



An
Bord
Pleanála

Inspector's Report

ABP-312303-21

| | |
|-------------------------------------|--|
| Development | Construction of extension, garage and all associated ancillary site works. |
| Location | Culbeg, Ballymacoll, Dunboyne, Co Meath |
| Planning Authority | Meath County Council |
| Planning Authority Reg. Ref. | 211007 |
| Applicant(s) | Darren Grogan |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Pamela McGovern |
| Date of Site Inspection | 20 February 2022 |
| Inspector | Una Crosse |

1.0 Site Location and Description

1.1. The site is located in the townland of Ballmacoll which is c.3km to the west of Dunboyne. The site accommodates an existing single storey residential dwelling which is rectangular in configuration but with the longer elevations to the side of the property and with a series of roof pitches. The property is adjoined by a residential dwelling to the south of the appeal site. There are wide road drains to the front of the property and on the opposite side of the public road. There are existing mature trees along a bank on the roadside boundary between the fence and the roadside drain. There is also a drain running east/west along the north site boundary. The area is rural with one-off housing sporadically located within the wider area.

2.0 Proposed Development

- 2.1. The proposal comprises an extension to the side of the existing residential property with an area of c.38 sq.m comprising of a playroom and bedroom to cater for the family of the applicant. It was also proposed to construct a domestic garage, c.42 sq.m to the front of the property for parking and storage purposes associated with the proposed.
- 2.2. It was proposed to collect surface water runoff from the proposal via rainwater outlet points around the proposed new extension and garage and discharge to a new rainwater harvesting system located below ground with high level overflow to a soakaway infiltration trench. It is stated that there is an existing soak pit to the rear of the property which will be modified to cater for additional surface runoff.
- 2.3. In response to a further information request the domestic garage was removed from the proposed development. The proposal now relates solely to the side extension. The response to the appeal includes a proposal to include an attenuation tank on the site.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 6 conditions which included the following:

- Dwelling and extension to be jointly occupied as a single residential unit.
- Surface water from the site to be disposed of within the boundaries of the site.

3.2. Planning Authority Reports

3.2.1. Planning Report (21/07/2021)

- Principle of development acceptable.
- Side extension considered acceptable.
- Noted existing domestic structure in rear garden.
- Design of garage acceptable but consider could be relocated to the rear of die of the property and application invited to revise the location.
- Proposal will not cause overlooking or have a negative impact on the surroundings.
- Sub threshold EIAR not required.
- Stage 2 AA not required.
- Domestic extension exempt from development contributions.
- Further information recommended.

Further information was sought in respect of the following:

- Consider revised location for the detached garage to the side or rear of the property;
- Address issues raised in third party submissions.
- If deemed significant the response may have to be readvertised.

3.2.2. Planning Report (08/12/2021)

- Notes that the garage is now excluded from the proposed development.
- Area is not susceptible to flooding.
- Proposed extension will not have any adverse effect of extensively increase hardstanding.

- Extension is set back sufficiently from the dividing boundary wall.
Concerns raised clarified.
- Proposal accords with the Development Plan.

3.2.3. **Other Technical Reports**

Report from Environment Department (14 December 2021) notes the following:

- Development classed as a minor development as per Flood Risk Guidelines;
- Development site in Flood Zone C;
- Proposal minor development which would not have an adverse impact on a watercourse, flood plain or flood protection management facilities nor does it introduce more people into the area.
- To mitigate potential flood risk, applicant shall provide for flood resilient construction, raise all electrics and appliances and follow best practice.
- No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. None requested or received

3.4. **Third Party Observations**

3.4.1. See grounds of appeal and responses below.

4.0 **Planning History**

None of note

5.0 **Policy Context**

5.1. **Meath County Development Plan 2021-2027**

5.1.1. Section 11.5.25 of the Plan deals with Extensions in Urban and Rural Areas which outlines that Objective DM OBJ 50 relates to residential extensions in urban and rural area and requires that they comply with the following criteria:

- High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc;
- The quantity and quality of private open space that would remain to serve the house
- Flat roof extensions, in a contemporary design context, will be considered on their individual merits;
- 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;
- 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;
- 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;
- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.
- Ability to provide adequate car parking within the curtilage of the dwelling house
- 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.

5.2. Natural Heritage Designations

5.2.1. Site is not within or in close proximity to and designated site.

5.3. EIA Screening

5.3.1. Having regard to the type of development which is not a class of development for the purposes of EIA and the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact

assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- Meath County Council failed to address concerns raised regarding flooding;
- Adherence with condition that surface water is disposed of within the site boundaries hard to adhere to when road ditches run to the side and rear of the property.
- Applicant well aware of flooring issue as previously objected to an agricultural build in 2018 on the same grounds.
- Flooding problem brought to the Council's attention on several occasions since 2014 but not resolution reached as yet but still grant permissions.

6.2. Applicant Response

The applicant's response to the grounds of appeal is summarised as follows:

- Proposal is to meet the needs of the applicants young family with genuine need to extend their home.
- Extension is set back sufficiently from dividing boundary wall.
- Does not have an adverse impact on scale or character of the dwelling or surrounding area.
- Design creates an enclosed sheltered courtyard with direct access from main living area, passive solar gain facilitated.
- Submission made to PA and response to same outlined.
- Refer to OPW flood amps attached (Appendix A) which note no flooding recorded in the area and no historic reference to flooding issued.

- Reference made to previous application made which was objected to by applicant in respect of Ballymacoll Stud Farm which resulted in APB conditioned the upgrading of the restricted watercourse to a box culvert and since condition discharged no further issues with surcharge has arisen.
- Site in flood zone C.
- Surface water regime proposed in application as submitted outlined.
- Since permission granted and appeal lodged, decided to ensure guarantee and warranty of a storage system to manage the surface water from the proposed extension which is addressed by the proposed design to BRE Digest 365 of a separate attenuation tank to manage the proposed extension roof area runoff complying with MCC condition 6 (full details and report provided at Appendix C).
- Purpose of the attenuation tank is to ensure a warranty and ancillary sign off assured post installation and commissioning (Appendix C outlines details).
- Extension is greater than the 2m required from adjoining boundary.
- Garage originally proposed was omitted at further information stage.
- Details of submission made to application at Ballymacoll Stud Farm outlined which was of a significant scale and noted that appellant did not object to.
- Applicant has no control over what happens to lands within the wider area in terms of drainage arrangements.
- Bridge/culvert along public road in vicinity of applicant's property predates applicants ownership.

6.3. **Planning Authority Response**

The PA response outlines the content of the appeal and notes the following:

- Proposal was considered to be consistent with the policies and objectives of the Meath CDP.
- Respectively refer ABP to the Planners reports
- Respectfully request the decision us upheld.

7.0 **Assessment**

7.1. Outline of Assessment

7.1.1. Having inspected the site and considered the contents of the first-party appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of Proposal
- Surface Water Disposal/Flooding
- Appropriate Assessment.

7.2. **Principle of Proposal**

7.2.1. The proposal comprises a modest extension to an existing residential property. The design and siting of same are acceptable and create a pleasant courtyard area to the rear of the property. The extension facilitates the applicant's family needs. I would also note that the garage originally proposed to the front of the site has been omitted. I consider that the proposal is acceptable in principle.

7.3. **Residential Amenity**

7.3.1. The development comprises a single storey extension to a single storey property. The side wall of the extension is 4.58m from the party wall and is 8.7 metres at its closest point from the adjoining residential dwelling. There are no residential amenity issues arising. I consider that the design and siting of the proposed extension is acceptable.

7.4. **Surface Water Disposal/Flooding**

7.4.1. The main issue arising is the appellants concern that the proposal will exacerbate flooding matters in the vicinity of the site. I note reference by the appellant to flooding since 2014 but no evidence of same is provided. I would note that my visit to the site coincided with a period of very heavy rainfall. The applicant intends to dispose of any surface water arising from the proposed extension within the site and in the response to the appeal is proposing to provide attenuation specifically for the development.

Details of infiltration tests undertaken are provided and it is proposed to provide a 'cultec' stormwater management system as detailed in Appendix C of the appeal response. The applicant outlines the history of their objection to an adjoining development on flooding grounds and details how the discharge of a condition applied to the permission for same has addressed the matter. I consider that the applicant has satisfactorily addressed the concerns expressed in relation to the matter of flooding.

7.5. Appropriate Assessment

7.5.1. The site is not located within or directly adjacent to any Natura 2000 sites. The following site is the most proximate:

- Rye Water Valley/Carton – c. 4.3km

Rye Water Valley/Carton (site code 001398)

7.5.2. This site is of conservation interest for the following habitats:

- Petrifying springs with tufa formation (Cratoneurion) [7220]
- Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]
- Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]

7.5.3. Site specific Conservation Objectives have been published for the site. The conservation objective for this qualifying interest is to restore the favourable conservation condition of the first two QI's and maintain the conservation status of the third mentioned.

7.5.4. There is no direct link or connection between the appeal site and the above site which is 4.3km distant.

7.5.5. Taking into consideration the nature and scope of the proposed development, the distance from designated sites, the lack of a direct hydrological link between the appeal site and designated sites, the surface water management scheme proposed to attenuate surface water associated with the proposed extension, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. I do not consider

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 permission is granted for the development as proposed.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development which comprises an extension to an existing residential dwelling, the separation distance between the subject extension and its most proximate neighbouring dwelling and the proposed surface water management arrangements outlined, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact on the residential amenity of adjoining properties and nor would create an adverse flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and received by the Board on 25th day of January 2022, 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. The extension and the existing dwelling 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 restrict the use of the extension in the interest of residential amenity.

3. 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.

Reason: In the interest of public health

Una Crosse
Senior Planning Inspector

21 February 2022