



An
Bord
Pleanála

Inspector's Report

ABP-309861-21

Development

Change of use of part of existing office on first floor to accommodate an apartment, change of use of part of existing retail/office to the rear on the ground and first floor to accommodate a dwelling house, internal alterations to existing office & retail space, and alterations and additions to elevations and all associated site works

Location

Irish Street, Ardee, Co. Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

20710

Applicant(s)

David Byrne.

Type of Application

Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Claire Borza.

Observer(s)

N/A.

Date of Site Inspection

21st of July 2021.

Inspector

Stephanie Farrington

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.326ha, is located on the west side of Irish Street and consists of a two storey building with an occupied retail unit and store at ground level and office space at first floor level. Access to the retail unit and office is provided via Irish Street. The existing store is accessed to the rear of the property via a shared laneway.

2.0 Proposed Development

2.1. The proposed development comprises the partial change of use the existing property from office and retail to residential use. The development includes the following elements:

- Change of use of part of existing office on first floor to accommodate an apartment of 96sq.m.
- Change of use of part of existing retail/office to the rear on the ground and first floor to accommodate a dwelling house of 63 sq.m.
- Internal alterations to existing office and retail space.
- Alterations and additions to elevations and all associated site works.

2.2. The existing retail use at ground floor level fronting onto Irish Street is maintained.

3.0 Planning Authority Decision

3.1. Decision

Louth County Council issued a notification of decision to grant permission for the proposed development subject to 5 no. conditions. The following conditions are of note:

Condition no. 3: The windows serving the hallway and bedroom no. 2 at ground floor level on the northern elevation of the proposed dwelling house unit (As shown on revised drawing no. J2020-002 submitted on the 10th of February 2021) shall be permanently glazed with obscure glass.

Reason: In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (30th of October 2020)

The initial planners report recommends a request for further information. The following provides a summary of the points raised:

- The principle of residential development on Town Centre zoned lands is acceptable.
- Reference is made to the requirements quantitative requirements for dwellings set out within Table 4.5 of the Louth County Development Plan. It is stated that the gross floor area, the living/kitchen/dining area, bedroom and storage areas are broadly in accordance with the requirements of Table 4.5. The width of the main living/dining room at 3.2m is less than the 3.6m minimum requirement but can be considered acceptable in the instance of the proposal as it relates to conversion of an existing property.
- The report refers to the apartment floorspace requirements set out in SPPR3 of the Apartment Guidelines for Planning Authorities 2018. The proposed apartment is in accordance with requirements for minimum gross floor area, aggregate living/dining room area and bedroom. Internal storage space requirements have not been achieved.
- The applicant has not demonstrated whether the proposed dwelling house will receive adequate sunlight/ light to all rooms. Further information is required in this context.
- No details have been provided in relation to private amenity space. Reference is made to the space to the west of the property within the ownership boundary.
- Further details in relation to refuse storage is recommended.
- The development includes the introduction of 3 no. windows and a doorway on the northern elevation within 3.4m of an existing residential property which

has windows facing onto the adjoining laneway. An assessment of the impact of the proposal on residential unit to the north is requested.

A request for further information is recommended based on the following:

- Item 1: Clarification of location of car parking, cycle parking and refuse storage for proposed residential units.
- Item 2: Revised site layout plan accommodating provision of private open space.
- Item 3: Applicant to clarify any future plans for lands to the west of the site.
- Item 4: Revised first floor plans for apartment unit demonstrating compliance with minimum internal storage requirements.
- Item 5: Daylight and Sunlight Assessment
- Item 6: Submission of revised drawings which illustrate the impact of the proposed additional windows on property to the north of the site.
- Item 7: Revised public notices.

Planner's Report – Further Information (11th of January 2021)

The planner's report dated the 11th of January 2021 recommends a request for clarification of further information. The report includes an assessment of the applicant's response to each of the points raised within the request for further information. The following provides a summary of the points raised:

- The applicant's response to Items 1 to Items 5 of the request for further information is deemed acceptable. Revised details have been submitted which illustrate provision of cycle parking, refuse storage, private open space and storage in accordance with minimum internal storage requirements set out within the Sustainable Urban Housing Guidelines. The non-provision of car parking for the proposed residential units is deemed acceptable having regard to the town centre location of the site.
- A Sunlight and Daylight Assessment has been received in response to Item 5 of the FI request. The results are deemed acceptable, and the planners report concludes that the proposed development will provide an appropriate standard of daylight and sunlight.

- Concerns are raised in relation to the applicant's response to Item no. 6 of the FI request in relation to the provision of obscure glass for the ground floor window serving bedroom no. 1 of the proposed dwelling. The Planning Authority is of the opinion that the inclusion of an obscure window in a habitable room would result in a substandard form of development and should consider alternative design solutions to minimise overlooking. A request for clarification of further information is issued in this regard.

Planner's Report – Clarification of Further Information (2nd of March 2021)

The planner's report dated the 2nd of March 2021 recommends a grant of permission subject to condition. The following provides a summary of the main points raised.

- In responding to the request for clarification of further information, it is proposed to provide an additional non obscure window on the southern elevation of the property. The provision of obscure glazing on the window opening for bedroom no. 2 is proposed in order to prevent overlooking into the residential unit to the north of the site. It is concluded that bedroom no. 2 is of a suitable standard of accommodation within a town centre location.
- A grant of permission is recommended subject to conditions.

3.2.2. Other Technical Reports

Infrastructure: No objection subject to condition.

Environment: No comment.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to condition.

3.4. **Third Party Observations**

- 3.4.1. A third party observation was received on the application within the initial statutory submission period. The submission was on behalf of the owner of the property to the north of the site at no. 29 Irish Street, Ardee at the opposite side of the existing laneway.

- 3.4.2. Concerns are raised in relation to the following:

- Overlooking- on grounds of proposed 3 additional windows which will directly overlook no. 29 Irish Street,
- Hazard associated with the proposed door opening onto laneway,
- Lack of provision of open space,
- Lack of parking and restrictions on fire tender access,
- Problems associated with existing foul drainage services;
- Insufficient details provided in respect of elevations of adjacent properties.

4.0 Planning History

- PA. Ref: 04/1150: planning permission granted in April 2005 for demolition of existing 2 storey dwelling house and construction of 2 storey office/retail unit.
- PA. Ref 05/831: planning permission granted in August 2005 for change in roof design and rear elevation alterations to office/retail development Ref 04/1150.
- PA. Ref 07/849: planning permission granted in July 2007 for change of use of retail unit previously granted under Reference 04/15150 to bookmakers.

5.0 Policy Context

5.1. Development Plan

Ardee Local Area Plan 2010-2016

Zoning

The site is zoned for “town centre” purposes within the Ardee Local Area Plan 2010-2016. This zoning objective seeks “*To provide, protect and enhance town centre facilities and enable town strengthening*”. Dwelling is listed as a use which is permitted on lands zoned for town centre purposes.

Designations

The appeal site is located within an Architectural Conservation Area and a Zone of Archaeological Potential as illustrated within the Ardee Objectives Map. The property to the south of the site is designated as a Protected Structure.

The following policies are of relevance:

- Policy NBE 18 seeks “to preserve and enhance the character of the Architectural Conservation Area”.
- NBE 19 *“To require that any development within or affecting the conservation area preserves or enhances the character and appearance of the architectural conservation area, respecting the character of the existing architecture in scale, design and materials”.*

Irish Street which forms the eastern boundary of the site forms part of a heritage walk and a proposed cycle path is located along the site boundary.

Retail Development

Section 5.4 of the LAP relates to retail development within Ardee. This outlines that Ardee is designated as a sub-county retail centre within the County Retail Hierarchy.

This Plan seeks to consolidate and protect the role of the town centre as the principal retail and commercial centre of the town and ensure that the town centre remains the main focus for retail development.

- Policy EE 8 seeks *“to generally discourage permission for a change of use from retail or service (including banks and similar institutions with over the counter services) to non-retail or non-service uses, at ground level”.*

Ardee Town Centre

Chapter 7 of the LAP relates to Ardee Town Centre. The town centre is identified as including Irish Street, Market Street, Castle Street, Bridge Street, William Street and John Street. The LAP outlines that *“the number of residential properties in the town centre is an asset, many adding to the visual amenities as well as vitality and sense of security”.*

Development Strategy for Ardee

Chapter 8 of the LAP sets out the development strategy for Ardee. The appeal site is located within the “Town Centre” character area. The objective for the area is “*To provide, protect and enhance town centre facilities and consolidate and strengthen the existing role of the town centre and continue to protect and enhance the built environment, particularly views, the architectural conservation area, the historic town core and protected structures*”.

Relevant Policies

The following policies of the Plan are of relevance to the proposal:

- ATC 2 To encourage social, cultural and residential development within the town centre.
- ATC 3 To resist the loss of residential uses in the town centre and to encourage new residential uses in the centre, particularly underused or vacant space above shops and in mixed use schemes.
- ATC 4 To ensure that new development has proper regard to residential amenity. Regard will be given to safeguard residents from the inappropriate location of new uses and conditions of operations in certain areas.
- ATC 7 To secure the future of the town centre as the primary area for retail uses in line with the Louth Retail Strategy 2009.
- ATC 12 To encourage development in the town at a scale that is compatible with the existing fabric and built form and which retains historic burgage plots, laneway pattern and building lines.
- POP 12 To require that all proposed residential developments, including apartments, comply with the internal space provisions as set out in Sustainable Urban Housing, Design Standards for new apartments, 2007 and tables 5.8 to 5.11 of the Louth County Development Plan 2009-2015.
- NBE 30 To require applicants to include an assessment of the likely archaeological potential of their site as part of the planning application for all development within the Ardee Area of Special Archaeological Interest and other sites of archaeological potential and where the Council considers it

appropriate, require that an on-site assessment is carried out by trial work prior to a decision on a planning application being taken.

- INF 18 To require the compliance with the parking standards as specified in Table 8.6 of the Louth County Development Plan 2009-2015 and Section 9 of this Plan.
- INF 20 To permit a reduction of the above standards in respect of certain town centre developments. Where a reduction in car parking standards is accepted, a contribution in lieu of the provision of car parking will normally be required.

Development Management

Chapter 9 of the LAP sets out Development Management Standards for Ardee. The following are of relevance:

- Section 9.3.4 - Private Amenity Space: houses town centre – 50 sq.m., apartments/duplexes (town centre) – 2/3 bed units – 20 sq.m.
- 9.3.6 Where new buildings are located very close to adjoining buildings, the council may require that daylight and shadow projection diagrams be submitted. The recommendations of Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (B.R.E.1991) or B.S. 8206 Lighting for Buildings, Part 2 1992: Code of Practice for Day lighting should be followed.
- 9.3.7 Internal Space Requirements- Tables 5.9, 5.10, 5.11, 5.12, 5.13, 5.14 and 5.15 set out in the Louth County Development Plan 2009-2016 which are abstracted from the DoEHLG guidelines -Quality Housing for Sustainable Communities 2007 and Sustainable Urban Housing: Design Standards for New Apartments (2007), set out the required space provision and room size requirements for typical dwellings and apartments.

Louth County Development Plan 2015-2021

The County Development Plan provides the strategic planning policies and objectives for the County.

Section 2.16.5 of the Plan outlines that the current Ardee Local Area Plan 2010-2016 seeks to promote consolidation and achieve a more balanced growth towards the northern section of the town.

Chapter 4 of the Development Plan relates to Residential and Community facilities. Table 4.5 sets out Space provision and rooms sizes for Typical Dwelling. The following standards are set out for a - 2bed / 3P House (2 storey).

- Target GFA – 70 sq.m.,
- Minimum main living room -13 sq.m.,
- Aggregate floor area of living/ dining/kitchen 28 sq.m.,
- Aggregate bedroom area – 20 sq.m.,
- Storage – 3sq.m.

Tables 4.6 and Table 4.7 provides minimum widths for main living / dining rooms and bedrooms respectively. The following standards relate to a 2 bed 3 person house.

- Minimum widths for living/dining room 2 bedrooms – 3.6m
- Minimum bedroom withs – single 2.1m, double 2.8m

Policy RES 25 of the CDP seeks: *“To require that all proposed residential developments including apartments comply with the internal space provisions as set out in Tables 4.5 to 4.8 (inclusive)”*.

Chapter 5 of the Development Plan relates to Heritage (Natural and Built). Section 5.11 outlines that an Architectural Conservation Area has been designated for Ardee.

Policy HER 50 seeks: *“To ensure that the protection of architectural features of special interest within the ACA are retained as part of any proposed re-development, where there is conflict with other development plan requirements such as open space, car parking, etc”*.

Specific ACA objectives are set out within Appendix 5, Volume 2(b).

5.2. Ministerial Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020. The following Specific Planning Policy Requirements are relevant-

Specific Planning Policy Requirement 2 states-

‘For all building refurbishment schemes on sites of any size.....:

Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;

.....All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by case basis, having regard to the overall quality of a proposed development.

Specific Planning Policy Requirement 3 states-

Minimum Apartment Floor Areas:

- 2-bedroom apartment (4 persons) 73 sq.m

Specific Planning Policy Requirement 4- Dual Aspect

- 33% required in central and accessible locations, may be reduced for refurbishment schemes on a case by case basis subject to quality.

Specific Planning Policy Requirement 5- Ground Floor Ceiling Height

- Ground floor apartments a minimum 2.7m

Appendix 1 sets out the required Minimum Floor Areas and Standards

- Minimum Overall Apartment Areas – 63 sq.m.
- Minimum Aggregate floor areas – two bedroom width 3.6m, floor area 28 sq.m.
- Minimum Bedroom floor areas/widths – single (2.1 m width, 7.1 sq.m.), double (2.8m width, 13 sq.m. floor area)

Paragraph 3.39 of the Guidelines outlines that: *“Private amenity space standards for apartments are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”.*

5.3. Other

Other guidance documents of relevance include:

- BS 8206-2:2008 (Part 2: Code of practice for daylighting)

- BRE 209: Site Layout Planning for Daylight and Sunlight

5.4. Natural Heritage Designations

The appeal site is not located within or adjacent any designated sites.

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development it is considered that 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

A third party appeal has been received by EHP Services on behalf of Claire Bonza, Irish Street, Ardee in respect of the notification of decision of Louth County Council to grant permission for the development. The following provides a summary of the grounds of appeal.

- The appellant owns, operates and lives to the rear of Mario's takeaway Irish Street which is situated immediately to the north of the appeal site. At ground level the appellants south facing elevation includes 3 large living room windows which look onto the laneway;
- The proposed development will have a detrimental impact on the appellants long established residential amenity by reason of overlooking, loss of privacy and will materially disturb the peace and tranquillity of the residential setting through increased noise, light pollution, increased activity and general disturbance.
- Bedroom 1's north elevation window will remain unobscured and be at a great enough angle to look directly into all three of the Appellant's living room

windows. It will detrimentally impact on the amenities of the adjoining residence by reason of unobstructed overlooking.

- The proposed intensification of the appeal site will result in an increase in usage of the alleyway by future occupants of both the upstairs apartment and rear dwelling. The rear dwellings front door will open directly in front of the appellants living room.
- Construction and conversion works will give rise to noise, machinery vibration, dust and general disturbance and disruption.
- The decision to limit consideration of the proposal's impact upon the appellant's amenities to overlooking was inadequate and unsatisfactory within the context of Policy ATC 4 of the Ardee Local Area Plan 2010-2016.
- The cumulative effect of impacts on the appellant's property will result in a devaluation of the property. The proposed development will negatively impact on the existing character and setting of the appellant's property and will result in a substantive loss of the property's market value and attractiveness to future potential buyers.
- The proposed development fails to meet the relevant quantitative and qualitative standards set out within the Ardee Local Area Plan 2010-2016 and Best Practice Guidelines for Quality Housing for Sustainable Communities (2207) and Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
- Concerns are raised in relation to the scope and content of the Sunlight and Daylight Assessment. The accuracy of the reports' assessment and subsequent conclusion that the ground floor layout of the proposed rear dwelling would receive adequate daylight must be questioned as must the Council's reliance on same to justify the permission. The Council stated that the introduction of a second window to serve Bedroom 2 would undoubtedly increase the level of daylight and sunlight despite the lack of any assessment in the Daylight and Sunlight report of this additional design revision or the fact that the new window would be only 1.2m away from the southern neighbours

2 storey high wall at the bottom of a poorly lit gap. The appellant considers that the use of obscure glazing in any habitable room is a poor design response.

- The application proposes a cramped and narrow house layout. Insufficient living room widths of c.2.7 m as illustrated on Drawing no. J2020-002.
- The proposed upstairs apartment does not comply with certain quantitative and qualitative design requirements set out in the 2018 Apartment Design Guidelines. Neither the living room or bedroom are dual aspect. Bedroom 2 is located immediately beside the first floor mounted ventilation and extractor units attached to the appellant's property. The resulting noise, odours and machinery would not be conducive to a high quality living space. It is not clear if the first floor southern or western windows on the rear extension can be opened to provide proper ventilation for the apartment and dwelling.
- Concerns are raised in relation to the quality of the private amenity space for the proposed dwellings.
- The proposed development does not comply with the necessary qualitative and qualitative design standards set out in national guidance, the County Development Plan and Ardee Local Area Plan. The CDP and LAP do not make provision for partial compliance with these standards on the basis of the town centre location of the site or the fact that the proposal relates to conversion of an existing building. The appeal building, in particular the rear extension is unsuited to being converted into residential use.
- Protrusion of the steps to the proposed doorway onto the adjacent alleyway resulting in a narrowing of the alleyway.
- The proposed amenity space will result in permanent subdivision and isolation of the western portion of the applicant's property and the material alteration of the historic linear burgage plot pattern in contravention of Policy ATC12.
- The site is located within a Zone of Archaeological potential. Policy NBE30 of the Development Plan requires applicants to include an assessment of likely archaeological potential of their site as part of planning applications for all development within the area. Reference is made to the extent of potential

excavation works to facilitate the new front door steps within the alley and paved amenity spaces to the rear of the site have not been appropriately clarified.

6.2. Applicant Response

A response to the third-party appeal was received from Finegan Jackson on behalf of the applicant. The following provides a response to the issues raised.

- The proposal is in accordance with the zoning objectives pertaining to the site and the policies and objectives of Ardee Local Area Plan and national policy.
- The applicant owns the entrance and access laneway.
- The appellants takeaway uses the access laneway on a regular basis for deliveries to the takeaway.
- The appellant has a door which directly opens onto the access laneway.
- The appellant's property has not been used as a residential property for some time and the appellant owns another property locally.
- The proposed conversion works will cause a limited amount of disturbance.
- It is the responsibility of the appellant to ensure that the takeaway has all the right ventilation and noise control systems in place.
- All windows on the western and southern elevations on the first floor can be opened to provide adequate ventilation.
- A guard rail can be fitted at the front door steps or the ground can be graded up to the front door to alleviate any concerns of passing vehicles.
- When the existing building was constructed, a full archaeological assessment was completed on site and was sent to Louth County Council.

6.3. Planning Authority Response

Louth County Council have provided the following response to the grounds of appeal:

- It is considered that subject to modification by way of condition, the proposed development would not significantly impact upon the residential amenity enjoyed by the appellant.
- The Planning Authority considers the proposed apartment unit and dwelling house to be generally in accordance with the minimum standards as set out within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 and the Louth County Development Plan 2015-2021 and would provide a satisfactory standard of development within this urban town centre location.
- The Planning Authority does not consider that the provision of 65.5 sq.m. of private amenity to the rear of the building would prejudice any future development of these burgage plots given the size of the remaining undeveloped portion of the site within the ownership of the applicant.
- Submission of an on-site archaeological assessment was not considered necessary having regard to the nature of the proposed development which relates to internal modifications to existing buildings and external works do not involve any substantial ground excavation works.
- The Planning Authority requests An Bord Pleanála to uphold the decision to grant permission for the proposed development.

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 inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Policy
- Impact on Residential Amenity
- Appropriate Assessment
- Other Issues

7.2. Compliance with Policy

- 7.2.1. The site is zoned for “town centre” purposes within the Ardee Local Area Plan with an objective “*to provide, protect and enhance town centre facilities and enable town strengthening*”. Dwelling is listed as a use which is permitted on lands zoned for town centre purposes.
- 7.2.2. The appeal site is located within the core retail area of Ardee as identified within the Louth County Retail Strategy and the town centre character area as identified within the Ardee Local Area Plan. Policies ATC2 and ATC 3 of the Ardee Local Area Plan support residential use within the town centre. The proposal which includes the introduction of residential use to the rear and at upper floors of an existing premises can be considered to be in compliance LAP policy in this regard. I consider that the proposed residential use would add to the overall mix of uses within the town centre of Ardee. At ground floor level the existing retail use which fronts onto Irish Street is maintained. The proposal is in accordance with the requirements of Policy EE8 of the LAP which seeks to retain active retail and service uses within the town centre in this regard. The proposal is therefore acceptable in principle.

7.3. Impact on Residential Amenity

Impact on Residential Amenity of Adjoining Property

- 7.3.1. The appellant owns, operates and lives to the rear of Mario’s takeaway Irish Street which is situated to the north of the appeal site at the opposite side of the existing laneway. Concerns are raised in relation to the impact of the proposal on the residential amenity of the existing property on grounds of overlooking/loss of privacy, noise and increased activity of the adjoining laneway. It is stated that the proposal is contrary to Policy ATC 4 of the Ardee Local Area Plan in this regard which seeks to safeguard residential from inappropriate new uses.
- *Overlooking / Loss of Privacy*
- 7.3.2. The proposed development includes the introduction of 3 no. windows and a door opening at ground floor level along the northern elevation of the proposed dwelling as illustrated within Drawing no J2020-003. No window openings are proposed at first floor level of the property.

- 7.3.3. The appellants south facing elevation includes 3 window openings at ground floor level. The appeal site is separated by the existing laneway of 3.5m in width. The third party appeal outlines that the proposed window opening for Bedroom no. 2 of the proposed dwelling unit and the hallway window opening directly overlook the windows of the appellants property.
- 7.3.4. In order to negate against overlooking/loss of privacy it is proposed to provide obscure glazing to Bedroom no. 2 and the window to the proposed hallway. I note the requirements of Condition no. 3 of Louth County Council's notification of decision to grant permission for the proposal which stipulates that the windows serving the hallway and bedroom no. 2 at ground floor level on the northern elevation of the proposed dwelling house unit (As shown on revised drawing no. J2020-002 submitted on the 10th of February 2021) shall be permanently glazed with obscure glass. I consider the requirements of this condition to be sufficient to negate against loss of privacy of the existing property to the north.
- 7.3.5. Within the grounds of appeal, I note that the appellant raises concerns in relation to potential loss of privacy from the proposed window opening for Bedroom no. 1. However, having regard to the siting of the proposed bedroom and the location of the proposed window opening relative to the adjacent property I do not consider that overlooking arises in this context.
- 7.3.6. In conclusion I consider that the proposal has been appropriately designed to negate against overlooking and potential privacy impact on the existing property to the north of the site.
- *Impact on Residential Setting /Devaluation of Property*
- 7.3.7. The third party appeal outlines that the proposal will impact on the residential setting of the appellants property through increased noise, light pollution, increased activity and general disturbance. It is stated that the proposed development will negatively impact on the existing character and setting of the appellant's property and will result in a substantive loss of the property's market value and attractiveness to future potential buyers.
- 7.3.8. The site is located within a town centre location within Ardee and zoned for town centre purposes. Residential development is encouraged in such areas to support compact growth.

7.3.9. I also have regard to the limited nature and scale of the proposed development which relates to change of use of an existing property to a dwelling unit and apartment. The works proposed are limited in scope and primarily comprise of internal alterations to the existing property. Construction related activities are restricted to daytime hours in accordance with the requirements of Condition no. 2 of Louth County Council's notification of decision to grant permission for the proposal and I consider that the requirements of this condition will negate against impact on the residential amenity of adjacent residential properties.

7.3.10. I do not consider at operational phase that a proposed residential use would impact on noise, light spillage, and general disturbance through either the siting of the proposed door to the dwelling unit or intensification of the use of the laneway to the extent that it would impact on the amenity of the adjacent residential property. I consider the provision of an active use at this location would enhance passive surveillance of the laneway.

7.3.11. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, 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.

- *Contrary to Policy ATC4*

7.3.12. The 3rd party appeal states that the proposal is contrary to Policy ATC 4 of the Ardee Local Area Plan which seeks *"to ensure that new development has proper regard to residential amenity. Regard will be given to safeguard residents from the inappropriate location of new uses and conditions of operations in certain areas"*.

7.3.13. In addressing compliance of the proposal with Policy ATC4 I note that the principle of residential development is established at this location and as earlier detailed I consider that the proposed development has been appropriately designed to negate against undue impacts on the adjacent property. I do not consider that the reference in Policy ATC4 to *"conditions of operations in certain areas"* arises in the context of a proposed residential use. I consider the proposed residential use to be compatible with the existing pattern of development in the area. I do not consider the proposal to be contrary to Policy ATC 4 of the LAP in this regard.

- *Conclusion*

7.3.14. Having regard to the above reasons and considerations, I do not consider that the proposal would impact on the residential amenity of the existing property to the north of the site or any other property in the vicinity.

Residential Amenity of Proposed Occupants

7.3.15. The amenity afforded to future residents of the scheme are also raised within the third party appeal. It is stated that the proposed residential unit and apartment unit do not comply with the relevant quantitative and qualitative standards for residential development as set out within local and national policy. Concerns are raised in relation to the internal dimensions of the rooms, the quality of the residential development in terms of access sunlight and daylight and the location and quality of the proposed private open space in this context.

- *Compliance with Residential Standards*

7.3.16. Table 4.5 of the Louth County Development Plan sets out internal space requirements for dwellings. The proposed dwelling is in accordance with the gross floor area, internal areas and floor to ceiling heights. The appellant raises concerns in relation to the width of the proposed living area as it is below the required standard of 3.6m. It is stated that the application proposes a cramped and narrow house layout on the basis of insufficient living room widths of c.2.7 m as illustrated on Drawing no. J2020-002. I note that the living room widths extend from 2.7m to 3.2m. Given the proposal relates to a conversion of an existing property I consider the proposed internal dimensions to be acceptable in this instance.

7.3.17. Quantitative standards for apartment units are set out within the Apartment Guidelines for Planning Authorities 2020. The proposed apartment unit at 96 sq.m. exceeds the overall minimum floor area standard of 63 sq.m., the minimum aggregate areas and widths for living/kitchen/dining rooms and bedrooms are in accordance with the guidelines.

7.3.18. I note the reference within the Apartment Guidelines to a floor to ceiling height of 2.7m at ground floor level. In other instances, the Guidelines refer to a minimum floor to ceiling height of 2.4m. A floor to ceiling height of 2.4m is indicated for the first floor apartment. For building refurbishment schemes on sites of any size the Guidelines

provides scope for planning authorities to exercise discretion on a case-by case basis, having regard to the overall quality of a proposed development. I consider the floor to ceiling height of 2.4m to be acceptable and in accordance with the requirements of the Apartment Guidelines.

7.3.19. The 3rd party appeal furthermore raises concern in relation to the quality of the living space and the bedroom units for the proposed apartment. Such concerns are raised on the basis of the single aspect nature of these spaces and the siting of bedroom 2 in proximity to ventilation units for the adjoining takeaway. I note that the apartment living room and bedroom 1 are east facing and bedroom 2 is west facing. I consider that the units will receive adequate light in this regard. I note the location of bedroom 2 above ventilation units of the takeaway. However, I consider that the onus is on the owner of the adjoining premises to ensure compliance with relevant environmental health standards in this regard. The appeal site is located within a town centre location and the use of upper floors of town centre buildings for residential purposes is supported within the policies of the Ardee LAP.

- *Daylight*

7.3.20. Concerns relating to the quality of daylight available to the proposed residential units are raised within the grounds of appeal. This issue was raised by Louth County Council within the request for further information.

7.3.21. Section 9.3.6 of the Ardee Local Area Plan outlines that *“where new buildings are located very close to adjoining buildings, the council may require that daylight and shadow projection diagrams be submitted. The recommendations of Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (B.R.E.1991) or B.S. 8206 Lighting for Buildings, Part 2 1992: Code of Practice for Day lighting should be followed”*.

7.3.22. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). As detailed above both documents are referenced in the Ardee Local Area Plan.

7.3.23. In relation to the BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for average daylight factor (ADF) that should be achieved, these are

2% for kitchens, 1.5% for living rooms and 1% for bedrooms, or where a room has a dual purpose the higher ADF value is recommended. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylight living room. This BRE 209 guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout, although if this room is primarily kitchen/dining, the higher ADF of 2% is generally considered to be the recommended ADF. Notwithstanding, the BRE guidance is intended to be applied flexibly, and is only one consideration in apartment/house design.

7.3.24. A Daylight Assessment prepared by Finegan Jackson was submitted in response to Louth County Council's request for further information. The following results are indicated:

Dwelling

- Bedroom 2 ground floor – ADF 1.08%
- Bedroom 1 ground floor – ADF 1.01%
- Kitchen/Dining/Living First Floor – ADF 1.56% - A case is made that the main living room only requires 1.5% and complies in this regard. It is furthermore stated that the area has a rooflight and long window to the gable end which wasn't factored in.

Apartment

- Bedroom 1: 1.7%
- Bedroom 2: 1.8%
- Living Room: 1.5%
- Kitchen/Dining Room: 2%: While it is not more than the desired ADF of 2% it is stated that roof light provided over the kitchen was not accounted for. It is also proposed to provide an additional Velux rooflight which will further enhance daylight levels.

7.3.25. The assessment concludes that on an overall basis the proposed units will receive adequate daylight.

7.3.26. In terms of the proposed dwelling unit, concerns relating to the access of the Bedroom no. 1 to daylight was raised by the planning authority on foot of the proposal for opaque glass to negate against overlooking. In response to the planning authority's concern in this regard an additional window was proposed on the southern elevation to provide additional light for the bedroom unit. I furthermore refer to the guidance set out within Section 5.3.4. of BRE209 in this regard which states that "*frosted glass often has an overall transmittance similar or slightly less than clear glass*".

7.3.27. On the basis of the information submitted I am satisfied that the proposed dwelling and apartment unit will provide an appropriate standard of daylight access for all habitable rooms. I consider that the proposed units will receive adequate daylight and has no objection to the proposed change of use on this basis.

- *Open Space*

7.3.28. The provision of private open space to serve the development was raised within Louth County Council's request for further information. Private open space is proposed to the rear of the existing properties as illustrated in Drawing no. J2020-004 submitted in response to Louth County Council's RFI. The open space is proposed to the west of the proposed dwelling and accessed via the existing laneway. A paved area is proposed for the apartment unit and a combination of soft landscaping and paved areas is indicated for the residential unit. Separate gated entrances are provided to each area of private open space. A total of 51 sq.m. is allocated for the proposed dwelling unit and 14.5 sq.m. is proposed for the apartment unit and refuse bin storage and cycle parking are indicated within the open space areas.

7.3.29. I note that the quantum of open space provided for the dwelling is in accordance with the quantitative standards set out within the Ardee Local Area Plan and private open space provision for the apartment is in compliance with the requirements set out within the Design Standards for New Apartment Guidelines 2020.

7.3.30. Concerns relating to the quality of the proposed private open space for the proposed residential units are raised within the third party appeal. In this regard it is stated that while the space exceeds the relevant standards that the proposed amenity space includes bike and bin storage areas which diminishes the net amount of area

available as function amenity space. It is stated that the position and orientation of the amenity space gives rise to qualitative concerns. Reference is made to Section 3.35 and 3.36 of the Apartment Guidelines which states that balconies should have a functional relationship with the main living areas of the apartment and the appellant states that the detached nature of the proposed amenity space contravenes this Guideline objective. It is stated that the yard in which the proposed private open space is provided is enclosed and dominated by surrounding buildings, walls and surrounding buildings resulting in a space that will be poorly lit and physically and visually confined.

- 7.3.31. In considering the grounds of appeal, I acknowledge the circuitous route from the proposed apartment unit to the open space area but having regard to the nature of the proposal which relates to the change of use of an upper floor of an existing town centre commercial property and limitations in relating to the provision of open space which is physically linked to the apartment unit, I consider the private amenity space to be acceptable in this instance. I refer to Section 3.39 of the Apartment Guidelines to relaxation of private open space requirements for building refurbishment schemes. I do not consider the proposed private amenity space could be considered contrary to national policy in this regard.
- 7.3.32. The appeal furthermore raises concern in relation to the siting of the open space and outlines that the proposed amenity space will result in permanent subdivision and isolation of the western portion of the applicant's property and the material alteration of the historic linear burgage plot pattern in contravention of Policy ATC12. Policy ATC12 seeks to encourage development which retains existing burgage plots, laneway pattern and building lines. In response to this point I note that such lands are within the ownership of the applicant, are currently separated from the appeal site by existing planting and as clarified in response to the planning authority's request for further information there are no plans for the development of these lands. I do not consider the proposal for open space adjacent to the sites western boundary to constitute a scale or format of development which is contrary to Policy ATC12 of the LAP in this regard.
- 7.3.33. Having regard to the above reasons and considerations, I consider the quantum, siting and quality of the proposed private open space to be acceptable.

7.4. Other Issues

Archaeology

- 7.4.1. The appeal site is located within an Architectural Conservation Area and a Zone of Archaeological Potential as illustrated within the Ardee Objectives Map. The third party appeal outlines that Policy NBE30 of the Development Plan requires applicants to include an assessment of likely archaeological potential of their site as part of planning applications for all development within the area.
- 7.4.2. Reference is made to the extent of potential excavation works to facilitate the new front door steps within the alley and paved amenity spaces to the rear of the site have not been appropriately clarified.
- 7.4.3. In responding to the grounds of appeal the Louth County Council outlined that the submission of an on-site archaeological assessment was not considered necessary having regard to the nature of the proposed development which relates to internal modifications to existing buildings and external works do not involve any substantial ground excavation works.
- 7.4.4. Having regard to the nature and scale of the proposal, I agree with the conclusions of the planning authority in this regard and do not consider that an archaeological assessment is required in the instance of the subject application.

7.5. Appropriate Assessment

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

8.0 Recommendation

- 8.1. I recommend that permission is granted for the proposed development in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020, the Ardee Local Area Plan, Louth County Development Plan, the existing pattern of development in the area, and the nature of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would provide an acceptable level of residential accommodation and would contribute to the overall zoning objective of the site. 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 on the 14th of September 2020 as amended by the further plans and particulars submitted on the 17th of December 2020 and the 10th 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 and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed windows serving the hallway and bedroom no. 2 at ground floor level on the northern elevation of the proposed dwelling house shall be permanently glazed with obscure glass.</p> <p>Reason: In the interest of residential amenity</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p>

	Reason: In the interest of public health.
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>

Stephanie Farrington
Senior Planning Inspector

27th of July 2021