



An  
Bord  
Pleanála

## Inspector's Report ABP-310039-21

### Development

Renovation and extension of an existing vernacular cottage to provide a single storey 2 bedroom detached dwelling; alteration of existing site entrance to provide two separate vehicle entrances; provision of new parking area for cottage and alterations to parking area of existing main house; alterations to the first floor south facing bedroom window of existing main house; removal of Condition 2 of the parent application (P.A. Ref. No. 00/4046) pertaining to the restriction on habitation of the existing cottage. In addition, planning permission is also sought for new boundary treatments; new detached domestic garage; removal of existing glass house; installation of wastewater disposal system and new soakaway together with all ancillary site works and services.

### Location

Ninch, Minnistown Road, Laytown, County Meath.

<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	21192.
<b>Applicant(s)</b>	Patrick Kiernan.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse.

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Patrick Kiernan.
<b>Observer(s)</b>	None.

<b>Date of Site Inspection</b>	28 <sup>th</sup> day of May, 2021.
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<b>Inspector</b>	P.M. Young.
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# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	7
3.3. Prescribed Bodies .....	8
3.4. Third Party Observations .....	8
4.0 Planning History.....	8
5.0 Policy & Context .....	9
5.2. Natural Heritage Designations .....	10
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Planning Authority Response .....	12
7.0 Assessment.....	12
8.0 Recommendation.....	22

## 1.0 Site Location and Description

- 1.1. The appeal site has a given site area of 0.376ha and it is located in Ninch, a small cluster of c19 dwelling houses, located approximately c343m to the northwest of the East Meath United Football Club Grounds, c1.9km to the east of the R132 and c1.5km to the historic centre of Laytown (Note: R150 (Station Road)), respectively as the bird would fly, in east County Meath.
- 1.2. The site contains a dormer style dwelling that would appear to date to the early 2000's and which is set c25m from its entrance onto the public road. In close proximity, though setback from the principal façade and the southern elevation of this dwelling, there is a detached garage. The appeal site also contains a number of ancillary structures including in the south easternmost corner of the site a modest single storey vernacular cottage building which maintains a period cast iron painted pedestrian gate that provides an additional form of access for the occupants onto the public road. This structure is in poor condition though forms an attractive feature due to its vernacular built form and palette of materials within this mature landscaped site.
- 1.3. The site is bound by existing residential development to the north and south as well as on the opposite side of the local road which at this point has a restricted speed limit of 60kmph and has a meandering horizontal as well as vertical alignment. The boundary of the site consists mainly of mature planting with the southern boundary being particularly dense containing mature trees. Towards the rear boundary of the site the land slopes gently downwards before meeting an indigenous hedgerow. To the west of which is agricultural farmland.
- 1.4. The surrounding landscape has a gentle undulating drumlin type character and there is a predominance of one-off detached dwellings and clusters of detached dwellings within the site's immediate setting.
- 1.5. This area is in easy reach of a number of settlements. As said Laytown which is located in close proximity to the east, Bettystown is also located to the northeast and the outskirts of Drogheda lies in close proximity to the north. The site is also within easy reach of the M1 Corridor and the Dublin to Belfast rail corridor with the nearest station located in the settlement of Laytown.

## 2.0 Proposed Development

2.1. Planning permission is sought for the renovation and extension of an existing vernacular cottage in order to provide a single storey 2 bedroom detached dwelling house. The proposed renovations to the cottage include:

- Provision of a new window on the north façade;
- Alteration of the existing entrance door on the north facade to provide a new window; and,
- Replacement windows throughout, internal alterations and all necessary sensitive repairs to existing roof and walls.

In addition, planning permission is also sought for:

- Alteration of an existing site entrance and the provision of two separate vehicle entrances;
- Provision of new parking area for cottage;
- Alterations to the parking area of the main dwelling;
- Alteration of first floor south facing bedroom window of the main dwelling;
- Removal of Condition 2 of the parent application (P.A. Ref. No. 00/4046) pertaining to the restriction on habitation of the existing cottage;
- Provision of new boundary treatments;
- Construction of a new detached domestic garage;
- Removal of an existing glass house;
- Installation of wastewater disposal system and new soakaway; and,
- All associated landscaping, drainage, site development works and services.

According to the Planning Application Form provided the gross floor space of existing buildings relating to this application: existing cottage – 40m<sup>2</sup>; main house and garage – 303m<sup>2</sup> and the glass house 16m<sup>2</sup>. In respect of the gross floor space of the proposed works relating to this application: extension - 90m<sup>2</sup> (Note: this relates to the cottage structure) and new garage 15m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Planning permission was refused for the following stated reasons:

- “1. *The proposed development is located within a rural area ‘Under Strong Urban Influence’ where it is a requirement for applicants to (i) comply with the Local Needs Qualifying Criteria as outlined in Section 10.4 of the Meath County Development Plan 2013-2019 (as varied) and to (ii) demonstrate a rural housing need. It is considered, based on the information submitted, that the applicant has not established a site specific rural generated housing need for a dwelling in this location, given the applicant already owns a dwelling in a rural area. The proposed development would be contrary to the policy of the Sustainable Rural Housing Guidelines for Planning Authorities and the Meath County Development Plan 2013-2019 (as Varied) and would, therefore, be contrary to the proper planning and sustainable development of the area and would establish a very undesirable future precedent.*
2. *It is a policy (RD POL 43) of the Meath County Development Plan 2013-2019 (as varied), “To ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside”.*

*Having regard to the failure of the particulars submitted with the application to demonstrate visibility splays in accordance with the requirements the Local Planning Authority is not satisfied on the basis of the information submitted that safe unobstructed stopping sightlines can be provided to the required standards. Accordingly, to permit the proposed development would endanger public safety by reason of a traffic hazard, would be contrary to the aforementioned policy provisions of the Meath County Development Plan 2013-2019 (as Varied), and thereby contrary to the proper planning and sustainable development of the area.*

3. *It is a policy (RD POL 46) of the Meath County Development Plan 2013-2019 (as varied), "To ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. Sites prone to extremely high water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided".*

*On the basis of the failure of the subject application to demonstrate that the existing development to be retained meets the minimum standards as set out in '2009 Environmental Protection Agency Code of Practice'. The Planning Authority is not satisfied that the subject site can cater for the safe and effective treatment and disposal of effluent in accordance with the necessary standards.*

*Therefore, the proposed development would be prejudicial to public health and would therefore be contrary to the aforementioned policy of the County Development Plan 2013-2019 (as varied) and would furthermore be contrary to the proper planning and sustainable development of the area."*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The **Planning Officer's report**, dated the 26<sup>th</sup> day of March, 2021, is the basis of the Planning Authority's decision and it includes the following comments:

- The applicant would be applicable to the provisions set out in the Development Plan relating to vernacular buildings and replacement dwellings (Note: Section 10.15.1) and local needs are not required in this case.
- The principle of the development is acceptable; however, concern is raised in relation to Condition No. 2 of the parent grant of permission (P.A. Ref. No. 00/4046).
- The existing grant of permission was for one planning unit and therefore the removal of Condition No. 2 would be subject to the local need's justification. Therefore, as the applicant is residing in the dwelling to the north the applicant does not meet the local need criteria for a rural dwelling.

- The proposed development would restore an existing disused vernacular building and the design for which is considered to be acceptable.
- No adverse residential amenity impact would arise for properties in its vicinity.
- Reference is made to the interdepartmental reports.
- There would be sufficient private amenity space to facilitate the development.
- Surface water drainage shall comply with BRE Digest 365.
- No flooding issues on site.
- No appropriate assessment issues arise.
- No environmental impact assessment issues arise.
- This development would be subject to Section 48 Development Contributions.

This report concludes with a recommendation to refuse planning permission.

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

**Transportation:** In a report dated the 25<sup>th</sup> day of March, 2021, the Planning Authority's Transportation Department, raised concerns that the applicant has not demonstrated the required sightlines. It is therefore considered that the proposed development would result in a traffic hazard and could result in rear end type accidents. Refusal of permission is therefore recommended.

### 3.3. **Prescribed Bodies**

3.3.1. None.

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

3.4.1. None.

## 4.0 **Planning History**

### 4.1. **Site:**

**ABP Ref. No. 17.123760 [P.A. Ref. No. 00/4046]:** Planning permission was **granted** subject to conditions for a development consisting of the construction of a detached



dormer style dwelling with four habitable rooms on the ground floor and three bedrooms over. The dwelling would have a given floor area of approximately 210m<sup>2</sup>. The existing cottage would be converted into a domestic garage and wastewater treated by a proprietary biocycle treatment system together with all associated works. Of particular relevance to this appeal is Condition No. 2 which reads:

*“Upon the first occupation of the proposed house, the existing cottage shall not be used at any time for human habitation or for any purposes other than for purposes incidental to the enjoyment of the house.*

*Reason: In the interest of residential amenity and the proper planning and development of the area.”*

## 5.0 Policy & Context

### 5.1. Local Planning Provisions

- 5.1.1. The **Meath County Development Plan, 2013 to 2019**, is the applicable Development Plan, under which this appeal site is located on land identified as within a ‘*Rural Area under Strong Urban Influence*’. In general dwellings within this area are subject to a demonstrating compliance with policies and provisions relating to such areas including but not limited to policy RD POL 1 which seeks that an applicant satisfies the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria and under policy RD POL 2 to channel urban generated housing towards towns and villages. Standards for dwellings in the rural areas of Meath are subject to demonstrating compliance with the Meath Rural House Design Guide.
- 5.1.2. Section 9.6.14 of the Development Plan acknowledges the value of vernacular architectural heritage and that these are the most sustainable forms of construction, built with local materials in a style responding to the local conditions.
- 5.1.3. Section 10.15 of the Development Plan deals with the matter of vernacular rural buildings as well as replacement dwellings. It indicates that a key component of the rural landscape of Meath is the built legacy of traditional dwellings and buildings with many of these having been neglected in preference for new dwellings.

- 5.1.4. Section 10.16.2 of the Development Plan deals with the matter of regional and country roads and indicates that new housing in rural areas is located in a manner that avoids endangering public safety by way of traffic hazard. It includes a number of policies including:

RD POL 38: Which seeks: *“to ensure that all development accessing off the county’s road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard”*.

- 5.1.5. Section 10.16.3 of the Development Plan sets out development assessment criteria for regional and county roads. It encourages maximising the use of existing entrances and avoiding unnecessary new accesses alongside ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrances and users of the public roads so that opportunities for conflicting movements are avoided.

- 5.1.6. Policy RD POL 44 of the Development Plan seeks: *“to ensure that new development meets the highest standards in terms of environmental protection”*.

## **5.2. Natural Heritage Designations**

- 5.2.1. The nearest European sites are the River Nanny Estuary and Shore Special Protection Areas (Site Code: 004158) which is located c0.8km to the south and the Boyne Coast & Estuary SAC (Site Code: 001957) which is located c2.2km to the northeast of the site.

## **5.3. EIA Screening**

- 5.3.1. The proposed development comprises a ‘project’ for the purposes of environmental impact assessment and falls within a class set out in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended), Infrastructure Projects, construction of more than 500 dwelling units.
- 5.3.2. This proposal consists of a modest in nature and scale development of essentially the creation of a subdivision in the side garden area which contains an old vernacular cottage together with its extension and a detached shed structure alongside alterations to their main dwelling on site with both developments served by proprietary

wastewater treatment system. As such the proposed development would give rise to very limited environmental emissions both during the construction and operational phases of the development, subject to standard safeguards.

5.3.3. The site itself does not form part of nor is it near any European site. Moreover, there is no connectivity between it and the nearest European site, i.e., River Nanny Estuary and Shore Special Protection Areas (Site Code: 004158) which is located c0.8km to the south, with the landscape in between characterised by large tracts of land that have been subject to significant development works including roads, residential developments as well as including intensive agricultural activities. I therefore 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 it is my view that a screening determination is not required in this case.

5.3.4. Having regard to the above, 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.

#### **5.4. Built Heritage**

5.4.1. This appeal site lies within c0.25km of National Monument MEO4473 (Classification – ENCL (Circular Enclosure)). This archaeological feature is located c250m to the southwest of the site.

## **6.0 The Appeal**

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

6.1.1. The grounds of this 1<sup>st</sup> Party appeal can be summarised as follows:

- In these circumstances this local planning provisions indicate that this type of development would not be subject to the rural housing policy that applies to new dwellings.
- Condition No. 2 of the parent grant of permission contradicts Item 10.15 of the Development Plan and provisions in the yet to be adopted new Development Plan.

This condition is over 20 years old and is not considered to be appropriate given the direction of local planning provisions.

- The drawings submitted indicate that in general sightlines can be achieved and that there may be a small reduction in the required 90m distance for south bound traffic approaching from the north.
- This is an existing entrance approved under the parent grant of permission and there is no change in visibility proposed and there are generous roadside verges.
- An updated site investigation report is provided.

## **6.2. Planning Authority Response**

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

- Reference is made to the description of the development.
- Reference is made to the Planning Authority's reasons for refusal.
- The comments made by the appellant in their appeal have been noted and it is considered that these matters have been addressed by the Planning Officer in their report.
- The Board is asked to uphold its decision.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The main issues in this appeal case are those raised in the grounds of appeal which relate to the Planning Authority's three given reasons for refusal of the proposed development set out under Section 2.1 of this report above.

7.1.2. Outside of the concerns raised in relation to the appellants concerns that the Planning Authority's Planning Officer's report puts forward conflicting comments on whether or not this application is subject to the requirement of demonstrating a local needs requirement for a rural dwelling house at this location as the Board is tasked under this appeal case to carry out a *de novo* consideration of the proposed development it would not be necessary or appropriate in my view for the Board, who does not have an ombudsman role, to make any further comment on this particular concern.

7.1.3. In addition, I note that the Board is required to carry out an 'Appropriate Assessment' of the proposed development for the proposed development.

7.1.4. Based on these considerations together with having carried out an inspection of the site and its setting, having had regard to all documentation on file as well as having had regard to relevant planning provisions I am satisfied therefore that no other substantive issues arise. I therefore consider that the issues in this appeal case can be dealt with under the following broad headings:

- Principle of the Proposed Development
- Access
- Public Health

## **7.2. Principle of the Proposed Development**

7.2.1. The main components of the proposed development sought under this application essentially relates to the creation of two subdivisions of the 0.376ha in area appeal site in order to facilitate the creation of an independent dwelling unit with its own separate curtilage by way of the change of use of what was formerly a vernacular cottage building which on foot of grant of permission ABP Ref. No. 17.123760 (P.A. Ref. No. 00/4046) was permitted to be converted to a domestic garage for the ancillary use of a new dwelling house sought under this application.

7.2.2. This structure is located in the south easternmost corner of the appeal site and has a modest floor area of 40m<sup>2</sup> to which this application seeks to extend by way of a single storey extension in order to add an additional 90m<sup>2</sup> gross floor area.

7.2.3. At present this structure forms part of a mature landscaped garden that surrounds the curtilage of the aforementioned dormer dwelling house with a restricted in width gravel path linking it to the main driveway serving the site. A historical pedestrian access onto the public roadside verge survives with its defining feature being a simple period painted cast iron gate. As part of facilitating this development it is proposed to modify the existing vehicle entrance in order to provide a shared access to the public domain with two separate gates setback c10m from the roadside verge.

7.2.4. In addition, it is proposed to demolish an existing greenhouse and to provide a proprietary wastewater treatment system and percolation area in the rear garden area

of the new residential plot on which the altered and added to vernacular cottage would sit.

- 7.2.5. Moreover, the driveway that currently serves the aforementioned dormer dwelling would be amended; alongside new boundary treatments, hard and soft landscaped areas provided alongside the installation of a new connection to the public mains water supply.
- 7.2.6. Under Section 9.6.14 of the Development Plan it acknowledges the intrinsic value of vernacular buildings to the county's architectural heritage. In addition, the said Plan also acknowledges the sustainable benefits of re-using, re-purposing and sensitively adapting these buildings in order for them to continue to make an important contribution to the built heritage and visual amenities of the county. With policy RD POL 30 of the Development Plan setting out that the Planning Authority will seek to promote their viable re-use and sensitive restoration.
- 7.2.7. Indeed, Policy CH POL 20(a) of the Development Plan also encourages their retention, sympathetic maintenance, and appropriate re-use in both rural areas and in settlements.
- 7.2.8. Having regard to the above local planning provisions I consider that the general principle of the proposed creation of what would be a modest detached residential dwelling if permitted to be extended would assist in sustaining this vernacular building for a viable sensitive use into the future and as such accords with local planning provisions.
- 7.2.9. Moreover, the Development Plan also supports appropriate design responses that do not detract from the buildings character (Note: Policy CH POL 20 (b)) and together with the development assessment criteria set out under Section 10.15.1 of the said Plan which indicates in the case of refurbishment and extension that the scale and architectural treatment works be sympathetic to the character of the original structure and the surrounding area.
- 7.2.10. In this case the vernacular structure for the most part seeks to sensitively restore it back to its former glory by way of the existing brick work repaired, the existing slate roof repaired, and slates replaced where necessary through to the provision of new windows of a kind sympathetic to this vernacular style of building, i.e., sash windows with these being of a more sympathetic fenestration detailing and materials to that

currently present. The original door would be however replaced by a window opening and a new glazed link would be attached to its rear elevation which would link to the proposed T-shaped in footprint extension which would have a slightly higher ridge height of 4.3m and which would seek to harmonise with the vernacular expression and palette of material of the existing cottage but in a more contemporary and reflective of its time design response.

- 7.2.11. As such the old and the new building layers would be very legible as being distinct from one another in terms of the built evolution of this vernacular cottage whilst a respect of the built form and visual expression is achieved largely through providing a staggering and separation between old and new. Alongside a sympathetic marriage between the old and new palette of materials, finishes and treatments with the main building envelope of the extension expressed in brick and tiled roof.
- 7.2.12. Though the success of this design, in my view, will be highly dependent on the quality, tones, textures and colours of the palette of materials to be used in the case of the new building layers. Notwithstanding, this is a concern that can be dealt with by way of an appropriately worded condition should the Board be minded to grant permission.
- 7.2.13. In relation to the planning history of the vernacular cottage as its original built use and function was residential and having regard to the established residential land use of the site. As well as having regard to the strong residential character of this modest linear cluster of residential dwellings in rural Meath, I consider residential use is an appropriate and viable functional land use that is sympathetic to this buildings past.
- 7.2.14. In relation to the planning history of the site I am cognisant that the parent grant of permission sought permission for its conversion to a domestic garage and this was permitted subject to a number of conditions, including Condition No. 2 which specifically related to that component of the development.
- 7.2.15. This condition essentially requires that upon first occupation of the proposed house, that the existing cottage shall not be used at any time for human habitation or for any purposes other than for purposes incidental to the enjoyment of the house. The stated reason for this condition is given as in the interest of residential amenity and the proper planning and development of the area.
- 7.2.16. Considerable time has past since this application was granted and with that local, regional, and national planning provisions have evolved, including making the most

efficient use of services. In this respect of this I note that this area benefits from a public water supply and this small cluster are subject to a reduced posted speed limit of 60km per hour with this cluster having an ad hoc variety of architectural styles, built forms and varying sizes plots. There are a number of older vernacular cottages present where these have been refurbished and extended with these on restricted in width deep linear plots which contrasts to the residential plots created in the last few decades. But the main form of residential development in this cluster are detached dwellings with most being relatively recent insertions into what is essentially a rural landscape setting.

- 7.2.17. Against this context the proposed change of use from a domestic garage back to its historical residential use alongside which the provision of a more of its time but sensitive in its design response extension which does not seek to dominate or diminish the intrinsic charm of this vernacular cottage on a restricted in width, but deep linear plot is not out of character with the pattern of development in this area as I have described.
- 7.2.18. In terms of this component of the development having to put forward and demonstrated compliance with the rural settlement strategy Development Plan Policy RD 34 clearly sets out in this situation that this is not a requirement and I further note that under Objective CH OBJ 24 of the Development Plan it clearly sets out that the Planning Authority will assist in the retention of these buildings. With this being the local planning provision context for this type of application I therefore raise no significant concerns in this situation to the removal of Condition No. 2 from the parent grant of permission in order to facilitate a more appropriate viable use for this existing vernacular building which in its current state is under-utilised and with its condition appearing to be one of decay. It also does not appear to function as the principal garage structure on this site with a later detached garage being present alongside a number of other ancillary structures, including a single storage shed structure in the north western corner of the site.
- 7.2.19. I also consider that this component of the proposed development given the large size of the site has the capacity to be more efficiently used to contain two dwellings, with one dwelling being subservient in its built form, mass through to scale. In this case the capacity of the existing vernacular cottage and the site to accommodate a significant increase in floor area over and above that sought under this application



would in my view be limited. As such this application puts forward a building in the countryside with two bedrooms which is not a residential typology one ordinarily comes across in such rural settings. This therefore adds to the residential typology in this area that is an effectively a rural residential cluster benefitting from a public water supply.

- 7.2.20. I am also cognisant that National Policy Objective 53 of the National Planning Framework in part seeks to support greater efficiency in land management. As well as reducing the rate of land use change from urban sprawl and new development. Arguably the re-use of this underutilised vernacular building on a site that has an established residential use aligns with this. As does it with National Policy Objective 35 which I note seeks to increase residential density in settlements, which as previously set out arguably this cluster has become, albeit modest in terms of its settlement scale and limited residential in its function.
- 7.2.21. At this site there is an opportunity by way of the presence of underutilised vernacular former residential building, a type of building which the local planning provisions actively supports their viable re-use and sensitive restoration, to accommodate a modest second dwelling without resulting in the further loss and erosion of valuable agricultural land.
- 7.2.22. In relation to the proposed detached garage to serve the proposed refurbished and extended vernacular cottage as part of its change of use to residential I raise no concerns as this is a modest in height and built form structure that would not result in any adverse disamenity to any residential properties in the vicinity and would not be visible from the public domain.
- 7.2.23. Moreover, it would provide ancillary space for storage for future occupants of the dwelling unit.
- 7.2.24. In relation to the proposed demolition of an existing glass house structure on site I raise no substantive objection as its removal is required to facilitate the overall proposed development. In particular the creation of logical in width new boundaries associated with each of the new residential plots.
- 7.2.25. In relation to the proposed alterations to the existing dormer dwelling house, this is a type of development that is generally permitted subject to safeguards. In this case given that it is proposed to glaze an existing window opening in opaque glass blocks.

I consider this is appropriate in order to mitigate against overlooking arising on the rear amenity space for the proposed plot to the immediate south which would be the most sensitive receptor to this proposed development.

7.2.26. Though it may be considered that the use of glass blocks is somewhat out of character with the overall visual character of this building it is a solution that offers a permanent solution to the issue of overlooking that would undoubtedly arise from the existing transparent window.

7.2.27. As such I raise no significant concerns in relation to this component of the development outside of should the Board be minded to grant permission for the proposed development that this modification is done prior to the occupation of the refurbished and extended vernacular building also subject of this application.

7.2.28. Based on the above considerations I raise no substantive concerns in relation to the principle of the development sought under this application.

### **7.3. Access**

7.3.1. The second reason given by the Planning Authority for refusal of the proposed development sought under this application relates to considerations that the proposed development as a result of not demonstrating the required sightlines would be contrary to policy RD POL 43 of the Development Plan and they considered that to permit the proposed development would endanger public safety by reason of a traffic hazard.

7.3.2. The appellants refute that this would be the case and they indicate that this proposal is consistent with Development Plan requirements in that it seeks to use an existing entrance onto the public road and to improve this in order to provide a shared entrance with two separate gates serving the existing and proposed dwelling units.

7.3.3. I note that Section 10.16.3 of the Development Plan sets out development assessment criteria for regional and county roads.

7.3.4. It essentially encourages maximising the use of existing entrances and avoiding unnecessary new accesses alongside ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrances and users of the public roads so that opportunities for conflicting movements are avoided.

- 7.3.5. I observed during my inspection of that the site entrance, that it is located on a stretch of local road that has a posted speed limit of 60kmph and within the vicinity of the site there are road warning signs indicating the presence of concealed entrances.
- 7.3.6. I also observed that this appeal site has a deep grass verge that increases in its depth as one reaches the existing gate.
- 7.3.7. It is proposed that each of the two gates at the entrance to each property would be setback over 10m from the roadside verge. Exiting the existing entrance onto the public road the sightlines indicated in the submitted drawings appeared to reflect the existing situation except for a level of encroachment from the roadside landscaping associated with the adjoining dwelling house to the south.
- 7.3.8. At the time of my inspection the adjoining local road was lightly trafficked with a number of walkers and cyclists using it for general exercise purposes.
- 7.3.9. It would appear that the meandering nature of the road, the plethora of access points present together with the numbers using it for recreational purposes may impact on the travel speed of vehicles on this local road as I did not observe vehicles travelling at excessive of speed during my time on site.
- 7.3.10. The proposed creation of two subdivisions with no increase in gross floor space or bedspace of the existing dwelling and the creation of an additional modest in size two-bedroom dwelling unit by way of the refurbishment and extension of an existing vernacular building would not in my view greatly add to the volume of traffic accessing and egressing from this existing entrance onto the local road.
- 7.3.11. Therefore, I do not consider that this development would give rise to a significant intensification of use of an existing entrance that would give rise to increased road safety hazards or risk to existing road users over and above the existing situation.

#### **7.4. Public Health**

- 7.4.1. The third and final reason for the Planning Authority to refuse planning permission for the proposed development essentially relates to the applicant's failure to demonstrate that the proposed development would not be prejudicial to public health.
- 7.4.2. Of concern the original application was not accompanied by a Site Characterisation Form or any other form of assurance that the proposed development which includes

the provision of a proprietary wastewater system and percolation area would be compliant with the required standards for such a provision.

- 7.4.3. Accompanying this appeal is a report titled: '*Soil Characterisation and Site Suitability Assessment Report*', which indicates that the soil type is '*Grey Brown Podzolics*' (75%) and '*Gleys*' (25%); the Aquifer Category is '*R*' (Regionally Important); that the bedrock is Dinantian Pure Bedded Limestone and that there was a Ground Protection Scheme present.
- 7.4.4. After carrying out an inspection of the site alongside having carried out a desk study the authors considered that the site seemed suitable for discharge to ground, there appears to be some issues with permeability, surface water is not at risk, the site appeared well drained and that the site should be suitable for treating wastewater adequately.
- 7.4.5. The results of the trial hole encountered ground water at a depth of 1.3m below ground and winter ground water was encountered at a depth of 0.90m below ground level. A T-test of 80.56mins/25mm resulted with this indicating average percolation characteristics of the subsoil material present.
- 7.4.6. In addition, a P-test of 64.81min/25mm resulted with this indicating average percolation characteristics of the topsoil material.
- 7.4.7. Based on these results it was concluded that the site was suitable for a secondary treatment system with discharge route to groundwater.
- 7.4.8. Based on the information provided with this appeal and having inspected the site, despite the evident proliferation of domestic wastewater treatment systems in this area, I consider that subject to best practice, in particular compliance with the EPA Code of Practice, this component of the proposed development would be acceptable and that it would not give rise to any public health issues or contamination of ground water in area. I also note that there is significant lateral separation distance to the nearest European site, there is no hydrological or other link to any ecologically and/or environmentally sensitive site alongside this rural cluster is served by a public water supply.

## 7.5. Other Matters Arising

- 7.5.1. **Oversailing:** Having regard the built form and positioning of the proposed detached garage, which I note has a modest given 15m<sup>2</sup> floor area. I raise consider that there is potential for its roof and rainwater goods to oversail into the reduced in area private amenity space serving the existing dormer dwelling on site. Whilst I note that the site area in its entirety is in the applicant's legal ownership the creation of what would effectively be an independent detached dwelling house on what is currently a side garden area this may not always be the case. It is therefore appropriate that there is no oversailing or encroachment arising from the development sought under this application given that there is ample area to avoid this situation from arising in the first instance. I therefore consider that this concern should the Board be minded to grant permission for the development sought under this application be dealt with by way of condition.
- 7.5.2. **Surface Water Drainage:** Should the Board be minded to grant permission for the proposed development I consider it appropriate that an appropriately worded condition be imposed to deal with this matter so that there is no increased levels of surface water runoff arising from this development and that surface water is appropriately managed within the confines of the site given that on the day of my site inspection the ground conditions were spongy underfoot throughout the green areas of the site including that where the wastewater treatment system and percolation area is to be sited.
- 7.5.3. **Existing Pedestrian Gateway on Roadside Boundary:** The existing pedestrian gateway which is located towards the southern end of the roadside boundary is a surviving period feature that adds to its visual interest through to the sense of place that this vernacular building contributes to this particular area as appreciated from the public road. The drawings appear to indicate its retention as part of this development which I consider is a positive outcome in terms of the overall scheme.
- 7.5.4. **Landscaping:** To facilitate the proposed development the removal of trees appears to be necessary. This is apparent in terms of the creation of vehicular access to accommodate the two separate residential subdivisions and their access to as well as from the public road network. Should the Board be minded I consider that this matter together with the landscaping of this site, in particular on mitigation measures to

protect mature trees in the vicinity of the main works should be sought by way of condition.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude on the basis of the information on file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

## **8.0 Recommendation**

- 8.1. I recommend a **grant** of planning permission.

## **8.2. Reasons and Considerations**

Having regard to the policies and objectives of the Meath County Development Plan, 2013 to 2019, to the nature, scale and design of the proposed development which includes the appropriate re-use and extension of a vernacular building, as well as to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **8.3. Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4<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. The northern elevation of the proposed garage structure shall be setback from the proposed new boundary so that it does not oversail or encroach it in any way. Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development showing this revision.

**Reason:** In the interest of clarity and orderly development.

3. Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the use of timber sash windows in the existing window openings of the vernacular building and their proposed fenestration as well as glazing detail. In addition, the methodology for the brick, roof, and repair of the pedestrian gate on the roadside boundary shall also be subject to the written agreement of the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

4. The replacement of the first-floor window on the southern side elevation of the existing dormer dwelling on site with opaque glass blocks shall be completed prior to any occupation of the refurbished and extended vernacular building subject of this application and kept permanently thereafter in place unless otherwise agreed in writing with the Planning Authority.

**Reason:** In the interests of residential amenity.

5. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.

(b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Permeable paving shall be incorporated to the proposed driveway and the existing surface water drainage for adjoining properties shall not be adversely affected by the development hereby permitted. All soak pits shall be designed to BRE Digest 365 standards.

**Reason:** In the interest of public health and to ensure orderly disposal of surface water.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

**Reason:** To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

8. 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

10. The developer shall comply in full with the following requirements:

- (a) All necessary measures shall be taken by the developer to prevent the spillage or deposit of any materials including clay, rubble, or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developers own expense.
- (b) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Meath County Council or pay the Council the cost of making good any such damage upon issue of such requirement by the Council.

**Reason:** To protect the amenities of the area and in the interests of road safety.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Patricia-Marie Young  
Planning Inspector

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