



An
Bord
Pleanála

Inspector's Report

ABP-312228-21

Development

Retention of an existing single storey family flat to the rear of an existing dwelling. In addition, planning permission is also sought for the provision of a new single storey link to connect the existing family flat and all associated site works.

Location

Clondoogan, Summerhill, Co. Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

21323.

Applicant(s)

Eily & Colm O'Reilly.

Type of Application

Retention Permission & Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party.

Appellant(s)

Richard and Siobhan Flaherty.

Observer(s)

None.

Date of Site Inspection

22nd April, 2022.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	8
5.3. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	9
6.3. Planning Authority Response	10
7.0 Assessment.....	11
8.0 Recommendation.....	20
9.0 Reasons and Considerations.....	20
10.0 Conditions	21

1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated area of 0.38ha and it is located in the Townland of 'Clondoogan', c2.1km by road to the south west of Main Street, Summerhill, in County Meath. The site has road frontage onto the southern side of the L-62109-0 and at its nearest point it is situated c77m to the north east of its junction with the L-6210.
- 1.2. The site is served by an existing access point onto this road at its south-westernmost point. The ground levels of the site fall from its roadside boundary towards the rear of the site. Setback from the roadside boundary by some planting and area of hard surface, with the latter being in use as in-curtilage car parking, is a single storey detached dwelling. A hard surfaced driveway runs from the roadside entrance between the western boundary of the site and western gable of the dwelling to the rear where it not only provides connection to the rear of the dwelling but also a single storey brick structure that is in habitable use. Directly behind which is a large, shed structure with the remainder of the site accommodating an area of raised beds on the south eastern side of the main dwelling other sundry areas including hardstand used for storage. There are also several permanent and non-permanent structures present within the curtilage of the site itself with the area for which the percolation area is proposed being in part hard surfaced and also used for storage including machinery.
- 1.3. The eastern boundary of the site contains an opening providing vehicle and pedestrian business which incorporates the area to the rear of an existing family flat located on the site to the rear of the main dwelling. This connection also provides similar linkage to a recently constructed dwelling to the north of the site with both the site. With the area to the side and rear of this dwelling also overlapping with the applicant's operations and activities being carried out at this location. The western boundary of the site adjoins a detached dwelling on a large garden plot and the site to the rear bounds agricultural land.
- 1.4. The surrounding countryside forms part of the Rathmoylan Lowlands and whilst the surrounding area is rural in its character it contains a strong proliferation of one-off dwellings.

2.0 Proposed Development

- 2.1. Retention permission is sought for an existing single storey family flat to the rear of an existing dwelling. Planning permission is also sought for the provision of a new single storey link to connect the existing family flat to be retained to the existing dwelling, all together with associated site works and landscaping.
- 2.2. **Significant further information** was submitted on this application on the 29th day of September, 2021. The information received from the applicant included a proposed new wastewater treatment system and percolation area to serve the main dwelling and the subject 'family flat' for which retention is sought. It also clarified that the 'family flat' floor area was 133m² and that its use relates to occupation by the son and family who have returned from abroad to care for the applicants of this application. The applicant's further information response included new public notices.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 23rd day of November, 2011, the Planning Authority decided to **grant** retention permission and planning permission to the development as revised subject to 11 conditions including but not limited to:

Condition No. 3: Restricts the occupation of the extension, family flat and dwelling to a single dwelling and restricts its let or sale separate to the main dwelling.

Condition No. 4: Deals with the decommissioning of the septic tank and the installation of a new wastewater treatment system, percolation area and requires the area to be chemically sterilised.

Condition No. 5: Deals with the new wastewater treatment system and requires compliance with the EPA Code of Practice, 2021.

Condition No. 7: Restricts surface water runoff from the site.

Condition No. 9 & 11: Deals with construction waste and traffic.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report**, dated the 18th day of November, 2021, is the basis of the Planning Authority's decision.

This report considered that the applicant had satisfactorily addressed the concerns raised in the Planning Authority's further information request.

It also sets out that no Development Contributions are applicable to the proposed development and that the development sought under this application accords with the proper planning and sustainable development of the area, subject to safeguards.

The **initial Planning Officer's report**, dated the 13th day of April, 2014, concluded with a request for further information on the following matters:

- Item No. 1: Relates to wastewater treatment and compliance with the EPA Code of Practice.
- Item No. 2: Seeks clarification of floor area for which retention permission is sought.
- Item No. 3: Seeks clarification of the applicants need for a family flat.
- Item No. 4: Relates to Public Notices.

3.2.2. Other Technical Reports

Water Services: In a report dated the 18th day of March, 2021, no objection is raised to the development sought subject to safeguards.

3.3. Prescribed Bodies

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

3.4. Third Party Observations

- 3.4.1. The Appellants in this appeal case submitted an observation to the Planning Authority during the course of its determination of this planning application. It includes the following concerns:

- An overview of the planning history of development on the site and concerns with regards to unauthorised development are raised.
- The accuracy of the information provided is questioned.
- Residential amenity concerns are raised.
- Drainage concerns are raised.
- The family flat is excessive in its nature, extent, and scale.
- The appropriateness of the family flat backing onto a shed structure that forms part of the applicant's business operations is questioned. Particularly since it is unclear if this structure is compliant with Building Regulations and that this adjoining building is being used for welding, cutting and other hot works related to the family's business.
- The reliance on their boundary treatments for screening development on this site is not acceptable.
- It is questioned if the link between the main dwelling would ever be constructed.
- This development would add to the already high volume of traffic on this lane.
- Granting retention permission for this type of development would result in overdevelopment of the site and would give rise to an undesirable precedent.

4.0 Planning History

4.1. Site & Setting – Recent & Relevant

- 4.1.1. No recent and/or relevant planning history pertaining to the site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan, 2021-2027, is applicable.
- 5.1.2. Of relevance to this application is Section 11.5.24 of the Development Plan which deals with the matter of 'Family Flats'.
- 5.1.3. Section 11.5.25 of the Development Plan deals with 'Extensions in Urban and Rural Areas.'

5.2. Natural Heritage Designations

- 5.2.1. None within the zone of influence of the project. However, for clarity I note that the nearest natura 2000 site is the River Boyne and River Blackwater SAC (Site Code: 002299). This is located circa 6.4km to the north west as the bird would fly.

5.3. EIA Screening

- 5.3.1. The development sought under this application is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to nature, scale, and extent of the development, which consists of mainly the retention of an existing single storey family flat, the construction of a link to connect it to the main dwelling together with associated works and services, the significant separation distance between it and the nearest natura 2000 site and the lack of any features of ecological importance, it is considered that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this Third-Party appeal can be summarised as follows:
- The Planning Authority's decision to grant permission for the development sought under this application is objected to.
 - Concerns raised in relation to the level of unauthorised development that has occurred on this site since the construction of the main dwelling and also in relation to the family's business at this location.
 - The applicants have not truthfully set out the occupation of the structure for which retention is sought and also raises concerns that prior to its habitable use this structure did not have the benefit of planning permission.
 - The window that is referred to by the applicant as being installed in 1981 is a recent addition. This window results in overlooking of their property.

- Concern is raised that the new roof structure over the structure for which retention is sought is clad in imitation tile and is comprised of metallic corrugated type of sheeting which is out of character with the surrounding area.
- The structure for which retention is sought is excessive in its scale and height. It is also a structure which damages the visual amenities of the setting of their property and their residential amenities.
- This development depreciates the value of their property.
- The pattern of development on this site is not characteristic of rural development and would be more suitable in an urban setting.

6.2. Applicant Response

6.2.1. The First Party's response can be summaries as follows:

- Permission was granted for the existing dwelling that is currently occupied by them under P.A. Ref. No. 80-1323 and any unauthorised development relating to this dwelling has been dealt with. Such matters are not relevant in the consideration of this planning application.
- The veracity of the appellants appeal, together with matters raised that are outside of planning remit is a concern and includes erroneous information.
- The subject window opening was constructed as part of the original structure in circa 1981. This window is fitted with opaque glazing.
- The structure is compliant with Building Regulations, and it is not in contravention with any planning acts or regulations.
- The roof would be finished in a tile style matching the main dwelling.
- The majority of the structure would be screened by planting.
- What is sought is a small single storey family flat extension. This is a type of development that is permitted in the Development Plan. The design of which is compliant with relevant planning provisions.
- It is not accepted that this development contravenes the Development Plan.
- The applicant's names are correctly stated in the public notices.

- The floor area of the main dwelling is modest by modern day standards.
- When the family flat is no longer required it will revert to being part of the main dwelling and would be integrated to form one single dwelling.
- The family is correctly illustrated in the submitted drawings.
- The modifications to the roof of the family flat are consistent with the external appearance of the original dwelling.
- The velux windows are installed as roof lights to serve ground floor accommodation and there is no attic conversion.
- The wastewater treatment system has the capacity to and capabilities to accommodate this development.
- The subject family flat used an existing structure that had been in place for many years.
- There are sufficient soft planted areas throughout the property.
- It is accepted that the use of the structure as a family flat is unauthorised. It has been *in situ* for over 20 years and this application seeks to regularise this.
- It is misleading to describe this as a second dwelling on site.
- This structure does not give rise to any undue residential amenities to the properties in the vicinity.
- The overall structure as viewed from the public road retains the appearance of a single dwelling unit.
- They are reliant on the support and security provided by family members living in the family flat due to complex health issues.

6.3. Planning Authority Response

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

- All matters raised by the appellants in their appeal submission to the Board have been considered by them during their determination of this planning application.

- The Board is referred to the Planning Officer's report in relation to this planning application.
- The Board is requested to uphold its decision.

7.0 Assessment

7.1. Overview

7.1.1. Having inspected the site and considered in detail the documentation on file for this Third-Party appeal case, the main planning issues in the assessment of the proposed development are as follows:

- Principle of Proposal
- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

7.1.3. My assessment below is based on the proposed development as revised by the applicant's further information response which was received by the Planning Authority on the 29th day of September, 2021, due to the improvements in terms of details provided with this submission. In particular, the documentation provided with this submission addresses the foul drainage requirements of the quantum of residential development on site. This was not provided prior. It also provides further clarity on the family flat structure itself and gives an insight into the family's circumstances for the provision of a family flat to the main dwelling by way of making use of an existing structure on site and over time extending it. They acknowledge that this structure is unauthorised, and they now seek to regularise it in a manner consistent with local planning provisions for such developments.

7.1.4. In respect of this appeal case before the Board I note that it consists of an application which consists of '*permission for the retention*' of specified existing development, i.e., the family flat which has, outside of the provision of a link to the main dwelling, been already carried out on site. I therefore consider it incumbent to clarify that on the matter of permission for retention the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with such applications they must be considered "*as with any other application*". This is in accordance with planning law and with proper planning practice. In that all applications for retention should be

assessed on the same basis as would apply if the development in question were proposed. Therefore, no account can, or should, be taken of the fact that this component of the development, has already taken place.

- 7.1.5. In respect of the procedural concerns raised by the appellant in relation to the Planning Authority's handling of this application and the quantum of development that has occurred to date on the site.
- 7.1.6. In particular, in relation to alleged un-authorised development carried out on site by the applicants through to the Planning Authority's handling of this matter, I note that the Board does not have an 'ombudsman' type role in its adjudication of this appeal case. It is tasked by way of their 3rd Party appeal to assess this appeal, on an entirely *de novo* basis the development as sought under this planning application.
- 7.1.7. There are other concerns raised by the appellants in their appeal submission to the Board that are civil matters and are not planning matters. In addition, the appellants raise Building Regulations and Fire Safety Certificate related concerns in relation to the development sought. Such matters are also outside of the Boards remit in their determination of this appeal case.

7.2. Principle of the Proposed Development

- 7.2.1. The main component of the development sought under this application relates to the retention of a single storey 'family flat' structure with a given floor area of 133m². Section 11.5.24 of the Development Plan indicates that such applications will be favourably considered subject to demonstrating compliance with Development Plan policy DM POL 15 and Development Plan objective DM OBJ 49.
- 7.2.2. In respect of Development Plan policy DM POL 15 this requires that the family flat be occupied by a member of the occupant family with a housing need.
- 7.2.3. From the information provided by the applicant with the application and on appeal it is contended that the subject 'family flat' structure was present in the 1980s and that its historical use for residential purposes dates to the early 1990s when it was part converted to accommodate one the applicant's son's housing needs. Thereafter, the applicants contend that in 1998 this structure was then converted in its entirety for this son's residential needs who resided here up to c2019. They indicate that this son now resides in a recently constructed dwelling house on the adjoining land to the north.

The documentation on file suggests that it would appear that in c2019 the structure, which was up to this point had a given floor area of 88m², was extended by a further 45m². At this current point in time, it is now occupied by another member of the applicant's immediate family and that family members immediate family. It is contended that this family member has returned from abroad to care for the applicant's complex medical requirements. Their complex medical requirements are such that it is alleged that they need the day-to-day support of this family member. This is added to by the fact that their daughter who resides with them is due to her own medical circumstances unable to provide the physical level of support they require.

7.2.4. I therefore consider this to be consistent with the requirements of Development Plan policy objective DM POL 15.

7.2.5. In respect of Development Plan objective DM OBJ 49 it sets out that all family flat developments shall comply with a number of factors. These I propose to comment upon individually as follows:

1) *The flat shall form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house i.e., not detached.*

By way of this application planning permission is also sought for a glazed link corridor that when constructed and completed connect the interior spaces of the main dwelling and the family flat to one another. The drawings show that the glazed link would provide connection to a utility room to the rear of the main dwelling, a lobby in the family flat and it would provide doors on its northern and southern elevations opening onto private amenity space. The appellants raise concern whether this link would be provided by the applicants given the planning history of the site. The Board may consider it prudent to give a time frame for the provision of this link given that this is a principal consideration in giving favourable consideration to family flat developments.

2) *The flat shall not have a separate access provided to the front elevation of the dwelling.*

No separate access to the family flat is proposed to the front elevation of the dwelling and the proposed link would eliminate the current independent access serving the family flat.

- 3) *There shall be no permanent subdivision of the garden/private amenity space.*

The existing family flat and the amendments proposed under this application include a separate raised timber terrace serving the family flat. Any grant of permission for the development sought under this application would require this area to be removed. As a precaution compliance with this could be achieved by way of condition.

- 4) *The flat shall remain in the same ownership as that of the existing dwelling on site. In this regard, the flat shall not be let, sold or otherwise transferred, other than as part of the overall property.*

There is no information on file that suggests that it is the intention of the applicants to let, sell or otherwise transfer the family flat. It is standard that this matter is dealt with by way of condition in the event of a grant of permission for this type of development. I therefore consider that the Board should be minded to permit the development sought under this application to attach a condition setting out this restriction.

- 5) *The design proposed shall enable the flat to easily fully revert to being part of the original house when no longer occupied by the family member(s).*

The drawings included with this application suggest that the finished floor level of both the main dwelling and family flat are given as FFL 62. As such the glazed link between the two structures would have the same internal ground floor levels and their future connection to become one integrated property via the link corridor via lobby and utility spaces with the same floor area would not involve any difficult structural modifications, if any.

In addition, I note that the main dwelling is single storey in its nature, built form and character.

It is not of a significant floor area, and it would appear from the information on file that cumulative the floor area of the two structures would be c308m².

Within a rural context and given the size of the site it is considered that this size of residential structure can be absorbed without any significant amenity impact.

I therefore do not consider that it would pose any significant difficulty in future to fully revert the family flat when no longer required into the main dwelling. I also consider

it appropriate and reasonable that this is included by way of condition on any grant of permission so that the development is compliant with this particular Development Plan objective.

- 6) *If the site is not connected to public mains, the existing wastewater treatment system on site must be capable for any additional loading from the flat, and if not, proposals should be submitted to accommodate the additional loading.*

The suite of revised documentation includes the provision of a new waste water treatment system and percolation area.

It indicates that this is on foot of a review of the existing septic tank and percolation, a set of new percolation tests and to ensure that foul drainage can be dealt with in a manner that is compliant with the EPA Code of Practice, 2021.

I consider that this together with the Condition No. 5 as set out in the Planning Authority's notification order to grant permission for the development sought under this application would ensure that the existing development on site would not be prejudicial to public health and would achieve an improved situation over the existing foul drainage provisions.

Therefore, should the Board be minded to grant permission for the proposed development I consider that this condition be imposed and subject to the imposition of this condition I raise no further foul drainage issues.

- 7.2.6. In also note that Section 11.5.25 of the Development Plan deals with '*Extensions in Urban and Rural Areas*'. This type of development it considers to be generally acceptable subject to safeguards. With Section 11.5.25 of the Development Plan setting sets out that such developments comply with the criteria set out under Objective DM OBJ 50. I propose to comment on these separately as follows:

- 1) *High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc.*

Whilst I consider that the family flat in terms of its design is not innovative and is of no planning merit. Notwithstanding, it harmonises and integrates with the palette of external palette of materials, finishes and treatments of the main dwelling when viewed from the public domain and from within its rural landscape setting.

In addition, its built form is single storey in its nature and its roof structure over in terms of its shape, profile and volume is similar to the roof structure over the main dwelling.

I therefore raise no significant concerns in terms of the proposed family flats integration and harmonisation with the main dwelling.

Further I consider that the glazed link is appropriate addition to provide a light weight link between the main dwelling and the family flat which in time would facilitate easy integration of both structures so that they function internal as one coherent single dwelling with the appearance of a single dwelling when viewed in the round.

2) The quantity and quality of private open space that would remain to serve the house.

There is sufficient quantity of private open space serving the dwelling house and the family flat extension. However, I consider its quality could be significantly improved by more planted deep soil and/or more permeable surfacing in its private open space provision. At present there is significant hard surfaces present on site and there is a lack of clarity on whether there are adequate measures to capture and contain surface water run-off through to any contaminants it may contain within the confines of the site.

3) Flat roof extensions, in a contemporary design context, will be considered on their individual merits.

Not applicable to the development sought as no flat roofs are sought for permission.

4) Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy.

I consider that any grant of permission would require that the window on the elevation facing onto the appellants property which is situated on the adjoining land to the south be permanently glazed in opaque glass. This could be dealt with by way of condition and would be appropriate to ensure that the privacy of the private

amenity space of the adjoining property to the south is protected and safeguarded. I also consider that there is ample separation distance between the family flat extension and this property to ensure that no other undue residential amenity impacts arise by way of overshadowing.

- 5) *Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted.*

There is no break in the existing front building line sought under this application.

- 6) *Dormer extensions shall not obscure the main features of the existing roof, i.e., should not break the ridge or eaves lines of the roof.*

Not applicable as no dormer extensions are proposed.

- 7) *Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.*

There is access retained to the rear of the property to either side of the main dwelling.

- 8) *Ability to provide adequate car parking within the curtilage of the dwelling house.*

There is ample car parking within the curtilage of the site to accommodate this dwelling and its ancillary family flat extension.

- 9) *In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.*

Not relevant matter in relation to the development sought under this application.

- 7.2.7. Based on the above considerations I generally concur with the Planning Authority that the development sought under this application as revised is a type of development that accords with the proper planning as well as sustainable development of the area and that any outstanding concerns are such that they can be addressed by way of appropriate worded conditions.

7.3. Other Matters Arising

- 7.3.1. Residential Amenity Other: I raise a concern that the window serving 'Bedroom 1' is insufficient to provide adequate light and ventilation to this bedroom poor light and I

also consider the provision of three bedrooms in a 'family flat' is excessive and represents overdevelopment of this site. I recommend that the Board seek by way of condition reconfiguration of the family flat to a maximum of two bedrooms with these served by adequate natural light and daylight in the interests of proper planning and sustainable development. Alongside ensuring that what is an already excessive in floor area family flat remains subservient to the host dwelling.

7.3.2. **Landscaping:** The appellants in this case raise concerns that there is inadequate landscaping provided with to appropriately settle this development into its rural setting and to mitigate adverse visual amenity issues that arise from it on the setting of their property.

They also object to the landscaping that is shown between their property and the site consists of the robust planting that is within their site. It is unreasonable, in their view, that screening of this level of what is considered to be overdevelopment of the site is reliant upon screening within their property.

Whilst I consider that there is merit in the appellants concern arising in relation to the screening between the two properties in the proximity of the family flat.

With this consideration based upon the unkempt and poor-quality design treatment of the boundary between the appellants property at this point.

I also consider that the main visual amenity nuisance arises from the shed structure to the rear of the family flat and the poor maintenance of the side elevation alongside the lack of any robust qualitative screening of this not insignificant in height, mass, scale, and volume structure.

It is not unreasonable, in my view, for the appellant to be of the view that the family flat in isolation or when taken together with this structure due to the lack of qualitative screening, boundaries through to maintenance of the elevation of these structures, which are within close proximity to the boundary shared, gives rise to a diminishment of their residential amenities.

On this concern I question in the absence of improved treatment of the lateral separation distance between the family flat extension. In addition, to the proximity of this structure to the aforementioned shed structure and the southern boundary of the site. Which I note adjoins the private amenity space of an adjoining property. The

presence of a window on the elevation addressing the adjoining residential property of the appellant even if provided with opaque glazing is one that could, given its close proximity, give rise to the perception of overlooking and other forms of diminished amenity as well as privacy.

For example, depending on what opening mechanism it includes.

The vent on this gable elevation addressing the appellants property appears to serve a modest bathroom and I consider is unlikely to give rise to significant nuisance to the appellants property.

I also consider that this development when taken with the cumulative development on site lacks any form of robust screening as viewed from the public lane.

I am not satisfied that it would have been, and I therefore recommend that the Board by way of condition seek that qualitative visual and screening improvements are made to the boundary to overcome this issue.

While I acknowledge that the development sought under this application relate to single storey structures that are not highly visible outside of their localised rural setting it is clear that such developments should not give rise to a diminishment of amenity for property in their vicinity.

- 7.3.3. **Traffic Related Matters:** The appellant in their grounds of appeal raise concern that this development, if permitted, would compound the issues that arise from the high levels of traffic on this rural lane. Whilst I consider that the sightlines are poor serving the site and that the lane itself is substandard in its width and alignment; notwithstanding, I am not convinced that this would be the case due to the low volume of traffic this type of development characteristically gives rise too. I also observed no vehicles using this modest in length cul-de-sac lane during the time I was inspected the site and its setting though my inspection occurred during business hours.
- 7.3.4. **Depreciation of Property Values:** The appellant has not demonstrated by way of any robust evidence or expert opinion on such matters that this would be the case.
- 7.3.5. **Unauthorised Development:** Whilst I have noted in my preliminary comments that the matter of unauthorised development is a matter for the Planning Authority to deal with as they see fit. Having regard to the quantum of development on site and the lack of a planning history that would support that the evolution of buildings and land uses

on this site has occurred in a manner that is consistent with planning legislation I do consider that there is an imbalance between the residential and commercial land uses occurring on this site. Through to I am not fully satisfied based on available information, in particular examination of this locality's planning history, that these are occurring in a manner that is consistent with proper planning and sustainable development. Having regard to the quantum of development on this site the Board may seek to restrict by way of condition any further buildings and the land uses present on this site to ensure that the site is not further overdevelopment in unsustainable and inappropriate manner.

- 7.3.6. **Undesirable Precedent:** I am not convinced that the development sought under this application would establish an undesirable precedent given the fact that each application for planning permission requires consideration on its individual merits at a particular point against relevant planning provision considerations which are continuously evolving as is the character of rural landscape and their capacity to absorb development.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the development sought under this application and its significant lateral separation distance to the nearest European site, 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 other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that retention permission and planning permission be granted.

9.0 **Reasons and Considerations**

Having regard to the nature, scale and extent of the development sought which comprises the retention of a family flat, the construction of a new glazed link connecting the main dwelling to the family flat, the provision of a new waste water treatment system and percolation area together with all associated site works and

services, and the separation distance between the subject site and its most proximate neighbouring dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compliant with the Meath County Development Plan, 2021 to 2027, policies for this type of development and it would not impact on the residential amenity of adjoining properties, it would not give rise to any undue visual amenity impact nor would give rise to any traffic inconvenience on the cul-de-sac lane that serves it. 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 and as amended by the further plans and particulars submitted on the 29th day of September, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) A revised site plan and appropriate details providing for improved landscaping, screening, and boundary treatment along the southern and northern boundary of the site shall be submitted to and agreed in writing with the planning authority within three months of this order. These improvements shall be contained within the land within the redline area of the site and where any consent of adjoining landowners is required a written letter of consent shall be provided.

(b) Within three months of this order the details shall be submitted to and agreed in writing for the time frame in which the link corridor will be constructed and its associated external finishes.

(c) Revised drawings showing the reduction in bedrooms within the family flat to a maximum of two bedrooms with both bedrooms served by adequate light and ventilation shall be submitted to and agreed in writing with the planning authority

within three months of this order. The drawings shall also detail all window openings, mechanical ventilation and extraction with the details including the glazing and manner of opening of any windows proposed to be maintained on the southern elevation.

Reason: In order to protect the amenities of adjoining properties from adverse residential and visual amenity impact as well as in the interests of proper planning and sustainable development of the area.

3. All bathroom/en-suite/WC windows and all windows on the southern elevation of the family flat shall be fitted with obscure glass only and shall be permanently maintained with this type of glass. The use of film is not acceptable.

Reason: In the interests of residential amenity.

4. The external finishes of the works subject of this application shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interests of architectural harmony and visual amenity.

5. The existing dwelling and family flat extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To ensure that the family flat is used to meet the applicant's stated housing needs/family circumstance and that development in this rural area is in the interest of the proper planning and sustainable development of the area.

6. The existing septic tank and percolation area shall be de-commissioned and permanently removed off-site following installation of the new wastewater treatment system and percolation area and the site shall be chemically sterilised.

Reason: In the interests of public health.

7. (a) The proprietary effluent treatment and disposal system provided shall be designed, constructed, and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.

(c) Within three months of three months of the installation of proprietary effluent treatment and disposal system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

(d) The installation and maintenance of the proprietary effluent treatment and disposal system shall be such as to not give rise to any polluting matter entering any waters, tidal waters or any part of any river, stream, lake, canal, reservoir, aquifer, pond, watercourse, or other inland waters, whether natural or artificial, or any contiguous to those mentioned which for the time being is dry. In this, all minimum separation distances to receptors, as outlined in Table 6.2 of the EPA Code of Practice, 2021, must be adhered to.

(e) The applicant shall provide and arrange for the continuous and indefinite maintenance of the entire proprietary effluent treatment and disposal system installed, which shall be maintained in accordance with the manufacturer's instructions and in line with Table 12.1 of the EPA Code of Practice, 2021.

Reason: In the interest of public health and to provide for the protection of the environment.

8. A landscaping scheme as part of improved private amenity space and landscape screening from the public road including improved deep soil shall be submitted to and agreed in writing with the planning authority within three months of this order. The agreed Landscape Design shall be carried out and completed by first planting season following this order. Any plant failure shall be replaced within the following planting season until such time that these plantings are established. In addition, the applicant/developer include external lighting, as part of the overall landscaping scheme in which the proposed dwelling is to be site the lighting scheme shall be submitted and subject to the prior written agreement of the Planning Authority.

Reason: To facilitate the integration of the development into the landscape within a reasonable time period, in the interest of proper planning and sustainable development and in the interest of the visual amenity of the area.

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. These shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of public health.

10. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-carriageway parking facilities,

maintenance, and repair of the public road in respect of any damage caused and off-site disposal of waste arising.

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

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. The site development works, and construction works shall be carried out in such a manner as to ensure that the public roads are kept clear of debris, soil, and other materials and if the need arises for cleaning works or repair to be carried out to the same, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining lane and roads are kept in a clean and safe condition during construction works in the interests of orderly development.

14. All waste generated during construction, including surplus excavation material to be taken off site, shall be only recovered or disposed of at an authorised site which has a current Waste Licence or Waste Permit in accordance with the Waste Management Acts, 1996 to 2006. This shall not apply to the reuse of excavated material within the applicant's site boundary.

Reason: In the interest of public health.

Patricia-Marie Young
Planning Inspector

25th day of April, 2022.