



An  
Bord  
Pleanála

## Inspector's Report ABP312725-22

### Development

Construction of a new single storey family flat extension to rear of existing dwelling. Existing septic tank to be decommissioned and proposed new waste water treatment system and percolation area installed. All associated site works.

### Location

Graigue, Beamore Road, Col[le West, Drogheda, Co. Meath.

### Planning Authority

Meath County Council.

### Planning Authority Reg. Ref.

LB202104.

### Applicant(s)

Sheena & Paul Kierans.

### Type of Application

Permission.

### Planning Authority Decision

Grant with condition.

### Type of Appeal

Third Party

### Appellant(s)

John and Michelle McCloskey.

### Observer(s)

N/A.

**Date of Site Inspection**

24.05.2022.

**Inspector**

Mary Mac Mahon.

## **1.0 Site Location and Description**

- 1.1. The site is located southwest of Drogheda on the Beamore Road. This road connects to the R132, the former N1, the R108 and the R108 and is heavily trafficked. Traffic travels at speed along this road. The site is proximate to Southgate Shopping Centre. The site is fourth on a line of one-off houses fronting onto the Beamore Road. There are no footpaths at this location. There is an existing dwelling on site, which has been extended on the southwestern side. The site area is stated as 0.2 ha.

## **2.0 Proposed Development**

- 2.1. The proposed development is to provide a single extension to the rear of the existing dwelling, running circa 25 metres parallel to the northeastern boundary. It links into the existing dwelling. The existing septic tank in the rear garden is to be decommissioned and a new wastewater treatment system with a sand polishing filter bed proposed to the front of the dwelling house. The proposed extension is stated as 113.55 square metres (the existing building to be retained is 318 square metres in area).
- 2.2. Public water supply is from the mains system. The Site Characterisation report found that the R1 Groundwater Protection Response. The site is within a Public Supply Source Protection Zone. The Trial Hole test extended to 2.1 metres. The water table was encountered at 0.9 metres below ground. A 'T' test of 43.33 and 'P' test of 33 were recorded.
- 2.3. At Further Information stage, the proposed extension was relocated to run parallel with the opposite boundary and reduced in length to circa 16 metres. The front boundary wall is to be increased in height by 3 brick courses with metal railings above, to an overall height of 1.875 metres from 1.0 metres.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant subject to 12 no. conditions. These include that the development shall not be subdivided in the future and shall be jointly occupied as a single residential unit. The changes to the front boundary were omitted.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

3.2.2. The planner's report refers to the *Meath County Development Plan 2013-2019*, policy in relation to family flats and extension and submissions made. The extension is considered effectively a separate dwelling, which cannot be integrated into the main dwelling house in the future. No justification is proposed. The scale is large, inconsistent with the pattern of development in the area and could set an undesirable precedent. The design, layout and siting are of concern. Further information is sought seeking a revised design with a smaller site coverage, that can be integrated into the main dwelling in the future and avoid impacting on the adjoining properties.

The further information the revised design was considered appropriate. A new observation was received. The alterations to the front boundary wall were not included the new notice and would be visually inconsistent with the pattern of development.

#### 3.2.3. Other Technical Reports

Transportation Department – no objection.

Environment – no objection.

## 4.0 Planning History

Reg. Ref. 00126 – Permission granted for an extension and alterations to the dwelling house.

## 5.0 Policy and Context

### 5.1. Development Plan

The *Meath County Development Plan 2021-2027* applies (the new development plan was adopted during the course of this case). The site is zoned 'RA' - Rural Area. The objective is:

*To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.*

11.5.24 deals with Family Flat Extensions. It states:

*Family flats (often known as granny flats) are a way of providing additional accommodation with a level of independence for an undefined temporary period of time. Family flats allow for semi-independent accommodation for an immediate family member (dependent on the main occupants of the dwelling). Applications for family flats will be considered favourably subject to criteria set out in the relevant policy set out below.*

**DM POL 15:** *The creation of a custom-built ‘family flat’ to be occupied by a member of the occupant family with a housing need is generally acceptable subject to site suitability and compliance with DM OBJ 49.*

**DM OBJ 49:** *All applications for family flat development shall comply with the following criteria:*

- *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;*
- *The flat shall not have a separate access provided to the front elevation of the dwelling*
- *There shall be no permanent subdivision of the garden/private amenity space;*
- *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;*
- *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);*
- *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.*

## 5.2. Natural Heritage Designations

Having regard to the nature of the proposed development, the development does not come within the scope for Appropriate Assessment screening.

### 5.3. EIA Screening

Having regard to the nature of the proposed development, the development does not come within the scope for an EIA screening.

## 6.0 The Appeal

6.1. The third party submitted the appeal, with photographs. The grounds are summarised below:

### 6.2. Grounds of Appeal

- The appellants are the neighbours to the southwest, the side onto which the extension has been permitted after the original location was refused;
- The measurements to their garage appear inaccurate;
- The height of the proposed extension shall be 1.5 metres higher than the boundary, due to differences in levels;
- The proposed extension will be in line with the existing extension;
- The height of the roof could be reduced from approximately 3.7 metres to 3.2 metres, to reduce impact on the appellants garden.

### 6.3. Applicant Response

The applicant's agent, McKeivitt King Architects, responded:

- Notes that the changes made at Further Information stage complied with the request of the planning authority;
- Drawings are submitted that reduced the height of the monopitch to 3.2 metres;
- The extension will be in line with the existing path;
- Information is provided on the family circumstances.

### 6.4. Planning Authority Response

- Notes the original location was not 'refused';

- There is adequate separation distance and a landscaping condition has been attached, so impacts on the property are limited;
- No objection to the attachment of the condition as requested by the third party.

## 6.5. Further Responses

Following circulation of the drawings, the planning authority confirmed that it had no objection to the minor changes, if required.

## 7.0 Assessment

- 7.1. The proposed development was significantly changed at Further Information Stage, which was re-advertised. However, the appellants have appealed the relocated position. The application will therefore be assessed de novo.
- 7.2. The proposed family flat was submitted on the northeastern side of the site with a monopitch link connection to the family home. It has a pitched roof of 4.4 metres in height, with two projections. The proposed family flat was 1.681 metres from the northeastern boundary. It was to be 113.55 square metres in area with two bedrooms. Access to the proposed development is through the existing living room.
- 7.3. The existing septic tank is to be removed and replaced with an Oakstown Baf with a PE of 8 persons and sand polishing filter bed of 245 square metres, in the northeastern front garden.
- 7.4. I would concur with the planning authority, that the application constituted effectively an independent living unit on the overall site. While generally, the size of the site would facilitate such a development, the location of the site on this heavily trafficked regional road, where no public footpaths are present and the extent of dwellings on this road with similar size plots, would set an undesirable precedent, due to the risk of traffic hazard and obstruction of the free flow of traffic on the road.
- 7.5. The location of the proposed development would give rise to some overshadowing of the adjoining neighbour to the east.

- 7.6. The proposed design at Further Information Stage relocates the proposed family flat to the southwestern side of the site. It is stated to be 0.686 metres to the site boundary at its closest point. One new window is proposed in the existing WC to replace the existing window and a high level window is proposed to the southwest boundary. While the proposed development still includes two bedrooms, the shared utility provides the kitchen space. Access is via the existing kitchen/living area.
- 7.7. The roof is a monopitch, at circa 3.7 metres in height at a maximum. Given the height level difference between the adjoining properties, this would be at least a metre higher on the appellants, over circa a 15.3 metres length. Approximately 9 metres would be visible beyond the appellants' garage.
- 7.8. The First Party Response included proposals to alleviate the appellants' concerns. The monopitch is switched so as the lower element now faces the appellants, reducing the height to circa 3.202 metres. The closest point is now 0.692 metres.
- 7.9. The proposed development is to accommodate three generations of the same family; to provide accommodation for grandparents, an uncle and a family. I consider the First Party comes within the scope of DM POL 15 for a family flat. The proposed development complies with the requirements of DM OBJ 49: it is not detached, there is no separate access to the front elevation and there is no subdivision of the private open space. The design as amended at Further Information and on appeal, allows for reversion to a single dwelling.
- 7.10. In relation to wastewater, a site characterisation report is included. The watertable was found at 0.9 metres. A T value of 42 and P value of 33 were found. The site is on mains public water. The proposed plant and polishing filter comply with the separation distances in the EPA Code of Practice for *Domestic Wastewater Treatment Plants 2021*. The proposed wastewater system will not give rise to public health issues or a threat of pollution, subject to compliance with conditions.
- 7.11. At Further Information, alterations were proposed to the front wall of the site, to provide for railings. These were omitted by way of condition by the planning authority. I would concur that the railings would be out of character with the area and attach the relevant condition.



## 8.0 Recommendation

8.1. I recommend a grant of permission, subject to condition.

## 9.0 Reasons and Considerations

Having regard to the policies of the *Meath County Development Plan, 2021-2027*, it is considered that the proposed development, as amended on appeal, would comply with the objectives of the development, would not seriously injure the residential amenities of property in the vicinity and would be acceptable in terms of public health. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 19th day of November 2021, and as further amended by the plans and particulars received by An Bord Pleanála on the 2<sup>nd</sup> of March, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed granny flat extension shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p><b>Reason:</b> In order to comply with the objectives of the current Development Plan for the area.</p>

3.	<p>The proposed alterations to the front boundary and bell mouth entrance walls shall be omitted.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of [5] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
6.	<p>a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 23<sup>rd</sup> day of December, 2022, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p>

	<p>b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>e) Within three months of the first occupation of the dwelling, 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 polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p> <p>a.</p>
7.	<p>a)The existing septic tank shall be decommissioned within 3 months from the commissioning of the proposed wastewater treatment system.</p> <p>b) The existing septic tanks shall be emptied using a licenced haulier to be disposed at a licenced place of disposal.</p> <p><b>Reason:</b> In the interest of public health and to remove a threat of pollution.</p>

8.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of road safety.</p>
9.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
10.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

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Mary Mac Mahon  
 Planning Inspector

08 June 2022