



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310558-21

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<b>Development</b>	Demolition of single storey dwelling and construction of 2 storey dwelling.
<b>Location</b>	Leshamstown, Drumree, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	RA202001
<b>Applicant(s)</b>	Clare Petherbridge & Darren Tinnelly.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Michelle Cleary.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	1 <sup>st</sup> November 2021.
<b>Inspector</b>	Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 900m<sup>2</sup> and is located on the L-2208, local road, approximately 1.5km to the north-west of Dunshaughlin. The site currently accommodates a detached, single storey house facing onto the public road. It is adjoined to the east and west by detached bungalows, which have been constructed behind the subject house. There is a thick mature hedge along the length of the western site boundary. To the east, the site is bounded by a mix of hedgerow / high screen planting and a blockwork wall.
- 1.2. The area surrounding the site is rural in nature and is characterised by ribbon development on both sides of the road. Houses in proximity to the site are a mix of one and two storey houses and are all on individual sites.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of an existing single storey, detached, 2-bedroom dwelling of 88m<sup>2</sup> and the construction of a detached, two-storey, 4-bedroom house of 225m<sup>2</sup> in its place. The new house would have a single storey, flat roof extension to the rear and a double height projecting bay feature to the front. This feature would be clad on all sides with natural stone and would have a pitched roof profile in blue-black slate to match the main roof of the house.
- 2.2. The existing vehicular access from the main road will be retained and the house would be connected to the existing mains water and wastewater services.
- 2.3. The development was significantly altered on foot of a request for further information. The rear elevation at first floor level was set back by c. 1.4m and all windows were removed. Roof lights were added to the rear roof plane and the internal layout was altered to orientate all bedroom windows towards the front of the house to prevent overlooking of adjoining properties.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Planning permission was granted by the PA subject to 14 planning conditions, which are standard in nature.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the Planning Officer dated the 17<sup>th</sup> February 2021 noted that as the existing and proposed house is set forward of the adjoining houses on either side, that there may be some overlooking of the adjoining properties from the upper level of the new house.

The applicant was requested to submit the further information to address the potential overlooking of adjoining properties and how the proposal would be in accordance with Section 10.7, Rural Residential Development: Design and Siting Considerations, of the Meath County Development Plan 2013-2019.

A response to the further information request was submitted by the applicant on the 23<sup>rd</sup> April 2021. Within this response, the scale of the original proposal was reduced by the applicant. The ridge height was reduced by 650mm and the width of the first-floor level was reduced from 7.83m to 6.43m. All of the windows at first floor level on the rear elevation were omitted and 5 rooflights were proposed to light the landing and stairwell. In response to the reduction in scale of the upper level, Bedroom 4 was relocated to the ground floor. The applicant also set out how the proposal was in accordance with the Meath Rural House Design Guide.

The second report of the PO dated the 28<sup>th</sup> May 2021 recommended that planning permission be granted for the development as per the amended drawings.

### 3.2.2. Other Technical Reports

- Water Services – The development as proposed broadly meets the requirements of the PA with respect to the orderly collection, treatment and disposal of surface water. Planning conditions are recommended.

### 3.3. Prescribed Bodies

- Irish Water – No objection.

### 3.4. Third Party Observations

Two third party observations were received by the PA within the statutory public consultation period, one from each of the adjoining houses. The following points were raised:

- Overlooking of adjoining property,
- Excessive scale of the development,
- Inconsistency with the existing pattern of development,
- Overshadowing of adjoining property,
- Impact on existing residential amenity.

An additional observation was submitted by Michelle Cleary in response to the further information submission and included the following:

- The removal of first floor windows is welcomed,
- The proposal will overshadow adjoining property and the apex roof will impede sunlight and solar gain,
- It is not in keeping with the neighbouring properties,
- No landscaping plan was submitted to mitigate against loss of visual amenity,
- There would be overlooking from the kitchen window,
- It is requested that the boundary hedge be retained,

- Concerns regarding potential impact on the existing groundwater well on the adjoining property.

## 4.0 Planning History

**RA191115** – Planning permission granted by the PA on the 16<sup>th</sup> October 2019 for the retention of an extension to a dwelling

## 5.0 Policy Context

### 5.1. Meath Development Plan 2021-2027

- 5.1.1. The site is located within the administrative boundary of Meath County Council. The operative Development Plan for the area is the Meath County Development Plan, (CDP), 2021-2027, which came into effect on the 3<sup>rd</sup> November 2021.
- 5.1.2. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2013 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Meath County Development Plan.
- 5.1.4. The following sections of the Meath County Development Plan 2021-2027 are relevant to the proposed development;

**Zoning** - The subject site is zoned objective RA – ‘Rural Area’, which has the objective, *‘To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’.*

Residential use is listed as a permitted use within this zoning.

## **Chapter 9 – Rural Development Strategy**

**RD POL 9** - To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

### **Section 9.14 – Vernacular Rural Buildings and Replacement Dwellings**

#### **9.14.1 – Development Assessment Criteria**

The Planning Authority shall assess applications for refurbishment and/or replacement of existing housing stock in rural areas, having regard to the criteria outlined hereunder:

- That in the case of refurbishment and extension proposals, that the scale and architectural treatment of proposed works are sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development,
- That in the case of replacement dwellings, to require that the original structure was last used as a dwelling and that its roof, internal and external walls are generally intact,
- That replacement dwellings are provided at locations where safe access and acceptable wastewater disposal arrangements can be put in place and where specific development objectives or other policies of the Planning Authority are not compromised,
- That the replacement dwelling shall be designed to be of a size and scale appropriate to the site, and,
- The design of replacement dwellings in rural areas shall comply with the 'Meath Rural Design Guide'.

## **Chapter 11 – Development Management Standards**

### **11.5.13 – Boundary Treatments**

**DM POL 9** - To support the retention of field boundaries for their ecological/habitat significance, as demonstrated by a suitably qualified professional. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same boundary type will be required.

### **11.5.16 – Light & Overshadowing**

Daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof.

**DM POL 11** - New residential development should be designed to maximise the use of natural daylight and sunlight. Innovative building design and layout that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources will be encouraged.

### **Appendix 13 - Meath Rural House Design Guide**

This document sets out design guidance for single house developments in rural areas with particular reference to Site Layout, Building Design, Construction Details, Building Types and Sustainability.

## **5.2. Natural Heritage Designations**

No designations apply to the subject site.

## **5.3. EIA Screening**

5.4. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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**

The grounds of appeal include the following:

- The height scale, bulk and mass of the proposed development is excessive and out of character with the existing pattern of development in the area. This is exacerbated by its position forward of the adjoining building line.

- The two-storey dwelling is out of scale with the adjoining houses on either side and is too large for the small site.
- It would give rise to overshadowing of adjoining properties.
- The proposal would give rise to overlooking of the appellants property to the north-west of the site. Particular concern is given to a high-level kitchen window at ground floor level on the side elevation.
- A detailed landscaping plan was not submitted as required by Section 3.4 of the Meath Rural House Design Guide 2009.
- The proposed flat roof should not be used as a balcony.

## 6.2. Applicant Response

A response from the applicant was received on the 13<sup>th</sup> July 2021.

- The proposed development will replace a poorly insulated and constructed bungalow, (as set out in the Building Surveyors Report submitted with the application), with a new structure that complies with current Building Regs.
- The original design was amended to address the concerns of the PA regarding scale and overlooking.
- The appellant states that the pattern of development in the immediate vicinity of the subject site is for small scale bungalows or dormer bungalows. A number of images are enclosed to demonstrate the range of different properties located along the L2208 and the surrounding area.
- In response to the concerns raised regarding overshadowing, a Sunlight and Daylight Analysis Report was prepared by ARC Architectural Consultants. The report concludes that there is likely to be little or no change in daylight access in the vertical sky component of the sample windows at the house to the west, known as Watermeadows. It is also unlikely to have any change in sunlight access to the studied open spaces and gardens.
- The neighbouring property at Watermeadows also has a sizeable rear garden space with an unobstructed south and south-westerly aspect. The proposed



development will not impinge on the levels of natural light and sunlight within the appellants property.

- The proposed development will not give rise to overlooking of the appellant's property. All first-floor windows on the rear elevation have been removed. The head height of the kitchen window is not envisaged to be in excess of 1.8m above finished floor level and will not be visible to the appellants behind the mature hedgerow.
- The proposed design is in keeping with Appendix 15 of the Meath Rural House Design Guide 2009. It is reiterated that the proposal is not a three storey as stated in the appeal.
- A landscaping plan will be submitted to the PA for agreement under Condition 5(a) of the permission.
- The use of the flat roof as a balcony is restricted by Condition No. 3.

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

Two responses were received from the PA. The first one was received on the 13<sup>th</sup> July 2021 in response to the third-party appeal and includes the following:

- The PA is satisfied that the matters outlined in the appeal were considered in the course of the assessment.
- There is sufficient separation distance between the proposed house and the appellant's house.
- The height of the amended house is similar to the adjoining dwellings and the PA does not consider it to be inconsistent with its surroundings.
- The claim that the house is a three-storey development is inaccurate as the space above first floor level is less than 1.5m in height.
- The neighbouring properties are located to the south and west of the proposal. Due to the path of the sun and the location of the neighbouring houses the proposal will have a limited impact in terms of overshadowing.

- A landscaping plan is required under Condition 5(a) and Condition 3 restricts the use of the flat roof as a balcony.

The second response from the PA was received on the 24<sup>th</sup> August 2021 on foot of a submission from the applicant. The response includes the following:

- The first party has submitted a Sunlight and Daylight Access Impact Assessment, the results of which were noted by the PA.
- The PA is satisfied that the matters outlined in the first party comments were considered in the course of the planning assessment.

#### **6.4. Further Responses**

A response was received from the appellant on the 17<sup>th</sup> August 2021 in response to the applicant's submission. It includes the following:

- The examples of houses shown in the applicant's response are on much bigger sites and are at some remove from the subject site.
- Notwithstanding the daylight and sunlight analysis prepared by ARC Architectural Consultants, the appellant is still concerned that her property will be overshadowed at certain times of the year.
- The proposal which is forward of the building line will have an overbearing impact on the appellant's property.

#### **6.5. Observations**

- No third-party observations received.

### **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, 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:

- Principle of Development

- Design & Scale of Development
- Impact on Residential Amenity
- Appropriate Assessment

## **7.2. Principle of Development**

- 7.2.1. The appeal site is located within an area zoned 'RA', Rural Area. Residential development is a permitted use within this land use zoning. New residential development is subject to compliance with the Rural Settlement Strategy. As the proposed development is for the demolition and replacement of an existing dwelling, the principle of residential development on the site has been established and it is not necessary to revisit this primary principle. The demolition of the original house is justified by the applicant as the works to retrofit the house to bring it up to the current Building Regulations standards would be difficult and expensive given the poor quality of the existing structure.
- 7.2.2. Section 9.14.1 of the Development Plan sets out the criteria under which applications for refurbishment and/or replacement of existing housing stock will be assessed. I am satisfied that the proposed development can be considered in accordance with Section 9.14.1 of the Development Plan and can be assessed against the policies and objectives of the Development Plan and national guidance.

## **7.3. Design & Scale of Development**

- 7.3.1. Within the grounds of appeal, it is argued that the scale of the proposed house is unsuitable for the small site and that the design is incompatible with the surrounding pattern of development. On the occasion of the site visit, I observed that the area surrounding the site along the L2208 is characterised by ribbon development with houses of various scale and styles. It is noted that the houses directly adjoining the site to the east and west are bungalows. However, I would not consider the proposed development out of character with the existing pattern of development in proximity to the subject site.

- 7.3.2. Although the design and form of the proposed development differs from the adjoining houses, I am satisfied that it is in accordance with the Meath Rural House Design Guide. I note that Section 4.2 of the Design Guide does not favour the dormer bungalow style which restricts the quality of the first-floor element is characterised with a large roof profile. The proposed house has a simple form with gable ends that reads as a traditional two storey house. The double height bay projection at the front has a traditional roof profile with contemporary windows and detailing. This element would be clad with natural stone on all three sides as per Section 5.3 of the Design Guide. The proposed roof profile is traditional in form and is not overly deep or expansive. The pitch of the roof has been kept to an angle of 35 degrees and would be finished in blue/black as per Section 5.1 of the Design Guide.
- 7.3.3. Whilst the proposed two storey house, (225m<sup>2</sup>), would be of a greater scale than the existing single storey house, (88m<sup>2</sup>), it is not disproportionate within the 900m<sup>2</sup> site. The difference in height between all three properties is shown on Drawing No. A3-10, Existing & Proposed Contiguous Elevations and is not excessive. The proposed house would have a ridge height of 7.1m, which is 1.04m higher than the house to the west and 0.59m higher than the house to the east. However, there is a difference in the bulk and mass of the existing and proposed roof profiles.
- 7.3.4. The contiguous elevations give a direct 2-dimensional representation of the proposed streetscape. However, this is not a true representation of the site context given the orientation and location of adjoining dwellings. The house to the east is set back from the rear of the new house by c. 15m and has a separation distance of 6m from to the site boundary. To the west, the house would be set back from the front elevation of the new house by c. 11m, and the side elevations of both houses would be 9m apart. I am satisfied that the separation distances between the houses and their positioning within the individual sites mitigates against any direct impact from the difference in height and mass.
- 7.3.5. Given the position of the new house, forward of the adjoining building line, there is a concern that the length and height of the side elevation would have a negative impact on the adjoining property to the west when viewed from that site.
- 7.3.6. The full extent of the side elevation of the new house, facing onto the appellant's site, is 15.5m in length. However, this includes a single storey element of

approximately 5m in length to the rear. This section of the house would be directly opposite the side of the appellant's house and would have a height of 3.8m to the parapet. I am satisfied that the single storey element would not have an overbearing impact on the adjoining property to the west by virtue of its scale, the existing site boundary hedgerow and the 9m separation distance.

7.3.7. The remaining two-storey element of the proposal would sit forward of the existing house. However, this façade comprises a side gable wall and the projecting bay to the front, which is set back from the side elevation by 0.6m. This detail serves to break up the length of the side elevation and does not allow all of the elevation to be viewed directly from the adjoining house and in particular from the windows nearest the subject site.

7.3.8. I am satisfied that given the existing site conditions, there is a sufficient separation distance between the new and neighbouring property to prevent an overbearing impact. The design of the proposal, which includes variation in materials and roof profiles also helps to provide visual interest. I note that the applicant has stated that they intend to retain the boundary hedge as it is, which will provide additional screening from the adjoining site.

7.3.9. Whilst the proposed house would be different in design and scale to the neighbouring properties to the east and west, I am satisfied that the proposal would not be out of character with the prevailing pattern of development which comprises a mix of single and two storey detached rural houses on large plots.

#### **7.4. Impact on Residential Amenity**

##### Overlooking

7.4.1. In terms of impact on existing residential amenity, the greatest potential for negative impacts would be from overlooking or overshadowing of adjoining property. Having reviewed the application details and visited the site, I am satisfied that the proposal will not result in any overlooking of adjoining properties. All first-floor windows on the rear elevation have been removed from the design. The only window facing on to the adjoining site to the west is a high level, horizontal kitchen window on the eastern elevation. This window would have a head height of not more than 1.8m above the

finished floor level and would face directly onto the boundary hedge, which will be retained. I note that the neighbouring property has four windows on the side elevation facing onto the subject site. On the occasion of the site visit none of these windows were visible above the boundary hedge.

#### Daylight & Sunlight

- 7.4.2. Concerns were raised by the appellant regarding the potential impact of the proposal in terms of overshadowing and/or loss of light to the existing house to the west. I am satisfied that the proposal would not result in any undue overshadowing of the neighbouring house to the east, given the orientation of the neighbouring house and the separation distances between both properties. The house to the west is closer in proximity and as such the potential impacts could be more pronounced.
- 7.4.3. In response to the grounds of appeal, a Sunlight and Daylight Impact Analysis was prepared for the development by ARC, Architectural Consultants Limited, and submitted by the applicant. The analysis was carried out in accordance with the BRE Guidance document, Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice, (2011). The use of these guidelines in assessing the impacts of daylight and sunlight is supported by the Meath County Development Plan and national policy including the Section 28 Ministerial Guidelines, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Section 7.2 of these guidelines also makes reference to the document B.S. 8206, 'Lighting for Buildings, Part 2 1992: Code of Practice for Daylighting'. This document has since been superseded by 'B.S. EN 17037; Daylight in Buildings'. The applicant notes that the document B.S. 8206 was not used in their assessment as it relates only to the design of new buildings and does not provide any guidance on the impacts on sunlight and daylight access within existing buildings.
- 7.4.4. The adjoining property to the west has 4 windows on the side elevation that face onto the subject site. Along with a projecting bay window to the front elevation, these would be the most sensitive receptors for potential loss of daylight from the proposal. The use of these rooms is not known but the daylight analysis report understands that the bay window and the next closest two windows all serve one living room.

- 7.4.5. BRE Guidance sets out a number of preliminary tests which aid in assessing the potential impact of a new development on the loss of light to existing buildings. Figure 20 of the BRE Guidelines provides a 'Decision Chart' or flow chart for considering diffuse daylight in existing buildings and the impact of proposed developments. The first test in this instance is to check if the distance of the new development is three or more times its height above the centre of the existing window. Only the single storey section of the new house would directly oppose the existing property. The two-storey element would be set approximately 1m forward of the front elevation. However, as the separation distance between both sections of the new house would be less than three times its height above the centre of the existing window a secondary test is applied.
- 7.4.6. The second test is to measure the level of skylight received by the existing building and it involves measuring the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than  $25^{\circ}$  for the whole of the development, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building and no further tests are required. If not, an additional test should be carried out to measure the Vertical Sky Component, (VSC).
- 7.4.7. The drawings submitted with the application are not of a sufficient scale or detail to obtain an accurate measurement of the angle of the horizontal plane. However, a rudimentary measurement indicates that the single storey section of the new development would not subtend at an angle greater than  $25^{\circ}$  to the horizontal when measured from the centre of the existing window. This would indicate that even with the proposed development in place that the window would still receive an adequate level of daylight. The two-storey element would have an angle of c.  $30^{\circ}$  when measured directly from the drawings. As this angle is greater than  $25^{\circ}$ , BRE Guidelines recommend that an additional test be carried out to measure the VSC, (i.e. the amount of skylight falling on a vertical wall or window if the angle of obstruction exceeds  $25^{\circ}$ ). Any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main window. If the level of VSC is less than 27% for any main window then an additional test should be carried out to determine if the VSC is less than 0.8 of the previous value.

- 7.4.8. An analysis of the predicted change in the VSC of the existing windows was carried out in the Sunlight and Daylight Impact Analysis. A three-dimensional digital model was generated by the consultants to measure the impact of the proposal and the analysis focused on a set of seven sensitive receptors on the appellant's property, (i.e. the windows on the side elevation facing onto the subject site and the bay window to the front of the house). The VSC was measured for each of the windows under two scenarios; one with no boundary treatment and one taking into account the existing hedge which was given an assumed height of 1.5m.
- 7.4.9. The results for the scenario whereby the boundary treatment was included is of more relevance as the applicant has stated that they intend to retain the existing hedge. It is also the 'worst case scenario' as it would serve as an additional obstruction to light. Within this scenario the existing VSC for all windows is above 27% and ranges from 32.5% at the corner of the bay window to 38.2% at the front of the bay window. Post-development, six of the points measured would experience slight reductions in the level of VSC. However, all points would still be in excess of the 27% and would range from 29.9% at the front corner of the bay window to the front to 38% at the front of the bay window. The analysis indicates that any reduction in the VSC of the sample windows is likely to be minor and is not likely to fall below 0.8 times its former value after construction of the proposed development.
- 7.4.10. A further test to measure Annual Probable Sunlight Hours, (APSH), is outlined in Section 3.2.3 of the BRE Guidelines. This test can be applied if some part of the new development is situated within 90° of due south and any part of the new development subtends an angle of more than 25°. An obstruction to sunlight may occur if the centre of the window;
- Receives less than 25% of the annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and
  - Receives less than 0.8 times its former sunlight hours during either period and
  - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.
- 7.4.11. This test was applied in the Sunlight and Daylight Impact Analysis. As with the VSC test all 7 sensitive receptors were assessed for the potential impacts on sunlight



access and the scenarios whereby there was no boundary treatment and boundary treatment of 1.5m in height were assessed. The analysis noted that whilst three of the receptors were facing within 90° of due north, (i.e. the bay window to the front of the house), these were included in the analysis in the interest of completeness.

- 7.4.12. Within both scenarios, with and without the presence of the boundary hedge, the results found that the proposed development is likely to result in little or no change in the APSH to the sample windows in the neighbouring dwelling to the west. In all cases, including the windows within 90° of due north, the results show that shadows cast by the proposed development are not likely to reduce sunlight access to any existing window below 25% of the APSH or less than 5% of the APSH between the 21<sup>st</sup> September and the 21<sup>st</sup> March. The sunlight hours would not be reduced to less than 0.8 times their former value during either period and the sunlight received over the whole year would not be reduced by more than 4% of APSH.
- 7.4.13. Having reviewed all of the drawings and documentation at hand and in consideration of the results of the preliminary tests in relation to distance and angles of visible sky, I am satisfied that the existing property to the west of the subject site would not suffer from any significant diminution of the daylight and sunlight currently experienced as a result of the proposed development, by virtue of its design, scale and the existing site conditions.

#### Overshadowing

- 7.4.14. In terms of overshadowing, Section 3.3 of the BRE Guidelines note that the availability of sunlight should be checked for open spaces which include gardens, (usually the main back garden of a house) and sitting-out areas. In working out the total areas to be considered, it is recommended that driveways and hard standing for cars should be left out as well as front gardens which are relatively small and visible from public footpaths. In order for gardens to appear adequately sunlit throughout the year, at least half of the garden or amenity space should receive a minimum of 2 hours sunlight on the 21<sup>st</sup> March. If this cannot be achieved as a result of the proposed development, and the area that can receive two hours of sunlight on the appointed date is less than 0.8 times its former value, then loss of sunlight is likely to be noticeable.

- 7.4.15. Given the orientation of the appellants house and the scale and design of the proposal, any overshadowing would be most likely to occur in the in the earlier part of the day and during the winter months when the sun is lower in the sky. I am satisfied that the rear garden of the existing house would not experience any overshadowing given the separation distance between the proposal and its orientation. However, the space to the side and front of the house warrants some consideration given the location of the proposal forward of the front building line.
- 7.4.16. A detailed analysis of the potential for the proposed development to impact on the sunlight access to the front and rear gardens of the appellant's home to the west was carried out as part of the Sunlight and Daylight Access Impact Analysis. A three-dimensional model was generated to assess the potential impact on sunlight access to the open areas of grass where residents could 'sit out', in closest proximity to the location of the proposed house. These areas are indicated in Figure 2.1 of the report. The analysis found that in the scenarios with and without the boundary treatments, that the construction of the proposed development is unlikely to result in any change in the percentage of sunlight access to either the rear or front garden on the 21<sup>st</sup> March, (Table 3.2 of the report).
- 7.4.17. The applicant has used computer software to plot the shadow path for the test dates of the 21<sup>st</sup> March, the 21<sup>st</sup> June and the 21<sup>st</sup> December. The diagrams generated demonstrate the impact of the proposal on the receiving environment and show that some shadows cast from the proposed development will extend over the site boundary with the appellant's house to the west. However, these are most likely to occur during the earlier part of the day during the winter months and would be only slightly larger than shadows already cast from the existing house during the winter months. I note that the shadows cast would be over the existing driveway to the front.
- 7.4.18. I have considered the orientation and location of the proposed development and reviewed the shadow path diagrams which were prepared using computer software. Having received no documentary evidence to contradict these assessments, I am satisfied that they accurately reflect the situation that is likely to exist on the 21<sup>st</sup> March, and that the existing property to the west would not experience any significant loss of sunlight from to the external amenity areas as a result of shadows cast from the proposed development.

## 7.5. Appropriate Assessment

- 7.5.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.5.2. The proposed development is for the demolition of an existing dwelling and the construction of a replacement dwelling. The new dwelling would be constructed over the existing footprint and would be connected the mains water and wastewater services.
- 7.5.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.5.4. The closest European sites are the River Boyne and River Blackwater SPA & SAC, (Ref. 004232 & 002299), which are approximately 12km to the north-west of the site as the crow flies. There is no direct or indirect hydrological link between the subject site and the European sites.
- 7.5.5. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development within a serviced site and separation distance to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not 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 planning permission be granted.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, for the demolition of an existing house and the construction of a detached 2 storey house in its place on a site zoned 'RA', it is considered that subject to the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Meath County Development Plan 2021-2027 and would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity 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 17<sup>th</sup> day of December 2020 and as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of April, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>All external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil</p>

	<p>and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>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.</p>

	<p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
8.	<p>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 and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
9.	<p>A landscaping plan shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. All landscaping shall be carried out no later than the first planting season following commencement of development on site.</p> <p>All native hedgerows in place on the site shall be retained in situ and where their removal is unavoidable, mitigation by provision of the same boundary type is required.</p> <p><b>Reason:</b> In the interests of visual amenity and to protect the natural heritage in the area.</p>

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Elaine Sullivan  
Planning Inspector

9<sup>th</sup> December 2021