



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312147-21

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<b>Development</b>	Two houses and all associated site development works.
<b>Location</b>	6 & 7 St Bridget's Court, Longford Road, Drumlish, Co Longford
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	21166
<b>Applicant(s)</b>	Sean Lennon
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Rossa O'Regan.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> of July 2022
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The site, 0.145ha is located in Drumlish village in Co. Longford. Drumlish is situated in the north of County Longford. The settlement has developed organically around a central crossroads to provide a compact core.
- 1.2. The subject site is positioned in the heart of the village just off the R198, along a residential cul-de-sac called *The Meadows*, to the south of a residential development known as 'St. Bridget's Court'.
- 1.3. To the immediate east of the site is No. 1 Meadows, a large detached dwelling backing onto the subject site, which is on a higher ground level to the subject site. No. 2 The Meadows also backs onto the site and it is a bungalow.
- 1.4. The site has a triangular configuration and is currently overgrown and has been unkept for a number of years.
- 1.5. There is a footpath, a tarmacadam access road and carparking area on approach to the site which facilitates the houses of St. Bridget's Court. The site is currently fenced off and inaccessible from the cul de sac.
- 1.6. There is an overgrown access/ laneway located alongside the subject site from St. Bridget's Court to the rear of The Meadows houses.

## 2.0 Proposed Development

- 2.1. The proposed development consists of two semi-detached single storey dwellings. The dwellings are two-bedroom units fronting onto the turning area and carparking area associated with an existing terrace of houses called St. Bridget's Court.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 12<sup>th</sup> of November 2021 Longford Co. Co. granted planning permission for the proposed development subject to 16No. standard planning conditions.

2. Specifications

3. Irish Water

4. Roads Design in terms of access, footpath, stormwater, lighting, construction traffic
5. Japanese Knotweed
6. Services
7. Landscaping
8. Waste
9. Boundary treatments
15. Bond of €20,000
16. Development Contribution Scheme €4400 (2 x €220 Open Space and Roads)

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

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

##### *Planning Report No. 1 (15/07/2021)*

One dwelling house only would be more appropriate on the site, and further information was requested to revise the design (20<sup>th</sup> of July 2021). A response was received from the applicant on 20<sup>th</sup> of October 2021 stating the 2No. two bedroomed houses as proposed complied with development plan standards.

##### *Planning Report No. 2*

The proposal is in a strategic and central location and provides consolidation in the village at an appropriate density.

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

*Roads Design:* No objection subject to conditions

*Irish Water:* No objection

### 3.3. **Prescribed Bodies**

None

### 3.4. Third Party Observations

A third party submitted the following concerns:

- The proposal is larger than previous proposals
- It is too close to his property resulting in a loss of privacy
- Biodiversity will be lost.

## 4.0 Planning History

### 4.1 Planning Reference Number 04/828

On the 22<sup>nd</sup> of December 2004, Brendan Dillion was granted planning permission for 5No. two storey terraced dwelling at Longford Road, Drumlish. Condition No. 2 of the permission omitted 2No. proposed dwellings from the original scheme of 7No. dwellings stated the following:

*Houses 6 and 7 shall be omitted from the proposed development and 9No. car parking spaces shall be provided at 90degrees to the access road at this location, the details of which shall be submitted to the Planning Authority for agreement.*

### 4.2 Planning Reference Number 06/500

Sean Lennon applied for 2No. two-bedroom houses on the subject site to be serviced by the same infrastructure as the 5No. dwellings permitted under planning reference PL04/828. The development was granted by Longford Co. Co. subject to standard conditions. However, condition No. 2 states:

*'The propose dwelling house along the east boundary of the site shall be omitted from the proposed development and the remaining house shall be relocated back 35metres to the south. All open space to the rear and side of this dwelling to be incorporated into the private site, including a revised access to the front and 2No. carparking spaces. '*

## 5.0 Policy Context

### 5.1. Development Plan

#### **Longford County Development Plan 2021-2027**

##### Settlement Strategy Table 4.14

Densities: Towns and Villages (20 units/ha) Aughtnaclyffe, Ballinalee, Drumlish, Keenagh, Legan, Newtownforbes.

#### **4.8.10 Towns and Villages**

This tier of the Settlement Hierarchy comprises of 11 no. towns and villages which fulfil significant roles in terms of local services provision, amenity, local employment sources with scope for moderate residential growth. While these settlements invariably have a reduced level of services in comparison to those settlements identified in previous tiers of the Settlement Hierarchy, these settlements can offer an attractive environment for their inhabitants by balancing higher quality of life features associated with rural living, whilst also providing for the sharing of services, such as wastewater and water supply in a more efficient and effective manner, as opposed to sporadic, one-off rural development. These settlements have unique attributes in terms of natural and/or built and cultural heritage that require specific designation to protect and enhance their character. Each settlement also has the necessary infrastructure capacity available to accommodate additional growth and to sustain and enhance existing services for the needs of their hinterlands and act as catalysts for the rural economy of the county.

#### **Towns and Villages –**

County Policy Objectives It is the County Policy Objective to:

**CPO 4.14** Consider proposals for residential development in settlements defined as ‘Towns and Villages’ in the Settlement Hierarchy in accordance with the following criteria: a) Adherence to population allocations of the subject settlement as prescribed in the Core Strategy and the demand/need for the proposed level and type of residential development; b) The ability of the proposal to adequately address, and where possible enhance, the existing nature and character of the subject settlement; c) Compliance with relevant legislative, technical, environmental, design

guidance prescribed under Section 28 of the Planning and Development Act 2000, as amended, and any such relevant policies and objectives contained within this Plan or any other relevant plan, the functional area of which may contain the subject settlement.

**CPO 4.15** Support housing and repopulation taking place within 'Towns and Villages' as designated in the Settlement Hierarchy, in a consolidated, sustainable and sequential manner, and to promote the provision of serviced sites supported by Irish Water in order to attract people to build their own homes and live in small towns, whilst also managing the levels of growth at an appropriate scale to ensure compliance with the Core Strategy Table. Also refer also to CPO 5.17 in respect of the need to adhere to the provisions of official policy in relation to development accessing national roads.

**Drumlish** Village Plan is included in the Appendices of the Longford County Development Plan. The relevant section has been printed off and included in this report.

The subject site is zoned Residential:

**Residential To provide for residential development and protect and improve residential amenity.**

This zoning is intended primarily for established housing development but may include a range of other uses particularly those that have the potential to improve the residential amenity of residential communities such as schools, crèches, small shops, doctor's surgeries, small scale residential, playing fields, etc. Potential sites may range from small gap infill, unused or derelict land and backland areas, side gardens of existing houses, up to larger undeveloped sites within an established residential area. A balance must be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide infill development. Proposals for development involving the intensification of residential uses within existing residential areas will need to clearly demonstrate that the proposal respects the existing character of the area and would not harm the amenity value of adjacent properties. Within this zoning category the improved quality of existing residential areas will be the Council's priority.

## 5.2. Natural Heritage Designations

The closest European sites are the Ballykenny-Fisherstown Bog SPA (Site Code 004101) and the Lough Forbes Complex SAC (Site Code 001818), both of which are located c. 7km west of the appeal site, while Clooneen Bog SAC (Site Code 002348) is located c. 9km to the west.

here are also a number of NHAs in the area, the closest of which are the Cloonageeher Bog NHA and the Rinn River NHA, which are 5.5km and 6.5km to the west, respectively.

## 5.3. EIA Screening

5.3.1 An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and 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, 10 ha in the case of other parts of a built-up area and 20 ha 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.)

5.3.2 It is proposed to construct 2 semidetached dwellings. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.145 ha therefore well below the applicable threshold of 10ha in the built-up area. The site is located within an established residential area. The introduction of infill residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. 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 of Irish Water and Longford County Council, upon which its effects would be marginal.

#### 5.3.3 Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands within the existing built-up area under the provisions of the Longford County Development Plan 2021-2027, and the results of the strategic environmental assessment of the Longford County Development Plan 2021-2027 as extended, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, 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 necessary in this case).



## 6.0 The Appeal

### 6.1. Grounds of Appeal

Mr. Rossa O'Regan of 1 The Meadows has taken this third-party appeal against Longford Co. Co.'s decision to grant planning permission for the proposed development. The following is a summary of his grounds of appeal:

- The two houses have been refused planning permission in the past because it would be considered overdevelopment of the site, the area should be planted in the interests of residential amenity. The site was never developed for residential amenity, it was left untended and bounded by temporary fencing since the construction of the %No. dwellings along the road.
- The proposed development is larger than previous proposals on the site and should be the subject of the same considerations as planning reference 04828 and 06500. The development has been shoehorned into a tapering development. Under planning reference 06500 the development was reduced in size and moved 35metres to the south of the site.
- The proposed development will be directly behind his property, only 4metres form his boundary, and will impinge on the privacy f his rear garden area and rear windows.
- The site has remained untouched for many years, and it has become a habitat for native flora and fauna. The site is a valuable area of biodiversity in the heart of Drumlish village, and the impact pf this loss should be examined.
- The planning authority requested by way of further information, that the development be reduced to one dwelling. The applicant responded by offering a gift of left land to the Council.
- There was a quick shift from requesting revised proposals to granting the development, and this was not docuemented in the planning file.

## 6.2. Applicant Response

The applicant has responded to the third party appeal, and the following is a summary of the response:

- **Site Location :** The site is located to the south of a residential development known as St. Bridget's Court and to the west of a residential development known as The Meadows. The lands are not in use and have become an eyesore. The proposed site is located at a lower ground level to the Meadows estate, therefore overlooking of the existing dwellings does not arise.
- **Planning Process:** There was planning permission on the site for one dwelling house. However the dwelling was not constructed because it did not maximise zoned, serviced land. The applicant is willing to transfer a portion of land to the rear of the houses to enable the local authority to widen the existing laneway that travels along the eastern portion of the site, to become a public walkway.
- The site is zoned 'Established Residential' whereby the site itself is fully serviced with foul sewer, surface water, watermain drainage and ESB. The site area satisfies the minimum housing density as per the development plan and will help with the regeneration of the village. The site will be developed to its full potential.

## 6.3. Planning Authority Response

There was no further submission from the planning authority.

## 7.0 Assessment

7.1. The site has been inspected and the appeal file has been reviewed. The following issues will be examined under this appeal:

- Development Plan and Planning Policy
- Impact on Existing Residential Amenities
- Design, Layout and Appropriateness
- Appropriate Assessment

## 7.2 ***Development Plan and Planning Policy***

The subject site is zoned for **Residential** in the current Longford County Development Plan 2021-2027. Drumlish is listed in the County Development Plan's Settlement Strategy as a 'Town and Village'. The Residential Zoning objective is to provide for residential development and protect and improve residential amenity.

The site is a small infill site sandwiched between two existing residential developments. The site is currently a vacant, unkempt urban site which is fully serviced and has existing road/ footpath infrastructure fronting it. Currently the site contributes nothing to the visual or amenity needs of the town and community.

The proposed development of two modest two bedroomed dwellings will contribute to the streetscape, provide much needed housing accommodation and be in line with the development plan policies and zoning. Two small dwellings were originally part of the parent permission on the site in 2004, however the planning authority removed the units by condition. The condition removing the units was not appealed at the time. The applicant reapplied for the inclusion of the two dwellings within the overall St. Bridget's Court scheme in 2006. The planning authority included a condition that only one dwelling should be constructed on the site. Again, the applicant did not appeal the condition, and the site has remained undeveloped to date.

The proposed development complies with national and local planning policy for higher densities on infill urban sites.

## 7.3 ***Impact on Existing Residential Amenities***

The subject site is located at a lower ground level to the neighbouring No. 1 The Meadows, which is a two-storey dwelling positioned on higher ground east of the subject site. Given the perpendicular footprint of the existing and proposed dwellings, there are no opposing windows as a result of the proposed development. The loss of privacy to the existing dwellings will be minimal, and I consider the level of overlooking associated with the rear garden areas to be normal for a central urban location. A certain amount of overlooking of rear garden areas is to be anticipated, given the proximity to and relationship with adjoining properties. There will be no undue loss of privacy associated with the development.

#### 7.4 ***Design, Layout and Appropriateness***

The proposed dwellings are modest in scale, with a ridge height of 4.6metres. Each house includes two small bedrooms to the rear and a kitchen/ living room to the front. Each dwelling is single storey, semi-detached and only 71sq.m. in floor area.

The footprint of the combined unit fits into the site with 4m and 4.5metres separation distance to the site boundary from the building line. This narrows to a minimum of 1.2metres.

The proposed development meets with development plan standards, and includes two parking spaces per dwelling units, and adequate private open space, and sufficient room sizes.

I am concerned about the applicant's proposal to transfer the rear triangular portion of the site to the local authority. From my observations, the small portion of land would appear to be landlocked and although there is an access lane alongside the proposed site to the portion of land, I would be concerned about the security and passive surveillance on this plot in the future. There were no site-specific planning conditions attached to the grant of permission relating to the transfer of the land to the local authority at a future date. There was no reference or assessment of the proposed transfer submitted by way of further information on 20<sup>th</sup> of October 2021. In my opinion, the original scheme submitted with the planning application would be more in keeping with the residential amenities of the area, with the garden areas incorporated into the private open space area associated with each of the two dwellings. The proposed transfer of rear portion of the site only came on foot of the planning authority's request to revise the scheme to one dwelling only. One dwelling only on a site of this scale represents a poor design response and is contrary to national and local planning policy in terms of higher densities on central urban sites. On balance two dwellings on the entire site area is acceptable in terms of planning policy, design and layout, and in the context of the existing built environment. The issue of the land transfer is a matter for the local authority and the applicant, and beyond the remit of this appeal.

## 7.4 Appropriate Assessment

The closest European sites are the Ballykenny-Fisherstown Bog SPA (Site Code 004101) and the Lough Forbes Complex SAC (Site Code 001818), both of which are located c. 7km west of the appeal site, while Clooneen Bog SAC (Site Code 002348) is located c. 9km to the west. The subject site is located on fully serviced land within a settlement, and there is no direct or indirect hydrological link from the site to these European sites.

The proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any other European sites.

## 8.0 Recommendation

- 8.1. I recommend the planning authority's decision to grant planning permission for the proposed development by upheld.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Longford County Development Plan 2021-2027, the scale and layout of the proposed development on this fully serviced site, it is considered subject to the conditions as set out below, the proposed development would be consistent with the provision of the residential zoning objective for the site and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 20 <sup>th</sup> of October 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
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

7.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> in the interest of sustainable transportation</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
9.	<p>Prior to the commencement of the development, full details shall be submitted to and agreed with the planning authority regarding the layout of the foul sewer serving the proposed development which traverses private property, including ownership and wayleave agreements to maintain and repair the sewer line to the point of connection to the public foul sewer manhole.</p> <p><b>Reason:</b> In the interests of clarity.</p>
10.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>

11.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>



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

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

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Caryn Coogan  
Planning Inspector

15<sup>th</sup> of August 2022