



An
Bord
Pleanála

Inspector's Report

ABP-310894-21

Development

Permission for development that will consist of amendments to planning reference number 1789 (4 No. single storey houses). The amendments will consist of the following, 1) revise ground floor plan layout, 2) raise the height of the roof ridge by approximately 30cm, 3) convert the attic into habitable space to make houses 3 bedroom, 4) revise the elevations. All drainage details and site works as per original planning

Location

Land adjacent to the Garden House, Mill Street Dundalk, Co Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

21561

Applicant(s)

Thomas Agnew.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Colin Courtney.

Observer(s)

None.

Date of Site Inspection

07th of January 2022.

Inspector

Karen Hamilton

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1.0 Site Location and Description

1.1. The site consists of a small plot of land which was formerly a side garden, along Mill Street, Dundalk. The site is located c. 700m from Dundalk Town Centre. Mill Street has a mix of residential, educational, and commercial uses along each side. The site to the east includes a detached single storey dwelling with surrounding garden. The Garden House dwelling is located to the west of the site, at the end of a row of terrace dwellings which front directly onto Mill Street. The Garden House currently has vehicular access through the site, off Mill Street. The site backs onto the grounds associated with a national school, Scoil Realt na Mara.

2.0 Proposed Development

2.1. The proposed development would comprise of amendments to planning reference 1789 (4 no. single storey houses) to consist of the following:

1. revise ground floor plan layout,
2. raise the height of the roof ridge by approximately 30cm,
3. convert the attic into habitable space to make houses 3 bedroom,
4. revise the elevations.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 4 no. conditions summarised below:

C1- Plans and Particulars

C2- The permission shall expire on the 20th of August 2022 as per parent permission no. 17/89 and all conditions with the parent permission complied with apart from those related to this application.

C3- Site Development Works.

C4- Windows to the first-floor rear extension facing north shall be fitted with opaque glass with revised drawings submitted for written agreement.

Reason: To prevent direct overlooking of the school yard to the rear of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and the planning assessment addressed the following issues:

- Principle of Development: The 4 no. dwellings currently have permission under Reg Ref 17/89. As there is an existing permission on the site issues such as traffic etc are not relevant.
- Layout, design, mix and density: The design changes proposed are noted. An opaque window is recommended on the first floor to prevent overlooking into the adjoining school yard.
- Open Space requirements: The private open space standards meet the required standards.
- Residential Amenity: The overall development is as permitted under 17/89. It is recommended that the first-floor window is fitted with opaque glazing.

3.2.2. Other Technical Reports

Transportation Dept: No objection subject to compliance with conditions of the previously granted Reg Ref No. 17/89.

3.3. Prescribed Bodies

Non received.

3.4. Third Party Observations

Three no third-party submissions were received in relation to the application. The three observations were from residents along Mill Street, including the appellant. The issues raised in the submissions are summarised below:

- Planning History: Although there is a permission on the site, there has been a precedent for refusing permissions for larger development more than single storey on the subject site.

- Procedural Considerations & Validity of the application: There are no details on the FFL levels, and it is difficult to assess the impact on the adjoining properties. The drawings illustrate a gate although this is not within the site itself. Carpark no. 5 is incorrectly listed as use for the existing house although it is reserved for the Garden House.
- Scale & Height of Development: The increased height will dramatically change the amenity of the Garden House. The views of the Cooley Mountains will be blocked. The overall scale will have an overbearing impact and significantly block the natural daylight and sunlight into the rear private garden.
- Overlooking properties: The overlooking into properties will impact the residential amenity and impact the students of Realt Na Mara School and the use of the playground.
- Access and Parking: The additional bedrooms will lead to an increase in parking. There is limited parking on the site and along Mill Street. The turning into the site will impact the traffic on the street. Mill Street is already heavily trafficked from the school use. The school children walking to school will be walking along the footpath. There is potential conflict with cyclists
- Depreciation of Property Value and Amenity value: The impact on the property value of residences in the vicinity will be significant.
- Appropriate Assessment: There is no screening for Appropriate Assessment.
- Drainage: The garden levels of the adjoining property is lower and there is risk to flood from the run-off of this proposal.

4.0 Planning History

Reg Ref No. 17/89

Permission granted for the development of 4 no. single storey houses on land adjacent to the garden house, including new side & rear boundary for existing house and all site development works.

Reg Ref No. 16/683

Outline permission granted for 4 no. single storey houses on land adjacent to the garden house, including new side & rear boundary for existing house and all site development works.

PL15.244215 (Reg Ref No. 14/520027)

Permission refused on appeal to the Board for 5 no. houses on land adjacent to The Garden House and for renovations to existing house with all site development works.

The reason for refusal related to the siting and proximity of the proposed dwellings to the existing adjoining dwelling and the impact by virtue of overlooking and overbearing.

PL55.233140 (Reg Ref 08/520225)

Permission refused for the construction of 11 no residential units and all associated site works.

PI 55.225153 (Reg Ref 07/520008)

Permission refused for the demolition of an existing two storey dwelling and the construction of 15 no residential units and all associated sit works.

5.0 Policy Context

5.1. National Planning Policy

- National Planning Framework, 2040.
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- Best Practice Guidelines for Delivering Homes Sustaining Communities - Quality Housing for Sustainable Communities (DEHLG, 2007)

5.2. Louth County Development Plan (CDP) 2021-2027

The CDP was adopted on the 30th of September 2021.

Zoning

The site is zoned as A1, Existing Residential, where it is an objective to “*To protect and enhance the amenity and character of existing residential communities.*”

Infill and Extensions

Section 13.8.32: Infill and Backland Development in Urban Areas

- The proposal shall have regard to the prevailing density and pattern of development in the area, have a positive contribution to the streetscape and not impact on the residential amenities of the surrounding properties.

13.8.35 House Extensions

- Applications for extensions shall consider the scale, design, privacy, daylight, private open space, car parking and services.

5.3. **Natural Heritage Designations**

The site is located c. 300m to the south west of the Dundalk Bay SAC (site code 000455) and the Dundalk Bay SPA (site code 004026).

5.4. **EIA Screening**

Having regard to 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 have been submitted from the occupant of “The Garden House” located along the front (west of the site). The issues raised are summarised below:

- The proposed development will directly affect the appellant.

- The planning history on the site is provided which notes a previous refusal on the site for developments over single storey.

Procedural Considerations and Validity of the application.

- Previous High Court decisions note that all applications must have full details, including dimensions and levels in order to be considered valid.
- There are no details of the finished floor levels or ridge heights on the plans, elevations and section drawings. The omission of these details makes it difficult to properly assess the application and the full impact on the adjoining property.
- There are discrepancies on the site layout plan. The plan shows a pedestrian gate from the site to the side of the Garden House. The gate is on the public road and not from within the site itself.
- The notes on the site layout indicate the car parking space located in front of The Garden House (space no.5) is for the existing house. This is in fact reserved for the Garden House when the development is completed, and the proposal should reflect this.

Scale and Height of the Development

- The parent permission relates to single storey dwellings.
- Previous proposal has been refused by the Board for larger scale development on the site.
- The increase in height will provide an additional floor at dormer level.
- The increase in height will dramatically change the amenity enjoyed by the Garden House.
- The increase in height will block the views of the Cooley Mountains.
- The overall scale and bulk of the proposed dwellings will have an overbearing impact on our property as well as adjoining properties.
- The scale and bulk will negatively affect the residents from enjoying their private open space located to the rear of the existing house.

- The scale of the dwelling will significantly block the natural daylight and sunlight from reaching our private garden as well as adjoining properties.

Overlooking of properties

- The overlooking into the rear garden will destroy the residential amenity of the existing residents on Mill Street, including the appellant's property.
- The proposed development poses a potential safety risk to young students of Realt na Mara national school as the proposed building is closer to the school boundary and the overlooking will be an issue at 1st floor level.
- It is noted the PA have conditioned the use of opaque glazing. This is not sufficient to overcome the impact on any residential amenity.

Access and Parking

- The size of the dwellings will increase due to the additional bedroom.
- There is likely to be an increase in parking demand, particularly if rented to different people.
- The fifth space is not for visitor parking and is for use by the Garden House.
- Mill Street is a narrow road and has limited car parking on the street. The proposed development could exacerbate the problem further.
- The proposed development would give rise to increase traffic volumes and illegal parking which could impact vulnerable school children walking to school.

Depreciation of Property Value and Amenity Value.

- The Garden House was purchased on the basis it had private secure rear garden and the previously permitted single storey dwellings would not be subject to further extensions
- The proposal will now have a detrimental impact on the property price.

Assessment of application

- The Planner's report incorrectly states that the site is currently under construction.

- The Garden House has been renovated, but no further development.
- It is not clear if the Planner considered the full planning history.

Appropriate Assessment

- No screening report has been submitted.
- The Board should refuse the permission in light of the potential for impacts on the nearby Natura 2000 sites.

Conclusion

- The proposal will have an adverse impact on the residential amenity of the Garden House and other properties in the vicinity.

6.2. Applicant Response

A response has been received from an agent on behalf of the applicant. The response has been summarised below:

- The appellant was aware at the time of purchase of the Garden House that there was planning permission for 4 no. houses on the site.
- The previous refusals on the site related to overlooking created by the first and second floor windows at the front of the proposed dwellings.
- It is not considered there are any parameters on the site that needs addressed and all applications are dealt with on their own merits.

Procedural Considerations and Validity of the application.

- Site layout drawing 000/1B shows the FFL of the proposed houses, existing floor level of the Garden House and existing site and road levels.
- Floor plan drawing 001/1 shows the height to ridge.
- The discrepancy in relation to the internal pedestrian gate between the site & The Garden House is noted although this has no bearing on the application.
- 5 no parking spaces have been provided, one of which is linked to the Garden house.
- There is no discrepancy between the wording of the proposal and 17/9.

Scale and Height of the Development

- The proposal is to amend the previous permission and the dwellings will remain single storey.
- It is difficult to comprehend that an increase in c. 30 cm would impinge the views from Garden House.
- The Garden House is in a town centre location where views do not take precedence or are classed as an amenity.
- The proposed dwellings will have the same depth, length and height to eaves.
- The majority of dwellings in the vicinity of the site are two storeys.
- Having regard, the ground level of the rear garden of to “The Garden House” (4m), the footpath at the front of the proposed dwellings (4.25m), the height of the rear boundary of the Garden House (2m) and the height of the proposed dwelling to the fascia (2.73m) and the distance between the boundary wall and the fascia (13.6m) and the roof pitch (45 degrees) there would be no loss of light.
- The Garden House is located south of the proposal and there would be no loss of light.

Overlooking of properties

- Two anomalies on the submitted plans are noted.
- The plans show a side window for the first-floor bedrooms and the bathrooms. Amended plans have been submitted to illustrate the removal of the side window for the bedroom and inclusion of the side window for the bathroom, fitted with obscure glazing.
- Should the Board not accept these amendments the bathrooms can be fitted with ventilation and have no windows.
- There are no first-floor windows proposed along the front of the dwellings.
- In relation to the impact on the Reala Mara school, it is noted that the area to the rear of the site is unkempt and appears to be used for storage,

surrounded by a paladin fence c. 25 m from the rear of the site boundary (as per submitted Appendix A). The playground is beyond this area.

- An extract from the Realt na Mara planning application 16/433 illustrates the area at the rear of the subject site as cordoned off.
- The play areas in the school are supervised by teaching staff.
- It is requested that the Board remove Condition No.4 in relation to the inclusion of obscure windows on the first floor window. It is considered this window will not have a negative impact on the use of the school playground.
- The first-floor window of House 1 faces a right of way, commercial yard, of House 2 towards the playground and separated by 19.5m, House 3 towards the playground and separated by 25.5m and House 4 towards the playground and separated by 26.3m.
- The play areas, open space areas of housing estates usually have passive surveillance.

Access and Parking

- Section 7.3.9.1 of the CDP requires the provision of 1 space per dwelling.
- The proposal includes 1 space per dwelling and additional space for The Garden House.
- The school has additional parking and long-term plan to provide more (34 spaces under Reg Ref 16/443. This will alleviate traffic along Mill Street.
- The proposal will not cause congestion.
- There is a move away from car-based travel.
- There is no evidence to presume there will be unauthorised parking.

Deprecation of Property Value and Amenity Value.

- The site has the benefit of a current permission Reg Ref 17/89.
- The proposal is for alterations to those permitted houses, which will not have a significant change to the value of the Garden House property.

Assessment of application

- It is considered the Planner referred to the boundary block wall and rear entrance gate, the amendments proposed and the impact on the residential amenity.

Appropriate Assessment

- A full screening assessment was undertaken by the previous planner in 2014 (Reg Ref 14/27).
- There have been no changes to the site since this assessment.

Conclusion

- It appears the applicant may be treating this proposal as a new application although only refers to amendments.
- The applicant both the site at an inflated price and is trying to make the development financially viable.
- The Board is requested to have consideration to the amended plans and particulars submitted with this response.

6.3. Planning Authority Response

None received.

6.4. Observations

None received

7.0 Assessment

7.1. The Board will note the applicant's response to the grounds of appeal contains an amended site layout plan, floor plans and elevations. The applicant states that these have been submitted in response to a number of discrepancies in the plans, noted following the grant of permission to reflect the following:

- The inclusion of the existing vehicular entrance into the existing dwelling to the west "The Garden House".
- The removal of a side window for the first-floor bedroom, previously included on the permitted floor plans but not the elevations.
- Inclusion of a side window for the bathroom, included on the permitted floor plans although not illustrated on the corresponding elevations.

The Board did not consider the submission of this documentation as material, which, having regard to the scale and nature of the alterations, I consider reasonable. I have had regard to these amendments throughout my assessment, where appropriate.

7.2. The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Access and Carparking
- Impact on the Surrounding Area
- Flooding
- Appropriate Assessment.

Principle of Development

7.3. Parent permission Reg Ref 17/89 was granted for 4 no. single storey houses, subject to 16 no. conditions. The proposed development includes alterations to this permitted development to include revisions to the design of the permitted houses to include:

- Revision to the ground floor plan layout,
- Raise the height of the roof ridge by c. 30cm,

- Convert the attic into habitable space to make the houses 3 bedroom,
- Revision to the elevations.

7.4. The appellant has raised concern in relation the documentation submitted with the application. In this regard, the appellant notes the absence of details on the submitted plans including the finished floor levels (FFL) or ridge levels. Having regard to the development description and the submitted documentation, I do not consider the applicant proposes to amend either the FFL or the ridge height of the dwellings and these will remain as permitted under the parent permission (Reg Ref 17/89). Therefore, I do not consider the absence of these details would prevent an overall assessment of the proposed development before the Board.

7.5. The site is located on lands zoned for residential development, close to Dundalk Town Centre. The policies and objectives of the development plan support the development of infill sites such as these, subject to certain planning considerations.

7.6. Therefore, having regard to the nature of the proposed amendments, the documentation submitted and the location of the site, I consider the principle of development is acceptable, subject to further planning considerations discussed below.

Design and Layout

7.7. The proposed development includes alterations to the previously permitted development for 4 no. dwellings (Reg Ref 17/89). As stated above, these revisions include alterations to the floor plan layout, increase in the height of the roof to accommodate an additional bedroom and bathroom in the attic space and revisions to the front elevation of the 4 no. dwellings. The grounds of appeal have raised concern in relation to the overall scale of the alterations, particularly in relation to previous planning history on the site. The impact on the appellant's amenity is further discussed in detail below.

Planning History

7.8. In relation to the planning history the Board will note the parent permission (Reg Ref 17/89) was granted for 4 no. single storey dwellings. The location and general layout of these 4-no. dwelling will remain as per permitted under Reg Ref 17/89. The height of these dwellings was 5.7m and front elevations where of a typical single storey

dwelling with front door and 2 no. front windows. Prior to this permission, the Board refused permission for 5 no. two storey dwellings (PL15.244215 (Reg Ref No. 14/520027)) for reasons of overbearing and overlooking on adjoining properties. The grounds of appeal consider this decision is relevant as the proposed development is more in line with the previous refused development. I note this previous refusal by the Board was for 5 no. dwellings on the same site. These proposed dwellings were larger (3- & 4-bedroom dwellings) than those proposed and were situated at different locations. I do not consider this previous Board decision has any bearing on the proposal now before the Board and I consider any proposal should be assessed on its merits.

Proposed Alterations

7.9. In relation to the proposed development those amendments include:

- Increase in the height of the dwellings from 5.7m to 5.995m,
- Alterations to the internal configuration of the ground floor to replace one of the bedrooms for additional living space,
- New elevations to include a relation of the front door to a central location and relation of two ground floor windows.
- Conversion of the attic space to accommodate two additional bedrooms and a bathroom.

7.10. In addition to the increase in height of the roof, the alterations to the first floor require an additional first floor window and dormer window at the rear of the dwellings. The applicant's response to the grounds of appeal notes discrepancies in the documentation submitted with the planning applications, namely the absence of the bathroom windows on the first-floor elevations. Amended drawings include the correct elevations. I do not consider the increased height proposed will significantly change the massing and scale of the dwellings, in comparison to those permitted under Reg Ref 17/89 and the overall appearance will remain mainly single storey. Therefore, having regard to the nature and scale of the proposed increased height I consider this amendment acceptable.

7.11. In relation to the internal alterations on the ground floor a bedroom has been moved to the first floor and the living space on the ground floor is increased. The footprint

remains the same. It is my opinion that this alteration, with larger living space on the ground floor, will enable an increased standard of accommodation for any future occupants of these dwellings. I consider this amendment acceptable.

- 7.12. In relation to the elevation, in addition to the change of entrance door, new materials are included in the form of a natural stone feature at the entrance doors. Two windows are included on the ground floor and have been moved closer together. It is my opinion that the elevational changes provide symmetry to the front of the dwellings and I consider the materials used are of a high quality. Overall, having regard to the choice of materials and design, I consider these proposed elevational changes are reasonable.
- 7.13. The increased height of the dwellings allows the conversion of the attic and use as an additional floor. Dormer windows serve bedroom 1. The floor plans submitted with the planning application include two windows for bedroom 2, to the rear of the dwellings. Whilst the elevations illustrate only the window on the rear facing north. The applicant's response to the grounds of appeal has highlighted this as an error in the drawings. It is confirmed that only one window (i.e., the rear window) is proposed for this bedroom and amended plans have been submitted illustrating the same. In addition, the applicant highlights the absence of a window for the first-floor bathroom on the submitted elevations. I have assessed the plans submitted to the Board and I consider the alterations are minor in nature and would not have a significant impact on the overall proposed development. In relation to the impact of the first floor on the design and layout, I consider this mostly relates to the increased height, as discussed previously, and an extension protruding to the rear of the first floor. I do not consider the first-floor rear extension significantly alters the overall scale or massing of those dwellings originally permitted under Reg Ref 17/89. To this end, I consider the design and layout of the first floor reasonable. The impact of the additional windows is discussed further below.

Access and Carparking

- 7.14. The permitted scheme under Reg Ref 17/89 included 5 no. carparking spaces and access through the site into the Garden House. The grounds of appeal have raised concern in relation submitted plans. In this regard, the absence of any vehicular access into the Garden House is noted. In addition, the grounds of appeal note that

the car park space no. 5 was initially allocated as a parking space for the refurbished Garden House. The grounds of appeal are also concerned the additional bedroom, if permitted, will generate an additional requirement for more parking spaces. In the absence of these spaces, they are concerned there will be an impact on the traffic along an already busy Mill Street.

- 7.15. The applicant's response notes that the proposal does not include any change to the carparking, and this is to remain as per the parent permission Reg Ref 17/89. It is acknowledged that the vehicular access was not included in those plans submitted to the PA and new plans submitted to the Board, with the applicant's response, have rectified this error. The applicant notes the provision of one parking space per dwelling complied with the requirements of the development plan.
- 7.16. I note Table 13.11 of the Louth County Development Plan 2021-2027 provides guidance on the requirements and provision of car parking. The site is in Area 1 where there is a requirement for 1 space per unit. Therefore, the inclusion of 4 no. car parking spaces complied with the requirements of the CDP.
- 7.17. Having regard to the town centre location of the site, the additional plans and particulars submitted by the applicant in relation to the vehicular access for The Garden house and the compliance with Table 13.11 I do not consider the proposed development would have any negative impact on the access or car parking as permitted under Reg Ref 17/89.

Impact on the Surrounding Area

- 7.18. The grounds of appeal are submitted from the occupant of "The Garden House" which is located to the west of the site. The appellant's dwelling fronts onto Mill Street and the eastern façade faces directly onto the site. There is a low boundary wall (c.1.2m) along the east of the appellant's dwelling and a 2m high boundary at the rear (north). A single storey detached dwelling is located to the east of the site.

Residential Amenity

- 7.19. The grounds of appeal have raised concern in relation to the impact of the proposed development on their existing views of the Cooley Mountains. They raise the impact of the proposed development on the value of their property. The applicant's

response to the grounds of appeal refers to the grant of parent permission which the applicant was aware at the time of purchase.

- 7.20. In relation to the impact on the residential amenity, I note the increased height of those dwellings will not increase the design of the dwelling to a full height two storey dwelling. Any current views from of the appellant's ground floor would be along the east, which would be interrupted by the parent permission. The increase in height (c. 30m) would not be tall enough to impact the first floor of the "Garden House" property. The proposed first floor windows are oriented north, away from the existing dwellings and therefore I do not consider there will be a negative impact from overlooking on the existing properties.
- 7.21. The grounds of appeal are also concerned the proposal would block the natural daylight and sunlight from reaching their garden. The applicant's response details the height of the proposed house, having regard to the FFL, the applicant's rear boundary wall and the orientation of the site. The applicant does not consider the proposal will have any negative impact on the adjoining properties by way of overshadowing. I note the location of the proposed dwellings c. 12m to the north and north east of the appellant's rear boundary and the height of the proposed dwellings at 5.9m and I do not consider any overshadowing would occur to the rear of the applicant's site. I note the location of the proposed dwelling along the east of the site may have potential for overshadowing on the rear garden of that property to the east, in the late evening. It is my opinion that having regard to the height of the proposed dwelling, the location and distance from that property, any overshadowing will be minimal in the late evening and will not have a significant negative impact on their residential amenity.

Realt Na Mara

- 7.22. The site is partially located to the south of playground associated with Realt Na Mara National school. The first-floor window faces north towards part of the playground. The grounds of appeal consider the proposal represents a safety risk to the students in this school. The applicant's response to the grounds of appeal refers to the existing storage area and paladin fence around the south of the school yard. In this regard the applicant notes a distance of c. 19m from the school yard.

- 7.23. The Planners Report notes c. 4m from the school yard to the rear of units No. 3 & 4. Condition No 4 requires the fitting of obscure glazing on the first floor in order to prevent any overlooking on the school yard. The applicant's response notes these conditions, considers it unnecessary and requests the Board to remove the condition, should they decide to grant permission.
- 7.24. I note the location of the site in comparison to the playground associated with Realt na Mara. Dwellings 1 & 2 are orientated towards a right of way and commercial development. Units 3 & 4 are oriented north towards the corner of the national school. I note the boundary treatment along the north of the site includes 2m high boundary wall. In this regard I do not consider the proposal represents a security treat to the operation of the school. In relation to overlooking, I note the site is surrounded by two storey dwellings and whilst many of these may not be as close as the proposed development, it would be considered reasonable that residential zoned lands within an urban setting may have first floor windows oriented towards educational uses. In addition, I note the first-floor windows of dwellings 3 & 4 face onto an area which is fenced off. In this regard, having regard to the location and orientation of these windows I do not consider it necessary to include a condition for obscure glazing in those bedroom windows.

Conclusion

- 7.25. Having regard to the design and layout of the proposed amendments, in particular the increase height and first floor rear bedroom window. I do not consider the proposed development would have a significant negative impact on the visual or residential amenity of the occupants of the existing dwellings adjoining the site or the adjoining Real na Mara national school.

Flooding

- 7.26. The site is located within Flood Zone A and B, as illustrated in the CDP composite map for Dundalk. The proposed development relates only to alterations of a previously permitted development. A Flood Risk Assessment was submitted as part of a further information request on the parent permission Reg Ref 17/89. The Flood Risk Assessment states that the floor level of the house would be 0.13m above the predicted extreme flood level (4.35m). The Flood Risk Assessment concluded that the criteria of the Justification Test (Box 4.1) from the national guidelines could be

met. The Infrastructure Directorate of the County Council recommended a grant of permission subject to the implementation of all mitigation measures detailed in Section 3.0 of the Flood Risk Assessment. I note the proposal does not include any alterations to the FFL of the dwellings.

- 7.27. Having regard to the alterations proposed and the absence of any change to the FFL of the 4-no. dwellings I am satisfied the proposed development does not require the submission. It is my opinion that any grant of permission should be linked to the parent permission to ensure any mitigation measures in the flood risk assessment are complied with in full.

Appropriate Assessment (AA)

- 7.28. The site is located c. 300m to the south west of the Dundalk Bay SAC (site code 000455) and the Dundalk Bay SPA (site code 004026). The grounds of appeal have raised concern in relation to the absence of any Screening for AA with the submitted application. The Planner's report noted the absence of a screening report although referred to that report submitted with the parent permission (Reg Ref 17/89). The Planner undertook an assessment of the impact on the conservation objectives of Dundalk Bay SAC and SPA. The Planner's report concluded that in the absence of any pathway route between the site and the European Sites no Appropriate Assessment issues would be likely to arise. I consider this assessment reasonable.
- 7.29. Having regard to the modest nature and scale of the proposed development and its location within a long established built up urban area which is connected to existing public services, which includes public mains water and wastewater, and the separation distance to the nearest sensitive location and lack hydrological pathways, it is concluded that no Appropriate Assessment issues arise as 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

The site is located close to the town centre of Dundalk. The proposed development comprises of alterations to a previously granted residential development (Reg Ref 17/9) on a small infill site located between residential and educational uses on a site which fronts onto a busy urban street. Having regard to the nature and scale of the alterations to the permitted 4 no. dwellings, it is considered that the massing and scale would not have a detrimental visual impact and would be acceptable within the context of the site. The orientation of the dwelling and location of the first-floor window north, away from any existing dwellings, will ensure there is no potential for overlooking on adjoining properties. Therefore, the proposed development is such that it does not result in a negative impact on the existing character of the area or the amenities of adjoining properties and would be in accordance with the policies and objectives of the Louth County Development Plan 2021-2027 and 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, as amended by further plans and particulars received by An Bord Pleanala on the 16th of August 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission (s) granted on under</p>

	<p>planning register reference number 17/89, and any agreements entered thereunder.</p> <p>Reason: In the interest of clarity to ensure that the overall development is carried out in accordance with the previous permission (s).</p>
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Karen Hamilton
Senior Planning Inspector

17th of January 2022