered to be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (08/11/19): Further information required including revised plans to deal with concerns regarding overdevelopment of the site, demonstration of sightlines and measures to preserve public open space in the charge of the Council.

Planning Report (17/06/20): The proposal was considered to be overdevelopment of the site and out of character at this location, the proposal was considered to be a traffic hazard and contrary to the zoning objective of the site.

3.2.2. Other Technical Reports

Water Services (17/10/19): No objection subject to conditions.

Irish Water (17/10/19) No objection subject to conditions.

Transportation (07/11/19): Further information including a revised layout demonstrating unobstructed sightlines and written consent to incorporate a portion of Woodlands Park into the development.

Transportation (12/06/20): Sightlines for house B and C are obstructed and these units should be refused permission.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 A number of submission were received. The issues raised can be summarised as follows...

- Loss of trees, negative visual impact/out of character, overdevelopment, traffic safety, loss of green space, construction impact, impact on residential amenity.

4.0 Planning History

RA190546: Permission granted for a porch and rear extension and alteration to House A (relates to the two houses to the north of appeal site).

RA181316: Permission granted for alterations to the boundaries of House A and B (relates to the two houses to the north of appeal site).

RA180746: Permission granted for alterations to approved development under ref no. RA/170575.

RA170575: Permission granted for the demolition of a dwelling and construction of 2 no. dwellings and associated site works.

DA70118: Permission granted for the construction of 2 no. dwellings and associated site works.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Meath County Development Plan 2013-2019

The appeal site is zoned A1 Existing Residential under the Rathoath Local Area Plan with a stated objective 'to protect and enhance the amenity of developed residential communities'.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to nature of the development comprising of the construction 3 no. dwellings and associated site works, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Hughes Planning and development Consultants on behalf of Toby Developments Ltd. The grounds of appeal are as follows...

- The proposal for 3 no. dwellings is in accordance with national policy and regional policy regarding increased density on brownfield sites accessible to urban amenities and public transport. The density of 35 units per hectare is in accordance with local, regional and national objectives.

- In relation to traffic safety it is noted that the proposal was revised to remove boundary walls and provide open driveways. The dwellings access a residential service road which is a low speed environment. The proposal would not be a traffic hazard and a technical analysis was submitted with the appeal submission to demonstrate such.
- The site is zoned A1 Existing Residential with the proposed use being a permitted use within the zoning. The proposal would have no adverse impact on the amenities of adjoining properties with adequate separation and no overlooking or overshadowing issues.

6.2. Planning Authority Response

6.2.1 Response by Meath County Council.

- The proposed development as presented is not consistent with the proper planning and sustainable development of the area. It is noted that the proposal is out of character with the pattern and type of development on either side of the site.
- It is noted the Transport Section have recommended refusal on traffic grounds.

6.3. Observations

6.3.1 An observation has been submitted by Joe Fulham, 49 Woodlands Park, Rathoath Co. Meath.

- Traffic impact due to the danger of cars reversing from the proposed driveways as well as existing issues of congestion from parking along the cul-de-sac.
- The proposal entails loss of a green play area with mature trees and would be contrary zoning requirements.
- The proposal is not in keeping with existing development in Woodland Park.

- The impact of construction and associated vehicles is noted with the road too narrow to accommodate it.
- The appellant's reference to other developments in the area are not relevant to the circumstances of this site.
- The proposal provides no open space, is overdevelopment of the site.
- The proposal would be contrary the zoning objective as it would destroy an existing green area and mature trees planted by the residents of Woodland Park.

6.3.2 An observation has been submitted by

Caitriona Phelan, 46 Woodlands Park, Rathoath, Co. Meath.

Sharon Connor, 45 Woodlands Park, Rathoath, Co. Meath.

Thomas & Kathleen Hart, 47 Woodlands Park, Rathoath, Co. Meath.

Kevin & Maria Beggs, 50 Woodlands Park, Rathoath, Co. Meath.

- The proposal would constitute a traffic hazard and refusal was recommended by the Transport Section of the Council. The agreement to reduce the wall to the east of House C is only a verbal agreement and not guaranteed. There does existing congestion on the service road due to parking on both sides and problems for access of refuse and emergency vehicles.
- Adverse impact on the local environment through loss of the green space and tress. This area was maintained by the residents.

6.3.3 An observation has been submitted by Marion McKenna, 49 Woodlands Park, Rathoath, Co. Meath.

- The proposal fails to have adequate regard to its site specific context and social impact.

- The proposal is overdevelopment
- The proposal entails loss of a green play area with mature trees and would be contrary zoning requirements.
- The proposal is not in keeping with existing development in Woodlands Park.
- The impact of construction and associated vehicles is noted with the road too narrow to accommodate it.
- The appellant's reference to other developments in the area are not relevant to the circumstances of this site.
- The proposal provides no open space, is overdevelopment of the site.
- The proposal would be contrary the zoning objective as it would destroy an existing green area and mature trees planted by the residents of Woodlands Park.

7.0 **Assessment**

- 7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/zoning objective

Design/scale, pattern of development

Traffic

Adjoining Amenity

Appropriate Assessment

- 7.2. Principle of the proposed development/zoning objective:

- 7.2.1 The appeal site is part of what was originally the curtilage of a single-storey dwelling with road frontage off the Dunsoughlin Road. Permission was granted on this site to demolish the dwelling and construct 2 no. four bed dwellings. The appeal site is the

southern part of this site with the 2 no. dwellings at an advanced stage of construction. The appeal site has road frontage off a service road within the Woodland Park housing development. The appeal site is zoned A1 Existing Residential under the Rathoath Local Area Plan with a stated objective 'to protect and enhance the amenity of developed residential communities'. New residential development is a 'permitted use' within this zoning objective. The proposal is consistent with the zoning objective subject to it having an acceptable physical impact in relation to visual impact, adjoining amenity and traffic. These aspects of the proposal are to be assessed under the following sections of this report.

7.3 Design/scale, pattern of development:

7.3.1 The proposal was considered to be overdevelopment of the site and out of character with existing dwellings in the vicinity. The proposal is for 3 no. detached two-storey dwellings fronting onto the northern side of the service road in Woodland Park. The dwellings either side are single-storey detached dwellings and the dwellings in Woodlands Park are two-storey semi-detached dwellings. The proposed dwellings are very much generic type residential development that would not be uncommon or out of place on an urban site such as this. The proposed dwellings may not be identical in scale or pattern of development to adjoining dwellings (including the single-storey dwellings on the northern side of Woodlands Park) but are not such a deviation to what would be an acceptable urban pattern of development. The dwellings continue a pattern of development for dwellings off Woodlands Park service road with it clear that the dwellings on either side are subdivided from the curtilage of existing dwellings fronting the Dunsoughlin Road. I would consider that the type, scale and pattern of development has sufficient regard to the existing pattern of development at this location. The density of the proposed development is 35 units per hectare, which is consistent with the recommended minimum density for residential development under the Sustainable Residential Development in Urban Areas Guidelines'.

7.3.2 The proposed dwellings are provided with private amenity space to the rear and off-street car parking to the front with space for 2 cars. Under the Development Management Standards and Guidelines of the County Development Plan the requirement for private open space is 75sqm per four bed unit (Table 11.1). I am satisfied that the proposal is consistent with this standard (one dwelling has 73sqm which is close enough to the standard to permit). In relation to parking standards the requirement is 2 spaces per conventional dwelling (Table 11.9) with the proposal consistent with this standard. I am satisfied the proposal provides for a pattern and scale of development is acceptable in an established urban area and meets minimum development management standards.

7.3.3 The observations received emphasize the speculative nature of the proposal and note it is inappropriate and fails to have regard to the established development and residents. I am of the view that although it is a change in outlook for existing residents and is an increase in the number of dwellings at this location, the proposal is designed in a manner that has adequate regard to the existing pattern of development and the provision of additional dwellings on zoned residential lands within a serviced settlement in such circumstances is appropriate.

7.4 Traffic:

7.4.1 The proposal was refused on the basis of being a traffic hazard with concerns indicated regarding sightlines at the proposed entrances (in particular House B and C). The proposal is for 3 no. dwellings with three entrances off the northern side of the service road within Woodlands Park. The applicant was requested to demonstrate unobstructed sightlines and in response provided an alternative entrance layout with full width openings.

7.4.2 The boundary and entrances are located along the northern edge of the existing service road in Woodlands Park. This service road is of good standard in terms of width and alignment and is more than capable of dealing with the level of traffic likely to be generated by the proposed development. In relation to sightlines I would note

that entrances are onto a residential service road that ends in a cul-de-sac to the north west of the site. This is low speed environment and I would be off the view that there is no issue regarding restrictive sightlines and the revised entrance layouts are satisfactory in this regard. The revised proposal providing for a larger opening is satisfactory and the arrangement of entrances is no different from established pattern of development along the southern side of the service road. I would be off the view that the turning movements likely to be generated can be carried out without causing a traffic hazard or danger to public safety.

7.4.3 The observations note concerns regarding inadequate parking at this location and congestion. The proposal provides for two off-street car parking spaces per dwelling and is consistent with the Development Management Standards under the County Development Plan. In this regard the proposal is satisfactory in the context of parking.

7.5 Adjoining Amenity:

7.5.1 I would refer to the section regarding design/scale, pattern of development earlier in this report. The design, scale and orientation of the dwellings have adequate regard to the existing pattern of development and would have no adverse impacts on residential amenity through overlooking or overshadowing.

7.5.2 There is a strip running along the front boundary of the site and the northern side of the service road in Woodlands Park. It is a grassed area with trees and gets wider as it moves eastwards along the site frontage. The observations raise concerns regarding the loss of this green space and the trees planted in it and note that such is a vital play space. I would consider that the loss of this space would have a negative impact as a result of the proposed development and its replacement with new dwellings is a significantly different outlook from the dwellings on the southern side of the service road. The space in question is not one of the main open space areas with Woodlands Park and is not zoned open space within the County Development Plan. I would consider that the loss of such would be a negative

impact, however I would be off the view that this is not at a level that would merit preclusion of the proposed development. I would note that the proposal is consistent with Development Plan policy in relation to land use, is consistent with the nature of existing uses in the vicinity and is designed with adequate regard to the pattern of development and adjoining amenity.

7.5.3 The construction impact of the development is also cited as a concern in the observations. I would note that the construction of the proposed development is likely to be disruptive, however the temporary nature of such and appropriate construction management plans and restrictions are sufficient to deal with this matter. I would recommend a condition restricting construction hours and the provision of construction management plan prior to the commencement of development.

7.6. Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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 a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2013-2019 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual

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 as amended by the plans and particular lodged on the 22nd day of April 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

3. 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 and off-site disposal of construction/demolition waste.

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

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. 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 the 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.

Colin McBride
Planning Inspector

18th September 2020