



An
Bord
Pleanála

Inspector's Report

ABP-309788-21

Development	House
Location	26/27 Strand Street, Clogherhead, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	218
Applicant(s)	Jonothan Cole
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Jonothan Cole
Date of Site Inspection	08 th May 2021
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of, 0.230 hectares, is located on the southern side of Strand Street, Clogherhead, Co. Louth. The appeal site is occupied by a single-storey semi-detached dwelling fronting onto Strand Street with the site being a long narrow site on a north south axis. Levels on site step up moving south and then fall gradually in a southerly direction. Adjoining development to the east includes a two-storey structure in use as apartments with a car parking area to the rear and a similar long site that is undeveloped to the south of this and to the east of the appeal site. To the west is a dormer style dwelling, which also has a similar long rear area. The long narrow sites to the rear of the dwellings along Strand Street are characterised by not being developed and somewhat neglected with the dwellings using the area immediately to the rear of the structures as their amenity space. A short distance to the east is a newly constructed two-storey dwelling on one of these long narrow plots. To the south of site is a caravan park with a tree lined boundary between it and the appeal site.

2.0 Proposed Development

2.1. Permission is sought for the construction of a new detached three bedroom dwelling, detached domestic garage, entrance and driveway, boundary treatment and all associated site works. The appeal site is currently occupied by a single-storey dwelling that is close to the public road and features a long narrow site on a north/south axis. It is proposed to subdivide the site and provide for the new dwelling to the south of the existing dwelling with a vehicular entrance serving both the proposed and existing dwelling. The proposed dwelling is a split level dwelling with three levels. The dwelling appears mainly as two-storeys with a lower ground floor level that is partially visible on the southern side due to changes in levels on site. The proposed dwelling and garage has a combined floor area of 413sqm, the dwelling has a ridge height of 7.629m at its northern elevation. It is proposed to construct detached garage north of the proposed dwelling, the garage has a ridge height of 5.1m.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission refused based on one reason...

The proposed development by reason of its location would constitute inappropriate random and incongruous backland development which would be out of character with the established pattern of development in the surrounding built up area and would result in an encroachment of development into the amenity area of existing dwellings. Such development would militate against the preservation of the residential amenities of existing properties and would set an undesirable precedent for other such development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning report (22/02/21): The proposal was considered to be unsympathetic in design and scale, to constitute an un-coordinated piecemeal pattern of development and the development of the site should be part of a larger master plan. The report refers to development of large houses on the rear plots on sites the vicinity as regrettable. The proposal would be detrimental to the visual amenities of adjoining properties. Refusal was recommended based on the reason outlined above.

3.2.2. Other Technical Reports

Irish Water (no date): No objection.

Infrastructure Section (10/02/21): Further information required including details of surface water disposal.

3.3. **Prescribed Bodies**

None

3.4. Third Party Observations

3.4.1 No submissions.

4.0 Planning History

4.1 No planning history on the appeal site.

Adjoining sites

ABP-300467-17 (17/216): Permission for development to consist of the following: 1. Demolition of existing warehouse buildings. 2. Construction of new 2 storey dwelling. 3. Improvements of existing site entrance. 4. New boundary treatments. 5. All associated site works. This site is located to the east of the appeal site and the dwelling has recently been completed.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Louth County development plan 2015-2021. The site is zoned 'Village Centre' with a stated objective 'to provide, protect and enhance village centre facilities and enable town centre expansion'. Residential development is a permitted use in this zoning. Clogherhead is identified as a Level 3 settlement under the County Development plan Settlement Strategy.

Policy SS 9: seeks to promote & facilitate limited development within Level 3 Settlements that is commensurate with the nature and extent of the existing settlement, to support their role as local service centres and to implement the policies & objectives relative to each settlement (Appendix 2, Volume 2 (a)).

Strategic Objective:

OBJ 1: seeks to protect & support Level 3 Settlements as local service centres in the rural area & facilitate limited development that is commensurate with the nature

and extent of the existing settlement and the availability of public services and facilities.

CLOG 1 To support Clogherhead in its role as a local rural service centre for its population and that of its rural hinterland where the principles of environmental, economic and social sustainability including protection of the village's heritage, the natural and built environment are enshrined.

CLOG 2 To promote and facilitate limited residential development commensurate with the nature and scale of Clogherhead in the village core, utilising brownfield sites and infill opportunities in order to rejuvenate and consolidate the village, in compliance with the Core Strategy.

Residential development standards:

Height:	Consistent with area & not exceed 3-storey
Private amenity space:	80sq.m. (suburban) & 50sq.m. (town centre)
Separation distances:	22m between opposing first floor windows

5.2. Natural Heritage Designations

5.2.1 Clogher Head SAC & pNHA are located c.450m to the E of the site.

Boyne Coast & Estuary SAC & pNHA are located c.4.0km to the S of the site.

Boyne Estuary SPA is located c.4.5km to the S of the site. Dundalk Bay SPA is located c. 5k to the N of the site.

Clogher Head Area of Outstanding Natural Beauty is located to the N & E of the site

5.3. EIA Screening

5.3.1 Having regard to nature and scale of the development, which is construction of an dwelling and associated site works, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Declan P. Walsh & Co on behalf of Jonathan Cole, 26 Strand Street, Clogherhead, Co. Louth.

- The applicant outlines his need for a family home indicating that the existing dwelling on site is insufficient for family needs and the fact that a similar dwelling has been permitted on one of the similar plots to the east (ABP-300467-17/17/216).
- The design of the dwelling is contemporary in nature and appropriate at this location with a variety in the design of dwellings in the vicinity and reference made to a number of dwellings granted in the surrounding area with precedent for permitting dwellings on the long gardens of the existing cottages (examples listed).
- It is unfair to seek a comprehensive development of the lands at this location with precedent set for development of other plots on an individual basis.
- No submissions were received objecting to the proposal and the appellant has included a number of letters of support from the owners of the adjoining lands and dwellings.

6.2. Planning Authority Response

6.2.1 Response by Louth County Council.

- The Planning Authority is of the view that appeal submission does raise any issues that would justify a change in attitude and that precedent on adjoining sites does not alter the fact that the proposal is inappropriate random, incongruous backland development.

7.0 Assessment

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

Principle of the proposed development

Design and layout/pattern of development

Adjoining Amenity

Vehicular Access

7.2. Principle of the proposed development.

7.2.1 The proposed residential development would be located within the Level 3 Settlement of Clogherhead in the current County Louth Development Plan. Policy SS 9 of the Plan seeks to promote and facilitate limited development within Level 3 Settlements that is commensurate with the nature and extent of the existing settlement, to support their role as local service centres and to implement the policies & objectives relative to each settlement (Appendix 2, Volume 2 (a)). The appeal site is covered by the Village Centre zoning objective which seeks 'to provide, protect and enhance village centre facilities and enable town centre expansion'. Residential development is a permitted use in this zoning and the proposed dwelling house would be acceptable in principle.

7.3 Design and layout/pattern of development:

7.3.1 The proposal was refused on the basis that it would constitute inappropriate random and incongruous backland development which would be out of character with the established pattern of development in the surrounding built up area and would result in an encroachment of development into the amenity area of existing dwellings. The dwellings along Strand Street are a mix of dwellings located a short distance from the road. Where the site is located there is no strong pattern of development or uniformity in the character of dwellings, no protected structures and the site is not within a conservation area. The dwelling on the appeal site and the adjoining dwellings are characterised by long narrow sites that run all the way down to the caravan park boundary to the south. These sites are underutilised with the amenity areas serving the existing dwellings being immediately to the rear. The Board granted permission for a new two storey dwelling on one of these sites (ABP-

300467-17) to the east. This dwelling is now constructed and is located a short distance to the east.

7.3.2 The proposed dwelling is located to the south and entails the provision of a garage and a dwelling south of the existing dwelling on site. The size of the site and depth of the site is such that the new dwelling is located a significant distance from the rear elevation and defined amenity area serving the existing dwelling and those on the appeal site. I would be of the view that the appeal site is of sufficient size to provide for a new detached dwelling without causing a significant adverse impact on either the visual amenities of the area, the amenities of adjoining properties or providing for development that would be out of character with the existing pattern of development. I would note that permission has already been granted on a similar nearby site for a detached dwelling to rear of the building line of existing dwellings along Strand Street and this dwelling integrates in a satisfactory manner.

7.3.3 The design of the proposed dwelling makes use of the levels on site and for the purposes of visual appearance is a two-storey dwelling (first floor mainly in the pitched roof) with a partially visible lower ground floor level on its southern side making use of the falling levels. In terms of overall scale and design I am satisfied that the proposed dwelling would not be excessive in scale or out of character at this location. I would also be of view that such would not compromise the development potential of adjoining sites in a similar manner. I am satisfied that the visual impact of the dwelling would not be obtrusive and is unlikely to be visible from Strand Street due to its location a significant distance from the public road and to the rear of existing dwellings. I would also note that the proposal is unlikely to be highly visible in surrounding area.

7.3.4 It could be argued that the development of these long sites for additional detached dwellings represent inefficient use of land and that a co-ordinated approach would yield a development of higher density. I would consider that an amalgamated approach to these sites might be desirable but may be difficult to achieve. Notwithstanding such I do not consider that where access exists the proposed

approach of providing detached dwellings is in appropriate and does allow for at least a more efficient use of such lands than leaving them undeveloped.

7.4. Adjoining Amenity:

7.4.1 The proposal was partly refused due to encroachment of development into the amenity area of existing dwellings as well as the Planning report noting that the proposal would have a negative visual impact from existing dwellings. I am off view that the proposed dwelling is sufficiently distant from the rear of the dwelling on the appeal site and adjoining sites so as to have no overbearing or adverse visual impact, and no adverse impact in relation overlooking or overshadowing.

7.4.2 In relation to the existing dwelling and its amenity space, the proposal entails a shared access running to the side of the existing dwelling. The driveway does encroach on existing amenity space however such would be necessary to facilitate vehicular access to the existing dwelling anyway. The existing dwelling is left with sufficient amenity space to the rear (over 50sqm as required under Development Plan policy) and is not compromised by the proposal. I consider that further details are need regard boundary treatment along the western side of the existing dwelling as well provision of vehicular entrance off the driveway for the existing dwelling. These details could be dealt by way of submission of plans for agreement.

7.5 Vehicular Access:

7.5.1 The proposal entails provision of vehicular access for both the existing dwelling and new dwelling with a shared access and driveway. Sightlines available at the entrance point would be sufficient and compliant with the requirement of the Design Manual of Urban Roads and Streets. I am satisfied that a shared access arrangement for two dwellings is satisfactory and subject to agreement of details of boundary treatment along the western side of the existing dwelling as well as facilitating access off the driveway to the existing dwelling, the proposal would be satisfactory in regards to traffic safety.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following condition.

10.0 Reasons and Considerations

Having regard to the provisions of the County Louth Development Plan 2015 to 2021, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) Details of boundary treatment along the western side of the existing dwelling shall be provided as well as a vehicular access for off street car parking to the rear of the existing dwelling.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

4. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

5. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

6. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

10th May 2021