



An
Bord
Pleanála

Inspector's Report ABP-311643-21

Development

Permission is sought for re-aligning the front wall of the existing property, the construction of 6 No. 3-bed houses with on-curtilage parking, construction of a road, new perimeter walls and all associated site works. Significant Further information submitted on this application.

Location

Woodlawn, Summerhill Road,
Dunboyne, Co. Meath A836PC98.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

21642.

Applicant(s)

Peninsula Suite Property Holdings
Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party.

Appellant(s)

Peninsula Suite Property Holdings
Limited.

Observer(s)

Angela Rath.

Date of Site Inspection

10th day of March, 2022.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	10
5.0 Policy & Context	10
5.4. Natural Heritage Designations	15
5.5. EIA Screening	15
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.2. Planning Authority Response	18
6.3. Observations	18
7.0 Assessment	19
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	32

1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.2416ha, is situated on the north western fringes of Dunboyne settlement, c370m to the north west of Main Street and c610m to the south east of the L-2228 (Summerhill Road) junction with the R157 Regional Road. With this junction providing linkage to Junction 5 of the M3 c1.9km to the north east of the site via the R157 with M3 Parkway located off the R157 in close proximity to this motorway junction.
- 1.2. The site consists of an irregular long narrow rectangular shaped site which fronts onto the eastern side of Summerhill Road at a point where the 50kmph posted speed limit applies, there is a pedestrian pathway and street lighting. The site contains a substantial vacant 2-storey dwelling house (Woodlawn) with the site overgrown and unkempt with a number of mature trees. The site is bound by Saint Peters Park on its northern boundary with its south easternmost corner adjoining the residential scheme of Kilbrena Close and Saint Patrick Park. A cul-de-sac lane runs alongside the southern boundary of the site.
- 1.3. The surrounding area has a mature residential character with the built forms varying from single, dormer and two-storey residential of varying architectural styles.

2.0 Proposed Development

- 2.1. Planning permission is sought for re-aligning the front wall of the existing property, the construction of 6 no. 3-bed houses with on-curtilage parking, construction of a road, new perimeter walls and all associated site works. The planning application form indicates that the gross floor space of proposed works is 817.8m² and 12 no. car parking spaces are proposed. This application is accompanied by the following documents:
 - Design Report: This report indicates that the full site area when the existing house and gardens are excluded is 0.16ha which equates to c38 units per hectare and that the dwellings are designed to be compliant with Part L and M of the Building Regulations (Energy Efficiency and Universal Access).
 - Residential Quality Analysis: This sets out:

Family Dwelling 3 or more persons (3-bed/5-persons)						
Unit No.	No. of Type	Gross Floor Area	Minimum Main Living Room	Aggregate Living Area	Aggregate Bedroom Area	Storage
1	6	136.3m ²	16m ²	34m ²	45.4m ²	10.3m ²

- Letter of consent from adjoining property owner for realignment of their front wall.
- Document titled: '*Proposed Housing Development at Dunboyne, Co. Meath. Notes on Infrastructure for planning application*', May, 2021.

2.2. On the 20th day of August, 2021, the applicant submitted significant **further information** to the Planning Authority. This response was accompanied by revised public notices. The revisions included in this response essentially consist of an amended dwelling unit built form to two-storey in height, revised boundary details, revised surface water drainage measures through to a revised public lighting design. In terms of unit mix 4 no. 3-bedroom dwelling houses and 2 no. 2-bedroom dwelling houses are proposed.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 16th day of September, 2021, the Planning Authority decided to **refuse** planning permission for the proposed development for the following stated reasons:

- "1. *It is a policy of the Meath County Development 2013-2019 (as varied) "TRAN POL 24 To promote road and traffic safety measures in conjunction with Government Departments, the Road Safety Authority and other agencies through the provision of appropriate signage, minimising or removing existing traffic hazards and preventing the creation of additional or new traffic hazards". The Design Manual for Urban Streets and Roads (DMURS). It is considered that the proposed development, by virtue of the lack of unobstructed sightlines from internal roads and the insufficient room to enter and exit the parking spaces in front of the proposed dwellings in compliance with DMURS, the*

proposed development would therefore endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the design of the proposed dwellings, and in particular their excessive height and close proximity to adjoining residential properties, it is considered that the proposed development is contrary to the provisions set out in Chapter 11 (Development Management Standards and Guidelines) of the Meath County Development Plan, 2013-2019. The proposal therefore would be detrimental to the residential amenity of adjoining residential properties, would set an undesirable precedent for future development of this kind in the area and would be contrary to the proper planning and sustainable development of the area.*
3. *The applicant has failed to demonstrate the provision of appropriately designed public open space within the proposed development at the required amount of 15% of the total site area, which is contrary to the provisions set out in Chapter 11 (Development Management Standards and Guidelines) of the Meath County Development Plan, 2013-2019 in relation to public open space. The proposal therefore would be detrimental to the amenity of the proposed residential properties, would set an undesirable precedent for future development of this kind in the area and would be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planning Officers report, dated the 15th day of September, 2021, is the basis of the Planning Authority’s decision. It includes the following comments:

- The applicant had satisfactorily address Part V concerns raised.
- The applicant has satisfactorily clarified the site area, in particular the depth to the rear of the existing dwelling house.
- The applicant has not satisfactorily addressed the issue of the height of the proposed dwelling units which are considered excessive in their context

- There are no revised detailed house plans/drawings for the amended house types.
- The proposed houses are located very close to the northern boundary of the site. With this boundary adjoined by residential properties whose residential amenity would be detrimentally impacted by the proposed development due to loss of sunlight and privacy.
- The applicant proposed payment of a contribution rather than providing 15% open space given the constraints of the site and the presence of open space in the surrounding area is not acceptable.
- The Planning Authority is satisfied with the omission of the upper floor and the use of opaque glass in gable windows.
- The applicant has satisfactorily clarified the landscaping. Including which trees are to be retained.
- The replacement of the originally proposed timber boundaries with solid block walls is deemed acceptable.
- The access and egress arrangements for the site are not satisfactory and would endanger public safety by means of a traffic hazard.
- The improved drainage design is deemed to be acceptable.
- The revised lighting design and layout is deemed to be acceptable.
- The applicant has not clarified the provision of telecommunication services for the proposed development.
- There is no evidence to suggest that the applicant as part of their further information response has had regard to the third-party submissions received.
- The applicant has not satisfactorily addressed the further information items and that planning permission be refused.

The **initial Planning Officers report**, dated the 28th day of May, 2021, concluded with a request for further information on the following matters:

Item No. 1: Relates to Part V compliance.

Item No. 2: Raises issues with the accuracy of the site dimensions.

Item No. 3: Requires a revised house design to 2-storey maximum.

Item No. 4: Requires the provision of 15% of the total site area as designed open space.

Item No. 5: Requires a minimum of 22m separation distance between first floor windows.

Item No. 6: Raises concerns in relation to mature trees on site which have not been shown on plans and requires a detailed landscaping plan.

Item No. 7: Requires revised boundary treatments and sets out that timber boundary treatments are not deemed to be acceptable.

Item No. 8: Requires the applicant to address the Transportation concerns.

Item No. 9: Requires the applicant to address the Water Services concerns.

Item No. 10: Requires the applicant to submit a revised public lighting scheme.

Item No. 11: Requires clarification on the delivery of communication services.

Item No. 12: Requires a response to Third Party submissions.

Item No. 13: Relates to possible provision of new public notices.

3.2.2. **Other Technical Reports**

Transportation: The final Planning Authority's Transportation Report, considered that due to the fact that the sightlines from the internal roads are obstructed by the proposed buildings; that there is insufficient room to enter and exit parking spaces in front of the dwellings; the proposed development, if permitted, would result in a traffic hazard, and should therefore be refused.

Drainage: Final report – no objection.

Public Lighting: Additional information is requested.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection, subject to safeguards.

3.4. **Third Party Observations**

3.4.1. During the course of the Planning Authority's determination of this application they received 10 no. submissions from Third Parties, with three of the Third Parties also

responded to the applicant's further information response and 1 of the Third Parties submitting an observation to the Board. The key issues raised can be summarised as follows:

- 1) Diminishment of residential amenity by way of overlooking, overshadowing, loss of sunlight through to visual overbearance.
- 2) Overdevelopment of the site.
- 3) Visual incongruity of the height of the dwelling units in their context.
- 4) Inadequate entrance to serve the proposed development.
- 5) Traffic hazards arising from the intensification of an entrance that has historically served one dwelling.
- 6) Ownership of boundaries contested.
- 7) Removal of trees objected to.
- 8) Boundary treatments not satisfactory.
- 9) Inaccurate drawings in terms of setting out the site itself, the boundaries, and the relationship with other properties.
- 10) Depreciation of property value.
- 11) Inaccurate shadow studies not based on actual site context relationship with adjoining properties.
- 12) Security and privacy concerns.
- 13) Loss of trees that are not in the applicant's ownership.
- 14) Construction nuisance.
- 15) Potential for encroachment and oversailing of adjoining properties.
- 16) Monotony of the design with all six dwellings being the same.
- 17) Access to St. Peters Park residential scheme and use of this scheme's open space is objected to.
- 18) Drainage Concerns.

4.0 Planning History

4.1. Recent and Relevant

- 4.1.1. **P.A. Ref. No. 21/643:** Planning permission was **granted** for the demolition of a side extension, veranda, lean-to kitchen extension and shed to the rear of the dwelling house on the subject appeal site. In addition, this grant of permission included the construction of a new entrance and canopy to this dwelling, alterations to its existing fenestration, a new roof light in the main roof, internal alterations, the widening of an existing vehicular entrance, the provision of two parking spaces together with all associated site works. Decision date: 21st day of September, 2021.

5.0 Policy & Context

5.1. National Policy

- 5.1.1. The National Planning Framework – Project Ireland 2040, (2018).

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040. Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Relevant policies include NPO 4, 6, 11, 13, 18a, 18b & 35.

Chapter 6 deals with the matter of 'People Homes and Communities' and includes 12 objectives among which, Objective 27 seeks to: *"ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages"*; Objective 33 seeks to: *"prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location"*; Objective 35 seeks to: *"increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights"*.

- 5.1.2. Climate Action Plan, 2019.
- 5.1.3. National Development Plan, 2021 to 2030.
- 5.1.4. Housing for All – A New Housing Plan for Ireland to 2030, 2021.
- 5.1.5. Towards Nearly Zero Energy Buildings in Ireland - Planning for 2020 & Beyond, (2012).
- 5.1.6. National - Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009).
- Design Manual for Urban Roads and Streets (DMURS), 2013.
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.
- Urban Development and Building Height Guidelines, 2018.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

5.2. **Regional**

- 5.2.1. Dublin Metropolitan Area Strategic Plan
- 5.2.2. The Eastern and Midland Regional and Spatial Economic Strategy.

5.3. **Local**

5.3.1. **Development Plan**

The Meath County Development Plan, 2021-2027, is applicable.

Of note the site is identified as forming part of a larger parcel of '*A1-Existing Residential*' land. Section 11.14.6 sets out the land use objective for such lands as:

“to protect and enhance the amenity and character of existing residential communities”.

Chapter 2 of the Development Plan sets out the Core Strategy and Section 2.2 sets out the following core strategy vision for the plan area:

“To continue to support the creation of socio-economically progressive vibrant, dynamic, and healthy communities throughout the County and ensure that future growth is based on the principles of sustainable development that delivers a high-quality living and working environment that meets the needs of all residents, in accordance with National and Regional Guidance”.

Under Section 2.4.2.1 Dunboyne is indicated as forming part of the Dublin City Metropolitan Area and as a ‘Self Sustaining Growth Town’ with these defined as *“towns with a moderate level of jobs and services – includes sub county market and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining”.*

Section 2.10 states that: *“the distribution of future population and household growth in this Plan is based on the key principles of NPF and RSES of delivering more compact growth, improving the alignment of population and employment growth, and concentrating growth in the large urban centres that have a comprehensive range of services and public transport provision with the capacity to support growth”* and that: *“development therefore will be primarily concentrated in the Metropolitan Area (Dunboyne and Maynooth)”.*

Section 2.10.1 sets out the primary focus for future growth in the Metropolitan Area of Meath will include the settlement of Dunboyne and states that: *“Dunboyne is located along the North-West Strategic Residential and Employment Corridor as set out in the Dublin Metropolitan Area Strategic Plan”.*

Chapter 3 of the Development Plan deals with the matter of future settlement growth and under Section 3.4.3 sets out the primary focus of growth under the settlement strategy will be include the metropolitan settlements of Dunboyne. In relation to Self-Sustaining Growth Towns, it indicates that these have capacity to accommodate further expansion.

Section 3.4.8. states that: *“the settlement of Dunboyne is strategically important settlement in Meath. It is an important centre for economic growth in the County due to its location in the Dublin Metropolitan Area and along a multi-modal corridor”.... “there is capacity for the town to accommodate significant population growth”.*

Settlement Strategy Objective SH OBJ 5 indicates that a new local area plan for Dunboyne/Dunboyne North/Clonee, will be prepared during the lifetime of the plan.

Settlement Strategy Objective SH OBJ 9 indicates that the Council will continue to promote Dunboyne as a key settlement in the Metropolitan Area of Dublin and that *“the long-term growth of these settlements shall be based on principles of balanced and sustainable development that support a compact urban form and the integration of land use and transport”.*

Chapter 11 sets out the development management standards and land use zoning objectives of the Development Plan. Section 5 deals with residential development.

The following policies and objectives are relevant:

- | | |
|------------|--|
| DM POL 5: | Promotes sustainable development and a range of densities appropriate to the scale of settlement. |
| DM OBJ 14: | In self sustaining growth towns densities greater than 35 units per hectare will be encouraged. |
| DM OBJ 16: | Site coverage shall generally not exceed 80%. |
| DM OBJ 18: | Minimum of 22m separation between directly opposing rear windows at first floor level in the case of detached, semi-detached and terraced units shall generally be observed. |
| DM OBJ 21: | Minimum distance of 2.3m shall be provided between dwellings for the full flanks in all developments of detached, semi-detached and end of terrace houses. |
| DM POL 6: | Requires a unit mix to address wider demographic and household formation trends. |
| DM OBJ 24: | Requires the provision of EV charging points to serve residential development. |

- DM OBJ 26: Public open space shall be provided for residential development a minimum rate of 15%.
- DM POL 7: Private open space shall meet the requirements set out in Table 11.1. (Note: Table 11.1 requires a minimum 60m² area of private open space to be provided for three bedroom house types).
- DM OBJ 28: Requires boundaries between the rear of existing and proposed dwellings to be a minimum of 1.8m and that these be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency.
- DM OBJ 29: As per the requirements of DM OBJ 29 for boundary treatments between all rear boundaries.
- DM POL 11: New residential developments should be designed to maximise light penetration.

Section 11.5.19 sets out that infill development relates to development located in gaps between existing buildings in built-up urban areas and that the Council will support such developments on appropriate sites that make the most sustainable use of serviced land and existing urban infrastructure.

DM OBJ 42 is relevant. It states: *“infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees etc”*.

Section 11.5.20 deals with backland sites in urban areas and indicates that these relate to small scale development located to the rear of existing buildings in built-up areas. It states: *“having regard to the requirement to protect the residential amenity and character of existing A1 zoned residential areas backland site development shall satisfy the criteria for infill development and avoid undue overlooking and overshadowing of adjacent properties”*.

DM OBJ 43 is relevant. It states: *“backland development proposals shall avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development”*.

Volume 2 of the Development Plan sets out the written statement and maps for settlements including ‘Dunboyne, Clonee and PACE’.

In relation to the Dunboyne, Clonee and PACE written statement under Section 5.1 sets out that the primary areas for population growth will be Dunboyne and Dunboyne north.

The following objectives are relevant:

Objective DCE OBJ 1: *“Secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring the household allocation for Dunboyne and Clonee as set out in Table 2.12 of the Core Strategy is not exceeded”.*

Objective DCE OBJ 2: *“Support and encourage residential development on under-utilised land and/or vacant lands including ‘infill’ and ‘brownfield’ sites, subject to a high standard of design and layout being achieved”.*

5.4. Natural Heritage Designations

- 5.4.1. Not relevant. The nearest Natura 2000 site is the Rye Water Valley/Carton SAC (Site Code: 001398) which is located c5.7km to the south west.

5.5. EIA Screening

- 5.5.1. Class (10)(b) of Schedule 5 Part 2 of the Planning & Development Regulations, 2001, as amended, provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units.
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10ha in the case of other parts of a built-up area and 2ha elsewhere. (In this paragraph, ‘business district’ means a district within a city or town in which the predominant land use is retail or commercial use.).

- 5.5.2. Under this application it is proposed to construct 6 dwelling units. This number of residential units falls significantly below the threshold of the 500 dwelling units noted above. The site has a given 0.2416ha site area. It is a brownfield back land site containing a dwelling unit served by public mains water and foul drainage connections.

The land between the site and the nearest Natura site, which is the Rye Water Valley/Carlton SAC (Site Code: 001398) located at its nearest point c5.5km to the south of the site, is comprised of a mixture of developed urban serviced land and unserviced rural land. The introduction of the proposed six residential units would not have an adverse impact in environmental terms on surrounding land uses, which are predominantly residential in their nature, nor would it have an adverse impact in environmental terms on adjoining and neighbouring zoned land which is serviced as well as extensively developed.

- 5.5.3. The site and its setting are not designated for any cultural and/or built heritage merit.
- 5.5.4. The proposed development is not likely to have a significant effect on any Natura 2000 site, including the Rye Water Valley/Carlton SAC as there is no hydrological connection between the site and this Natura site or any other such sites. The proposed development would not give rise to waste, pollution or nuisance that differ significantly from that arising from other developments in this urban landscape context. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services. Therefore, its effects on water and drainage would not be significant or such that would raise any substantive concern.
- 5.5.5. Having regard to:
- The nature, scale and extent of the proposed development sought under this application which is under the mandatory threshold in respect of Class 10 – Infrastructure Projects of the Planning & Development Regulations, 2001, as amended.
 - The location of the site is on existing residential in use lands that are also zoned ‘A1-Existing Residential’ where ‘residential’ development is deemed to be permitted in principle under local planning provisions.
 - The suburban location of the site and setting that is served by public infrastructure.
 - The pattern of development that characterises the immediate and wider vicinity of the site.

- The location of the site remote from any sensitive locations specified under Article 109 of the Planning & Development Regulations, 2001, as amended, the built-up nature of the landscape in between.
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' issued by the DoEHLG, 2003.

I have concluded that by reason of the nature, scale, extent, location, and site context of the subject site that the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not deemed necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party grounds of appeal were received by the Board on the 12th day of October, 2021. It can be summarised as follows:

- The two internal roads proposed to serve this development are small in scale and only serve two and four houses. They also form part of what is essentially a private road, and it is contended that the speed will be low. The potential for traffic hazard has been exaggerated by the Planning Authority.
- A swept-path-analysis was submitted with the further information.
- Each house will be served with two car parking spaces.
- There would be no front on views of the proposed houses from existing houses. Just views of the gable elevations which would contain one window with obscured glazing.
- There would be no issue of overshadowing, overlooking or loss of light arising from the proposed development.
- The 2.5 storey houses are modest in height and the dormer windows were reduced as part of the further information response as well as the height reduced.

- The appellant indicates that they propose in their drawings submitted with their appeal to further reduce the height of the houses to 8.75m in the proposed 3-bed and 2-bed house unit type.
- The appellant indicates that they propose to amend the site layout to include a public open space of 246m² at the forefront of the site. This is set out in the revised Site Plan submitted with this appeal submission.
- The Board is requested to overturn the decision of the Planning Authority based on this small-scale residential development would provide much needed residential amenity for the settlement of Dunboyne and subject to the revisions proposed by way of their appeal submission which they contend address the concerns of the Planning Authority.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response was received by the Board on the 9th day of November, 2021. It can be summarised as follows:

- All concerns raised by the appellant in their appeal submission have been considered.
- The Board is referred to their Planning Officer Reports which have considered the issues contained in the appellants submission.
- The Board is requested to uphold its decision.

6.3. Observations

6.3.1. On the 22nd day of October, 2021, the Board received an observation from Angela Rath, an adjoining property owner. It can be summarised as follows:

- The site has always been a single dwelling property.
- Concern is raised to the squeezing in as many houses as possible into the rear of an existing property which would increase the number of houses on the site to 7.
- The original house height of 10m was considered to be too high and not in keeping with other properties in the area and the height has only been revised to 9.5m by

way of the applicant's further information response. This height is considered to be too excessive in its context.

- Access onto Summerhill Road at peak morning and evening times is already difficult. The additional traffic this development would generate would add to this issue.

7.0 Assessment

7.1. Overview

- 7.1.1. I consider that the main issues in this appeal case are those raised by the First Party in their grounds of appeal submission and those raised by the Third-Party Observers in their observation submissions to the Board. In my opinion the issues raised largely correspond with the three reasons of the Planning Authority to refuse planning permission as set out in their decision notification dated 16th day of September, 2021. With this refusal relating to a development consisting of the re-alignment of the front wall of the existing property, the construction of 6 no. 3-bed houses with in-curtilage car parking, the construction of an internal access road, the provision of all associated site works on site which is referred to as 'Woodlawn', Summerhill Road, Dunboyne, Co. Meath.
- 7.1.2. I am satisfied that no other substantive issues arise including in terms of the general internal quality of the residential amenity for future occupiers of the dwelling unit to be retained as modified and as proposed, the density of the proposed development of 6 dwelling units on the 0.16ha portion of the site when the existing house site area is excluded, with local through to national planning provisions encouraging densification of residentially zoned serviced land in settlements as well as more compact urban forms, subject to safeguards.
- 7.1.3. In addition, I am also satisfied that the proposed amendments to the existing dwelling on site (Woodlawn) is consistent with the requirements of Section 11.5.25 of the Development Plan and the criteria set out under DM OBJ 50 of the Development Plan. In particular I consider it respects, harmonises, and integrates with this existing dwelling in terms of its nature, scale, and extent. Through to, if permitted, it would not result in any undue impact on amenities of adjacent residents in terms of light, privacy, or overshadowing.

7.1.4. Based on the above considerations I therefore proposed to assess this appeal case under the following broad headings:

- Planning History
- Access and Road Safety
- Impact on Residential Amenities
- Other Matters Arising

7.1.5. Prior to commencing my main assessment, I note, that the proposed development sought under this application was subject to a request for further information by the Planning Authority during its determination. The applicant submitted their response to this request on the 29th day of July, 2021, and subsequent to this they provided new public notices upon the request of the Planning Authority on the 20th day of August, 2021.

7.1.6. I consider that the revisions made by the applicant as part of their further information response include qualitative improvements to the proposed residential scheme. In particular the design has been amended to a reduced ridge height of 8.75m for each of the proposed six dwelling units. This amendment is part of the redesign measures that seek to reduce the impact of these dwelling units on the established residential amenities of properties adjoining them.

7.1.7. The proposed six additional dwelling units are now legible as two-storey in their overall built form appearance.

7.1.8. I consider two-storey built forms, including the semi-detached dwelling units proposed, are not uncharacteristic of residential development adjoining and/or neighbouring this site.

7.1.9. Alongside I consider in terms of adjoining single storey properties to the immediate south of the site the now proposed two storey height of the proposed dwelling units would give rise to an appropriate graduation in building height stepping up from the single storey dwellings situated to the south of the site.

7.1.10. Moreover, I consider the revision in overall height of the proposed six dwelling unit also reduces the visual overbearance arising from the 9.5m ridge height dwelling units previously proposed. With these previously proposed dwellings also having the

appearance of containing a third-floor level of habitation which would have given rise to a more adverse potential for overlooking and perception of being overlooked for adjoining properties bounding the northern and eastern boundaries of the site.

7.1.11. Further, I consider that the reduction in the ridge height of the new dwelling units proposed is a height that is not out of character with the existing dwelling on site 'Woodlawn'.

7.1.12. In addition, the revised drawings show a 22m separation distance is now proposed at first floor level between the rear of the proposed dwelling units and opposing windows of first floor level adjoining properties. This together with the elimination of second floor level through the provision of gable windows glazed in opaque glass significantly reduces the potential of the proposed development to give rise to serious injury to the residential amenity of properties in its immediate vicinity when compared to the original proposal submitted to the Planning Authority under this planning application.

7.1.13. The revisions also include improved boundary treatments, improved landscaping, and clarification on public lighting. Though I acknowledge that the applicant did not address to the satisfaction of the Planning Authority all items contained within its further information request I nonetheless consider that the revisions made by way of the applicant's further information response gives rise to a more qualitative response in terms of the residential scheme sought to its site and its setting. Therefore, for clarity my assessment below is therefore based on the proposed development as revised by the applicant's further information response.

7.1.14. I also note that the appeal submission is accompanied by a number of revisions which though minor in their nature, scale and extent also give rise to visual and residential qualitative improvements to the revised scheme. The Board may wish to consider these minor modifications in their determination of this appeal case. They are not in my view of a nature, scale and extent that would require new public notices.

7.1.15. Finally, for clarity I note that this planning application was assessed by the Planning Authority in accordance with the policies and objectives of the Meath County Development Plan 2013-2019. However, the Meath County Development Plan, 2021-2027, came into effect on the 3rd of November 2021. Therefore, my assessment below is based on the provision of this new plan alongside relevant regional to national planning policy provisions and guidance.

7.2. Planning History

- 7.2.1. The appeal site includes an existing unkempt and unoccupied dwelling that is referred to as 'Woodlawns' in the submitted documentation. This property is included in the redline site area. It is of note that under P.A. Ref. No. 21/643 planning permission was granted on the 21st day of September, 2021, for the demolition of a side extension, veranda, lean-to kitchen extension and shed to the rear of the dwelling house on the subject appeal site.
- 7.2.2. In addition, this grant of permission included the construction of a new entrance and canopy to this dwelling, alterations to its existing fenestration, a new roof light in the main roof, internal alterations, the widening of an existing vehicular entrance, the provision of two parking spaces together with all associated site works. Throughout the drawings submitted with this application Woodlawns and its site area are intermittently included in the overall development scheme whilst in many of the drawings it is also excluded as having been subject to a previous application.
- 7.2.3. I therefore raise it as a concern that this provides a level of ambiguity as well as lack of coherence in relation to the proposed development and as discussed in my assessment below gives rise to issues in terms of road hazard, private open space through to effectively omits the entrance serving the site onto the public road. Yet the sightlines appear to be substandard due to obstructions present and the examination of densification of this site, including the increased generation of traffic is a concern considering the manner in which car parking and internal access to the refurbished Woodlawns dwelling is proposed.
- 7.2.4. The lack of unity in this scheme between the refurbishment of the existing dwelling of Woodlawns and the infill development proposed in its rear garden area gives rise to a concern of piecemeal and fragmented development.

7.3. Principle of the Proposed Development

- 7.3.1. The site and its setting are zoned 'A1 - *Existing Residential*' land under the Meath County Development Plan, 2021-2027. Section 11.14.6 of the Development Plan sets out the land use objective for such lands as: "*to protect and enhance the amenity and character of existing residential communities*".

- 7.3.2. This section of the Development Plan also provides the following guidance: *“lands identified as ‘Existing Residential’ are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area”*.
- 7.3.3. In addition, Settlement Strategy Policies contained in the Development Plan include but are not limited to SH POL 2 which states that the Council will seek: *“to promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations”*. Moreover, Settlement Strategy Objectives set out in the Development Plan include SH OBJ 9 which indicates that the Council will seek to develop and promote settlements including Dunboyne as key settlements in the Metropolitan Area of Dublin for long-term growth based on the principles of balanced and sustainable development that supports a compact urban form and the integration of land use and transport.
- 7.3.4. Based on the foregoing ‘residential’ land uses are ‘permitted in principle’, including the provision of new dwelling units and all associated works, subject to standard safeguards, are a type of development that is generally deemed to be acceptable at this location.

7.4. Access and Road Safety

- 7.4.1. The first given reason for refusal considered that the proposed development by virtue of the lack of unobstructed sightlines from the internal roads and the insufficient room to enter and exit the parking spaces in front of the proposed dwellings in a manner that would be compliant with The Design Manual for Urban Streets and Road (DMURS) would, if permitted, endanger public safety by reason of traffic hazard and would for this reason be contrary to the proper planning and sustainable development of the area.
- 7.4.2. In relation to the Planning Authority reaching this conclusion its Transportation Department in their report dated the 14th day of September, 2021, indicated that the applicant was requested by way of the further information request for a revised site layout demonstrating unobstructed sightlines in compliance with DMURS. This report

raised concerns that the submitted layout does not show sightlines from the short cul-de-sac access roads with views from these access roads being obstructed by the proposed dwellings.

- 7.4.3. Further concern was raised that the cul-de-sac roads were too narrow to facilitate vehicles entering and exiting the proposed in-curtilage car parking spaces and that the proposed shared surface access road with 1.8m in height boundaries on each side would create an alley effect. This was not considered to be desirable design feature.
- 7.4.4. This report concluded with a recommendation for refusal based on the fact that the sightlines from the internal roads are obstructed by buildings and that there is insufficient room for cars to enter and exit the car parking spaces proposed to the front of the dwelling units. If permitted, in the form proposed, the proposed development would result in a traffic hazard.
- 7.4.5. The appellant in their grounds of appeal submission contend that the two internal roads serving the proposed six new dwellings to the rear of the existing dwelling (Woodlawn) would be a private road with low vehicular speeds and it is contended that the Planning Authority have exaggerated the extent of the potential hazard that would arise.
- 7.4.6. In addition, they note that a Swept-Analysis was submitted with their further information response and that traffic calming measures are proposed to mitigate against any potential traffic hazard.
- 7.4.7. As part of the appeal submission, they now propose to make slight adjustment to the placement of the in-curtilage car parking spaces to the front of the proposed six dwellings units. This in their view provides more space for vehicles to enter and exit the two proposed car parking spaces to the front of these dwellings.
- 7.4.8. Having regard, the Swept Analysis provided I note that it only examines part of the proposed development and omits the rear portion of the site. I also note that the slight adjustment of the positioning of the car parking spaces to the front of the proposed six dwelling units are not sufficient in their nature and extent to not override the lack of width and lack of sightlines for vehicles exiting and entering the proposed in-curtilage car parking spaces proposed to serve the new dwelling units. This is due to the sightlines being obstructed by the proposed dwellings and the overall design of this proposed residential scheme.

- 7.4.9. Of additional concern, there is no provision of visitor car parking to accommodate any overspill of car parking arising and should a situation occur that no obstruction of the internal road, including emergency service and other larger service vehicles access proposed to serve the proposed development.
- 7.4.10. Within the surrounding public road network there is only limited provision of on-street car parking on the heavily trafficked Summerhill Road. On this matter I note that Development Plan objective DM OBJ 93 requires new residential development to take account of a number of factors including consideration to be given to parking for visitors and people with disabilities through to the provision of EV Charging points. These particular factors are not provided for in the design resolution of this proposed residential scheme.
- 7.4.11. I also raise a new issue that the dimensions of the proposed in-curtilage car parking spaces and their associated circulation aisles fall short of the requirements set out under Table 11.3 of the Development Plan and that it is a requirement under DM OBJ 90 of the Development that parking bays comply with this table.
- 7.4.12. Further the manner in which the proposed in-curtilage parking spaces is proposed has the potential to provide poor accessibility to the front door of the proposed dwelling units in the event that the two spaces are occupied without any overhang onto the proposed internal service road. However, I note that the alterations proposed to Woodlawns was subject to a separate application.
- 7.4.13. Further I also raise it as a concern that the car parking provision for the existing dwelling has the potential to give rise to further conflict in terms of traffic movements along the proposed access road serving this development. However, I again note that the alterations proposed to Woodlawns is subject to a separate application.
- 7.4.14. In relation to the proposed development conflicting with Development Plan policy TRAN POL 24 I note that this policy has not been carried through into the Meath County Development Plan, 2021 to 2027. Notwithstanding, this does not allay the fact that the proposed design, including when regard is had to minor amendments proposed by way of this appeal, is one that would not be consistent with DMURS which seeks to prevent and/or minimise traffic hazards in proposed developments like this.
- 7.4.15. I am also not convinced that the applicant by way of the documentation provided with this application and on appeal to the Board has demonstrated that the entrance onto

the public road and the access lane itself linking the proposed six dwelling units and there 12 in-curtilage car parking spaces would provide safe access and egress onto the public road as well as that this development, if permitted, would not give rise to increased potential for conflict between public road users in the vicinity of the entrance onto Summerhill Road. I am also not convinced based on the information provided that the applicant has demonstrated that the private access lane is suitable to serve the quantum of development proposed under this application.

7.4.16. Further I concur with the Planning Authority's Transportation Department that the boundary treatment associated with the proposed amended private access lane serving this development would result in the creation of an undesirable alleyway and I would also consider that the height of the boundary walls along the southern boundary together with the long linear character of this back land site would give rise to undue overshadowing of the internal access lane.

7.4.17. Based on the foregoing I consider that the proposed design of the internal roads and the in-curtilage car parking space is one that albeit the modest size of this back land cul-de-sac type of residential scheme would give rise to a type of development that has the potential to endanger public safety by reason of a traffic hazard. I am of the opinion that this is sufficient reason to warrant refusal of the development sought under this application.

7.5. Residential Amenity Impact

7.5.1. The second reason for refusal relates to the design of the proposed dwellings. In this regard it considers that their height and close proximity to adjoining properties is a concern and, if permitted, would be contrary to the Development Management Standards and Guidelines set out under the previous Development Plan and would be detrimental to the residential amenity of adjoining residential properties as well as would set an undesirable precedent for future development. On this basis it was considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

7.5.2. It is unclear in the final Planning Authority's Planning Officer's report how this reason for refusal is concluded upon given that it indicates that the issues including the dwelling heights and window separation distance have been satisfactorily addressed.

Yet this report concludes with a recommendation for refusal based upon these particular issues.

- 7.5.3. In response to the second reason for refusal the appellant contends that the proposed dwellings are not in their view in close proximity to any residential properties; that there are no front-on views of the proposed houses from existing houses and the one property that includes a gable window, this window is glazed with obscure glass. They further set out that it is clear from the Site Plan that the proposed development would not give rise to overshadowing, overlooking or loss of light issues for properties in its vicinity. It is considered that the height of the dwellings is modest and have been reduced in response to the further information request.
- 7.5.4. Notwithstanding this reduction they indicate that they are amenable to further reduction in the ridge height of the proposed dwelling units to 8.75m. This reduction in ridge height and roof structure over would inevitably also give rise to a reduction in the overshadowing arising from the proposed development, if permitted, in the form proposed.
- 7.5.5. With this revision indicated in the drawings accompanying their appeal submission.
- 7.5.6. I note that this is a reduction from the previously proposed 9.5m ridge height indicated in their further information response.
- 7.5.7. The appeal site is essentially comprised of an established dwelling unit with a generous front and rear amenity space situated in a mature residential area on the northern fringes of Dunboyne's town centre. The immediate surrounding area is characterised by residential development with single storey and two storey dwellings characterising the residential developments on the eastern side of Summerhill Road that the site forms part of.
- 7.5.8. As one journeys further northwards on the Summerhill Road the residential character of this urban scape strengthens with the area mainly comprised of residential schemes mainly comprised of two storey dwelling units with hipped roofs over with palettes of external finishes, treatments, and colours not dissimilar or out of character with that proposed for this residential scheme.

- 7.5.9. The applicant's response to the Planning Authority's further information request included a revised site layout which indicates that the required lateral separation distance of 22m between opposing first floor levels is now achieved.
- 7.5.10. Given the orientation of the site; the positioning of the proposed new dwellings to the rear of the existing dwelling on site (Woodlawn); the height, mass and building volumes of the proposed dwellings; the lateral separation distance between the proposed new built insertions to the rear of Woodlawn alongside through to the established suburban context of the site I consider that no significant overshadowing, overlooking or other significant residential amenity impact would arise that could be considered as materially out of context with its location.
- 7.5.11. The Development Plan under the residential land use zoning objective of the land seeks to protect and enhance the amenity and character of existing residential developments. In relation to infill development it sets out that these are normally acceptable subject to the amenities of surrounding properties being protected and that the use, scale, character, and design of any development respects the character of the area.
- 7.5.12. In addition, Section 11.5.19 of the Development Plan, which deals with the matter of Infill Sites in Urban Areas it is indicated that this type of development will be supported on appropriate sites and DM OBJ 42 of the Development Plan states that: *"infill developments shall take account of the character of the area and where possible retain existing features"*.
- 7.5.13. As such the Development Plan encourages the efficient use of underutilised sites in settlements in existing residential areas, where there is capacity in the public water and public mains drainage infrastructure to absorb their redevelopment and subject to the protection of the character and amenities of the area.
- 7.5.14. At a national level Section 5.9 of The Sustainable Residential Development in Urban Areas Guidelines state that: *"in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill."*
- 7.5.15. While I concur with the Planning Authority in relation to the concerns raised in the first reason of concern given and I consider that they reflect an infill design solution that puts forward the overdevelopment of this modest back land site. Notwithstanding,

having regard to the pattern of development, the nature and scale of the proposed development relative to properties in its immediate vicinity I am of the view that the proposed development whilst would, if permitted, change the context of the site setting would not be injurious to the residential amenities of the area.

7.5.16. In terms of amenities of prospective occupants of the refurbished and currently vacant existing dwelling on site and the amenities of prospective occupants of the proposed six dwelling units I consider that the internal arrangements, private open space provision and positioning of windows to be acceptable.

7.5.17. In terms of the matter of public open space given the modest size of the site. I am cognisant that third reason of refusal given by the Planning Authority relates to the lack of provision within the proposed infill residential scheme of dedicated public open space. It is considered under this reason for refusal that as the proposed development fails to provide the required 15% of the total site area as public open space that to permit the proposed development would be contrary to the Chapter 11 of the previous Development Plan. This chapter of the Development Plan sets out the development management standards and guidelines for which proposed developments are required to have regard.

7.5.18. As previously set out in my assessment the Planning Authority determined the proposed development, including the revisions made to it by way of the applicant's further information response, with regard to the Meath County Development Plan, 2013-2019. This plan has been superseded and under the recently adopted Development Plan it sets out under DM OBJ 27 that: *"standalone residential developments comprising of 9 residential units or less shall be exempt from the requirement to provide 15% open space. In all such cases the private amenity space serving each dwelling shall exceed the minimum requirement"*.

7.5.19. In relation to meeting the private open space requirement I note that the 2-bedroom dwelling units situated to the rear of the site are provided with the minimum required private open space amenity of 55m² under Table 11.1 of the Development Plan. As such I raise a concern that the provision of private open space does not exceed the minimum requirement.

7.5.20. In relation to the four 3-bedroom dwelling units the private open space provision ranges from 70m² at its minimum provision to 76m² at its maximum provision. This I

note exceeds the minimum requirement of 60m² under Table 11.1 of the Development Plan.

- 7.5.21. Of concern the lateral separation distance between opposing first floor windows of the existing dwelling (Woodlawn) and the proposed nearest two 3-bedroom dwelling units does not meet the required 22m requirement. As such this element of the proposed residential scheme sought under this application fails to comply with Section 11.5.7 and DM OBJ 18 of the Development Plan which seeks that this lateral separation distance be generally observed in this circumstance. This concern is in my view added to the minimal depth of the remain rear private amenity space serving this property which ranges from c4m to just over c5m.
- 7.5.22. Given the proximity of this private amenity space to first floor windows of proposed dwelling units within this scheme the type of boundary treatments proposed, the orientation of this property together with the height and revised built form of Woodlawns I am not satisfied that the future occupants of this proposed would be served by adequate qualitative private open space that is not unduly overlooked and/or overshadowed.
- 7.5.23. I am therefore not satisfied that the private amenity space serving Woodlawns, and the two number two-bedroom dwelling units proposed to the rear are in the spirit of where standalone developments are seeking the exemption from the 15% public open space provision.
- 7.5.24. I do however note that the appellant by way of their appeal submission to the Board seeks to address the Planning Authority's concern by way of amending the Site Plan to include a public open space provision of 246m². Notwithstanding, this provision is poorly detailed by the appellant in their accompanying documentation and does not appear to provide any passive and/or recreational amenity provision for future occupants of this scheme.
- 7.5.25. They also indicate that they are amenable to the payment of a financial contribution in lieu of the provision of public open space.
- 7.5.26. In relation to other issues arising for future occupants of the residential development proposed at this site is that the existing dwelling house Woodlawns that under P.A. Ref. No. 21/643 the principal façade has been reorientated to face onto the private lane that would serve it and the proposed six dwellings in its rear garden area. As

such the interior space is now accessed from this private lane and the manoeuvres associated with the two car parking spaces serving it would also be occurring on this private lane.

7.5.27. I do not consider that the access and egress arrangement of Woodlawn for future occupants to its interior spaces and its car parking provision has been considered alongside the proposed development of six dwelling houses to the rear.

7.5.28. Nor am I satisfied that the information provided demonstrates that no traffic hazard or other safety issues would arise from the intensification of the use of this modest in width cul-de-sac private road to serve four three-bedroom dwelling units and two two-bedroom dwelling units.

7.5.29. Based on the foregoing I consider that the proposed development, if permitted, in the form proposed would give rise to a substandard qualitative residential amenity for future occupants and would, if permitted, in the form proposed give rise to a development that would be contrary to the Development Plan provisions.

7.6. Other Matters Arising

7.6.1. Civil Matters

Given that the documentation on file does not demonstrate that the proposed development would not interfere with land outside of the applicant's legal interest I recommend that the Board should it be minded to grant permission of the development sought under this application include as an advisory note Section 34(13) of the Planning and Development Act, 2000, as amended, as a precaution. This states that: *'a person shall not be entitled solely by reason of a permission under this section to carry out any development'* and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

7.6.2. Landscaping

Should the Board be minded to grant permission for the proposed development I raise a concern that the documentation provided does not clarify sufficiently the mature trees present along the boundaries of the rear of the site. I also consider that the landscaping scheme does not seek to maintain any significant mature natural feature to the rear of the site in a manner that would be consistent with DM OBJ 42 of the Development Plan. This Development Plan objective seeks that infill developments

take account of the character of the area including where possible retain existing features including trees. This proposal would erode the sylvan character that is present to the rear of the site and the natural features that not only contribute to the visual amenity and biodiversity of this area. But also does not seek to compensate for their loss or the role that they would play in providing more effective screening of the any infill development that would occur on this rear garden site over the substandard in quality and material boundary treatments proposed.

7.6.3. *Lighting*

I consider that the information provided with the applicant's further information response fails to demonstrate a qualitative light scheme through to one that would not result in adverse overspilling onto adjoining residential properties. I therefore recommend the Board should it be minded to grant permission that it should include an appropriate condition seeking that this matter be subject to the written agreement with the Planning Authority.

7.7. *Appropriate Assessment*

- 7.7.1. Having regard to the nature and scale of the proposed development, the proposal to connect to public water services and foul drainage, the nature of the receiving environment together with the significant lateral separation distance between the site and the nearest European sites no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with others plans and projects on a European site.

8.0 *Recommendation*

- 8.1. I recommend that planning permission be refused.

9.0 *Reasons and Considerations*

1. Having regard to the scale of the proposed development and the traffic to be generated by it, it is considered that the additional traffic associated with the proposed development together with the design of the car parking bays and the internal road layout serving the proposed and existing development on site, would be seriously deficient and would be inadequate to cater for the safe

parking demand generated by the proposed development as well as safe vehicle movements associated with the proposed and existing development on site, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard within the confines of the site and also at the entrance serving the site onto Summerhill Road. The proposed development would endanger public safety by reason of traffic hazard by way of the substandard sightlines proposed, would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists and would result in an undesirable precedent where other future developments seek to provide access and car parking in a manner that is inconsistent with the requirements of Table 11.3 of the Meath County Development Plan, 2021 to 2027. It is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed layout and design of the proposed apartment development would produce a cramped and substandard form of development on this site that would provide an unsatisfactory standard of residential amenity by reason of the substandard car parking, open space provision for future occupants as well as the overlooking arising between the proposed dwelling units and the private amenity space of Woodlawn and would result in overdevelopment of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

24th day of March, 2022.