



An  
Bord  
Pleanála

## Inspector's Report ABP-309885-21

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<b>Development</b>	Retention permission for a second-floor balcony and alterations to previously approved windows sizes to the rear elevation and associated site development works.
<b>Location</b>	Sandymount, Blackrock, County Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	20722.
<b>Applicants</b>	Tom & Carole MacGuinness.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellant</b>	Eamonn McConvey.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> day of May, 2021.
<b>Inspector</b>	P.M. Young.

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## 1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.0321ha and it is situated on the eastern (seaward side) of the heavily trafficked R172 c340m to the north of its junction with Rock Road and c1.6km from its junction with Hardy's Lane which provides connection to the R132 Inner Relief Road on the northern outskirts of Blackrock, in County Louth.
- 1.2. The site contains a recently constructed two and a half storeys dwelling which is setback from the R172 by a mainly hard surfaced area accommodating an area for off-street car parking.
- 1.3. To the rear the site benefits from direct pedestrian access onto the Irish Sea shoreline at a point where there is a small rocky cove.
- 1.4. The main open space amenity serving the subject dwelling is in the form of balconies and an area of hard landscape between the main rear elevation and its shorefront boundaries.
- 1.5. The site is bound by mature residential dwellings to the north and south.
- 1.6. The subject property forms part of a scenic shoreline that has a strong residential character containing many period properties. This area benefits from panoramic views over Dundalk Bay. In addition, the site is situated over 4km to the south east of the historic centre of Dundalk.

## 2.0 Proposed Development

- 2.1. Retention permission is sought for a second-floor balcony and alterations to previously approved windows sizes to the rear elevation and associated site development works.
- 2.2. On the 18<sup>th</sup> day of February, 2021, the applicant submitted their further information response which essentially amended the 1<sup>st</sup> and 2<sup>nd</sup> floor balconies to include 1.8m high permanent obscure glass panelled screen on their southern side. In addition, a photomontage of this amendment is provided and as their further information response in their view includes no significant amendment it advises that no new public notices are required.
- 2.3. In respect of the public notices, I note that the Planning Authority concurred with this conclusion and no new public notices were sought.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 11<sup>th</sup> day of March, 2021, the Planning Authority **granted retention permission** subject to 2 no. conditions. Of note is the requirement of Condition No. 2. It states:

*“Within 3 months of the date of this permission the obscure glazed screens as shown on drawing numbers 3878-FI-004 and 3878-FI-005 received 18<sup>th</sup> February 2021 shall be erected and permanently retained thereafter. Details shall be submitted for the written agreement of the Planning Authority”.*

The stated reason for this condition is: *“in the interests of orderly development”.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The final Planning Officer’s report, dated 2<sup>nd</sup> day of March, 2021, considered that the amended architectural drawing showing that the 1<sup>st</sup> and 2<sup>nd</sup> floor balconies contained 1.8m in height obscure glazing screens on their southern side was acceptable as this provided an appropriate level of screening to protect the amenities of the adjacent property from overlooking was acceptable subject to this being maintained permanently *in situ* which it concluded could be achieved by way of condition. This report concludes subject to such a condition that the development sought under this application was acceptable and a recommendation for a grant of retention permission is made.

The **initial Planning Officer’s report**, dated the 2<sup>nd</sup> day of November, 2020, considered that whilst the works carried out are acceptable in terms of their scale, proportions and overall impact on the existing dwelling as well as the surrounding area; however, it is considered that the design of the balconies and the degree of overlooking from the onto the private amenity area of the dwelling to the south is unacceptable and if permitted would be contrary to Section 6.6.7 of the Dundalk and Environs Development Plan, 2009 to 2015, which is the applicable plan. It therefore concludes with a request for further information on the following two items:

*Item No. 1:* Revisions sought to the design of the balcony subject of this application so that it included obscure glass panelled screen of 1.8m in height from the finished floor level on the southern side of the 1<sup>st</sup> and 2<sup>nd</sup> floor balconies.

*Item No. 2:* Revised public notices sought.

### 3.2.2. **Other Technical Reports**

None.

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. During the course of the Planning Authority's determination of this application a submission was received from the appellant in this appeal case raising concerns that the development sought under this application has seriously impacted their residential amenities by way of diminishment of their privacy, diminishment of their security and these works in their view have devalued their property. Of additional concern the applicants carried out these works in the absence of permission and in the absence of any dialogue with them.

## 4.0 **Planning History**

### 4.1. **Site**

4.1.1. **P.A. Ref. No. 1586:** On the 23<sup>rd</sup> day of June, 2015, planning permission was **granted** subject to conditions for a development consisting of the demolition of existing houses and the construction of a new two and a half storey dwelling house, amended vehicular and pedestrian access arrangement onto the public road together with all associated site works and services.

### 4.2. **Setting**

4.2.1. None relevant.

## 5.0 Policy Context

### 5.1. Local Planning Policy Provisions

#### 5.1.1. Louth County Development Plan, 2015 to 2021.

The Louth County Development Plan is the overarching Development Plan for County Louth and it includes the administrative area of the former Dundalk Town Council including Blackrock Village.

This appeal site is located within the settlement of Blackrock which is located within the environs of the town of Dundalk.

The said Development Plan states that the Dundalk and Environs Development Plan, 2009 to 2015, will be replaced by a Local Area Plan. This is supported by Policy SS 3 of the said Development Plan which states that the Planning Authority will seek “to review the Dundalk and Environs Development Plan 2009 – 2015 and to prepare a Local Area Plan for Dundalk and Environs which will be consistent with the provisions of the County Plan”; however, such a plan has yet to be adopted.

As such the Dundalk Town & Environs Development Plan, 2009 to 2015, as varied and amended, is the most recent zoning framework for the area and under this Plan the site and its setting is situated on land that is zoned ‘Residential 1’.

The zoning objective for ‘Residential 1’ is: “to protect and improve existing residential amenities and to provide for infill and new residential development” and of note the Town & Environs Development Plan stated that infill sites are excluded from the phasing requirements set out in the Core Strategy of the Plan.

In respect of extensions to residential properties Section 6.6.8 of the Development Plan indicates that these should not detrimentally affect the scale, appearance, and character of the existing dwelling; conflict with the existing building in terms of materials and finishes; cause any overshadowing or overlooking on adjoining properties through should not lead to a reduction in garden size of less than 25% or 25m<sup>2</sup> whichever is greater.

In relation to balconies Section 6.7.5 of the Development Plan indicates that these are not acceptable where they would directly overlook neighbouring habitable rooms or rear gardens.

The site lies on the seaward side of the Scenic Route 'SR1' (Coast Road, Blackrock Village). Along such routes the Development Plan indicates that the development must ensure that there are no significant alterations to the character of the area and that careful account is had to the siting, design, and landscaping of the proposed development. Policy CH6 of the Development Plan reiterates this in stating: "*have regard to the scenic route when assessing proposed development and ensure that development proposals do not interfere with or adversely affect the amenity value of the scenic route*".

## 5.2. Natural Heritage Designations

- 5.2.1. The eastern boundary of the appeal site adjoins the Special Area of Protection: Dundalk Bay SPA (Site Code: 004026). In addition, the appeal site is located c8.6m to the west of Special Area of Conservation: Dundalk Bay SAC (Site Code: 000455).

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature, scale and extent of the development sought under this application, its location on serviced lands and the lack of any ground works associated with the development, I consider 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

- 6.1.1. The grounds of this 3<sup>rd</sup> Party Appeal can be summarised as follows:
- The appellants property adjoins the appeal site on its northern side.
  - Two large balconies have been constructed to the rear of the subject property which overlook the appellants property and the adjoining strand.
  - The parent grant of permission permitted a limited balcony at first floor level (Note: P.A. Ref. No. 1586).
  - The Planning Authority by way of further information sought the provision of a 1.8m screen on the southern side of the 1<sup>st</sup> and 2<sup>nd</sup> floor balconies yet no similar

provision was sought to address the appellants residential amenity impacts arising from these balconies.

- The first-floor balcony was not built in accordance with what was permitted. These works have resulted in significant overlooking, reduction in the appellants privacy, enjoyment of their residential amenities through to the value of their property.
- People regularly stand at the edge of the balconies to take in the seaward views, but they can also from this point look directly into the appellants property which in turns inhibits the appellants use of their garden.
- This development is contrary to local planning provisions for such developments.
- Balconies are out of character with this stretch of coastal development.
- The Board is requested to refuse retention permission for the development sought under this application on the grounds of injury to neighbouring amenity.

## 6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- The property subject of this application was constructed as a replacement dwelling on foot of a grant of permission P.A. Ref. No. 1586.
- When constructed a second-floor balcony was added to the building which did not benefit from planning permission. In addition, a single large first floor rear window serving a kitchen was also installed in place of two windows that were shown in the approved plans. This permission seeks retrospective permission for these changes.
- It would appear that the appellant is objecting to both the first and second floor balconies. The first-floor level balcony was approved as part of the parent grant of permission and is contended to accord with what was approved.
- The appellant did not object to the parent grant of permission which included a first-floor balcony, second floor windows and balcony panels.
- This application does not result in an additional injury to the appellants residential amenities.



- A degree of overlooking is both inevitable in this type of urban setting.
- Any views over the appellants property would be minimal.
- The view over the appellants property is of no particular interest in comparison to the views over Dundalk Bay.
- It is not accepted that the Planning Authority ignored the concerns raised by the appellant in their submission to them.
- This appeal fails to demonstrate why the local planning provisions did not provide the Planning Authority with a correct platform upon which to decide this application.
- This development is not contrary to local planning provisions.
- Balconies are not uncommon or incongruous features of houses on the eastern side of the Dundalk Road.
- Condition No. 2 of the Planning Authority's grant of permission comprehensively addresses the potential overlooking concerns raised by the appellant.
- The concerns raised in relation to noise nuisance is subjective and unsubstantiated.
- The appellant raises no concerns in relation to amended window.
- The applicant raises no objection to the provision of additional 1.8m high obscured glazing panel on the northern edge of the second-floor balcony.

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

6.3.1. The Planning Authority's response can be summarised as follows:

- As part of their determination regard was had to planning history of the site.
- This application sought to retain works and alterations carried out in a manner that deviated from the grant of permission P.A. Ref. No. 1586.
- Regard was had to the site's setting and its character adjacent to Dundalk Bay and the public beach.
- Regard was had to potential residential amenity impact.

- It was considered that subject to safeguards that works were generally compliant local planning provisions.
- The Board is requested to uphold its decision.

## 7.0 Assessment

### 7.1. Preliminary Comment

- 7.1.1. In respect of this appeal case before the Board it consists of an application which consists of '*permission for the retention*' of specified existing development that has already been carried out on site. I therefore consider it incumbent to note that on the matter of permission for retention the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with such applications they must be considered "*as with any other application*". This is in accordance with planning law and with proper planning practice. In that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed. Therefore, no account can, or should, be taken of the fact that the development, which in this comprises of a second floor balcony and alterations to window sizes in the rear elevation of the subject dwelling, have already taken place.
- 7.1.2. In respect of the procedural concerns raised by the appellant in relation to the Planning Authority's handling of this application. In particular, in relation to the concerns raised that they did not have appropriate regard to relevant local planning provisions that are applicable to such applications I note that the Board does not have an 'ombudsman' type role in its adjudication of this appeal case and it is tasked by way of their 3<sup>rd</sup> Party appeal to assess this appeal on an entirely *de novo* basis.
- 7.1.3. In respect of the matter of whether or not previous grants of permission have been complied with, whilst it is necessary to have some note of the first floor balcony in my assessment below by virtue of it being included in the further information and also included in the requirements set out under Condition No. 2 of the Planning Authority's notification to grant retention permission I consider that this matter is primarily an enforcement matter for the Planning Authority to deal with as they see fit. As such I consider that these concerns should be directed to them to investigate and where determined appropriate to them to take necessary enforcement proceedings in order

to ensure compliance with the parent grant of permission, in particular that its conditions have been complied with fully.

## 7.2. Main Assessment

- 7.2.1. By way of this application retention permission is sought for a second-floor balcony and alterations to previously approved windows sizes to the rear elevation and associated site development works to a dwelling house that was permitted on foot of a grant of permission P.A. Ref. No. 15/86.
- 7.2.2. The original application was submitted to the Planning Authority on the 17<sup>th</sup> day of September, 2020; and, was subsequent to this amended by way of the applicant's further information response which was submitted to the Planning Authority on the 18<sup>th</sup> day of February, 2021.
- 7.2.3. This further information response sought to address concerns raised by the Planning Authority on the matter of adverse residential amenity impact of this development on the neighbouring property to the south from both the first and second floor balconies. On this matter the Planning Authority advised revisions to be made by the applicant that allowed for the construction of a 1.8m in height obscure glass panelled screen on the southern side of first and second floor balconies of the subject property.
- 7.2.4. I am cognisant that the first-floor balcony does not form part of this application for retrospective permission and on foot of the further information no revised public notices were provided that included for the omission of a high stone wall that extended from ground floor level to c1.8m above the first-floor level balcony on its southern side and the installation of a 1.8m in height obscure glass panelled screen in its place.
- 7.2.5. This screening solution that formed part of the design resolution of the subject property as permitted I acknowledge offered a higher quality screening solution for safeguarding the residential amenities of the property to the south from overlooking and visual overbearance from this first-floor balcony structure, particularly in terms of mitigating residential amenity impact on the adjoining property to the south. It also provided a visual buffer of the raised rear ground floor level. This is over and above what now appears to be proposed.
- 7.2.6. In addition to this I observed that the southern and rear elevation of the subject property is very legible from the R172 the views from which are afforded protection under the applicable local planning provisions as scenic route 'SR1' (Coast Road,

Blackrock Village). As such this stone screening structure reduced the visual legibility of such a significant first floor balcony addition in a stretch of coastline where these are not a common feature and where balconies are present with views of and from public areas as well as the scenic route these are more modest in their overall dimensions and size. As such they are less visually dominant a feature when viewed, particularly from the public domain of the scenic road and public amenity spaces.

- 7.2.7. The loss of this screen is in my view not just detrimental to the appreciation of the subject property in its highly scenic and sensitive to change setting. More importantly the replacement proposed is less qualitative and provides less robust mitigation measures to abate the level of overlooking and reduction of privacy that would arise from the first-floor balcony and the raised ground floor level of the subject property on the adjoining property to the south.
- 7.2.8. On this matter I also note that the parent grant of permission did not for some reason include any screening to reduce the level of overlooking and the reduction in privacy that would arise over and above the context that existed prior to the demolition of the two vernacular properties that previously occupied the subject site from the addition of open space amenity at first floor level. I accept that this has and does result in a diminishment of residential amenity for the appellant. Particularly in terms of the use of his private amenity space to the side and rear of his property.
- 7.2.9. Whilst I consider that the first-floor balcony in its current form does deviate from the parent grant of permission having examined the available document; notwithstanding, this application unfortunately does not seek to address this matter by way of retrospective permission. Moreover, there is also the issue of the absence of public notices that includes the first-floor balcony and the amendments sought to it into the scope of the development sought under this application. I therefore consider that Condition No. 2 of the Planning Authority's notification to grant permission can not be used as a vehicle to address non-compliance with a previous grant of planning permission where no such solution is sought even where it is evident that this component of the development deviates from what was permitted.
- 7.2.10. In relation to the amendment of windows at first floor level I consider that whilst the provision of one larger in glazed area window in place of two windows permitted under the parent grant of permission is somewhat out of character with the pattern of solid

to void ratio present in the design of the rear elevation of the subject property in that it is in terms of glazed area and its dimensions significantly larger than any other window present on the rear elevation. Notwithstanding, its placement and dimensions do in part echo the alignment of the windows at ground floor level below it due to its southernmost and northernmost end corresponding with the two windows directly below. In addition, the 2<sup>nd</sup> floor window above it is centrally positioned relative to it. These design interventions in my view help to harmonise this significant large picture window into the overall rear elevation more successfully.

- 7.2.11. I also consider that this window would not give rise to any additional residential and/or visual amenity impact on either property adjoining it to the north and south nor on the public amenity quality of the adjoining shoreline or indeed as viewed from the SR1 scenic route.
- 7.2.12. In relation to the second-floor balcony subject of this application I am cognisant that the parent grant of permission included three false balconies on the three windows at second floor level. In place of the false balconies, the applicants have at some point in the recent past constructed a 2<sup>nd</sup> floor balcony that extends a significant 9.265m along most of this floor level and with this balcony having a variable width ranging from 2.008m at its narrowest point to 2.639m at its widest point. This new insertion and amendment to the dwelling permitted under P.A. Ref. No. 15/86 is accessed via a study room and via a large games room.
- 7.2.13. By way of the further information the Planning Authority sought that a 1.8m high obscure glazing panel be provided at its southern end. This I consider was reasonable given the significant additional overlooking and diminishment of privacy that is very likely to have arisen from this structure for the property to the south.
- 7.2.14. In terms of the appellants property direct views to their property and its associated amenity space is by and large screened by the northernmost rear gabled projection that accommodates a reading room at second floor level alongside a false balcony with seaward views. At its northernmost point it would appear that this balcony projects c350mm from the rear elevation of the aforementioned gable. This balcony also has an oblique alignment tapering in a southerly direction from this point to where it terminates c2.6m to the east of the furthest double doors serving the games room.

- 7.2.15. As such the potential for direct overlooking and oblique angled overlooking of the appellants property is not as significant as that arising to the property to the south. However, arguably this balcony taken together with the first-floor balcony adds to the perception of being overlooked and a level of overlooking that I accept is significantly above that of the context prior to the grant of permission for the demolition of the two dwellings that previously occupied this site and similarly having regard to what was permitted under the parent grant of permission. Moreover, it also gives rise to a greater perception and sense of visual overbearance as viewed from outside the site.
- 7.2.16. I acknowledge that the subject property is a substantial dwelling over three floors, and it is on a highly constrained site which results in limited open space amenity for its occupants. It does however benefit from a raised rear ground floor level and a significant in size permitted balcony at first floor level.
- 7.2.17. Subject to the provision of the 1.8m obscure glazing panel along the entirety of its southernmost end which would protect the property to the south from overlooking and visual overbearance. Together with the 1.8m obscure glazing panel along the northernmost end of this balcony where it projects, I consider that these measures would ensure that no significant adverse residential amenity impact would arise on properties in its immediate vicinity.
- 7.2.18. In terms of the northernmost obscure glazing panel recommended for the second floor balcony subject of this application given the height of this balcony relative to the appellants property alongside the close proximity of this balcony addition to the southern side garden of the appellants property together with the design of this balcony being such that it has the potential to give rise to additional overlooking directly into their property I consider that this small amendment is reasonable and appropriate in this context where the land use zoning objective clearly sets out that it seeks to protect existing residential amenities.
- 7.2.19. In terms of other nuisances that would arise the appellant raises concerns in respect of noise. On this particular concern I consider that there is a level of noise that is to be expected in such a mature site context alongside having regard to the fact that these properties also adjoin an area of coastline that is open for public recreational use. I therefore do not consider that the noise levels associated with the use of the subject dwelling would be such that it would sustain or merit a refusal of permission

based on lack of any evidence to substantiate that the noise nuisance would be such that it would give rise to serious residential amenity impact.

7.2.20. Taking the above matters into account, subject to the safeguards set out above, I consider that the proposed development would not give rise to any serious residential and/or visual amenity impact; and, that it would accord with the proper planning and sustainable development of the area.

### 7.3. Other Matters Arising

7.3.1. **Surface Water Drainage:** Should the Board be minded to grant permission for the proposed retention development sought under this application it is recommended that a condition be included that clarifies the capture of surface water arising from the second-floor balcony and that this can be appropriately dealt with by the existing provisions on site.

7.3.2. **Devaluation of Property:** There is no expert evidence to substantiate that this development would result in a devaluation of the appellants property value.

### 7.4. Appropriate Assessment

7.4.1. Having regard to the subject matter of this application which essentially relates to the retention of a second floor balcony and alterations to previously approved window sizes from two windows to one window serving a first floor level kitchen to an existing recently permitted dwelling house on the subject site, it is considered that in view of the modest nature, scale and extent this proposed retention development despite the eastern boundary of the appeal site adjoins the Special Area of Protection: Dundalk Bay SPA (Site Code: 004026) and the fact that it is located c8.6m to the west of Special Area of Conservation: Dundalk Bay SAC (Site Code: 000455) and having regard to the additional surface area of the balcony which has the potential to give rise to additional surface water run-off opportunities on site, these can be dealt with in the confines of this serviced site and are not anticipated would result in adverse effect on the conservation objectives of either Dundalk Bay SPA & Dundalk Bay SAC in terms of the maintenance of habitats and species within these European sites at a favourable conservation condition.

7.4.2. In addition, it would be also appropriate by way of condition to seek that any transparent glazing used on this balcony is non-reflective so that no visual glare arises for species protected in the European sites adjoining and in close proximity to the site.

This I consider is important given that the adjoining Dundalk Bay SPA for a wide number of wetland and waterbirds (Note: A999) that are the qualifying interests of this European site with Dundalk Bay being an important wintering habitat for these birds. They are listed as follows:

- A005 Great Crested Grebe *Podiceps cristatus* wintering
- A043 Greylag Goose *Anser anser* wintering
- A046 Light-bellied Brent Goose *Branta bernicla hrota* wintering
- A048 Shelduck *Tadorna tadorna* wintering
- A052 Teal *Anas crecca* wintering
- A053 Mallard *Anas platyrhynchos* wintering
- A054 Pintail *Anas acuta* wintering
- A065 Common Scoter *Melanitta nigra* wintering
- A069 Red-breasted Merganser *Mergus serrator* wintering
- A130 Oystercatcher *Haematopus ostralegus* wintering
- A137 Ringed Plover *Charadrius hiaticula* wintering
- A140 Golden Plover *Pluvialis apricaria* wintering
- A141 Grey Plover *Pluvialis squatarola* wintering
- A142 Lapwing *Vanellus vanellus* wintering
- A143 Knot *Calidris canutus* wintering
- A149 Dunlin *Calidris alpina* wintering
- A156 Black-tailed Godwit *Limosa limosa* wintering
- A157 Bar-tailed Godwit *Limosa lapponica* wintering
- A160 Curlew *Numenius arquata* wintering
- A162 Redshank *Tringa totanus* wintering
- A179 Black-headed Gull *Chroicocephalus ridibundus* wintering
- A182 Common Gull *Larus canus* wintering



- A184 Herring Gull *Larus argentatus* wintering

7.4.3. Subject to appropriate conditions dealing with the matters of drainage and glazing treatment, which would be standard for such a development at such a location, I consider that, 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 in this case, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in this case.

## 8.0 Recommendation

8.1. I recommend that retention permission be granted.

## 9.0 Reasons and Considerations

Having regard to the nature, scale and design of the development sought under this application, the pattern of development in this area alongside the high scenic amenity of the site's setting on the seaward side of the R172, a designated scenic route, it is considered, subject to the conditions set out below, that this development would not seriously injure the amenities of adjoining residential property; it would not detract from the visual amenities of the area or detract from the character of the area or protected views from this stretch of the R172; and it would be consistent with the policies and objectives of the Louth County Council Development Plan, 2015 to 2021, and the Dundalk and Environs Development Plan, 2009 to 2015. For these reasons and considerations, the Board is satisfied that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In addition to the above following an Appropriate Assessment, it has been determined that the proposed retention development, either individually or in combination with other plans or projects would not adversely affect the integrity of the any European site, in view of the sites Conservation Objectives, in particular the Special Area of Protection: Dundalk Bay SPA (Site Code: 004026) which adjoins the eastern boundary of the site and the Special Area of Conservation: Dundalk Bay SAC (Site Code: 000455) which is located in close proximity to the east of the site, subject to

appropriate standard mitigation measures in relation to surface water and the use of non-reflective glazing.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 18<sup>th</sup> 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. It is considered that details of the development described in the public notices submitted for permission as part of the original application and the details of the development as put forward in the further plans and particulars submitted on the 18<sup>th</sup> day of February, 2021, differ materially from each other in that the further plans and particulars submitted now includes amendments to a first floor balcony that has been constructed in a manner that materially differs from that permitted under P.A. Ref. No. 15/86. The Board is, therefore, precluded from granting permission for the amendments proposed to the first-floor balcony set out in the further plans and particulars.

**Reason:** In the interest of clarity.

3. Within 3 months of the date of this permission obscure glazed screens of a 1.8m height and a width that matches the full extent of the southern and northern sides of the second-floor level balcony shall be erected and permanently retained thereafter. Details of this shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interests of orderly development and in the interests of residential and visual amenities.

4. Within 3 months of the date of this permission the developer shall provide non-reflective transparent glazing for the eastern side of the second-floor balcony where this is not already in place. Details of this shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interests of orderly development and in the interests of maintenance of species within the adjoining SPA at a favourable conservation condition.

5. All surface water drainage disposal arising from the first-floor balcony, shall comply with the requirements of the Planning Authority for such works and services. Details of this shall be submitted for the written agreement of the Planning Authority within 3 months of the date of this permission.

**Reason:** In the interest of public health.

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Patricia-Marie Young

Planning Inspector

17<sup>th</sup> day of May, 2021.