



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313967-22

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<b>Development</b>	Construction of dwelling and all associated site works
<b>Location</b>	Gormanston, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	22173
<b>Applicant(s)</b>	John & Carol O'Byrne.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Jill Brangan.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	14 <sup>th</sup> of July 2023.
<b>Inspector</b>	Elaine Sullivan.

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## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.13ha and is located within the settlement boundary of Gormanstown, Co. Meath. It is located on the eastern side of the L-1616, (Flemington Road), approximately 260m to the south of its junction with the R132. The surrounding area has a dispersed pattern of development with clusters of detached houses facing onto the local roads.
- 1.2. The development site forms the side garden of a detached dormer bungalow with vehicular access from the L-1616. There is a large blockwork garage or shed to the side of the existing house and a large garden to the rear. The roadside site boundary comprises a wall with beech hedge behind. The existing house is not visible from the road.
- 1.3. Directly to the west of the site and on the opposite side of the road, a detached house is under construction. There are no houses adjoining the site on either side. There are two protected structures approximately 160m to the north of the site, Ref. MH028-105, (thatched houses), and MH028-106, (Beechvile House).

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the construction of a bungalow in the side garden of a house by utilising and extending an existing shed. Works would also include the construction of a new entrance and a new proprietary wastewater treatment system and percolation area.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Planning permission was granted by the PA subject to 14 planning conditions which were mostly standard in nature.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer, (PO). The first report dated the 5<sup>th</sup> of April 2022 requested further information and the second report dated the 20<sup>th</sup> of June 2022 assessed the response from the applicant and made a recommendation. The report dated the 5<sup>th</sup> of April 2022 includes the following,

- The site is zoned objective A1 – Existing Residential and is in an established residential area.
- The proposal to subdivide the site and to build another house in the side garden is acceptable in principle.
- As the site is located on A1 – Existing Residential lands in Gormanstown Village, demonstration of local housing need or rural policy does not apply in this instance.
- The applicant is requested to submit a revised site layout in accordance with the requirements of the Roads Department and to respond to the third-party observation.

A response to the further information was received on the 27<sup>th</sup> of May 2022. The second report of the PO dated the 20<sup>th</sup> of June 2022 was satisfied that the further information response had adequately addressed the issues and recommended that planning permission be granted.

### 3.2.2. Other Technical Reports

- **Transportation Department** – the applicant is requested to submit a revised site layout to show a 125mm concrete kerb along the edge of the road for the full width of the landholding. A grass verge of at least 3m in width shall also be provided between the edge of the road and the new site boundary.

### 3.3. Prescribed Bodies

No referrals made.

### 3.4. Third Party Observations

3.4.1. One third party observation was received by the PA and raised the following issues,

- Overdevelopment of the site,
- No local or rural housing need,
- Inappropriate pattern of development,
- Negative impact on visual amenity,
- Impact on privacy,
- Loss of trees, increase in seagulls,
- Negative impact on cultural heritage.

## 4.0 Planning History

**SA70610** – Planning permission refused by the PA on the 15<sup>th</sup> of January 2008 for a single storey extension to the rear of existing dwelling and the conversion of existing garage to habitable room.

**SA70067** – Planning permission refused by the PA on the 21<sup>st</sup> of May 2007 for the demolition of existing derelict house and the construction of a detached two storey house with new vehicular entrance and wastewater treatment system.

**SA60318** – Planning permission granted by the PA on the 22<sup>nd</sup> of August 2006 for the demolition of the rear elevation and the construction of a dormer extension to the rear and site to connect with the existing stables. Works would include converting the stables to a living area.

### **On sites nearby –**

**ABP-316322-23, (PA Ref. 22963)** - Appeal currently before the Board for the development of a 2-storey, 37 classroom school to be accessed from Stamullen Road. At the time of writing the case had not been decided.

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan of the site is the **Meath County Development Plan 2021-2027**, (MCDP).

The site is located within the settlement boundary of Gormanstown, which is designated as a 'Village in the wider rural region' in the settlement hierarchy for the county.

A Written Statement for the development of Gormanstown is set out in Volume 2 of the MCDP. The site is zoned objective A1 – Existing Residential. The site directly across the road and to the west, is zoned A2- New Residential.

The site is located within the Coastal Plains Landscape Character Area which is Moderate Value and High Sensitivity.

The following sections of the MCDP are of relevance to the development:

#### **9.6 – Rural Residential Development – Design and Siting Considerations.**

**RD POL 9** - To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

**11.5.21 Corner / Side Garden Sites** – The Council will require corner site /side garden development proposals to have regard to the following criteria: Size, design, layout, building line and the relationship with existing dwellings and immediately adjacent properties; External finishes; Accommodation standards for the occupants; Car parking for existing and proposed development; Private open space for existing and proposed development.

### 5.2. National Policy

#### 5.2.1. National Planning Framework.

The NPF 2040 was adopted in 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill

and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

### **5.3. Natural Heritage Designations**

5.3.1. No designations apply to the subject site.

### **5.4. EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development for the construction of a detached bungalow in a side garden, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 include the following,

- The subject site is a historic site within the village.
- The development of the house would add to recent overdevelopment, without amenities, in the area and in nearby Stamullen.
- It would set a precedent for high density housing in a rural area and would damage the visual amenity and heritage of the historic village.
- The development is build-to-sell and not in line with proper planning for a rural area.
- The owners do not require another house as they already have one.
- The grounds of appeal also contained some historical photographs of the thatched cottage previously on the site.

## 6.2. Applicant Response

- No response was received.

## 6.3. Planning Authority Response

A response was received from the PA on the 22<sup>nd</sup> of July 2022. The PA is satisfied that all issues were considered during its assessment of the planning application and has the following comments to add,

- The site is zoned A1 – Existing Residential and residential development is acceptable in principle.
- There are no protected structures or recorded monuments on the site.
- The development would involve the conversion of an existing shed on the site.
- The site meets the minimum standards for urban development.
- The PA requests that the Board uphold the decision to grant permission for the development.

## 6.4. Observations

- No observations received.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design & Layout
- Services & Drainage
- Appropriate Assessment



## 7.2. Principle of Development

- 7.2.1. The subject site forms part of a large garden to the side of a dormer bungalow. It is located within the settlement boundary of Gormanstown, which is designated as a rural village in the settlement strategy for Meath. The site is zoned objective 'A1 – *Existing Residential*'. As the site is located on zoned land, within a village settlement the rural housing policy set out in Section 9.4 of the MCDP does not apply.
- 7.2.2. There are no protected structures on the site, and it is not subject to any specific conservation designations. Given its location and zoning objective, the principle of the development is acceptable subject to the provisions of the MCDP. National policy also seeks to consolidate development within designated settlements and to utilise underused sites.

## 7.3. Design & Layout

- 7.3.1. It is proposed to subdivide the existing site and to extend and upgrade the existing single storey shed to the side of the house and along its southern boundary. In response to the site conditions, the new house would be long and narrow and would be set back behind the existing house. The house is designed with the circulation and utility areas facing onto the rear garden of the existing house which will minimise any overlooking. It is also proposed to construct a boundary wall of 1.8m between the properties.
- 7.3.2. I have reviewed the Meath Rural House Design Guide and I am satisfied that the proposed house would be in accordance with the design advice in the Guide. The new house would be modest in scale and the existing site is of sufficient size to accommodate two houses with ample private open space for each. I do not agree that the subdivision of the existing site, which is approximately 0.3ha, (3,045sq.m), to provide a separate site of 0.13ha, (1,300 sq. m), represents overdevelopment and / or high-density development.
- 7.3.3. The appellant raised concerns regarding the impact of the proposal on the cultural heritage of the area. Whilst the subject site may be of local historic value, there are no protected structures on the site, and the development proposal is of sufficient distance from the nearest protected structures. I am satisfied that the proposed development would not result in any negative impact on the cultural heritage of the local area.

7.3.4. A new vehicular access would be provided to allow for two independent driveways. The PA requested that a 125mm concrete kerb be provided to the front of the landholding and that a new 3m grass verge be provided to the front of the new site boundary. I consider this to be a reasonable request and recommend that a planning condition to this effect be attached should the Board be minded to grant permission.

#### 7.4. Services / Drainage

7.4.1. The proposed house would be connected to the public water supply, but the site is not served by foul water infrastructure. It is proposed to install a new proprietary wastewater treatment system and polishing filter. A Site Characterisation Form from the *EPA Code of Practice, Domestic Wastewater Treatment Systems (EPA CoP), 2021* was prepared and submitted with the application. The form states that the maximum number of residents in the house would be 4.

7.4.2. The site is located within a poor aquifer, (Pu), with high groundwater vulnerability. The trial hole was 1.55m in depth and was excavated on the 13<sup>th</sup> of December 2021. On the occasion of the site visit the trial hole was filled in. The weather conditions were very wet, but I did not observe any plants or groundcover that would indicate poor drainage on the site. The characterisation form states that groundwater or bedrock were not encountered in the trial hole. The upper 0.11m – 0.15m of the trial hole was found to comprise dark brown, compact to very soft, crumb, sandy loam topsoil. This was underlain by dark brown, subangular, blocky, soft to firm, sandy SILT with occasional gravels to 0.34m-0.47m depth. The notes in the form state that, *'there exists 1.55m depth of permeable, unsaturated soil and subsoil to accept partially treated wastewater on the site. This means that the site is potentially suitable for a conventional septic tank, which requires 1.2m depth of same, but owing to the site restrictions, a mechanical aeration system would better suit the geometry...'*

7.4.3. The response matrix, as per Table E1 of the EPA CoP, indicates that the site falls within the R1 response category where an on-site system is acceptable subject to normal good practice, (i.e. system selection, construction, operation and maintenance in accordance with the CoP).

- 7.4.4. The Subsurface Percolation Test, (T-test), returned a result of 8.53 and the Surface Test, (P-test), returned a result of 12.61. The percolation values are within the range where the site is suitable for a secondary treatment system and soil polishing filter as proposed. The site also meets the required separation distances between neighbouring houses, wells and watercourses as set out in Table 6.2 of the CoP.
- 7.5. I am satisfied that the that the results are in accordance with EPA guidance and that the system proposed will be adequate. I note that the PA had no objection to the installation of the proposed wastewater treatment system on the site.

#### 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 8.0 **Recommendation**

- 8.1. I recommend that planning permission is granted for the development.

### 9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed infill development for a house and wastewater treatment system, within the settlement boundary of Gormanstown and on a site which is zoned 'A1 – Existing Residential', it is considered that the proposal would be in accordance with the Meath County Development Plan 2021-2027, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, 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 on the 11<sup>th</sup> day of February 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 developer shall comply with the following requirements of the PA:</p> <p>The proposed concrete kerb shall be provided prior to commencement of development as per Drawing 8023(A3) – Site Layout Plan, which was received on the 27<sup>th</sup> day of May 2022.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
3.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

5.	<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><b>Reason:</b> In the interest of public health.</p>
6.	<p>a) 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>b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent pollution.</p>
7.	<p>a) The proposed septic tank drainage system shall be 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, 2009.</p> <p>b) 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 in accordance with the standards set out in the EPA document.</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><b>Reason:</b> In the interest of public health.</p>

8.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>a) The roof colour of the proposed house and garage shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p><b>Reason:</b> In the interest of visual amenity.</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>
11.	<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><b>Reason:</b> 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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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.Elaine Sullivan  
Planning Inspector

17<sup>th</sup> of July 2023