



An
Bord
Pleanála

Inspector's Report

ABP-313624-22

Development

Construction of a two-storey extension to side/rear of house, dormer window to the front, roof lights, sun terrace and re-located entrance door, minor alteration to internal layout and removal of single storey porch to front, and replacement of existing wastewater treatment system and soakway.

Location

Curraghtown, Drumree, Co Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

212344

Applicant(s)

Patrick Bryan

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Barry and Marie Cunney.

Observer(s)

None.

Date of Site Inspection

19th December 2022.

Inspector

Lucy Roche

1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Curraghtown in Co Meath which is c4.5km south-west of the settlement of Dunshaughlin and c4km southwest of Junction 6 on the M3. The site is accessed via the L62061-0 local road by way of the R154 to the north.
- 1.2. The site, which is rectangular in shape, has a stated area of 0.20ha and a road frontage of some 49m. The site currently accommodates a detached, single storey dwelling situated to the southwest corner of the site and a small storage shed which is located to the rear (southeast) of the dwelling.
- 1.3. The property is adjoined by a residential dwelling to the north. The boundary between the appeal site and this neighbouring property is defined by a mature evergreen hedge. The roadside boundary is defined by a timber post and rail fence with hedging to the rear. The area is rural with one-off housing sporadically located within the wider area.

2.0 Proposed Development

- 2.1. The proposal comprises a new two storey extension of c.126sqm to the side (north) and rear (east) of the existing dwelling (c.135sqm) along with, minor modifications to the dwelling's internal layout, the removal of existing single storey porch to front of dwelling (permitted under MCC Ref: DA140449) and re-location of the entrance door to the side (northern) elevation. Permission has also been sought for the replacement of existing wastewater treatment system and soak away and all associated site works.
- 2.2. The extension as originally proposed incorporated a dormer window and roof lights to the front and a first-floor sun terrace to its north and east elevations.
- 2.3. The design and layout of the proposed two storey extension was amended in response to the planning authority's request for further information. The proposed amendments were deemed to be significant and revised notices submitted.
- 2.4. The main alterations to the design included: the omission of the sun terrace from the northern elevation and its replacement with a flat roof and the introduction of a 1.8m high obscure glazed screen between the sun terrace on the eastern elevation and

the flat roof on the northern elevation. The GFA of the extension increased to 132sqm.

2.5. Table 2.1 below provides a schedule of the key details/ figures associated with the proposed development.

Table 2.1 Schedule of Relevant Site and Development Details		
Site Area	0.20ha	
Proposed GFA <i>(Original and proposed)</i>	266sqm	
Original Dwelling	Floor Area	c135sqm
	Height	4.9m
Area for Demolition	Floor Area	c2sqm (porch)
	Height	3.686m
Proposed Extension	Floor Area	132sqm (originally 126sqm)
	Height	6.495m
External Finishes	Roof	Tiles to match existing
	Walls	Painted render with elements of zinc cladding to ground floor protection (northeast corner) and dormer window
Services	Water	Well (existing)
	Wastewater	Proposed new onsite effluent treatment and disposal system
	Surface Water	Soakway (to replace existing)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Meath County Council did by order dated 29th April 2022 decide to grant planning permission for the proposed development subject to 7no conditions. The conditions are standard in nature, Conditions 5, 6 and 7 are of note:

Condition 5: (a) Requires that all wastes generated during construction be taken off site and only recovered / disposed of at an authorised site

(b) Requires that the wastewater treatment system and polishing filter be constructed and laid out in accordance with the recommendations contained within the Site Characterisation Report

(c) Requires that the applicant submit a report compiled by a suitably qualified person that the percolation area has been designed, laid out and constructed in accordance with the design proposed by the site assessor

(d) Requires the applicant to enter into a maintenance contract with the provider of the WWTS

Condition 6: Requires that the existing septic tank be decommissioned, desludged, and backfilled / demolished

Condition 7: (a) Requires that surface water be disposed of within the boundaries of the site and shall not discharge to onto the public road or adjoining properties

(b) Stipulates that existing surface water drainage for adjoining properties shall not be adversely affected by the development and that all soak pits be design to BRE Digest 365 standards

(c) Requires compliance with Greater Dublin Strategic Drainage Study (GDSUS) Regional Drainage Policies Volume 2, for new Developments.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial report of the case planner (February 2022) has regard to the locational context and planning history of the site, relevant planning policy and the third-party submission and reports received.
- The main planning considerations associated with the site are identified as: design, layout and siting; servicing; appropriate assessment and EIA screening
- The separation distance between the first-floor windows on the north and northeast elevation and the adjoining property to the north are in excess of the recommended 22m outlined in the CDP. However, there are concerns of potential overlooking and associated loss of privacy from the vantage point of first floor of the proposed extension.
- The north of the balcony will be visible from the road which is generally discouraged
- Issues raised in the submission regarding the ownership of the hedges and boundary disputes etc are a civil matter and should be agreed between parties
- It is not considered that the site is at risk of flooding.
- The site is not within or directly adjoining any Natura 2000 site and a stage 2 appropriate assessment is not required
- Sub-threshold EIA not required
- The report recommends that further information be requested from the applicant. The applicant was requested to address concerns relating to the impact of the development on the residential amenities of the neighbouring

dwelling and the visual amenity of the wider area and to address the issues raised by third parties.

Report 28/04/2022

- The second report of the case planner considers the further information received on the 16th day of March 2021; the third-party submissions and reports received.
- Changes in the design of the extension required advertisement. Revised notices were deemed acceptable.
- Changes to the design of the extension address the potential impacts of overlooking.
- A grant of permission subject to 7no conditions is recommended.

3.2.2. Other Technical Reports

Environment Report (11/02/2022)	No objection to the proposed development subject to condition
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3.3. **Prescribed Bodies**

N/A

3.4. **Third Party Observations**

Meath County Council received third-party submissions from Barry and Marie Cunney, the adjoining landowners to the north of the appeal site and the appellants in this case. The issues raised in the submissions are:

- Impacts on residential amenity by way of overlooking and noise emissions from the proposed first-floor windows and sun terrace.
- Concerns raised in relation to the location of the proposed percolation area and surface water soakaway

- The boundary between the appeal site and appellants property is defined by a post and rail fence. The hedgerow is planted on lands owned by the appellants. They request a root protection zone to ensure that this hedgerow is not impacted upon

A further submission, in support of the proposal, was received from Cllr. Nick Killian

4.0 Planning History

MCC Ref: DA140449 Permission granted (2014) for the retention of extension to side of existing cottage and for permission to construct a single storey extension to side and rear of existing cottage, construct a porch to front of dwelling, with revised elevational treatment to front & side elevations and to close existing entrance and provide new entrance from public road. To remove existing septic tank and provide new septic tank and polishing filter

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan 2021-2027 (MCDP) is the operative plan for the area.
- 5.1.2. The proposed development site is located within a rural area under strong urban influence.
- 5.1.3. Landscape Character Type – Hills and Upland area which has exceptional value and high sensitivity
- 5.1.4. Relevant Planning Policy / Objectives:

DM OBJ 18: A minimum of 22 metres separation between directly opposing rear windows at first floor level in the case of detached, semi- detached, terraced units shall generally be observed.

DM OBJ 50: Relates to residential extensions in urban and rural area and requires that they comply with specified criteria, including:

- 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.

5.2. **Natural Heritage Designations**

The appeal site is not located within or in close proximity to, any designated site.

5.3. **EIA Screening**

5.3.1. Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment (The EIA Directive) is designed to ensure that projects likely to have significant effects on the environment are subject to comprehensive assessment of their environmental effects prior to development consent being given.

5.3.2. 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

6.2. This is a third-party appeal lodged by Barry and Marie Cunney against the decision of Meath County Council to grant permission for the proposed development at Curraghtown, Drumree, Co Meath. The appellants are the neighbouring landowners to the north of the appeal site. The issues raised in the grounds of appeal are summarised as follows:

- The appellants second submission, outlining the current issues and concerns relating to surface and wastewater flowing from the appeal site and onto their property, was not taken into consideration by the Environment Department of Meath County Council.
- The conditions attached to the grant of permission relating to the wastewater treatment system and surface water are the same conditions attached for the existing percolation system, which is not functioning correctly.
- The appellants would have felt better protected and re-assured if conditions stipulated a definitive timeframe to install the new system and required the system to be inspected during and after installation.
- The existing wastewater treatment and disposal system on site (granted under MCC Ref: DA140449), is not functioning properly and was not constructed and laid out in accordance with the recommendations contained in the site characterisation report.
- Both wastewater and surface water are not being collected / disposed of within the site and are flowing onto the neighbouring property to the north
- The site and soil are unable to cope with heavy rain. Concerns are that this will get worse with additional roofs, floor space and concreted area.

- While there are similarities in the location of both the existing and proposed polishing filters, the proposed polishing filter will span horizontally along the full length of the appellants bungalow and is therefore closer to their dwelling
- The appellants organic vegetable and fruit garden, located c8m from the proposed percolation area is at risk of being contaminated
- The appellants property and well is situated on a downward slope on a hill
- The proximity of the soil polishing filter, 10m from the appellants bungalow puts constraints on any further development to the south of the appellants property
- They welcome the new proposed treatment system and soakaway but are concerned that it will not solve all current problems because the site is too small for the proposed development.
- All measurements just about satisfy the various criteria on the design of the site which contravenes the spirit of planning regulations. Any proposed development should be comfortably under regulations.
- Would welcome further review of the current development site and proposed a new location for the percolation area and soakaway further away from their property.
- The appellants submission includes photographs to illustrate the issues raised in relation to surface water drainage and the slope of the site etc.

6.3. Applicant Response

The applicant's response to the grounds of appeal includes a submission from Dr Robert Meehan of EurGeol. The response is summarised as follows:

- Significant changes were made to the design of the proposal to accommodate the concerns raised by the appellants during the planning authority's assessment of the application. These changes were deemed acceptable by Meath County Council.
- In relation to the comments of Dr Robert Meehan's extracted from the 2014 Site Characterisation report and quoted by the appellants in their grounds of

appeal, Dr Meehan notes that the comments relate to desk study data on regional soils only and that the desk study data does not characterise the on-site conditions; only the results of the visual assessment, trail hole assessment and the percolation test do this. The 2014 report concluded that the site is suitable for a number of types of treatment system.

- As per EPA Code of Practice (2021); the minimum required separation distance between a wastewater treatment plant and/or soil polishing filter and an adjacent property boundary, is 3m, and the minimum required separation distance between a wastewater treatment plant and/or soil polishing filter and an adjacent house is 7m and 10m respectively. Both separation distances will be met with the proposed plan.
- There are no stipulations or requirements in the EPA Code of Practice (2021) regarding lengths of infiltration / treatment areas that may run parallel or relatively adjacent to any other structure.
- The only criteria for the site are:
 - That the locality of the proposed infiltration / treatment areas has a slope less than 1:8
 - The minimum 0.5m depth of in situ, unsaturated soil and or subsoil are present above bedrock and the water table
 - The percolation values on the site are between 3 and 120
 - The minimum separation distance to all relevant receptors, are met

All of these requirements are met on the current site.

- Regardless of any elevation differences, the relevant factors to consider from the perspective of the EPA Code of Practice, regarding slope are that
 - The locality of the proposed infiltration / treatment areas has a slope less than 1:8
 - The infiltration / treatment area must be at least 4m from all slope breaks and at least 25m from all alongside wells

- The proposed infiltration / treatment area is on a slope of 1:16, as it is over 50m from any significant slope break, and as it is 25m from the well at the adjacent property to the north, all separation distances are complied with
- The soil polishing filter is 10m from the appellant's house, as per EPA
- The location of the soil polishing filter is in the same location as the percolation area which has operated on site for the last seven years
- The elevation distance between the two sites cannot be deemed anything other than slight, with the southern site relatively flat
- Given the ground water flow direction, sub-surface water from the southern site will flow towards the northern property - there is no way that this cannot happen with the natural hydrogeology and hydrology of the locality. However, the soakaway will accept roof and surface water only and will be 24m from the well at the site to the north, which is alongside with respect to groundwater flow direction
- As there are no recommended separation distances between surface water soakaways and wells, the design on the site has been completed to ensure maximum distance from the well for both soil polishing filter area and soakaway while ensuring 5m between each

6.4. Planning Authority Response

- The planning authority have reviewed the issues raised in the grounds of appeal and are satisfied that these issues have been substantially addressed in the planning reports dated 15th February 2022 and 28th April 2022
- They consider the development to be consistent with the policies, and objectives outlined in the Meath County Development Plan 2021-2027
- They request the Board to uphold their decision to grant permission.

6.5. Observations

None

7.0 Assessment

7.1. Introduction:

7.1.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle of Development / Compliance with Planning Policy
- Impact on the Amenities of Adjacent Residents
- Drainage
- Appropriate Assessment

7.2. Principle of Development / Compliance with Planning Policy

7.2.1. The proposal comprises extensions / alterations to an existing residential property. The existing dwelling has a gross floor area of c135sqm and has been previously extended by way of single storey additions to the side and rear and by way of a front porch; the previous planning application, MCC Ref: DA140449, relates. The extension of an existing dwelling is considered acceptable in principle subject to relevant planning considerations and compliance with relevant criteria set out under MCDP Objective DM OBJ 50.

7.2.2. With regard to MCDP Objective DM OBJ 50, while I note that the proposed extension, at c126sqm, is relatively large compared to the existing single storey dwelling (c132sqm) and that the height of the extension, at c6.5m, would exceed the ridge height of the existing dwelling by c1.6m, I am satisfied that the proposed development site can accommodate the height and scale of the development proposed and that the design of proposed extension adequately respects, harmonises and integrates with the existing dwelling. The potential impact of the proposed development on the amenities of the adjacent residential property to the north is considered below.

7.3. Impact on the Amenities of Adjacent Residents

- 7.3.1. The development comprises a two-storey extension to the side (north) and rear (east) of the existing dwelling. The side wall of the extension is c26m from the party boundary to the north and c31m at its closest point from the adjoining residential dwelling. The proposed extension incorporates a first-floor terrace, which was originally designed to wrap around the northeast corner of the extension but, as a result of design alterations proposed during the planning authority's assessment of the application, is now confined to the rear (east) of the extension with a 1.8m high obscured glazed screen to its northern elevation.
- 7.3.2. Having considered the plans submitted, I am satisfied that the separation distances, coupled with the design of the proposed extension (as amended) is sufficient to ensure that the proposed development would not have an undue impact on the residential amenities of the adjoining properties, particularly by way of overlooking / loss of privacy or overshadowing.

7.4. Drainage.

- 7.4.1. The existing residential development on site is served by a septic tank and intermittent soil polishing filter permitted under the previous planning application, MCC Ref: DA140449. Surface water is disposed to a soakaway situated in the northern corner of the site while water is supplied by an existing well to the rear (east) of the dwelling.
- 7.4.2. The main issues arising from the third-party appellants grounds of appeal relate to the management of wastewater and surface water within the appeal site. The appellants contend that both wastewater and surface water are not being collected / disposed of adequately within the appeal site and that as a result water is flowing onto their adjoining property which is located downhill and to the north. They have also raised concerns in relation to the design and location of the proposed polishing filter and its proximity to their property which they consider will hinder development on their site. While they welcome the new proposed treatment system and

soakaway, they are concerned that it will not solve all current problems because the site is too small for the proposed development.

Wastewater Disposal

7.4.3. A site characterisation Report in accordance with standards set out in the EPA Code of Practice 2021 was submitted with the application. This report includes the following details:

Table 7.1 – Details from Site Characterisation Form		
Soil type	Gleys of Ashbourne Series	
Subsoil	Till derived chiefly from Namurian Sandstones and shales	
Aquifer Category	Locally Important	
Vulnerability	Low	
Groundwater protection response	R1	
Past Experience in the Area:	Soils in this locality are generally poor drained, with pockets of heavy CLAY occurring in low lying hollows, and somewhat better drainage on hills and ridges. In the locality in general infiltration dominates over runoff on the hills and, runoff and ponding occurs in lower areas	
Potential targets at risk	Surface water, groundwater, and wells (with surface water most likely at risk)	
Slope	Shallow (1:5 – 1:20)	
Groundwater flow Direction	Southwest to northeast, downgradient towards stream in the distance	
Ground condition	Firm and even	
Percolation Test	Surface (p-Test)	31.78
	Subsurface (T-Test)	27.22

- 7.4.4. The site characterisation report outlines the results of the trial hole assessment which was carried out in May 2014. The trial hole was dug to a depth of 1.7m, neither bedrock nor water table were encountered. No mottling was observed. The assessor was satisfied that permeable, unsaturated soil and subsoil to a depth of 1.7m is available to accept partially treated wastewater on site.
- 7.4.5. In relation to the percolation characteristics, a surface value of 31.78 and a sub-surface value of 27.22 was recorded.
- 7.4.6. The conclusions of the site characterisation examination are that the site is suitable for a septic tank system, a secondary treatment system and soil polishing filter or a tertiary treatment system and infiltration / treatment area. The SCR recommends that the existing septic tank system on site be decommissioned and replaced with a mechanical aeration system and soil polishing filter.
- 7.4.7. In relation to the concerns raised regarding the size of the site and its ability to cater for the scale of development proposed, regard is had to the EPA, Code of Practice for Domestic Wastewater Treatment Systems (DWWTS), 2021. Table 6.2 of the Code of Practices sets out the minimum required separation distances from the DWWTS. The applicant's Site Layout Plan, Drawing No. 2104-PLA4-003, Rev A, submitted to the planning authority on the 16th of March 2021, shows that the distances given in Table 6.2 can be achieved with the proposed DWWTS and I am satisfied that this is sufficient.
- 7.4.8. Having regard to the foregoing, I am satisfied that the applicant has demonstrated that this site is suitable for the disposal of wastewater. I note the established residential use of the site, the fact that the proposed DWWTS will replace an existing DWWTS and that the system proposed has been sized and designed to cater for the proposed extended dwelling as per the requirements of the EPA Code of Practice. I am therefore satisfied that the arrangements for the disposal of foul water are acceptable will not give rise to pollution of ground or surface water.

Surface Water Drainage

- 7.4.9. The applicants intend to dispose of any surface water arising from the proposed extended dwelling by way of a new surface water soakaway to the north of the site. This soakaway will replace the existing soakaway at the same location.
- 7.4.10. Details of infiltration tests undertaken are provided. The soakaway has been designed to cater for an impermeable area of 336sqm, comprising existing and proposed roof areas (228sqm); proposed roof terrace /balcony (10sqm); existing shed (30sqm); and concrete paths (68sqm). As per the details submitted all relevant aspects of BRE365 have been taken into account in the design of the Soakaway system.
- 7.4.11. The percolation and infiltration tests provided in support of the application indicate that the appeal site has good drainage characteristics, and I am satisfied that the proposed soakaway has been adequately sized to accommodate the run-off from the site. I am therefore satisfied that the development as proposed will not increase the risk of surface water flooding in the area.

7.5. Appropriate Assessment:

- 7.5.1. The site is not located within or directly adjacent to any Natura 2000 sites. The closest Natura 2000 site to the appeal site is the River Boyne and River Blackwater SAC (Site Code 002299) which is located c12km to the northwest of the site. Having regard to the nature and scale of the proposed development which comprises extensions / alterations to an existing habitable dwelling, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential development in the immediate vicinity, 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.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the proposed development subject to the conditions outlined below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Development Plan for the area, the nature, scale and design (as amended) of the proposed development which comprises extensions / alterations to an existing residential dwelling, and which includes the upgrading of existing the on-site wastewater treatment and disposal system to current EPA standards and the installation or a new surface water soakway in compliance with BRE365; and having regard to the separation distance between the subject extension and its most proximate neighbouring dwelling, 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 would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 16th 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 retained, carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>(a) The proposed new wastewater treatment and disposal system shall be located, constructed, and maintained in accordance with the details submitted to the planning authority and in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>(b) The existing septic tank shall be decommissioned, desludged, and removed from the site in accordance with the EPA Code of Practice (2021).</p> <p>(c) Within three months of the first occupation of the extended dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the existing septic tank has been decommissioned and the proposed wastewater treatment and disposal system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document</p> <p>Reason: In the interests of public health</p>
3.	<p>The existing dwelling and 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.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

5.	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
6.	All surface water generated within 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 or to the effluent disposal system Reason: In the interests of traffic safety and to prevent pollution

Lucy Roche
Planning Inspector

11th January 2023