



An  
Bord  
Pleanála

## Inspector's Report ABP-309342-21

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<b>Development</b>	Demolition of house and construction of 8 no. unit residential development.
<b>Location</b>	Derry Road, Durrow, Co. Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	20184
<b>Applicant(s)</b>	Oxley Electrical Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Durrow Developments Forum
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> May, 2021.
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located approximately 250 metres to the south east of the centre of Durrow and comprises a corner site at the junction of the N77 national road that runs south from Durrow in the direction of Ballyraggett and the local road that runs south in the general direction of Freshford (the Derry Road). The site is currently occupied by a part single and part two storey house that has an L shaped footprint with a two storey frontage to the N77 and a landscaped garden area to the rear that is visible from the Derry Road. The balance of the site to the south comprises a landscaped garden area that is located behind a low stone wall that fronts the Derry Road.
- 1.2. The existing house on the site is in a poor state of repair and is located in very close proximity to the road carriageway on the N77 being separated by a very narrow existing footpath of approximately 600mm in width. The floor area of the existing house on the site is stated to be 177 sq. metres. At the time of inspection, the N77 in this location was observed to be characterised by a significant volume of traffic with a high percentage of HGVs.
- 1.3. To the east, the site is bounded by a car park that is associated with the old scout hall and to the south, the site is bounded by open fields. To the west , on the opposite side of the Derry road, there are a number of detached single and two storey houses that front the road. There is a footpath on the western side of the Derry Road that fronts these houses however there is no footpath on the eastern side adjoining the appeal site where the site boundary is formed by a c.1.2 metre high random stone wall. The level of the site in this area is raised above the level of the road.
- 1.4. On the western side of the junction between the N77 and the Derry road is a small landscaped open space area. This junction marks a transition in the built form of the village in that development to the north west in the direction of the village centre is characterised by terraces buildings that are stepped, and which front directly onto the street. The streetscape in this direction therefore has a strong form and established character. To the south east however the form and scale of development changes with a number of institutional buildings and large sites including the church and a building occupied by a Montessori school to the north

east of the site and the scout hall building to the south east. Further to the south east along the N77 the form of development changes again with more recent residential development that is set back from the road and traditional residential estates such as Erskindale Drive.

- 1.5. The appeal site rises from the northern side where it fronts the N77 to the southern end of the site with a change in levels of approximately 4 metres across the site. The stated area of the site is 0.22 ha.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing house on the site and the construction of a residential development of 8 no. houses with the following housing mix:

- 2 no. two storey semi-detached four bedroom houses,
- 4 no. two storey semi detached three bedroom houses, and
- 2 no. two storey semi detached two bedroom houses.

The floor area of the three house types range between 174 sq. metres and 270 sq. metres.

- 2.2. The design proposed incorporates an area of open space measuring 226 sq. metres located at the junction of the N77 and the Derry Road with a new public footpath and pedestrian crossing at the north east corner of the site also proposed. The 2.0 metre wide public footpath is proposed to run for the full length of the site along both the N77 and Derry Road frontages and a new wider radius corner created at the junction of these two roads.
- 2.3. The residential layout is proposed to comprise an angled corner building containing two semi detached units and three pairs of semi detached houses further to the south on Derry Road. Two parking spaces per unit are proposed to the front of the sites with the spaces serving the units at the corner being parallel spaces located inside of the line of the public footpath. Private amenity areas to the rear of the units are proposed with sizes ranging between 75 sq. metres and 111 sq. metres. The existing hedgerow boundaries along the southern and eastern boundaries of the site are proposed to be retained and strengthened.

- 2.4. The semi detached units are proposed to be stepped as they go up Derry Road with slightly over a metre difference in height between the ridgelines of each pair of semi-detached units.
- 2.5. The development is proposed to be connected to the public water supply and drainage networks.

### **3.0 Planning Authority Decision**

#### **3.1. Request for Further Information**

Prior to the issuing of a Notification of Decision, the Planning Authority requested further information on the following:

1. Noted that the Planning Authority has concerns with regard to the design of the corner block of semi detached units and that revised design is required that has regard to the location of the site within an ACA and to the special character and appearance of the ACA.
2. Submission of a photographic survey of the building proposed for demolition.
3. A Section drawing showing houses 7 and 8 and the adjoining properties to the west on Derry Road.
4. Submission of revised parking proposals and sightlines from spaces 7 and 8.
5. Compliance with Part V ,
6. Comments on third party submissions.

In response, the following is a summary of the most significant information and changes to the proposed development were submitted to the Planning Authority:

- Revised house type A, B and C proposed which incorporate a hipped roof profile.
- Photographic survey of the existing house on site submitted.
- Revised contiguous elevation drawing prepared showing elevation from N77.
- East – West cross section drawing prepared showing houses 7 and 8 and relationship with adjoining houses.

- Revised Site Layout Plan submitted of parking spaces. The basic parking space layout proposed to remain unchanged as alterations would reduce the number of spaces available. Sight lines indicated showing 50 metres.
- Application for social housing exemption certificate submitted.
- Response to third party submissions.

### 3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 16 conditions, the most significant of which are considered to be the following:

Condition No.1 requires that the housing layout and house types shall be in accordance with the revised designs received by the Planning Authority on 4<sup>th</sup> December, 2020.

Condition No.4 relates to surface water disposal and requires that this be disposed of to the on site attenuation tank and then via controlled discharge to the public surface water drainage system.

Condition No.9 requires that details of the site boundary finishes shall be submitted for the written agreement of the planning authority.

Condition No.10 requires that all public open spaces shall be developed for and devoted to the use of residents and the areas shall be maintained by the developer until such time as they are taken in charge by the local authority.

Condition No.11 requires inter alia that a Stage 1 and 2 Road Safety Audit shall be submitted for agreement prior to the commencement of development.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

The initial report of the Planning Officer notes the submissions received and the planning history on the site for 2 houses (Ref. 16/640). The principle of the demolition of the existing house is considered to be acceptable and that there would be a gain in terms of traffic and pedestrian safety. Issues with regard to the design of the corner unit and its relationship to the street highlighted despite fact that no part of the development would be within the ACA. Initial report recommends further information consistent with the request that issued. Second report subsequent to the submission of further information recommends a grant of permission that is consistent with the notification of decision which issued.

#### 3.3.2. Other Technical Reports

Road Design – No objection subject to conditions regarding pedestrian crossing, road safety audit, lighting and footpath works.

Area Office – No objection.

## 4.0 Planning History

The following planning history is noted in the report of the planning officer:

Laois County Council Ref. 03/1156 – Permission granted for the demolition of the existing house at the junction of Derry Road and Kilkenny Road and for the construction of 23 no. two bedroom single storey houses and 1 no. commercial building and all associated site development works on a site that included the current appeal site and lands to the south and south east.

Laois County Council Ref. 16/640 – Permission granted for the demolition of existing house and the construction of 2 no. houses and realignment of the junction at the appeal site. Access to this development is from the Derry Road and the design incorporates a set back from the Derry Road / N77 junction.

## 5.0 Policy and Context

### 5.1. Development Plan

The appeal site is located on lands that are primarily zoned Residential 2 under the provisions of the *Laois County Development Plan, 2017-2023*. The stated objective for this zoning is to provide for new residential development, residential services, and community facilities with a housing density of c.12-25 units per ha. The front part of the site facing the N77 is zoned town centre.

The area of the site that fronts the N77, and roughly approximating to the footprint of the existing house on the site, is included within the boundary of the ACA for Durrow. The following objectives are contained in Volume 2 of the development plan relating to Durrow:

**Objective DU1** Preserve and enhance the special character and appearance of Durrow's Architectural Conservation Area (ACA).

**Objective DU2** Have regard to the Village Design Statement (VDS) when determining planning applications.

**Objective DU6** Protect and plant groups of trees on the principal approach roads and audit signage on all approach roads.

**Objective DU12** Promote densities in the order of 12 dwelling units to the hectare.

**Objective DU 20** Improve pedestrian linkages and provide cycle path linkages within the town as per the objectives map and facilitate the provision of cycle parking at buildings in community use, especially schools.

Section 7.4 of the Plan relates to Built Heritage and includes the following Objectives:

**OBJ4** Protect all structures listed in the Record of Protected Structures, that are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical character or interest in County Laois.

**OBJ6** Enable and ensure the preservation and enhancement of the special character of existing and forthcoming Architectural Conservation Areas (ACAs) of County Laois and their settings.

**Appendix 2** of the Plan relates to ACAs.

The front part of the site (the existing building footprint) is located within the area identified as an ACA for Durrow. The description of the ACA for Durrow given in the plan includes the following:

The village's architectural character is based on the distinctive plan form and on a mix of large residences displaying formal design elements, such as Georgian door-cases, and smaller scale buildings in a vernacular style.

The village reverts to a more informal, traditional appearance as one moves from the main square towards the outskirts of the village. Here the buildings are more vernacular in design and construction and front directly onto street. The repetitive use of pitched slate roofs, strong chimneystacks and render wall finishes adds symmetry to the streetscape while the lack of standardised facade treatments lends visual interest.

Features of note as per the ACA include carriage arches, shopfronts and advertisements, window and door openings, roof form, chimney stacks and rainwater goods.

## 5.2. **Natural Heritage Designations**

The River Barrow and River Nore SAC run to the north and to the east of the site and within c.350 metres at the closest point (to the north).

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the principle of residential development on the site is not objected to, however the form of development proposed is considered to be inappropriate.



- That Durrow is a historic town and has been designated as an ACA. The form of development proposed is not appropriate for a prominent corner site comprising suburban style houses.
- That the change in levels across the site is not reflected in the design approach. The approach will result in a stepped effect.
- That inadequate private amenity spaces are proposed in area and depth.
- That the development would be contrary to section 6.8 of the Sustainable Residential Development in Urban Areas as it does not relate successfully to the structure of the town and does not make a positive contribution to its surroundings.
- That the structure and layout of Durrow is distinctive and reflective of a planned estate village. The plan indicates that the central core of the village is defined by a number of structures, which in the case of the road in the vicinity of the appeal site is the Church opposite the site and the former infants school to the immediate east of the site.
- That the proposed development takes no account of the features, or proportions of the building proposed to be demolished and materials and finishes are completely different.
- That the proposed development will have a negative impact on the setting of a number of protected structures in the vicinity.
- The proposed development would materially contravene OBJ4 and OBJ6 of the development plan.
- That the proposed car parking on Derry Road close to the junction with the N77 would require cars to reverse into the public road and lead to the creation of a traffic hazard.

## 6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That all of the proposed dwellings are located outside of the ACA.

- That car parking for 2 no. cars is proposed on site.
- That the open space provision and development of a footpath around the boundary of the site is as per the extant permission on the site (Ref. 16/640).
- That the site is located in a rural area and it is important that the scale and form of houses provided are attractive to potential purchasers or those that would alternatively develop a one off house.
- That the use of terraced housing was not considered to be appropriate.
- That the development is not suburban in character as contended. The proposed development is an edge of town location with an infill site and displays a tight urban grain designed to form a strong urban edge at this corner.
- That the site is at a transition location between the terraced dwellings on the N77 and the detached houses on the Derry Road. There should therefore be a greater degree of design flexibility relative to a site closer to the town centre.
- That the design proposed is similar to that further from town on the N77 which is not visually incongruous in the streetscape.
- That the development is not a '*poor design*' and would provide a streetscape along Derry Road where there is currently none. The roof heights are proposed to drop at a uniform rate and level and a similar approach would be required if a terraced form of development was used.
- That the statement regarding the parking arrangement is not clear and details of the tie in of the footpaths have to be agreed with the planning authority under condition No.10(a).
- That Policy DM06 of the development plan relates to private amenity space and requires that a minimum of 60 sq. metres for a two bed and 75 sq. metres for a three bed is required. The open space proposed meets these standards.
- That the church is not immediately opposite the site and the proposed development would not interfere with the primary vista to and from the church.
- That the design does reflect the features of existing dwellings in terms of pitched roofs, roof colour, render and vertically aligned windows.

- That the ACA states that buildings of little architectural merit may be subject to wholesale redevelopment . It is submitted that the existing house on the site meets this criterion making little contribution to the streetscape and being in very poor condition.
- That there is no statutory requirement to retain a conservation architect.
- That the proposal is significantly better than the extant permission for two houses on the site.
- That the proposed development would enhance rather than detract from protected structures in the area.
- That the existing junction at the site is a traffic hazard particularly for traffic exiting the Derry Road onto the N77 due to restricted visibility to the right. The proposed layout will remove this issue.
- That the council have no issue with the car parking layout that is considered a hazard by the third party and has not submitted any evidence that this will be the case.
- That the first party would be open to a condition requiring the redesign of the parking layout and agreement of same with the Planning Authority.

### 6.3. **Planning Authority Response**

The is no record of a response to the grounds of appeal being received from the Planning Authority.

### 6.4. **Further Responses**

Details of the application were referred by the Board to An Taisce, The Heritage Council and the Development Applications Unit of the Department of Culture, Heritage, and the Gaeltacht. No response to these referrals was received.

## 7.0 Assessment

7.1. The following are considered to be the main issues in the

- Principle of Development,
- Design and Impact on ACA,
- Residential Standards and Amenity,
- Site Servicing and Access,
- Appropriate Assessment

### 7.2. Principle of Development,

- 7.2.1. The appeal site is located on lands that are primarily zoned Residential 2 under the provisions of the *Laois County Development Plan, 2017-2023*. The stated objective for this zoning is to provide for new residential development, residential services, and community facilities with a housing density of c.12-25 units per ha. The front part of the site facing the N77 is zoned town centre. Residential use is identified as a use that is open for consideration on lands that are zoned Town Centre and permitted on lands that are zoned Residential 2. The principle of the form of development proposed is therefore considered to be consistent with the land use zoning objective and acceptable in this location.
- 7.2.2. The development proposes the demolition of the existing structure on the site. This structure is not included on the record of protected structures for County Laois and is not in my opinion in itself of any particular architectural merit. The existing structure on the site does have a prominent position in the streetscape being located in very close proximity to the N77 and on a corner site and I therefore agree with the third party appellants that the existing building is of streetscape importance and that any replacement development has to have regard to the prominent position of the site. This is considered in more detail below in section 7.3 of this assessment under the heading of Design and Impact on ACA.
- 7.2.3. I note the fact that the report of the Planning Officer makes reference to the fact that the demolition of the existing house on the site would enable the sightlines at the junction of the Derry Road and the N77 to be significantly improved and I would

agree with this point and consider it a valid consideration in the assessment of the principle of demolition of the existing building on the site. As discussed at section 7.5 below, the existing visibility at the junction of the Derry Road and the N77 is very restricted and constitutes a significant traffic hazard given the volume and nature of the traffic on the N77.

- 7.2.4. I also note the photographic survey of the existing building submitted as part of the first party response to further information and my observations on site both of which indicate that the existing structure is in very poor condition with evidence of damp in the walls being noted on the elevation to the N77.
- 7.2.5. Overall, on the basis of the existing condition, location, and design of the existing structure, subject to detailed assessment of the alternative design proposed, I do not consider that there is a strong case for the retention of the existing building on the site and I consider that the principle of demolition is acceptable.

### **7.3. Design and Impact on ACA,**

- 7.3.1. The main basis for the third party appeal against the proposed development relates to the design of the proposed replacement development and its impact on the Architectural Conservation Area (ACA) for Durrow. The area of the site that fronts the N77, and roughly approximating to the footprint of the existing house on the site, is included within the boundary of the ACA for Durrow and it is contended by the third parties that the form of development proposed comprising what are stated to be suburban style houses is not appropriate for a prominent corner site within the ACA
- 7.3.2. The new development proposed would be located outside of the boundary of the ACA which only includes the footprint of the existing building and the site is clearly a visually prominent location located at the junction of the Derry Road and the N77 on one of the main approaches to the town. The appellants correctly highlight the fact that the Durrow ACA is characterised by terraced buildings that have a stepped roof profile, and which are located close to the street. While the extent of the ACA for Durrow as indicated on the map included in Appendix 2 of the Plan includes the RC church located to the north east on the N77 and the scout hall site to the east, the appeal site is in my opinion located in what is a transitional area in the architectural form of the town. To the north west, the building form along the N77 in the direction

of the town centre comprises two storey terraced buildings with a gently stepped roof profile, and which front directly onto the street. The streetscape in this direction therefore has a strong form and established character. To the south east however the form and scale of development changes with a number of institutional buildings including the church and building occupied by a Montessori school to the north east of the site and the scout hall building to the south east. Further to the south east along the N77 the form of development with more recent residential development that is set back from the road and traditional residential estates such as Erskindale Drive.

7.3.3. The retention of the existing building line or a building line close to the road edge is not in my opinion viable from a traffic safety perspective given the restrictions that this layout would impose on sightlines to the south east for traffic exiting the Derry Road onto the N77. As discussed at 7.5 below, the existing nature of the N77 at this location is one where there is a significant volume of traffic and a high HGV component to that traffic. For this reason, I do not consider that it is feasible to follow the established building line within the ACA. The set back from the road edge proposed at 11 metres at the eastern end of the corner building increasing to the south is however in my opinion excessive and such that it would lead to a poor definition at this corner and a break in the established building line in this location.

7.3.4. In terms of design, I note the comments of the appellants with regard to the suburban style of the proposed development. Some revisions to the design were proposed at further information stage, primarily changes from a gable end to hipped roofs and I would agree that the design proposed is modern and suburban in character. The design approach used is in my opinion acceptable for the three semi-detached units that are proposed to front onto the Derry Road, however the form and materials and design proposed for the corner building would in my opinion be significantly out of keeping with the established form of development within the village and the characteristics for which the ACA has been identified. Specifically, the horizontal window emphasis, materials and projecting elements to the façade are all in my opinion features that are out of keeping with and would detract from the ACA. Therefore, both in terms of building line and design I consider that the corner block proposed would have a negative impact on the visual character and special character of the ACA such that it would be contrary to Policy OBJ6 of the Built

Heritage (Section 7.4) of the Plan which requires the preservation and enhancement of the special character of existing and forthcoming Architectural Conservation Areas (ACAs) of County Laois and their settings.

- 7.3.5. In stating the above, I am aware of the fact that the proposed development is located such that it would be outside of the identified boundary of the ACA as contained in the development plan. Redevelopment of the appeal site, even with new buildings located outside of the identified ACA boundary will still in my opinion have a potentially significant effect on the ACA and is not a basis on which the policies relating to the ACA should not be applied. Similarly, I note reference by the first party to the extant permission on the site which is for a pair of detached houses on the site neither of which would address the corner or be clearly consistent with the policies and objectives of the ACA. This is not in my opinion a basis for the granting of the current proposal. In any event, I do not consider that there is an issue with the principle of the 6 no. semi detached units facing the Derry Road and it would seem preferable that a redesign of the current layout could be undertaken that is more sympathetic in design and layout to the ACA and which would allow for additional units to be developed on the site.
- 7.3.6. In terms of density, the proposed 8 no. units on a site with a stated area of 0.22 ha. equates to 36 no. units per ha. This is in excess of the 12-25 units per ha. referenced under the Residential 2 zoning objective in the development plan but is consistent with the provisions of the Sustainable Residential Development Guidelines for Planning Authorities, (2009).
- 7.3.7. The appellants raise concerns with regard to the degree to which the design respects the contours of the site and that the proposal includes significant changes in height in the roof levels. This is noted, however while there is proposed to be a change in roof level of more than 1 metre between the ridge levels of the semi-detached units facing the Derry Road, I do not consider that this element of the design would have a significant impact on the character of the ACA given the location of these units c.40 metres from the Derry Road / N77 junction. The change in levels proposed will however require significant extent of cut and fill on the site and retention structures between the semi-detached sites and these are not detailed in the drawings submitted. Similarly, the issues raised by the third party appellants regarding the potential impact of the proposed development on the character and

setting of protected structures in the vicinity of the site is noted. In my opinion the design and layout of development facing the Derry Road / N77 junction can be seen to have a negative impact on the wider setting of the RC Church located to the north east of the site however I do not agree with the third party that the development would impact negatively on the setting of protected structures when viewed from the Derry Road.

#### **7.4. Residential Standards and Amenity,**

- 7.4.1. The internal layout of the proposed units is consistent with the requirement of the development plan and Quality Housing for Sustainable Communities with regard to floor areas and dimensions.
- 7.4.2. Private amenity space is proposed to the rear of each residential unit and the area proposed range between 75 metres and 112 metres. I note that the third party appellants contend that these areas and the depth of private amenity spaces are inadequate however the areas proposed are consistent with Policy DM06 of the Plan regarding private open space in residential developments and are in my opinion acceptable. Similarly, with regard to the dimensions of the open space areas provided, the depth of these areas is a minimum of 10 metres and are in my opinion acceptable.
- 7.4.3. The issue of the variation in levels across the site has been referenced in section 7.3 of this report above and the submitted layout indicates a change in level of c. 1.1 metres between each pair of semi detached units fronting onto the Derry Road. Significant cut and fill will be required to achieve the levels proposed and this is likely to have implications for retaining structures and the boundaries and the feasibility of retaining and augmenting the existing planted boundary along the eastern side of the site. The submitted Boundary details drawing (Drg. No. PP0004) does not clearly indicate the treatment of the boundary where there would be significant variations in levels. Similarly, the differences in levels between the semi detached units would appear to have potential implications for the levels of the parking spaces to be provided to the front of the units and it is not clear from the information presented how the levels of the areas to the front of Units Nos. 3-8 including parking spaces and footpath would work in practice.



7.4.4. With regard to residential amenity, the proposed development would not have a negative impact on the residential amenities of any properties in the vicinity. The rear of the proposed houses fronting the Derry Road would overlook the parking area to the side of the scout hall building to the east and the houses opposite the site on the Derry Road are a minimum of c.23 metres away. No issues of loss of daylight or sunlight to existing properties are considered likely to arise.

#### 7.5. **Site Servicing and Access,**

7.5.1. Two parking spaces per residential unit is proposed which is consistent with the provisions of the development plan. The third party appellants raise concerns with regard to the safety of the proposed parking layout and particularly highlight the proximity of these spaces to the N77 / Derry Road junction and the requirement for traffic to reverse out onto the Derry Road. The spaces proposed to serve Units Nos. 3-8 are set out such that they would be at right angles to the road and would likely require vehicles to reverse out of these spaces. Given the relatively limited volume of traffic on the Derry Road and the separation of c.40 metres between the closes such space and the Derry Road / N77 junction, I do not consider that the layout of these spaces is such that it is likely to result in a traffic safety issue. The parallel parking layout that is proposed to serve units Nos. 1 and 2 is however in my opinion such that traffic and pedestrian safety issues arise. Access to these spaces, that are indicated as being 5 metres in length, would require vehicles to reverse across the public footpath and the closest such space is indicated as being within 15 metres of the Derry Road / N77 junction. In order for cars to cross this section of footpath it would have to be dished down to road level. The layout proposed in this area is therefore in my opinion such that it would lead to traffic and pedestrian safety issues. Resolution of these issues in the form of re orientation of the parking spaces proposed to serve Units Nos. 1 and 2 is not available given the proposed layout and constraints of the site.

7.5.2. With regard to the servicing of the site, the development is proposed to be connected to the public water supply and drainage systems. I note that there is no indication that the proposal has been the subject of a pre connection enquiry to Irish water and there is no report on file from Irish Water. There is no indication from the Laois County Council internal reports on file that there is an issue with regard to water supply or foul drainage capacity. In the event of a grant of permission, it is recommended that a condition be attached requiring that prior to the commencement of development a connection agreement be obtained from Irish Water.

## 7.6. Other issues

7.6.1. As part of the request for further information the applicant was requested to submit proposals for compliance with **Part V of the Planning and Development Act**. In response, the applicant stated that as the development relates to fewer than 9 no. residential units the provisions of Part V are not applicable. A Section 97 exemption application was submitted to the Planning Authority. On the basis of the information presented Part V of the Planning and Development Act, 2000 (as amended) does not apply to the proposed development.

## 7.7. Preliminary Examination Screening for Environmental Impact Assessment (EIA)

7.7.1. An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

7.7.2. It is proposed to construct 8 no. semi-detached houses on a site with a stated area of 0.22 ha. and on lands that are zoned for residential use (Residential 2) under the provisions of the Laois County Development Plan, 2017-2023. The number of dwellings proposed is therefore well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.22 ha and is located within an existing built up area but not in a business district. The area is characterised by an existing house on the site and the environs of the site comprise a range of uses with residential development to the west and institutional uses to the east and north.

7.7.3. The site area is therefore well below the applicable threshold of 10 ha., and the introduction of a mixed-use/residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood and would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Laois County Council, upon which its effects would be marginal.

7.7.4. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned 'Residential 2' use under the provisions of the Laois County Development Plan, and the results of the strategic environmental assessment of the Laois County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,

- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

## 7.8. **Appropriate Assessment**

- 7.8.1. An Appropriate Assessment Screening report was not submitted with the application.
- 7.8.2. The appeal relates to a proposal to construct 8 no. semi-detached houses on a site with a stated area of 0.22 ha. and on lands that are zoned for residential use (Residential 2) under the provisions of the Laois County Development Plan, 2017-2023. The development is proposed to be connected to the public water supply and foul drainage networks.
- 7.8.3. Having regard to
- the nature and scale of the proposed development which comprises 8 no. residential units that are proposed to be connected to the public water supply and drainage infrastructure,
  - The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,

- To the availability of capacity within the foul drainage and water supply networks and treatment systems,
- to the location of the site relative to Natura 2000 sites where the site is located outside of any such site boundary and where the closest such site is the River Barrow and River Nore SAC which is located to the north and to the east of the site and within c.350 metres at the closest point (to the north), and
- other than the indirect pathway formed by the foul drainage connection, to the absence of a clear potential pathway between the appeal site and 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 either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

## 9.0 Reasons and Considerations

1. The northern end of the site is located with the boundary of the Durrow Architectural Conservation Area (ACA) as identified in the Laois County Development Plan, 2017-2023 where OBJ6 of section 7.4 states that is an objective of the council to ensure the preservation and enhancement of the special character of existing and forthcoming ACAs and their settings, and where specific features of note relating to the ACA are set out at Appendix 2 of the Plan. Notwithstanding the fact that the footprint of the proposed development would be outside of the ACA boundary, the form, design and materials of development proposed, in particular the design building line and materials of the proposed corner block at the junction of the Derry Road and the N77, is considered to be significantly out of keeping with the established form of development within the village and the characteristics for which the ACA has been identified and such that it would have a negative impact on the visual and special character of the ACA. The proposed development would therefore be seriously injurious to the visual amenities and streetscape character in this location such as to be contrary to Policy OBJ6 of the Plan and would be contrary to the proper planning and sustainable development of the area.
2. The location and layout of the parking spaces to serve the development, in particular those spaces proposed to serve units Nos. 1 and 2 which are parallel to the road such and would require vehicles to cross the public footpath and which are located in close proximity to the N77 / Derry Road junction, would result in vehicular movements that would conflict with pedestrians and existing traffic on the Derry Road. The proposed development would therefore endanger public safety by reason of a traffic hazard and conflict with pedestrians.

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Stephen Kay  
Planning Inspector

22<sup>nd</sup> June, 2021

