



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313987-22

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| <b>Development</b>                  | Retention of detached timber single storey structure (28 sq. m.) and storage shed. Demolition of Sunroom and Pergola. Permission for extension |
| <b>Location</b>                     | Old Road, Dunsany, Co. Meath C15 FP86                                                                                                          |
| <b>Planning Authority</b>           | Meath County Council                                                                                                                           |
| <b>Planning Authority Reg. Ref.</b> | 212359                                                                                                                                         |
| <b>Applicant(s)</b>                 | John Watters.                                                                                                                                  |
| <b>Type of Application</b>          | Retention and Permission.                                                                                                                      |
| <b>Planning Authority Decision</b>  | Grant                                                                                                                                          |
| <b>Type of Appeal</b>               | Third Party                                                                                                                                    |
| <b>Appellant(s)</b>                 | Bob Gallagher.                                                                                                                                 |
| <b>Observer(s)</b>                  | None.                                                                                                                                          |
| <b>Date of Site Inspection</b>      | 19 <sup>th</sup> December 2022.                                                                                                                |
| <b>Inspector</b>                    | Lucy Roche                                                                                                                                     |

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Dunsany in Co. Meath, c11km southeast of Navan and c5.5km northwest of junction 6 on the M3 and the settlement of Dunshaughlin.
- 1.2. The appeal site is situated in the rural area of Co. Meath, on the eastern side of the L-6224 local road. The site is rectangular in shape and has a stated area of 0.14ha. Existing development in the area comprises mainly detached residential development in a linear pattern along both sides of the local road. The appellants property, comprising a detached dormer dwelling, is located to the south of the appeal site.
- 1.3. The site contains a single storey vernacular style cottage with hipped roof. The cottage has previously been extended by way of a flat roof addition to the rear (east) and sunroom to the side (south) elevation. A detached single storey timber structure is located to the (side) north of the dwelling. Storage sheds to the rear (southeast) of the dwelling, as detailed on the site layout plans submitted in support of the application, been substantially removed. The site is served by an on-site wastewater treatment and disposal system which is located to the northeast of the site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
  - The retention of a detached timber single storey structure (Stated GFA of 28 sq. m.) incorporating gym, toilet and domestic storage shed for the only purpose of being incidental to the enjoyment of the existing dwelling.
  - Demolition of existing Sunroom and Pergola type structure to side of existing dwelling, built without the benefit of Planning Permission,
  - Demolition of existing shed to the rear of the dwelling.
  - Permission for proposed extension to side of existing dwelling.
- 2.2. The application also includes proposals to upgrade the existing wastewater treatment and disposal system. A site characterisation report (SCR) accompanied the application.

- 2.3. Significant further information/revised plans were submitted during the course of the planning authority's assessment of the application. Revised notices were received by the planning authority on the 12<sup>th</sup> of May 2022
- 2.4. The proposed extension as originally presented to the planning authority comprised a one and a half storey 'L' shaped structure extending to the side (south) and rear (east) of the existing dwelling. Based on the plans submitted the proposed extension had a floor area of 115sqm. The design incorporated a dormer window and projecting gable to the extension's north elevation.
- 2.5. The design and location of the proposed extension was amended in response to the planning authority's request for further information. The extension was relocated a further 0.7m from the southern site boundary. The revised design comprises a simple one and a half storey block with 'A' pitched roof. The dormer windows and projecting gable on the northern elevation were omitted from the design.
- 2.6. Table 2.1 below provides a schedule of the key details/ figures associated with the proposed development.

| <b>Table 2.1 - Schedule of Relevant Site and Development Details</b> |            |                                                                    |
|----------------------------------------------------------------------|------------|--------------------------------------------------------------------|
| <b>Site Area</b>                                                     | 0.14ha     |                                                                    |
| <b>GFA Proposed</b><br>(Extended Dwelling)                           | c179sqm    |                                                                    |
| <b>Existing Dwelling</b>                                             | Floor Area | 87sqm (as stated)<br>Includes Sunroom - 13.5sqm (to be demolished) |
|                                                                      | Height     | 5.25m                                                              |
| <b>Shed for Retention</b>                                            | Floor Area | 28sqm                                                              |
|                                                                      | Height     | 3.34m                                                              |
| <b>Proposed Extension (amended)</b>                                  | Floor Area | c106sqm                                                            |
|                                                                      | Height     | 6.4m                                                               |
| <b>Demolition:</b>                                                   | Floor Area | 50sqm (as stated)                                                  |
| <b>Services</b>                                                      | Water      | Existing connection to private well                                |

|  |               |                                      |
|--|---------------|--------------------------------------|
|  | Wastewater    | New On site WWTS to replace existing |
|  | Surface Water | Soakpit                              |

### 3.0 Planning Authority Decision

#### 3.1. Decision

Meath County Council did by order dated 7<sup>th</sup> of June 2022 grant permission for the proposed development subject to 12 conditions. The conditions are standard in nature.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

14<sup>th</sup> February 2022

- The proposed extension to an existing dwelling is acceptable in principle
- Sheds and structures ancillary to the enjoyment of the dwelling are acceptable in principle.
- The design of the extension appears as a separate unit to the existing cottage and does not reflect the existing design of the vernacular style cottage.
- Stage 2 Appropriate Assessment (AA) and Sub threshold EIA not required
- Further information recommended on the following:
  - The design and location of the proposed extension
  - The submission of a cross section from the subject site to the adjacent property to the south
  - The existing shed (date of construction, use and timeline for demolition)
  - Boundary treatment
  - If deemed significant the response may have to be readvertised.

31<sup>st</sup> of May 2022

- The second report of the case planner considers the applicants response to the further information request (received on the 26<sup>th</sup> of April 2022) which included a revised extension design, a cross section incorporating the adjacent dwelling to the south (the appellants property) and photographs showing a storage shed in situ c1970.
- The revised extension design was considered acceptable and in keeping with Meath Rural Design Guide
- No overlooking issues arise.
- The applicant is to retain the part of the shed which was on site since the 1970's and demolished and removed any later additions
- The details provided of the proposed boundary treatment are acceptable
- AA and EIA not required
- Domestic extensions are exempt from development contributions
- The proposed recommends that permission be granted subject to 12 conditions

#### 3.2.2. Other Technical Reports

None

### 3.3. **Third Party Observations**

- 3.3.1. Meath County Council received third-party submissions from Bob and Ciara Gallagher, the adjoining landowners to the south of the appeal site and the appellants in this case. The issues raised in the submissions are similar to those set out in Section 6.1 Grounds of Appeal.

## 4.0 **Planning History**

None of note

## 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 – Tara Skryne Hills Landscape Character Area which is identified as having exceptional value and high sensitivity to development
- 5.1.4. Relevant Planning Policy / Objectives

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

- High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc.
- The quantity and quality of private open space that would remain to serve the house
- Flat roof extensions, in a contemporary design context, will be considered on their individual merits.
- Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy.
- Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted.

- Dormer extensions shall not obscure the main features of the existing roof, i.e., should not break the ridge or eaves lines of the roof.
- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.
- Ability to provide adequate car parking within the curtilage of the dwelling house
- In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not within or in close proximity to any designated site. The closest Natura sites, the Rover Boyne and River Blackwater SAC (site Code:002299) and the Rover Boyne and River Blackwater SPA (site Code:004232) are situated c6.5km to the northwest of the site, at the closest point.

## 5.3. EIA Screening

Having regard to the type of development which is not a class of development for the purposes of EIA and the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- The proposed extension due to its scale, bulk/size and its proximity to the appellants property and interference with existing boundary, is excessive.

- It is an overpowering structure that is no way sympathetic to the local environs or buildings and is not in keeping with Meath Rural Design Guide. A single storey extension would be more sympathetic to existing structure.
- The decision of Meath County Council to grant planning permission is based on inaccurate information provided during the FI process.
- The dimensions on the site plan from the proposed new extension to the appellants property are incorrect.
- The boundary fence was removed, cut down and relocated on the 13/04/2022 (during FI process) leading to inaccurate dimensions.
- The existing shed, noted as pre 63 was constructed c2016. Pre-existing sheds on site were demolished to facilitate the construction of the current unauthorised extension and shed. Retention of part of this shed should not be permitted.
- The cross section provided by the applicant is totally inaccurate and is not factual of the heights/ levels/ dimensions. Levels provided are purely subjective and indicative only and it is not possible to form an accurate decision on the new structure without this key information
- The appellants have submitted the following in support of their appeal:
  - A layout plan illustrating dimensions (separation distances) taken with calibrated laser measure
  - Renderings (visuals) to illustrate the height / scale of the proposed extension and a single storey alternative.
  - Photographs to illustrate alterations to boundary fence before and after May 2022.

## 6.2. Applicant Response

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

- The validity of the appeal is questioned.



- The visuals submitted by the appellant are not accurate. This is especially apparent in relation to the height of the proposed extension and the ground level of the appellants property.
- The visuals submitted do not include the appellants own property which will still overpower and be higher than the proposed extension.
- In relation to the accuracy of the dimensions on the plans submitted, it has been queried how can a measurement (to a proposed building) be proven incorrect by a calibrated laser when measuring to something that is actually not there?
- The ridge level of the appellants property (as detailed on the cross section) is correct
- The applicant has taken down the shed.
- Submitted correspondence from Paul Meade (engineer) confirming the current fence on the southeast side of the property is located within the confines of Folio No. Mh70079F
- The proposed extension is in full compliance with the Meath Rural Design Guide, is well designed and not overbearing.
- The extension, located to the north of the appellants property, will have zero overshadowing.
- The orientation, location and design of the extension eliminates any potential overlooking.
- Each of the points raised by the appellant in his appeal submission have been answered in full both by the planner through the planners report and conditionally in the grant of permission.

### 6.3. Planning Authority Response

The planning authority's response to the grounds of appeal can be summarised as follows:

- The planning authority notes the third-party appeal and the issues raised in same

- The proposed extension was redesigned at further information stage and agreed with the planner prior to submission
- Part of the shed was constructed prior to 1963, the applicant demolished the shed built without planning permission to make way for the proposed extension
- Boundary fence to remain as is with existing 1.8-metre-high fence and a new native hedging will be planted to the inside of the fence
- The planning authority is satisfied that the issues raised in the appeal were considered in its assessment of the planning application and they request that the Board uphold their decision to grant permission and retention permission for said development.

#### 6.4. **Observations**

None

### 7.0 **Assessment**

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:

- Procedural Issues
- The Principle of the Development
- Design / Scale / Overbearing Impact
- Appropriate Assessment

#### 7.2. **Procedural Issues**

##### The Validity of the Appeal

7.2.1. The applicant has queried the validity of the appeal on the grounds that the appellant, Mr. Bob Gallagher did not, in his own right, submit an observation to the

local authority. The case is made that third party appeals should only be validated where there is verifiable evidence that the persons who submitted the third-party observations match the names of the persons who submitted a third-party appeal. In this case the only observation submitted to the local authority in relation the planning application MCC Ref: 212359 was a joint observation submitted by Michael Allen on behalf of Bob Gallagher and Ciara Gallagher. Ciara Gallagher one of the two persons named on the observation to the local authority is not named in the appeal submission.

- 7.2.2. In relation to the above, regard is had to the relevant sections of the Planning and Development Act 2000 (as amended), in particular, Section 127 (1) (e) which states that *an appeal or referral shall in the case of an appeal under section 37 by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations.* I am satisfied that the appellant in this case, Mr. Bob Gallagher, made a submission / observation in accordance with the permission regulations and that the appeal accords with the requirements of Section 127 of the Act. Therefore, I do not recommend that the appeal be dismissed.

#### Unauthorised Development

- 7.2.3. The appellant, both in his third-party submissions to the planning authority and in the grounds of appeal, has raised issues relating to alleged unauthorised development on site. Particular reference is made to a metal storage shed to the rear of the dwelling and the boundary fence erected along the party boundary between the appeal site and the appellants property.
- 7.2.4. I note from the applicant's response to the grounds of appeal and from site inspection that the shed in question has since been (substantially) removed from the site. In relation to the boundary fence, I refer the board to the report of Paul Meade of Meade Surveying and Engineering, submitted as part of the applicant's response to the grounds of appeal. This report concludes that the boundary fence on the southeast side of the property is located within the confines of folio MH70079F (the

applicant's property). The development proposed under this application does not include any works to this boundary fence. In relation to the planning status of the fence, I note that issues relating to unauthorised development / enforcement fall under the jurisdiction of the planning authority and therefore I do not consider that the Board is in a position to draw any conclusions in relation to the matters raised.

### Discrepancies In the Drawings

- 7.2.5. The appellant has queried the accuracy of the some of the heights, levels and dimensions detailed on the drawings presented to the planning authority in response to their request for further information. Having reviewed the application documentation and having inspected the site, I consider these points to be minor in nature and that there is sufficient detail in the application to assess the full extent of the proposed development and to make a determination. As such, I consider that it would be unreasonable to refuse permission on this basis.

### **7.3. The Principle of the Development**

- 7.3.1. The structure for retention comprises a detached, single storey, timber structure which is located to the side (north) of the existing dwelling. This structure has a stated gross floor area of 28sqm and incorporates a gym, toilet, and an area for domestic storage. The provision of a detached structure for domestic use, ancillary to the established residential use of the site, is I consider acceptable in principle. I note that the retention of this structure was granted by the PA and that no issues, specific to this structure or its retention have been raised in the grounds of appeal.
- 7.3.2. The existing dwelling comprises a single storey cottage with a gross floor area of c87sqm (as stated). The cottage has been extended previously by way of single storey flat roof addition to the rear and sunroom to the side (south). The sunroom, along with an adjoining pergola type structure (both constructed without the benefit of planning permission) are to be demolished to facilitate the proposed extension.

- 7.3.3. It is proposed to extend the existing dwelling by way of a two-storey addition to the side (south) of the existing dwelling. The extension of an existing dwelling is I consider acceptable in principle subject to relevant planning considerations and compliance with relevant criteria set out under MCDP Objective DM OBJ 50.
- 7.3.4. The application also includes a proposal to up-grade the existing wastewater treatment and disposal system. A site characterisation report to EPA Code of Practice 2021 has been submitted. Following consideration of this document I am satisfied that the site is suitable for on-site effluent disposal and that the proposed system has been adequately sized and designed to cater for the proposed development. Having regard to the established residential use of the site, its location in an un-serviced rural area and the scale of development proposed, the proposal to upgrade the existing wastewater treatment and disposal system to current EPA standards is in my opinion acceptable and appropriate in terms of public health.

#### **7.4. Design / Scale / Overbearing Impact**

- 7.4.1. The proposed two-storey extension (as amended) comprises a simple pitched roof structure with gables to its front (west) and rear (east) elevations. As detailed on the submitted drawings, the extension has a floor area of c106sqm and a ground to ridge height of 6.4m. The extension is situated to the side (south) of the existing dwelling and is set back within the site so that it is located to the rear of the original single storey cottage. An internal connection between the existing dwelling and proposed extension is provided via an existing flat roof addition previously constructed to the rear of the cottage. No alterations to the original single storey cottage are proposed.
- 7.4.2. While the proposed extension is large in comparison to the existing single storey cottage and would exceed the ridge height of the cottage by c1.45m, I am satisfied, that the extension would not, due to its location and set back within the site and its relationship with the existing dwelling, dominate or overwhelm the original cottage structure. In addition, I am satisfied that the proposed extension would not have a significant undue impact upon the visual amenities of the area.

7.4.3. The proposed extension will be visible from the adjoining property to the south (the appellants property) and is likely, due to its height and proximity to the southern site boundary (c1.7m), to alter the outlook from that property. However, I am satisfied, having regard to the location of the proposed extension to the side (north) of the appellants dwelling and the separation distance between it and the adjoining dwelling (+7m), that the extension as proposed would not give rise to any significant overbearing / visual impact.

## 7.5. **Appropriate Assessment**

7.5.1. The site is not located within or directly adjacent to any Natura 2000 sites. The closest Natura sites, the Rover Boyne and River Blackwater SAC (site Code:002299) and the Rover Boyne and River Blackwater SPA (site Code:004232) are situated c6.5km to the northwest of the site, Having regard to the nature and scale of the proposed development, the separation distance between the subject site and any European site and the nature of the receiving environment, 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. Appropriate Assessment is therefore not required.

## 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 Meath County Development Plan 2021-2027, the nature, scale and design (as amended) of the proposed development which comprises an extension to an existing residential dwelling and the retention of an ancillary structure for domestic use, it is considered that the proposed development would be acceptable within the context of the site and that, subject to compliance with the conditions set out below, the proposed development would not seriously

injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 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 to the planning authority on the 26<sup>th</sup> day of April 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 extension and the existing dwelling shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity</p>                                                                                                                                                                                                                                                                                                                                                                                          |
| 3. | <p>The use of the detached single storey timber structure (to be retained) shall be restricted to that as a gym, toilet, and domestic store (as specified in the lodged documentation) and shall be incidental to the enjoyment of the existing dwelling house as such. It shall not be used for human habitation or for any commercial purpose.</p> <p><b>Reason:</b> To protect the amenities of property in the vicinity</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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p>5.</p> | <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.</p> <p>(b) 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>(c) The existing septic tank shall be decommissioned, desludged, and removed from the site in accordance with the EPA Code of Practice (2021)</p> <p>(d) 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 ERP document</p> <p><b>Reason:</b> In the interests of public health</p> |
| <p>6.</p> | <p>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.</p> <p><b>Reason:</b> In the interest of public health</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |



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| 7. | <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 or public holidays. Deviation from these times shall 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> |
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Lucy Roche  
Planning Inspector

18<sup>th</sup> January 2023