



An
Bord
Pleanála

Inspector's Report

ABP-312591-22

Development

Retention and Permission: 2 detached dwelling houses and detached garage to dwelling 2. Retention permission and material change of use is sought for workshop to be used as a domestic garage for dwelling 1. Full permission to include alterations to existing site entrance and all associated site development works.

Location

Commons Road, Dromiskin, Co Louth.

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

211218

Applicant(s)

MWAC Property Limited.

Type of Application

Retention and Full

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Noel and Mary Mc Quillan.

Observer(s)

None.

Date of Site Inspection

25th of August 2022

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site (c.0.3ha) comprises of a field with a large, corrugated iron shed located on the edge of Dromiskin, Co. Louth. The site is accessed directly from the Commons Road along the front, north, of the site. The site is bound by mature trees and hedgerows along the front of the site and crosses a large drainage ditch located along the side of the road.
- 1.2. The shed, located to the rear of the site, is unauthorised and the subject of enforcement action by Louth County Council. There are two detached bungalow's location to the west of the site. These are bound by a large block wall (c.2m), along the west, and are both separately accessed by a private entrance along the Commons Road.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - Retention of the shed and change of use sought to be used as domestic use associated with dwelling no. 1.
 - Permission for two dwellings along the front of the site,
 - Alteration of the existing entrance,
 - All other associated works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant retention permission subject to 9 no reasons for which the following are of note:

C1 - Plans and Particulars

C2 - Section 48 Development Contribution Scheme for the 2 no dwellings

C3 - Requirement for compliance with site lines, entrance details and disposal of surface water within the site.

C5 - Restriction on the use of the shed as a domestic garage associated with dwelling No 1 and the use of the proposed garage for dwelling no. 2 for residential only.

C6 - Inclusion of obscure glazing on the first-floor windows on the western side of dwelling No.2.

C7 - Removal of the shipping containers 3 years of the grant of permission or on completion of the construction of development.

C8 - Submission of a revised landscaping plan for the entire site and include the provision of trees (in addition to the hedgerow) along the boundaries of the site.

The existing roadside boundary shall be retained in full aside from the sections required to obtain the sight visibility.

C9 - The driveway associated with dwelling No. 2 shall be moved in from the neighbouring boundary wall by 0.5m and a revised site layout plan shall be submitted within 3 months.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information summarised below:

Further Information

1. Additional soakaway details submitted to include the treatment of surface water from the shed to be retained and the inclusion of impermeable driveways for dwelling No. 1 and No. 2.
2. The relocation of a garage associated with dwelling no. 2 immediately to the rear of the dwelling and the extended driveway was omitted.
3. The relocation of the entrance gates to dwelling No 1 in line with dwelling No 2.
4. Inclusion of a hawthorn hedge around the boundary of the site.
5. Alterations to the red line boundary to remove lands not within the applicant's ownership

6. The development description was amended to include the retention of the two shipping containers on site.

The further information was considered significant and readvertised to include the temporary retention of the 2 no. shipping containers. The planning authority considered the retention of the shed appropriate once it was only used for domestic use associated with dwelling No. 1.

3.2.2. Other Technical Reports

Infrastructure Section: No objection subject to conditions

3.3. Prescribed Bodies

Irish Water: No objection subject to standard conditions.

3.4. Third Party Observations

One third party submission from the resident of the dwelling to the west of the site, also the appellant. The issues raised are similar to the grounds of appeal and have been summarised below.

4.0 Planning History

Reg Ref 82/41

Permission granted for three dwellings houses.

Enforcement

21 U231: Alleged unauthorised storage of containers, construction vehicles and construction equipment. File open pending the outcome of the current planning application.

21 U166: Alleged unauthorised development works, case was closed due to no development.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

Zoning

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

Dromiskin

Dromiskin is classified as a Level 4 centre (Small town and village).

Volume 2 of the development plan provides specific guidance for development in the smaller towns and villages. The site is located within the settlement boundary of Dromiskin.

Policy Objective DROM 1: To support the role of Dromiskin by facilitating development that will contribute to the character and structure of the village and complement and enhance the quality of the village’s attractive built and natural environment

Policy Objective DROM 3: To support and encourage residential development on under-utilised and/or vacant lands including ‘infill’ and ‘brownfield’ sites, subject to a high standard of design and layout being achieved.

Residential Development

- Chapter 13 Development Management Standards
- Section 13.8.4- Density and Plot Ratio
- Section 13.8.9- Residential Amenity

5.2. Natural Heritage Designations

The site is located:

- c. 1.5km to the west of Dundalk Bay SPA (site code 004026)
- c. 2km to the west of Dundalk Bay SAC (site code 000455)

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the resident of the property to the west of the site and the issues raised are summarised below:

6.1.1. Concern in relation to the impact on the boundary wall

- There is concern the structural integrity of the boundary wall will be compromised.
- Section 22 of the Planning and Development Regulations, 2001 are listed.
- It is highlighted that the applicant should be the legal owner of the site and all plans should be included which relate to the carrying out of works.
- The appellant is the legal owner of the boundary wall and there is no permission for any works near or under this structure.

6.1.2. Possible Ultra Vires Route for ABP

- If there are doubts over the legality of the land ownership or insufficient evidence to suggest the application is not the landowner, then the permission should be refused.
- The Development Management Guidelines refer to Section 28 of the Planning and Development Act, 2000.

6.1.3. Conditions

- All conditions should be enforceable.
- It will be impossible to enforce the requirement for an obscure window.

6.1.4. Plot Ratio

- Once the appellant's land ownership is taken out the plot ratio is 0.640.
- An edge of settlement site in development plan has a recommend plot ratio of 1.

6.1.5. Impact of the design and layout

- The scale of the proposal is unacceptable.
- The proposed development will seriously injure the residential amenity of the adjoining residents.
- The dwelling will cause overshadowing on the rear of the adjoining property.
- Shadow projection drawings submitted with the appeal indicate overshadowing on the rear patio of the adjoining property.
- The floor levels will need to be increased to allow the sewer pipe to clear the drainage canal to the north of the site.
- A separating distance of 6.8m from the boundary with a building of 8.46m high is not within the national guidelines for housing.
- The houses do not meet the 22m separation distance between first floor windows.
- The position of the bedroom window will impact the privacy.
- There was no consideration given by the planning authority to any overbearing on the adjoining property.
- The development plan requires appropriate developments in transition zones. The site is not in the central village area and therefore the proposal is an abrupt change.
- The proposal is not in line with the guidelines for infill/backland development

6.1.6. Impact on solar panel overshadowing

- The national Guidelines for Planning Authorities on Sustainable Development in Urban Area requires all dwellings should take advantage of daylight and sunlight in the design and orientation of dwellings.

- There are recently installed PV panels on the roof of the existing dwelling to the west of the site.
- The overshadowing is accepted by the planning authority.
- This overshadowing will have a negative impact on the operation of the PV panels which have been funded by the government.
- The building will impact the sunlight to the solar panels during the summer months.

6.1.7. Retention of shed as a domestic garage

- The shed was originally built for housing machinery and storage of building equipment.
- The applicant is attempting to retain this shed as a domestic garage.
- The application should refer to retention and completion as the shed is currently incomplete, has no guttering, down pipe and is not rendered.
- The shed does not comply with the building regulations.
- The development plan policy in relation to garages restricts the size to 50m² (Policy SS 44) whereas the shed is 12m².
- Policies and objectives (Policy SS61 and Policy SS 62) of the development plan require that garage/ outbuildings are not visually dominant (Section 13.9.36 and Section 2.19.16)

6.1.8. Driveway issue to shed

- It is clear from the size of the driveway the applicant wants to keep this shed for commercial use.
- The applicant did not comply with the submission of further information.
- The reduction in the width of the driveway can be easily expanded.
- The location of the plant on the site indicates that it will only be moved about the site which will still be unauthorised development (photographs of trucks and use of shed submitted).
- The boundary treatment should be a block wall rather than a fence.

6.1.9. Drainage canal system

- The works to the drain along the front of the site have not been detailed.
- The works along the drain require a pipe which must cross its path and present a serious hazard and cause flooding in the area.
- The Irish Water guidelines include a minimum size for the pipe.
- The placing of the sewer will require the pumping of the water.
- The farmers are constantly required to clear canals to the sea within 5km.
- Cross section of typical drain / stream crossing for gravity sewer.

6.1.10. Sewage pump

- The sewerage network will require a pump.
- Any odious smells will cross over to the adjoining site.
- The taking in charge of the drainage areas is required by the planning authority.
- The polices of the development plan do not allow pumping stations within zoned development lands.

6.1.11. Noise. Lighting and emissions

- Additional external lighting will impact adjoining properties.
- The noise levels of any heat pumps should be fully assessed.

6.1.12. Right to light in design and existing property

- The BRE guidelines are highlighted along with the right to light.
- Using the 25-degree rule from the BRE guidelines then the proposal will clash with adjoining properties.
- A computer-generated drawing illustrating the overshadowing from the dwellings.

6.1.13. Appendix

- Photographs of the site including the commercial activity
- Property details illustrating the canal along the front of the site.

- OSI map illustrating the canal system.
- Site layout map illustrating the issues of concern.
- Copy of land registry map showing the boundary wall within the appellant's site.
- Copy of the further information request.

6.2. Applicant Response

A response to the grounds of appeal has been submitted by an agent on behalf of the applicant. The issues raised are summarised below:

6.2.1. Structural integrity of the boundary wall

- Dwelling no 2 is located 6.86m away from the appellant's boundary wall.
- The garage associated with Dwelling No 2 is located 1m from the boundary wall.
- It is not considered the proposal is detrimental to the integrity of the wall.
- Figure 1, submitted with the appeal, illustrates the location of a 1.2m high wall at the front (west) of the site. This information was submitted as part of further information request.
- The existing 2m high block wall appears to have been constructed on the shared boundary wall.
- The planning system is not designed to deal with disputes over land/ownership.
- There are no proposals to alter the boundary wall or affect the structural integrity of this wall.

6.2.2. Impact of the design and layout of the proposed development

- The site is zoned as residential.
- The policies of the development plan promote residential development.
- The proposal follows the requirements for dwellings in the development plan including open space and room sizes.

- The design and layout of the dwelling, including height, is not excessive for a site in Dromiskin.
- Given the location and use of obscure windows on the first floor, there would be not overlooking onto the appellant's property.
- The proposal complies with Table 4.2, Assessment Criteria, in the Urban Design Guidance.

6.2.3. Solar panel overshadowing

- The solar panelling is most effective when directed south. The appellant's roof faces southeast.
- The proposed dwellings will not give rise to overshadowing as claimed by the appellant.
- The sun rises in the east. The sun moves southeast within the early morning period and will grant maximum solar gain without overshadowing.
- From c. 10am onwards (as the sun is lower) there is an impossibility of overshadowing from the adjacent dwelling to the west.
- PV panels do not require direct sunlight to function.

6.2.4. Retention of shed as a domestic garage

- Policy SS61 of the LCC development plan (referred in the appellant's statement) relates to domestic garages in the countryside.
- The retention of the shed is solely for domestic purposes.
- The existing shed has been in place for over 15 years and is statute barred from enforcement action.
- In the interest of sustainability, the shed should be reused.
- The building control matters are not for planning consideration.
- The shed will be located behind the proposed dwellings and obscured from view by the public road.

6.2.5. Driveway issue to shed

- The driveway to the shed is 3.5m wide and an acceptable size.

- The planner assessed the reduction in the driveway as part of the further information
- A condition was included in the permitted development that the shed would only be used for residential use.

6.2.6. Existing drainage culvert system in Dromiskin

- The concrete culvert along the front of the site is an existing culvert.
- The proposal includes two separate pumps connecting into a shared manhole by gravity.
- Irish Water is satisfied with the connection.
- The proposed connection will be in line with the best construction methods.
- The application is not within a flood zone and the surface water will be managed with a soakaway.

6.2.7. Possible pump for sewerage

- As stated above a domestic pump will be used.
- The pump does not have any noise and effluent will be into the public system.
- No smell will emit from the pump.

6.2.8. Noise, lighting and emissions

- Air and water heat pumps are the most cost effective for new dwellings.
- These are installed into new builds without any cause of concern or noise emissions.

6.2.9. Right to light in design and existing property

- A right to light cannot be claimed in respect of open ground or a garden.
- There is no prevention of light into the appellants building
- The 2m high wall already restricts light into the approved rear extension for the appellants dwelling.

6.3. **Planning Authority Response**

A response from the planning authority notes the submission from the appellant and considers the issues raised are similar to those raised during the planning application. The planning authority consider these issues have already been addressed.

In the event of a grant of permission, it is requested that the Board include a condition restricting the separate sale of the shed which is the subject of retention of a commercial unit.

6.4. **Observations**

None submitted

7.0 **Assessment**

7.1. I consider the main issues of the appeal can be dealt with under the following headings:

- Retention of the shed
- Design and Layout
- Access, Drainage Ditch and Flooding
- Impact on Residential Amenity
- Appropriate Assessment.

Retention of the shed.

7.2. There is currently a large, corrugated shed located at the rear of the site. The proposed development includes the retention of the shed and construction of two dwellings along the front of the site. The shed has characteristics of an agricultural shed with grey iron cladding around the exterior and a curved roof. The application submitted to the planning authority also included the retention of three steel ship containers.

7.3. The grounds of appeal have raised the concern in relation to the retention of the shed, the works proposed and the commercial activity on the site. I note from site

inspection that there was no commercial activity and the steel containers had been removed.

- 7.4. In relation to the retention of the shed, the grounds of appeal consider reference to completion should be included in the development description. The grounds of appeal note no ground floor, guttering, block rendering or sheet painting. As stated above, the shed is finished with corrugated iron, curved roof and has the appearance of an agricultural shed. The plans submitted with the application (Drwg No A2117-07) indicate a pitched roof and concrete block wall along the lower level, a significantly different design to the current shed on the site. This aside, I consider the scale and mass of the shed both currently situated on the site and illustrated in the submitted plans, is excessive when assessed in conjunction with the residential use on the site. I consider the design of the garage, which has a floor area of 130m², a height of 4.4m and corrugated walls and roofing, would have a negative visual impact on the residential amenity of the future occupants of those dwellings proposed on the site.
- 7.5. Whilst I note the planning authority have included a condition (no.5) restricting the use of the garage only for domestic purposes in associated with dwelling No. 1, I have serious concerns in relation to the design of a shed of this scale ancillary to a dwelling. The site is located on lands zoned as residential where is a requirement to protect the amenity of the current and future residents. Therefore, it is my opinion that the permission for the retention of the shed should be refused based on the negative visual impact on the residential amenity.
- 7.6. The applicant considers that having regard to the length of time the shed has been present (c 15years) it is therefore barred from any enforcement action. I do not consider this is a consideration in the assessment of principle of permission and has no implications for the refusal of any permission for the shed.

Design and Layout

- 7.7. The proposal also includes the construction of two detached two storey dwellings along the front of the site. The land use zoning for residential use permits the proposed dwellings in principle. Policy Objective DROM 3 of the LCC development plan encourages residential development on under-utilised and/or vacant lands

including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

- 7.8. The grounds of appeal, residents of a property to the west of the site consider the design and layout of the dwellings is not appropriate for the site. They have also raised concern the impact of the proposal on the structural integrity of the existing boundary wall. These issues are addressed separately below.

Design

- 7.9. The two detached dwellings are located to the front of the site, generally in line with the existing detached dwelling to the west of the site. The subject site is located on the edge of Dromiskin settlement adjacent to an area which has relatively low-density housing. The grounds of appeal do not consider the inclusion on the two dwellings is appropriate. The response from applicant to the grounds of appeal notes the density is relatively low for residential zoned lands.
- 7.10. In relation to density, I note the development plan does not specify any recommended density for Dromiskin and Table 13.3 provides reference to the regional and large towns only. Section 13.8.4 recommends that the density and plot ratio of small towns and villages is reflective of the character of the settlement and the existing pattern of development of the area. Whilst I note the density of c.6 units per hectare is relatively low for a serviced size, close to the regional growth town of Dundalk, I note guidance in Chapter 6 of the Sustainable Residential Development in Urban Areas recommends that the layout of residential development considers the surrounding character. Having regard to the location of large, detached dwellings on the sites to the west of the site, I consider the inclusion of two detached dwellings provides a balance between the sustainable use of a serviced site and respect for the character of the low-density housing in the vicinity.
- 7.11. In relation to the design and layout, I note no issues have been raised in relation to the room sizes etc and the planner's report notes compliance with the national and local standards. The grounds of appeal have raised the height of the dwelling and the potential for overshadowing, this is further elaborated below.

Boundary wall

- 7.12. There is an existing 2m high block wall along the west of the site bounding the appellant's site. The appellant is concerned the proposed development would affect the structural integrity of the wall. The response from the applicant notes the location of the proposed dwelling 6.86m and the garage 1m from the edge of the boundary wall and consider there will be no impact on the structural integrity of the wall. The applicant considers the wall was built on a shared boundary rather than within the appellant's site.
- 7.13. I note the location of the boundary wall along the west of the site and the location of the proposed garage associated with dwelling No 2 adjacent. The applicant's response notes 1m between the wall and the garage. The appellant has put forward no evidence to suggest that the construction of this garage would cause any impact on the structural integrity of the wall and the applicant has confirmed that there would be no detrimental impact on the party wall.
- 7.14. Section 34 (13) of the Planning and Development Act, 2000 (as amended) stated that "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". In this regard, the Board will note the applicant should ensure all other necessary consents, such as Building Regulations, are also complied with.

Conclusion

- 7.15. Having regard to the location of the dwellings on the edge of the Dromiskin settlement, on lands zoned and serviced for residential development, I consider the inclusion of two detached dwellings is acceptable at this location.

Access, Drainage Ditch and Flooding

- 7.16. The site is currently accessed via an agricultural entrance. The entrance crosses a drainage ditch along the front of the field. The entrance has been culverted over the ditch. The grounds of appeal are concerned that works to this ditch will have a negative impact on drainage and cause flooding on adjoining sites. It is noted that this ditch forms part of a larger canal network which was originally designed to reclaim lands for farming.

- 7.17. The entrance details on the existing and proposed site layout maps both measure 9.4m in width. The application does not include any proposals to infill the ditch along the front of the site, at the entrance, and the applicant's response to the grounds of appeal notes no works proposed. I note the field to the northeast of the site is in Flood Zone B although having regard to the absence of any works to the ditch I do not consider the proposed development would impact on the surrounding area.
- 7.18. The location of the concrete pipe culvert along the front of the site has also been raised by appellant. The applicant notes this is an existing pipe. The proposal includes a connection into the culvert via a pumping from the dwellings. Irish Water have not raised any cause of concern.
- 7.19. Therefore, having regard to the absence of any increase in the width of the entrance I do not consider there is a necessity for additional works to the drainage ditch. I note the applicant has confirmed in the response to the grounds of appeal that there are no proposals to infill or build up of the drainage ditch and it is my opinion there will be no impact. It is my opinion the wastewater can be adequately treated without any negative impact on the surrounding area.

Impact on Residential Amenity

- 7.20. As stated above, the appellant is a resident of the bungalow to the west of the site. The appellant's dwelling, and proposed dwellings, are oriented north towards the Commons Road. The appellant is concerned the proposed dwellings will have a negative impact on their residential amenity, from overlooking and overshadowing. I have addressed the issues raised in the grounds of appeal separately below.

Noise and odours

- 7.21. There is concern the activity associated with the serving of the site, including the wastewater and heat pump. As stated above, the proposed treatment of wastewater is via the public system. The connection into his system is regulated by Irish Water and the applicant is required to comply with Irish Water best practice standards. In relation to the heating system, the applicant's response notes these systems are widely used in new dwellings are designed not to generate noise or cause any negative impact on residential amenity.

Overlooking

- 7.22. The appellant's dwelling has a first-floor window to serve a converted attic. Dwelling No 2 is located c. 9m from the side of the existing dwelling. There is window serving the first-floor bedroom. The plans indicate this window will be fitted with opaque glazing and condition No. 6 requires the inclusion of obscure glazing on the first-floor windows on the western side of dwelling No.2. The appellant does not consider this condition is enforceable and the first-floor window will lead to overlooking into the first-floor bedroom.
- 7.23. Section 13.8.9.1 of the LCC development plan refers to a 22m separation distance between first floor opposing windows (non- habitable rooms) which may be reduced based on the orientation, location and internal layout of the proposal.
- 7.24. I note the location of the first-floor bedroom window (c.9m from the front building line) will not directly face the side of the existing dwelling rather it will be located at the rear building line of the existing dwelling. There will be no direct overlooking into the appellant's bedroom. This aside, I consider the applicant's proposal to include obscure glazing on this window forms part of any grant of permission and is entirely enforceable.
- 7.25. Having regard to the orientation of the site and the design and layout of the proposed dwelling, I consider the proposal is in keeping with the guidance in the development plan and I do not consider there will be any significant overlooking from the proposed development.

Overshadowing

- 7.26. The appellant considers the proposal will cause significant overshadowing on the property and have a negative impact on the operation of the PV solar panels on the roof. The applicant has submitted a solar study of the proposed development and provides reference to the 25 Degree Thumb Rule in the BRE guidance.
- 7.27. The applicant's response to the grounds of appeal notes the orientation of the dwelling and the appellant's solar panels and considers that whilst there may be slight overshadowing in the morning there will not be any significant impact from the location of the dwelling.

- 7.28. Section 13.8.10 of the LCC development plan refers to daylight and sunlight impacts and requires care to ensure adequate levels of natural light are achieved to nearby properties. The development plan refers to the minimum standards BRE guidelines¹ and Section 6.7 of the Apartments Guidelines² in relation to compensatory measures.
- 7.29. No overshadowing or daylight/sunlight assessment has been submitted with the application however, I consider it acceptable to undertake an assessment based on the documentation submitted with the application. I note both the proposed and appellant's site are orientated northwest. The proposed dwelling is located c. 9m to the east of the dwelling and is 8.46m high. Dwelling No 2 and the appellant's dwelling are separated by a 2m high wall.
- 7.30. The information in the BRE guidance suggests that all main living rooms of dwellings and conservatories should be checked if they have a window facing 90° south, kitchens and bedrooms are less importance, although care should be taken not to block too much sun. The BRE guidance states that obstruction may become an issue when the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to the living rooms. This is known as the 25° rule. I have had regard to the information submitted with the grounds of appeal in relation to the 25° rule and the guidance with both the BRE guidelines and the BS Lighting for Buildings.
- 7.31. I note the appellant's submitted information indicates a level of overshadowing on the side of the property and the rear garden although this will generally be confined to the morning and will not extend throughout the day or into the main living areas. The rear of the appellant's dwelling (and location of PV panelling) southeast facing will receive most of the sunlight throughout the remainder of the day. I consider the level of overshadowing cast will be minimal and would generally be expected from suburban development on residentially zoned lands. I do not consider the proposal would have a significant negative impact on the main living areas of the existing dwelling and the proposal is generally in compliance with the BRE guidance.

¹ Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

² Design Standards for New Apartments- Guidelines for Planning Authorities (2020)

Appropriate Assessment

- 7.32. The subject site is located within a serviced urban area and is not directly adjoining or adjacent to a designated site. The nearest European site is the Dundalk Bay SPA (site code 004026) which is approximately 1.5km away and the Dundalk Bay SAC (site code 000455) which is approximately 2km away. The planners report notes the drainage ditch along the front of the site, which is considered to be a hydrological link to the European Site. Having regard to the submission of surface water disposal details the planning authority are satisfied that no appropriate assessment issues arise.
- 7.33. I note no works are proposed to the drainage channel along the front of the site and the use of the soakaway to treat the surface water is not a mitigation measure to prevent any significant impact on the conservation objectives of any European Site.
- 7.34. Having regard to the nature and scale of the proposed development within a serviced area and 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend a SPLIT decision to:

REFUSE permission for the retention of the shed, in accordance with the said plans and particulars based on the reasons and considerations under (1),

GRANT permission for the remainder of the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below (2).

9.0 Reasons and Considerations (1)

The shed is located on land zoned for residential development, A1, existing Residential, in the Louth County Development Plan 2021-2027, where it is an objective to “To protect and enhance the amenity and character of existing residential communities”. It is considered that, by reason of its height, bulk

and design, the shed would be visually obtrusive to the rear of two proposed detached dwellings and would have a negative visual impact on the surrounding residential area. The shed would, therefore, be contrary to the land use zoning on the site and the proper planning and sustainable development of the area.

10.0 Reasons and Considerations (2)

Having regard to the:

- a) the nature, scale and design of the proposed development,
- b) the policies and objectives of the Louth County Development plan 2021-2027, in particular the A1, Existing Residential land use zoning,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of urban design, height and quantum of development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The window on the western elevation of Dwelling No. 2 shall be glazed with obscure glass and retained in perpetuity.</p>

	Reason: To prevent overlooking of adjoining residential property.
3.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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>Reason: In order to safeguard the residential amenities of adjoining property in the vicinity</p>
4.	<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>Reason: In the interest of public health.</p>
5.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths and kerbs] shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety</p>
7.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <ul style="list-style-type: none"> (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

	<p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity</p>
8.	<p>The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</p> <p>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.</p>

Karen Hamilton
Senior Planning Inspector

07th of September 2022