



An
Bord
Pleanála

Inspector's Report ABP-308925-20

Development	Construction of a house and associated site works.
Location	15 Village Green, Blackrock, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	20632
Applicant(s)	Roisin & Brendan McVerry
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Roisin & Brendan McVerry
Observer(s)	Jim Pringle James Pringle Jnr. Paul Pringle
Date of Site Inspection	15 th of March 2021
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The site is located on the northern side of Birch's Lane (LT-71581), on a junction with the R172 in Blackrock, County Louth. It is to the north of and within the boundaries of Blackrock Village. This prominent corner site (0.04 hectares) is fenced off and is currently undeveloped / vacant and overgrown with grass. Lands adjoining the site to the west contain a detached two storey dwelling (No. 14 Village Green) and lands to the north contains a two-storey detached dwelling 'Summerside'. Both have side windows facing the site.
- 1.2. The western boundary is defined with a timber fence c. 2m high and the northern boundary is defined with a brick wall c. 2m high. The roadside boundary is defined with a timber fence c. 1.4m high. A street light and utility pole are located at the south-eastern corner of the site. There is a footpath and grass verge along the site frontage.

2.0 Proposed Development

- 2.1. This proposal is for the construction of a new dwelling house and associated site works at 15 Village Green, Blackrock Co. Louth.
- 2.2. Documents submitted include the following:
 - Drawings including Site Location and Site Layout Plans, Floor Plans, Sections and Elevations.
 - Details on Stormwater Management including Soakaway Design.

3.0 Planning Authority Decision

3.1. Decision

On the 19th of November 2020, Louth County Council refused permission for the proposed development for the following reason:

1. *The proposed infill development, by virtue of its depth, height, massing and its proximity to the northern boundary, would adversely impact the visual and residential amenity of neighbouring dwelling known as 'Summerside' by way*

of overbearing impact. Such development would be contrary to Section 6.6.7 of the Dundalk and Environs Development Plan 2009-2015, which requires that the design, orientation and massing of the proposed development not cause any unacceptable overbearing on existing dwellings. The proposed development would, therefore, be contrary to the zoning objective of the site which seek 'To protect and improve existing residential amenities' and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This had regard to the locational context of the site, planning history and policy, to the inter-departmental reports and the submissions made. Their Assessment is summarised as follows:

- The proposal is in accordance with the residential zoning for the area. The principle of a dwelling on this site is considered acceptable and has recently received outline permission – Reg.Ref. 20/037 refers.
- They noted that the application site is in a prominent location at a public junction with The Square and Birch's Lane and is on a restricted site.
- They concluded that the proposal as submitted would adversely affect the amenities of adjoining properties by reason of overlooking, and dominant/overbearing impact and potential overshadowing. They recommended that a revised scheme be submitted.

Further Information request

This noted that the Planning Authority has concerns relating to the design and position of the proposed dwelling and the impact it would have on the existing pattern of development and amenities enjoyed.

- They requested a redesign to prevent overlooking onto the private amenity space of the neighbouring dwelling to the north 'Summerside'.

- They were concerned that the current proposal, would have an overbearing impact on 'Summerside' and may adversely impact on amenities of this property by reason of overshadowing/loss of light.

They recommended a revised design for the site having due regard to these issues and the sensitive restricted nature of the site. Also, that Daylight/shadow projection diagrams should be submitted to show that no overshadowing or loss of light to the dwelling immediately north of the site would occur.

Further Information response

McGahon Architects have submitted a response on behalf of the Applicants which includes the following:

- They provide details of the revised proposal and refer to the revised drawings submitted.
- They have carried out a shadow projection study and they confirm that there will be no significant loss of daylight and sun caused by the proposed dwelling, adjacent dwellings as well as to their private back gardens.
- As there are no significant changes to the original proposal they are of the opinion that their response does not constitute significant F.I and they have not submitted revised public notices.

Planner's Response

They had regard to the F.I submitted and their response includes the following:

- The applicant has demonstrated that no overlooking onto private amenity areas or habitable rooms within neighbouring properties from the proposed development will occur.
- They are concerned that the proposed design and layout will have an overbearing impact on the property known as 'Summerside'.
- It is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.
- They have regard to Surface Water/Drainage and have no objections.

- They note having regard to permission consequent, that development contributions would be required.

They concluded that the proposed development would still have an overbearing impact on the property to the north of the site known as 'Summerside' which is unacceptable and contrary to Section 6.6.7 of the Dundalk and Environs Development Plan 2009-2015. They recommended refusal.

3.3. Other Technical Reports

Infrastructure Section

They have no objection to the proposed development subject to recommended conditions.

3.4. Prescribed Bodies

Irish Water

They noted that there is CIP programme in place to upgrade the Blackrock Sewerage Network (LNRP), and there will be sufficient capacity subject to these upgrades. They have no objection subject to conditions.

3.5. Third Party Observations

Submissions have been received from local residents, and their concerns are noted in the Planner's Report. In summary they are concerned about the proposed design and layout having an adverse impact on their residential amenities and resulting in an overdevelopment of the site. These are considered further in the context of the appeal and in the observations made in the Assessment below.

4.0 Planning History

The Planner's Report provides details of the Planning History of the site. This includes the following relative to the subject site:

- Reg.Ref.20/37 – Outline Permission granted subject to conditions by the Council to Roisin & Brendan McVerry for a dwelling house on the subject site. This included:

Condition no. 2 i) - Prior to the commencement of any works on the site, details relating to design, orientation, layout, height and external appearance of the proposed design shall be submitted to and approved by the Planning Authority as permission consequent to this outline application.

ii) Boundary treatment shall be submitted and agreed as a permission consequent to this outline permission.

Reason: To ensure orderly development and to ensure that the permission consequent applicant is adequately informed.

- Reg.Ref. 18/863 – Permission refused by Louth County Council to Roisin & Brendan McVerry and subsequently by the Board (Ref. ABP-305154-19 refers) for the construction of a new dwelling house and associate site works at 15 Village Green, Blackrock, Dundalk, Co. Louth. This was refused for the following reasons:
 1. *The proposed infill development, by virtue of its depth, height, massing and its proximity to the western boundary, would adversely impact the visual and residential amenity of neighbouring dwelling number 14 Village Green by way of overbearing impact. Such development would be contrary to Section 6.6.7 of the Dundalk and Environs Development Plan 2009-2015, which requires that the design, orientation and massing of the proposed development shall not cause any unacceptable overbearing on existing dwellings. The proposed development would be contrary to the zoning objective of the site which seeks 'to protect and improve existing residential amenities' and would, therefore, not be in accordance with the proper planning and sustainable development of the area.*
 2. *The position, size and design of the window opes on the western side elevation of the proposal at first floor level, coupled with their proximity to the western boundary, would result in perceived overlooking and loss of privacy of the garden and habitable rooms to the front and side of number 14 Village*

Green. Such perceived overlooking and loss of privacy would adversely impact the residential amenity of the occupants of this dwelling. Furthermore, the layout and design of the proposed roof terrace and its proximity to the northern and western boundaries would enable direct overlooking of the neighbouring dwellings to the north and west. Such development would be contrary Section 6.7.5 of the Dundalk and Environs Development Plan 2009-2015 which states that roof terraces and balconies are not acceptable where they would directly overlook neighbouring habitable rooms or rear gardens. The proposed development would, therefore, adversely impact the privacy and residential amenity of these neighbouring dwellings and would be contrary to the zoning objective of the site which seeks 'to protect and improve existing residential amenities'. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Louth County Development Plan

The Louth County Development Plan 2015-2021 provides the strategic planning policies and objectives for County Louth including the administrative area of the former Dundalk Town Council including Blackrock Village. Blackrock is located within the environs of Dundalk. Section 2.16.4 notes that the Statutory Plan for Dundalk and the surrounding area is currently the Dundalk and Environs Development Plan 2009-2015 and Policy SS3 seeks: *To review the Dundalk and Environs Development Plan 2009 – 2015 and to prepare a Local Area Plan for Dundalk and Environs which will be consistent with the provisions of the County Plan.*

In addition to the County Development Plan, I have reviewed the Dundalk & Environs Development Plan 2009 – 2015 (as varied) as this provides the most recent zoning framework for the area.

5.2. Dundalk & Environs Development Plan 2009 – 2015 (as varied and extended)

Blackrock Village is included within the area of the Dundalk Town & Environs Development Plan. The site is zoned 'Residential 1' with an objective 'to protect and improve existing residential amenities and to provide for infill and new residential development'. The Dundalk & Environs Development Plan stated that infill sites are excluded from the phasing requirements set out in the Core Strategy of the Plan.

In terms of the Core Strategy, the site while within the residential area, is not identified as "Consolidation of Urban Core", "Phases 1, 2 or 3" lands. It is therefore considered as "Post Phase 3" lands.

Policy HC 9 - *Implement the guidelines and best practice manuals issued by the Department of Environment, Heritage and Local Government in the planning for and provision of sustainable communities within new residential areas.*

Section 6.6 contains the Design Guidelines and this relates to form and layout.

6.6.6 Building Lines - *The desirability of creating different urban forms will require more varied building lines in order to reduce the often regimented appearance of suburban layouts. However, where there are established building lines, particularly on infill development sites, these should be respected.*

Section 6.6.7 Infill / Backland Development

Design and Scale – Design principles include the following:

- *Avoidance of overlooking*
- *Materials and form shall respect those which are prevalent within the immediate vicinity of the site.*

Section 6.7 provides the Residential Development Standards.

Table 6.4: Private Amenity Space Standards – 3 bed (greenfield suburban) – 80sq.m (Town Centre/Brownfield – 50sq.m).

Policy HC 19: *Require that private amenity space is provided in accordance with the quantitative standards set out in table 6.6.*

Table 6.7: Residential Car Parking Standards

Section 6.7.5 Privacy and Spacing between buildings; - *Roof terraces and balconies are not acceptable where they would directly overlook neighbouring habitable rooms or rear gardens.*

A distance of at least 22 metres is recommended between the windows of habitable rooms which face those of another dwelling. In the case of windows of non-habitable rooms within 22 metres of another facing window, obscure glazing may be acceptable.

Regard is also had to compliance with Daylight and Sunlight guidelines.

Appendix 2 Urban Design Guidance – this includes regard to Plot Widths, Building Lines and Roofline including Roof Extensions.

Other Relevant Government Guidelines

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

Urban Design Manual – A Best Practice Guide (2009).

5.3. Natural Heritage Designations

The site is located 0.1km to the west of the Dundalk Bay SPA (Site Code: 004026) and SAC (Site Code: 000455).

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development, on a serviced site and the absence of any connectivity to any sensitive location, 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

McGahon Architects have submitted a First Party Appeal on behalf of the Applicants. They have regard to the locational context of the site and to planning history and policy. Their grounds of appeal include the following:

Planning History

- They note that the site is currently vacant, but that there are a number of previous planning applications in relation to the site with several permissions granted.
- They note that the two-storey dwelling granted under Reg.Ref. no. 09/167 was later extended under Reg.Ref. no. 14/172 and provide a comparison with that permission relative to that currently proposed.
- They refer to a number of related planning permissions which they consider set a precedent for a development of the nature of the subject application.

Design and Layout

- They provide details of the design of the proposed dwelling and note it is of contemporary design with special attention to its corner location.
- It is designed on passive house principles and they refer to the fenestration.
- They refer to the proposed site coverage and provide that it is average in the area and less than the site coverage allowed under the Dundalk & Environs Development Plan 2009-2015.
- They provide that the proposed development is comparable in scale and height and will not adversely impact on the amenities of adjoining residences.
- They refer to the shadow projection diagrams and provide that this demonstrates that the adjacent properties will not be subject to any significant loss of sunlight to their gardens or interiors.

- It will not cause overlooking and they note the inclusion of obscure glazed windows on the northern elevation. There will be no overlooking from the high roof terrace in view of the 1.8m high roof terrace enclosure etc.
- The setback heights of the proposed building are comparable to eaves height of properties in the vicinity. They consider that the setback of the top floor additionally reduces the visual impact of the building.
- The scale and height of the proposed building is within the usual perimeters of the area and as such is not overbearing in nature in relation to the existing dwellings.
- They have regard to distances to the boundaries and consider that the proposed development is not unduly close to its northern boundary and does not have an adverse impact on the existing dwelling.
- Adequate private amenity space is provided for the proposed dwelling.

Conclusion

- They include before and after views showing the proposed dwelling and consider that it will not impact adversely on neighbouring properties and has been designed to fit into this prominent corner site and creates an architectural connection between Birch's Lane and the R172 (Blackrock Road/The Square).
- They consider that if permitted it will provide a positive contribution to the neighbourhood and is an example of good design of a corner site. They ask the Board to grant permission.

6.2. Planning Authority Response

There is no response noted on file.

6.3. Observations

Separate Observations have been received from local residents, Jim Pringle and James Pringle Jnr. of Rock Road, Blackrock and Paul Pringle. The latter is represented by EHP Services and resides at No.14 'Village Green' the property to

the west of the subject site. They all have concerns about the proposed development and raise similar type issues, for convenience these are considered under the following headings:

The Principle of Development and Planning History

- The proposal does not comply with the Residential Zoning Objective in that it will not protect and improve the character and amenities of the adjoining residential area.
- The proposal does not materially address any of the Council's reasons for refusal in Ref. ABP-305154-19.
- Permissions granted on this site in the past (as referred to on file) were under previous development plans.
- Establishing the principle of development through Reg.Ref. 20/37 does not in their opinion have any material benefit to the current proposal, which if considered acceptable must comply with the Residential 1 (RES 1) zoning.
- They have regard to Planning History and Site Coverage and note that the footprint of the proposed dwelling is markedly greater than that indicated on the outline permission.
- The permission granted under Reg.Ref.14/172 was granted under a previous development plan, since expired and has no bearing on the current application.
- They consider that Reg.Refs. 06/99 and 17/561 which are cited as precedent cases, present different scenarios and are not relevant to the subject site.
- Reliance on precedent as a justification for overturning a decision to refuse is unsubstantiated. Each proposal needs to be assessed on its merits.

Impact on Residential Amenity

- The scale, massing and design of the proposal does not comply with the concept of infill development as per Section 6.6.7 of the Dundalk and Environs DP 2009-2015 (as amended).
- The current proposal does not address the appropriateness of developing on such a physically restrictive and visually prominent site.

- The scale, bulk, height, mass, design and layout of the proposal will result in an overdevelopment of the site, that will impact adversely on the adjoining property.
- It will cause overlooking, over shadowing and be overbearing, and loss of privacy for 'Summerside' the residential property to the north, and also for no.14 Village Green to the west.
- The proposed roof terrace will cause overlooking and loss of privacy and would be contrary to Section 6.7.5 of the Dundalk and Environs Development Plan. Photos of views looking outwards from no.14 Village Green are included.
- It would not comply with Policy HC 9 of the said Plan, relative to compliance with Guidance and Best Practice Manuals.
- It will be forward of the building line, appear visually incongruous and impact and be out of character with the visual amenities of the area. It will set an undesirable precedent.
- It would be set too close to the boundaries of the neighbouring properties and will result in overlooking.
- It would materially and adversely impact upon the visual character and amenity of the surrounding built form.
- It remains incompatible with the residential zoning and will adversely impact on property values of the surrounding area.
- There is a lack of information submitted regarding entrance/gates design.
- The proposed vehicular access, proximate to the corner, at the junction of the local road with the R172, will lead to traffic congestion and hazard. It will impact adversely on road safety.

Conclusion

- The proposed development represents overdevelopment of a spatially limited plot which is incapable of accommodating a dwelling that does not have an exacerbating and detrimental effect upon the residential amenities of adjoining dwellings.

- It will result in an incongruous visually conspicuous development and set an undesirable precedent, to the detriment of the character and amenities of the area.
- The proposed design and layout will have a detrimental effect on the residential amenities of adjoining properties. It will be overbearing, result in overlooking and overshadowing and be contrary to planning policies and guidelines and to the RES1 zoning which seeks to protect and improve residential amenities.
- The appeal has not submitted any compelling justification as to why the Council and Board reasons for refusal should be overturned. It would be contrary to the provisions of the Dundalk & Environs DP, and to the proper planning and development of the area.
- They request the Board to dismiss this appeal and to uphold the Council's decision to refuse.

7.0 **Assessment**

7.1. **Principle of Development and Planning Policy**

- 7.1.1. As shown on Map of the Dundalk & Environs Development Plan 2009-2015, the subject site is within the 'Residential 1' (serviced) land use zoning to the north of Blackrock village centre. The Zoning Objective seeks: *To protect and improve existing residential amenities and to provide for infill and new residential developments*. Therefore, the principle of a residential development is acceptable on this site, provided it would not adversely impact on the residential amenities and character of the area.
- 7.1.2. It is located on a prominent corner site and can be seen, as an infill site. Section 6.6.7 of the said Plan is of note: – *Development on these sites should match existing surrounding development in terms of design, scale, height and the building line should be in keeping with the existing development and should not be detrimental to the local existing residential amenities in the area.*

- 7.1.3. Regard is also had to the 'Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009. These generally support increased densities and infill development on appropriate sites. Section 5.9 provides - *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- 7.1.4. The First Party submit that the proposed infill development provides a good use of a small site within a built-up residential area of the village with adequate private garden and amenity areas, while taking care that the residential amenities of the adjoining properties and the sunlight available, are not affected by the proposed development. They provide that the building is comparable in scale to buildings in the area and the contemporary design does not adversely visually impact into the neighbourhood but creates an architectural connection between Birch's Lane and the R172.
- 7.1.5. The Observers, who are proximate local residents, are concerned that the proposal does not comply with the residential zoning objective in that it would not protect their residential amenities. That the appeal site is too small and restricted to physically accommodate the scale of the proposed dwelling, which will appear cramped and visually obtrusive. In addition, that it would be overbearing, cause loss of light and privacy for adjoining properties and would detract from the character and amenities of the area. That it does not address the Board's previous reasons for refusal.
- 7.1.6. Regard is had to the issues raised in the Assessment below. This includes regard to the planning history, discussion of issues of design and layout, differences between this proposal and that previously refused. It needs to be ascertained that the current proposal addresses the Board's reasons for refusal in Ref. ABP-305154-19 and that the Council's reason for refusal relevant to the current application can be overcome.

7.2. Regard to Planning History

- 7.2.1. As has been noted in the Planning History Section above, permission has recently been refused by both the Council and the Board to construct a dwelling on this site. Reg.Ref. 18/863 and Ref. ABP-305154-19 refer. The Board's reasons for refusal were not against the principle of development but primarily concerned issues with

design and layout, including being overbearing, overshadowing, overlooking, loss of privacy and impact on residential amenities, being contrary to planning policy and guidelines and to the proper planning and sustainable development of the area. Their reasons have been noted above.

- 7.2.2. Subsequently the Council granted outline permission in Reg.Ref.20/37 to construct a dwelling house on this site. Condition no. 2 (as noted above) referred to the design and layout being approved as part of the application for permission consequent. It is noted that the Public Notices relevant to the current application do not refer to the outline permission or 'permission consequent'. Rather they refer to the construction of 'a new dwelling and associated site works'. However, I would consider that having regard to the Council's decision that the principle of a residential development on this corner, infill site has been accepted.
- 7.2.3. Having regard to the Outline Permission Reg.Ref. 20/37 the Observers are concerned that the footprint of the proposed new dwelling is markedly larger than what was indicated under that permission. That the Site Layout Plan showed a g.f.a of c. 150sq.m. The current proposal proposes a g.f.a of 223sq.m, which equates to a 48% increase over what was indicatively illustrated at outline application stage. Figures 1 and 2 of the EHP Services, Observation made on behalf of the property to the west no.14 Village Green refer. However as noted above, it has not been made clear, in that it has not been indicated on the public notices, that the subject application is for 'permission consequent' relative to the said outline permission. Although the Planner's Report refers to 'permission consequent' relative to the issue of development contributions.
- 7.2.4. The details submitted with the application by McGahon Architects on behalf of the appellants refer to the Planning History, note that the permission granted in Reg.Ref.14/172 referred to an extension of duration of planning permission 09/167 which consisted of permission for a dwelling house and all associated works. They point out that this dwelling has a footprint of 142sq.m and a ridge height of 9.2m. Whereas the current proposal while 223sq.m has a footprint of c.112sq.m. and an overall ridge height of 9.4m. This previously permitted dwelling was never constructed. It is noted that this was granted under a previous development plan, permission has since expired, therefore it is not considered to be relevant to the subject application.

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

- 7.3.1. The current proposal is for a dwelling with a stated floor area of 223sq.m on a site of 0.04ha. As shown on the drawings this is to provide for a contemporary flat roofed dwelling, orientated on an east west axis on site, to allow for the overall length of the property, and to fit into this restricted site. As shown on the Floor Plans, it is to comprise ground, first and second floors. The ground floor is to contain a living room, 2no. bedrooms and a study, the first floor a living/dining area, the third floor a master bedroom. The third floor is shown set back in a central location, to provide for roof terraces either side, facing east (towards the R172 and the sea) and facing west (towards the front garden area of no.14 Village Green).
- 7.3.2. It is of note that the North Elevation will face the side of the two-storey detached property 'Summerside', and the West Elevation will be set forward of the two storey detached property to the west 'no.14 Village Green'. Both properties have first floor side windows facing the site. The length of the northern and southern elevations are shown at 15.85m which is considerable relative to the footprint of the overall house. The proposal is shown 7.8m in width facing east/west. The two-storey element is shown c.7.2m in height and the three storey element 9.4m.
- 7.3.3. It is noted that the Observers are concerned about, overlooking, loss of light/overshadowing, and the proposal being overbearing. Details submitted provide that there will be no overlooking as there will be a 1.8m high roof terrace enclosure and that opaque glazing will be used on the first and second floor windows of the northern elevation. Also, that there will be no significant light loss or overshadowing caused by the proposed development.
- 7.3.4. The F.I response provides that there are no windows to the west and north of the proposed dwelling house which contribute to overlooking of the private amenity space of no.14 Village Green. It is noted that there is one window located at the corner of the dining area at first floor level facing south/west. While the First Party submits that this would not cause overlooking, I would recommend if the Board decide to permit that it be conditioned that this area of window facing south/west be obscure glazed. I would also recommend that it be conditioned that the first and second floor windows in the north elevation be obscure glazed and the roof terraces include walls/obscure glazed screens of 1.8m in height to prevent overlooking.

- 7.3.5. In response to the Council's F.I request a Shadow Projection Study was submitted. The First Party provide that there will be no significant loss of daylight and sunlight caused by the proposed dwelling to the adjacent dwellings as well as to their private back gardens. However, having regard to these drawings I would be concerned that the proposed dwelling will have a significant impact, particularly on 'Summerside' to the north. This dwelling already has a restricted rear garden area and this proposal in view of its length and massing will have an overbearing impact on this property.
- 7.3.6. As shown on the Elevations external finishes are to include a render finish, corrugated metal cladding to the third storey element, PVC/timer/Aluclad windows and corrugated metal/glass guarding to the third storey terraces. The majority of the windows are to be south facing Birch's Lane. As provided in the F.I submitted the first and second floor windows in the northern elevation are to be obscure glazed to minimise overlooking.
- 7.3.7. Access is to be from Birch's Lane, further from the junction with the R172. The Site Layout Plan includes a Driveway/Parking Area on site. It is provided that the road frontage boundary is to comprise a 1.2m high boundary wall, the western boundary with no. 14 Village Green and the northern boundary with 'Summertime' a 2m high boundary wall with concrete capping. If the Board decides to permit, I would recommend a condition regarding boundary treatment be included.

7.4. Regard to Differences between Previous and Current proposals

- 7.4.1. It is noted that the house type while contemporary, has been altered, the shape of the proposed dwelling and its orientation on site has changed since that previously proposed and refused by the Board in Ref. ABP-305154-19. The overall floor area proposed has been reduced from 233sq.m previously proposed to 223sq.m. Then a 3 storey house with a contemporary design, was also proposed, the overall height being similar at c. 7.2m for the 2 storey element and 9.5m for the 3 storey central section. The house then proposed was sited further forward of the building line of Birch's Lane than that currently shown, which has been set further back from the southern site boundary. It was shown set further back from the western site boundary with no. 14 Village Green. Roof terraces were also proposed facing east and west. It is of note that less windows were then shown in the northern elevation

facing 'Summerside' than are shown in the current proposal. More windows were then proposed on the western elevation facing no. 14 Village Green. However, it is noted that reason no.1 of the Board's refusal in ABP-305154-19 noted proximity to the western boundary. While the distance to the northern boundary has been increased from 1.5m to 2m that to the western boundary has been reduced to from c.6m to 5m.

7.4.2. As shown on the Site Layout Plan, the site coverage ratio is: 0.23 which is less than that of the site to the north (0.32). In view of the restricted site area and the site coverage the western side garden is to be c.5m in width and the house is to be sited c. 2m from the northern site boundary.

7.4.3. The main difference is in the siting and the footprint of the proposed house type. However, regard is had to the Observers concerns, relative to the scale, design and massing. I would consider that the issues of overlooking for the adjacent property to the west and being overbearing, taking into consideration the overall length of the northern elevation for 'Summerside' to the north, still remain. I also would consider that a smaller footprint as indicated on the plans submitted with the outline permission would have less of an impact on the adjoining properties and would be preferable here. In addition, I would be concerned that the proposed roof terraces and their screening would increase the overall height and massing and the potential to cause overlooking cannot be ruled out. I would conclude that the impact of the proposed dwelling relative to the adjoining properties or the reasons for refusal have not been overcome in the current application.

7.5. Impact on the Character and Amenities of the Area and Precedent

7.5.1. Having regard to the prominent nature of the appeal site relative to these houses and the adjacent coastline, glimpses of which can be seen on the opposite side of the R172, I would consider the site to be highly sensitive and that a high quality and carefully considered design response is required. It is also noteworthy that the coastal road (R172) is a designated scenic route, and that there are protected 'strategic views' (V10) of Dundalk Bay and the Cooley Mountains from the Coast Road.

- 7.5.2. The current proposal has less of an impact on the building line to Birch's Lane than that previously refused. The eastern elevation is to be marginally forward of the building line provided by 'Summerside' to the north. Contextual Elevations and Photomontages showing the proposed infill house within the streetscape have been submitted. This shows how the proposed contemporary house will differ from that of the more traditional pitched roofed two storey dwellings in the vicinity.
- 7.5.3. The Observers concerns that the proposal would set an undesirable precedent for similar overdevelopment on substandard and/or inadequately sized plots of land at the expense of long-established residential amenities are noted. Also, that the proposal's contemporary design does nothing to conceal or mitigate its overall height, massing and bulk, and would be out of character with neighbouring dwellings.
- 7.5.4. However, while the 2.5/3 storey flat roofed design is different to properties on either side or in proximity as seen from the R172, it must be noted that there is a relatively similar style property within the Village Green cul-de-sac. Reg.Ref. 17/561 refers. Permission was granted for the erection of a 3 storey detached dwelling and associated site works at no.2 Village Green. However, that property is more site specific and in view of its less obtrusive location, does not detract from the other properties in the cul-de-sac. I would not consider that it sets a precedent for the considerably more visually prominent corner site, that is the subject site. Therefore, in view of the context, the current proposal must be considered on its merits and would set a precedent for this type of infill on a restricted site area, that would appear visually discordant along the scenic route of the R172.
- 7.5.5. Another property referred to relative to precedent was that granted under Reg.Ref.06/99 for a Split-level house (two storied to the front and single storey to the rear at The Square, Blackrock. It is noted that this is adjacent to a single storey cottage. However, this is in a different location and represents a different scenario to the subject site. Each case is considered on its merits.
- 7.5.6. Having regard to the character of the surrounding area, the prominent corner site with frontage to the R172, scenic route and to Birch's Lane, I am not convinced that the proposed house type would enhance or reflect the character of the area. The scale and massing would impact adversely on the dwellings to the north and west. As such it would be contrary to Sections 6.6.7 and 6.7.5 and Policy HC 9 of the

Dundalk & Environs DP 2009-2015 (as varied). While the principle of a house has been accepted on this site in the outline permission, I am not convinced that the Board's reasons for refusal in the previous application have been overcome in the current proposal.

7.6. Access / Car Parking

- 7.6.1. The proposed development provides a new vehicular entrance from Birch's Lane and the provision of 2 no. car parking spaces to the south side of the dwelling. This complies with the requirements of Table 7.6 of the Louth County Development Plan. The paved area to the front of the dwelling would enable adequate turning within the site, without having to reverse out of the site.

7.7. Screening for Appropriate Assessment

- 7.7.1. Having regard to nature and scale of the proposed development to provide one additional house in a fully serviced and zoned residential area and the nature of the receiving environment and the lack of connections to the nearest European sites: Dundalk Bay SPA (Site Code: 004026) and SAC (Site Code: 000455), 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 would recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed infill development, while of contemporary design, would detract from the character of the streetscape on this prominent corner site facing the R172 scenic route. By virtue of its depth, height, massing and its proximity to the western boundary, it would adversely impact on the visual and residential amenity of neighbouring dwelling number 14 Village Green. The overall

length, height and massing would impact adversely on the adjoining property to the north known as 'Summerside' and be overbearing and cause overshadowing for the rear garden area of that property. The proposed development would, therefore, adversely impact on the privacy and residential amenity of these neighbouring dwellings and would be contrary to the zoning objective of the site which seeks 'to protect and improve existing residential amenities'. The proposal would also be contrary to Sections 6.6.7 and 6.7.5 and Policy HC 9 of the Dundalk and Environs Development Plan 2009-2015 (as varied). As such it would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

24th of March 2021