



An
Bord
Pleanála

Inspector's Report

ABP-309710-21

Development	Construction of detached dwelling. Demolition of two sheds.
Location	Loftholdingswood, Rooske Road, Dunboyne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA201617
Applicant(s)	Eoin Hayes
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Susan McKenna-Lawlor
Observer(s)	-
Date of Site Inspection	07.05.21
Inspector	Una O'Neill

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Meath County Development Plan 2013-2019.....	5
5.3. Natural Heritage Designations	6
5.4. EIA Screening	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response	8
6.4. Observations	8
7.0 Assessment.....	8
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions	13

1.0 Site Location and Description

- 1.1. The subject site is located within the development boundary of Dunboyne, Co. Meath. The site is located on the eastern side of the Rooske Road, in an established residential area, approx. 700m from the Main Street in Dunboyne. This section of the Rooske Road comprises a small number of detached dwellings individually accessed off the Rooske Road, with larger housing developments to the rear/east.
- 1.2. The site, which has a stated area of 0.183ha, comprises a detached bungalow dwelling and two sheds, with two site entrances off the Rooske Road. A driveway runs along the southern boundary of the site toward the rear, where the two garden sheds are located, with the rear section of the garden subdivided by a low wooden fence and planting. To the north of the site is a detached dwelling; to the east/rear of the site is a larger residential development called Woodview with two bungalows within this development backing onto this site; and to the south is a small infill development of six dwellings called The Laurels, with the parking and a small green associated with The Laurels adjoining the southern boundary wall of the site. The site entrance is located proximate to the entrance to Dunboyne Castle residential development on the western side of the Rooske Road.

2.0 Proposed Development

- 2.1. Permission is sought for a new three bedroom single storey detached dwelling (120 sqm in area) within the rear garden of the existing dwelling. Alterations to existing site entrance and front boundary hedge are proposed and the formalising of existing vehicle access along the side of the existing house to form new access driveway. A new connection to the mains wastewater system is proposed and a new soakaway for the existing house and a new soakaway for the proposed house.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted permission on 3rd March 2021, following a request for FI to address a requirement for an exemption certificate pursuant to S97 of the

Planning and Development Act (as amended), and a request for the applicant to address a third party submission received. The following conditions are noted:

- C2(b) - 2m high blockwork wall shall be rendered on both sides around the site boundary.
- C11 - Design of soakaway shall complete BRE 365 result and be subject to written agreement of the planning authority.
- C12, C13 and C14 - Development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Proposal is in compliance with zoning objective.
- Infill dwelling meets development plan requirements in relation to distance between dwellings and extent of private open space.
- Overlooking will not affect residential amenity.
- The proposed development meets the minimum standards for the development of a dwelling in the town boundary.
- Access meets sightline requirements.
- Proposal generally meets requirements in terms of surface water, subject to condition in relation to design.

3.2.2. Other Technical Reports

Water Services Planning Department – Condition recommended in relation to soakaway.

Public Lighting Transportation – No comment.

3.3. Prescribed Bodies

Irish Water – No objection subject to condition.

3.4. Third Party Observations

One observation was submitted, the grounds of which is addressed within the submission to this appeal.

4.0 Planning History

DA40037 – Permission GRANTED for the refurbishment of single storey rofab residence, this work will include the conversion of the existing attic space to provide a playroom, study and toilet with four new dormer windows to the front elevation. The construction of a new 85 sqm single storey extension to the rear to provide a new kitchen / dining, family room and bedroom with ensuite.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

Chapter 2 Core Strategy

Dunboyne is identified as a ‘Large Growth Town II’, within the Metropolitan area of the Eastern & Midland Region.

The subject site is zoned A1 – Existing Residential, the objective of which is ‘to protect and enhance the amenity of developed residential communities’.

Section 2.9.6 Primary Land Use Zoning Objectives –

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

Chapter 3 – Settlement Strategy and Housing

SS OBJ 4: To focus development on the high quality integrated growth and consolidation of the identified Large Growth Towns enabling them to act as key employment and service centres in the county, to ensure that all other towns develop

at a sustainable rate to facilitate self sustaining expansion and to protect agricultural and amenity lands for their primary purpose.

SS OBJ 5 To encourage the development of compact urban forms by consolidating existing development boundaries and utilising brownfield sites in preference to expanding urban areas into the countryside and adjoining settlements.

Chapter 12 – Development Management Guidelines and Standards: Section 11.2.2.2 Houses.

5.2. Dunboyne/Clonee/Pace Local Area Plan 2009-2015

Variation no. 1 to the CDP provides for additional objectives included in the Dunboyne/Clonee LAP (2009) which relate to the Core Strategy.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within or adjacent to any designated European Site. The nearest such site is the Rye Water Valley/Carton Special Area of Conservation (001398), which is situated approx. 5.3km to the south of the site at its closest point.

5.4. EIA Screening

- 5.4.1. The proposal is for a new dwelling and soakaway area, with connection to the public water and wastewater network. Having regard to the nature and scale of the proposed development on zoned and serviced land and the nature of the receiving environment, 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

One appeal has been lodged by Susan McKenna-Lawlor, Rooske Road, Dunboyne. The grounds of appeal are summarised as follows:

- The proposed new house on the next door site should not intrude on privacy of back garden.
- The proposed soakaway is not indicated on the plans.
- The property (to the north) has a well and a septic tank. There should be no interference in the operation of the well or septic tank.
- Concern raised in relation to breaching of privacy of rear garden either through fenestration or through use of people using proposed new car park or other domestic facilities.
- The cutting of shrubs within the property of the site has resulted in a window being revealed which is brightly lit at night. Request that this situation be rectified by the proposed development.
- Trees have recently been cut down on the application site at the boundary, with some retained by agreement with applicant. Close to the gate are additional trees which are of value. Any removal of these trees would lower the value of the appellant's dwelling, removing the rural character.
- The boundary of the appellant's dwelling with the Rooske Road comprises an ancient hawthorn hedge. The proposed entrance of the new dwelling intersects with the roots of this hedge. The new entry should be suitably constructed so that the roots of the hawthorn hedge are not damaged.

6.2. Applicant Response

The applicant has responded to the third party submission as follows:

- The proposed dwelling and associated 2m high wall shall be constructed to border the new house and the garden of the neighbouring dwelling, as shown on the submitted plans.
- The location of the proposed soakaway is in the garden area to the southeast of the proposed dwelling as indicated on drawing ref 03 – Proposed Plans.
- It is noted the appellant has confirmed there is a septic tank and well within the rear garden of their property. The proposed house will not have a septic

tank and will be connected to the mains. As such there will be no additional loading on the ground with regards to wastewater treatment systems.

- No changes are proposed to the existing house or along the northern boundary, with the exception of the area identified for a 2m blockwork wall. There will not be any intrusion on the privacy of the garden of the neighbouring property.

6.3. **Planning Authority Response**

The Planning Authority response to the third party submission is as follows:

- The PA is satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application as detailed in the Planning Officer Report dated 16th December 2020 and 1st March 2021.

6.4. **Observations**

None.

7.0 **Assessment**

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

- Residential Amenity
- Water Services
- Appropriate Assessment

Residential Amenity

7.2. I note from the content of the appellant's submission, and as confirmed by the applicant, the location of the appellant's dwelling is to the north of the appeal site. The appellant has raised concerns in relation to impact on privacy, impact on hedgerow along the road and planting within the appeal site.

- 7.3. The proposed single storey dwelling, with an overall height of 6m, is positioned to the rear of the existing dwelling on site, with a distance of circa 14m between the rear elevation of the existing dwelling and the side elevation of the proposed dwelling. The proposed dwelling is approx. 2m-3.8m from the boundary with the bungalow dwellings to the east/rear of the site and approx. 1.5m to 2.3m from the northern boundary of the site, which is shared with the appellant's property. The northern boundary between the properties at present comprises a mix of a timber post and panel fence, with the boundary to the rear of the garden area where the proposed dwelling would be located overgrown. The applicant is proposing a 2m boundary wall between the proposed dwelling and the neighbouring property to the north at the section where the new dwelling is proposed, while retaining the existing timber post and panel fence for the remainder of the boundary with the existing dwelling. I note the proposed dwelling is a distance of approx. 10m at its closest point from the rear elevation of the neighbouring dwelling to the north.
- 7.4. Having regard to the positioning of the proposed dwelling on the site, the design and height of the proposed dwelling at 6m, and the provision of a solid 2m high boundary wall to the north, I am of the opinion that the proposed dwelling will not have a significant negative impact on the neighbouring property to the north in terms of overlooking, loss of privacy or overshadowing. I furthermore consider the proposal will not have a significant negative impact on the residential amenity of dwellings to the east or south of the site.
- 7.5. With regard to the proposed amendments to the boundary of the site with the Rooske Road and concern raised in the third party submission in relation to the neighbouring hedgerow, I note it is proposed to remove a section of hedgerow, approx. 6m in width, between the existing entrance piers to the site, and replace with a 800mm rendered wall. The section of hedgerow affected is unconnected to that of the neighbouring property to the north. I am satisfied that the works proposed will have no impact on the roadside hedgerow boundary of the neighbouring property.
- 7.6. I note the concerns raised in the grounds of appeal in respect of the devaluation of the neighbouring property if trees/hedgerows within the property are removed. I note the extent of works proposed and having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously

injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Water Services

- 7.7. The applicant proposes to connect to the public wastewater and water network.
- 7.8. The appellant, who resides in the neighbouring property to the north of the appeal site, states that they have a well and septic tank, which are operational. I note the PA in their report stated that dwellings at this location are connected to the public sewer and water network and there are no existing septic tanks. Further Information was requested and the applicant responded that they assumed the third party dwelling was connected to the public system and notwithstanding this there would be no additional loading on the ground from the proposed development as the proposal is to connect to the public wastewater system. The PA considered this response satisfactory. In response to the third party appeal, the applicant acknowledges the appellant has now confirmed as part of this appeal that there is a septic tank and well on the site, however, it is stated by the applicant that there will be no additional loading from the proposed house as it will be connected to the public system. The PA has raised no further comment in its response to this appeal.
- 7.9. No information has been provided on the file by the applicant, appellant or local authority in relation to the location of the neighbouring well or septic tank and the neighbouring site was inaccessible during site inspection. While it is unclear as to the location of the septic tank, I do not consider the development of this infill dwelling would impact on the functioning of this one septic tank given the relative size of the site to the north and given the urban context, where all other dwellings are connected to the public system. I note the position of the soakaways is sufficiently distant from the neighbouring property and the proposed management of surface water through the provision of soakaways and SUDS measures will not give rise to any issues in relation to surface water management or groundwater in the area. Furthermore, I consider it would be unreasonable to hinder the sustainable development of land within this urban context on the basis of one existing septic tank within what is a well serviced area.
- 7.10. However, should the Board wish to consider this matter further, I note the EPA Code of Practice (COP) for Domestic Waste Water Treatment Systems (DWWTS) states

under Section 6.3, table 6.2, the minimum separation distances related to DWWTS and soakaways. A neighbouring dwelling should be 7m from a DWWTS (tank/plant), 10m from an infiltration/treatment area, a surface water soakaway should be 5m from a DWWTS, and a DWWTS should be 3m from a site boundary. As noted above, the positioning of both soakaways would not give rise to any issues for the neighbouring property given the distance to the boundaries and would not give rise to any groundwater issues. However, there is uncertainty in relation to the location of the septic tank and if there is a percolation area. In consideration of the scale of the garden to the north and the recommended 7m separation distance from a septic tank set out in the COP, the proposed dwelling could be moved approx. 2.5m south of its proposed location so that there is a minimum distance between the proposed dwelling and the shared northern boundary of 4m (assuming the septic tank is located 3m off the northern boundary of the neighbouring property as per current guidance, and noting it would have been standard practice in the past to set such tanks off neighbouring boundaries). There are no implications on any of the neighbouring properties of a movement of the proposed dwelling by c. 2.5m south of its location in terms of overlooking, overshadowing, loss of privacy or visual impact. However, should the applicant ascertain that the location of the neighbouring septic tank is 7m from the location of the dwelling as currently proposed, which is quite possible given the scale of the garden area to the north, the dwelling as positioned in the submitted application would in my opinion be acceptable. Should the Board be minded to grant permission, I consider the following condition could address the issue, if deemed warranted:

The dwelling shall be repositioned south on the site to maintain a 4m separation distance from the boundary with the neighbouring property to the north, unless the developer can confirm to the written satisfaction of the planning authority that the proposed dwelling in its current location is 7m from the septic tank within the property to the north, in compliance with table 6.2 of the 2021 EPA Code of Practice for Domestic Waste Water Treatment Systems.

Surface Water

- 7.11. Permeable paving is proposed along the entrance driveway to the dwelling. The applicant proposes a soakaway to address surface water. I note the planning

authority decision included a condition in relation to the design of the soakaway. Should the Board be minded to grant permission, I consider a condition in relation to surface water to be agreed with the Planning Authority should be applied.

Appropriate Assessment

- 7.12. The site is not located within any designated site. The nearest such site is the Rye Water Valley/Carton Special Area of Conservation (001398), which is situated approx. 5.3km to the south of the site at its closest point. The features of interest listed for this SAC include Petrifying springs with tufa formation (Cratoneurion), Vertigo angustior (Narrow-mouthed Whorl Snail) and the Vertigo moulinsiana (Desmoulin's Whorl Snail).
- 7.13. The site is not directly connected to this European Site or any other by any hydrological connection.
- 7.14. As the proposed development has no source-pathway-receptor to any European site, it does not have the potential to have an effect on any European site and there is no potential for it to have likely significant effects on any site in combination with any other plan or project. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rye Water Valley / Carton SAC (001398), or any European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Meath County Development Plan 2013-2019, the existing pattern of development in the area, and the nature and scale of the proposed single storey dwelling, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the

amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 11th day of February 2021, 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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission is for one residential unit only.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation of and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
5.	<p>The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.</p>

	Reason: In the interest of public health.
6.	The numbering/naming of the dwelling unit shall be agreed with the planning authority in writing prior to the commencement of development. Reason: In the interest of orderly development.
7.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
8.	The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.
9.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
--	---

Una O'Neill

Senior Planning Inspector

9th May 2021