



An
Bord
Pleanála

Inspector's Report ABP-314042-22

Development	Construction of 9 dwellings and all associated site works.
Location	Summerhill, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	211861
Applicant(s)	Hora Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Fergus and Lorraine Dunne & Others.
Observer(s)	None
Date of Site Inspection	22 nd November 2023.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The appeal site is in the village of Summerhill in County Meath, c38km west of Dublin City Centre. The village lies 10km south of Trim and 12km north of Kilcock. The site itself comprises an area of greenfield, c50m east of the village centre. The site is bounded by the R156/Kilcock Road to the south and by a laneway to the east that serves Summerhill Enterprise Centre and Summerhill Hardware, a commercial property which adjoins the appeal site to the north. Also, to the north of the appeal site and to the west of Summerhill Hardware is Elm Grove, a residential cul-de-sac of 8no semi-detached two-storey dwellings. A pair of listed semi-detached houses lie to the west of the site and within the Summerhill ACA. Summerhill Demesne is to the south of the appeal site, on the opposite side of the R156.
- 1.2. The site has a stated area of 0.95ha, it is rectangular in shape and benefits from c145m of road frontage along the R156. The topography of the site is relatively flat and marginally below the adjoining road network with a gentle fall in an easterly direction. The roadside boundary is defined by a public footpath, mature hedgerow, 2no lime trees, an Ash tree and Sycamore tree. Other boundaries are defined by trees and hedgerow save for a small area along the northern boundary which is fenced off with post and wire and the southern section of the western boundary which is delineated by a stone wall. The site is currently accessed via a field gate in the eastern boundary.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 9 no. detached, two-storey, 4-bedroom houses with optional sunrooms to the rear of proposed Units 1-8 (House Type 1). A sunroom is incorporated into the design of Unit 9 (House Type 1A), unit 9 is dual fronted.
- 2.2. The proposal also includes for:
 - A new access to R156 public road to the south.
 - Removal of existing trees and hedgerows along Northern, Eastern and Western boundaries,
 - Landscaping and all associated site works.

2.3. A request for further information was issued by the Planning Authority on the 17th of November 2021. The applicant's response was received on the 12th of May 2022 and deemed to be significant. Revised public notices were received 20th of May 2022. The plans and particulars submitted at further information stage included for the following amendments:

- A reduction in the overall site area from 0.95ha to 0.948ha to address the boundary dispute with No.2 Elm Grove.
- The retention of hedgerows and revised boundary treatment.
- The relocation of proposed houses c4m further south away from the common boundary to the north and consequent reduction in public open space from 2,276sqm to 1,889sqm
- A reduction in ridge height of proposed units from 9.195m to 8.415m

2.4. In addition to the standard plans and particulars, the application included following:

- Arboriculture Report
- Construction Environmental Management Plan
- Design Statement
- DMURS Statement of Consistency
- Engineering Assessment Report
- Flood Risk Assessment

2.5. Table 2.1 below provides a brief overview of the proposed development (as amended):

Table 2.1 - Site / Development Details	
Site Area	0.948
No. of Units	9
Gross Floor Area	1859.34sqm <i>House Type 1 has a GFA of 184.82sqm (205.98sqm including sunroom)</i> <i>House Type 1A has a GFA of 211.50sqm</i>

Housing Mix	9no 4-bed detached two-storey dwellings.
Density	9.5units per hectare
Design:	Material finishes include nap plaster to external walls and black concrete roof tiles or slate.
Finished Floor Levels	FFL's fall incrementally from west to east - 82.85m AOD to 81.35mAOD
Height	8.415m above ground level
Parking	2 in-curtilage parking spaces per unit
Public Open Space	1,889sqm
Vehicular Assess	New access proposed off R156 to south

3.0 Planning Authority Decision

3.1. Decision

Following an initial request for further information, Meath County Council decided to grant permission for the proposed development (as amended) subject 20 conditions. The conditions are relatively standard for a development of the nature and scale proposed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (November 2021) has regard to the locational context and planning history of the site; to local, regional, and national planning policy and guidance and to the third-party submissions and departmental reports received.

The following provides a summary of the main points raised in the assessment of the Planning Officer:

- The proposed development of 9no. residential units would accord with the Core Strategy and SH OBJ 10 which seeks to ensure that that in villages no single application on a defined parcel of land shall increase the existing housing stock by more than 15%.
- Having regard to Circular Letter NRUP 02/2021, the constraints of the site in terms of its proximity to Summerhill ACA and protection of trees, the proposed density of 9.5dph is acceptable.
- In terms of design and layout the case planner was satisfied that the design was appropriate in terms of height, scale, plot density, layout, and material finishes. The report identified the need for further information in respect of the level difference between the appeal site and the neighbouring development of Elm Grove and potential overlooking.
- The case planner is satisfied that a reasonable case is made for the removal and trees and hedgerow however proposals for boundary treatment require further consideration.
- Additional information is required to enable screening for appropriate assessment.
- The report concludes with a request for further information on issues raised in the assessment and department reports received. The issues covered in the further information request include:
 - Variance in proposed / existing FFL's.
 - Public lighting
 - Boundary treatment
 - The provision of a 2m wide footpath along the boundary with R156
 - Works along the eastern boundary of the site along the access road to Summerhill Enterprise Centre including road widening, pedestrian facilities, drainage, and public lighting.
 - Water supply design

- Third party consent (works along access road serving Summerhill enterprise Centre)
- Appropriate Assessment

The second report of the Planning Officer (June 2022) has regard to the further information received on the 12th of May 2022 along with the departmental reports and third-party submissions received.

- The applicant's response to the further information request and proposed revisions to layout, design and boundary treatment are noted and generally considered acceptable.
- Third party concerns regarding overlooking/overshadowing while noted are deemed unfounded given the separation distances available between directly opposing upper floor windows and the relatively minor variance in FFL's.
- It is noted that the applicants have indicated that they do not own or control the full width of the existing drainage ditch and the trees/hedgerow between the site and the access road to Summerhill Enterprise Centre. Proposals for surface water drainage and wastewater disposal have been revised accordingly.
- The report concludes with a recommendation to grant permission subject to 20 conditions.

3.2.2. Other Technical Reports

Roads:	Report dated 28/10/21 – No objection subject to condition Report dated 14/06/22 – no objection.
Water Services:	Report dated 24/09/2021, request further information in the form of a letter of consent for relevant landowner to install proposed surface water network. Report dated 19/05/2022 - No objection subject to condition.
Public Lighting:	Report received via e-mail 12/10/21, requests further information on public lighting design.
Conservation:	Report received via e-mail 15/10/21 – no objections

Fire Service: Report dated 12/10/21. Confirms that a Fire Safety Certificate is not required. The relevant provisions of Technical Guidance Document B Vol.2 shall be included in the design of the housing units.

3.3. Prescribed Bodies

DAU (NMS) Report dated 27/10/21 recommends condition re: pre-development testing.

Uisce Eireann: Report dated 23/10/21. Requests further information.
Report dated 20/05/22 – No objection.

3.4. Third Party Observations

The Planning Authority received a number of third-party submissions during the course of their determination of the application. The submissions received were from residents of Elm Grove, the adjoining residential development to the north of the appeal site. The reports of the Local Authority Case Planner include a summary of each submission received. The issues in the submissions are similar to those raised in the grounds of appeal which are summarised in Section 6.1 below.

4.0 Planning History

4.1. Appeal site and neighbouring lands to the east

MCC Ref: TA/50246 Permission granted (2005) for 65 houses on 2 sites which are divided by an existing access road serving Summerhill Enterprise Centre and comprising the appeal site and lands to the east.

MCC Ref: TA/70065 Permission granted (2007) for amendments to TA/70065 increasing the number of permitted houses from 65 to 68.

4.2. Neighbouring lands to the east

MCC Ref:21/1532 Permission granted (2022) for 41no two storey houses.

MCC Ref:22/1276

Permission granted (2022) for amendments to MCC Ref:21/1532 including the addition of 10no. houses to the development already permitted (51 units in total).

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027 (MCDP 2021-2027)

- 5.1.1. Settlement Hierarchy: Summerhill is identified as a Rural Settlement (Village) in the MCDP 2021 such settlements are described as Rural villages less than 1,500 and the wider rural region.

It is an objective of the Council:

SH OBJ 3 To ensure the implementation of the population and housing growth allocations set out in the Core Strategy and Settlement Strategy.

SH OBJ 10: To ensure that in Villages no single application on a defined parcel of land shall increase the existing housing stock by more than 15%

- 5.1.2. Zoning: The subject site is zoned A2 new residential. The objective for this area is *“To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate.”*

Guidance: This is the primary zone to accommodate new residential development. Whilst residential zoned lands are primarily intended for residential accommodation, these lands may also include other uses that would support the establishment of residential communities. This could include community, recreational and local shopping facilities. In order to protect the built heritage in the County sensitivity should be given to the design of any residential development within the grounds of or in proximity to any protected structures.

- 5.1.3. Density: (Sections 3.8.10 and 11.5.3)

In smaller Towns a density of up to 25 units/ha is considered appropriate whilst in Villages any development should take cognisance of the prevailing scale and pattern of development in the locality and the availability of public services.

It is acknowledged that there may be instances where these densities cannot be achieved due to site constraints, however all developments should strive to achieve the prescribed density in order to support the delivery of more compact development and to ensure a maximum return on investment in social and physical infrastructure.

DM POL 5: To promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged.

DM OBJ 14: The following densities shall be encouraged when considering planning applications for residential development:

- Smaller Towns and Villages: 25uph - 35uph,
- Outer locations: 15uph – 25uph

5.1.4. Separation Distances (Section 11.5.7)

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.

5.2. **Summerhill (Written Statement and Maps for Summerhill, Volume 2)**

5.2.1. Vision: The vision for the development of Summerhill over this Development Plan Period is to consolidate and strengthen the defined and attractive Village Centre, recognising the importance of conserving and enhancing the quality of the Village's built and natural environment, while catering for the needs of all sections of the local community. A central tenet of this Plan will be the creation of a positive relationship with the rural hinterland.

5.2.2. It is the policy of the Council:

SUM POL 1 To promote the future development of the village as a compact settlement with a pedestrian friendly environment, and a variety of land uses and amenities and encourage development which enhances the quality of the village's distinct built and natural environment, while catering for the needs of all sections of the local community to ensure that the village develops in a sustainable manner.

5.2.3. It is an objective of the Council:

SUM OBJ01: To secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring the household allocation for Summerhill as set out in Table 2.12 of the Core Strategy is not exceeded.

SUM OBJ11 To require that all development proposals within or contiguous to the Architectural Conservation Area be sympathetic to the character of the area, that the design is appropriate in terms of height, scale, plot density, layout, materials and finishes and is appropriately sited and designed in accordance with advice given in Summerhill Architectural Conservation Area Character.

SUM OBJ12: To protect tree stands identified on the land use zoning map including those in the vicinity of the Village Green, the entrance to Summerhill Demesne and along the R156.

SUM OBJ14 To seek to facilitate public realm improvement works in the Village focusing on traffic-calming to achieve better balance between the needs of the pedestrian / cyclist / public transport and those of the private car. Other measures may include improved street definition, raised tables connecting the Village Green with footpaths on either side; footpath improvements throughout the village, planting & 'softening' at the northern end of the village core as well as improved public lighting.

SUM OBJ15: To ensure that all new development respects the scale, form and character of the village.

5.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009**

Chapter 6 (Small Towns and Villages) of the guidelines is relevant to the application under consideration.

5.4. **Natural Heritage Designations**

The site is not located on or within proximity to any designated site. The nearest Natura 2000 site is the River Boyne & River Blackwater SAC which is located approximately 7.5km to the west.

5.5. **EIA Screening**

Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. See *completed Form 2 on file*.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a third-party appeal lodged by Fergus and Lorraine Dunne, residents of Elm Grove, the adjoining residential development to the north of the appeal site, on their behalf and on the behalf of other residents of Elm Grove. The appeal was lodged against the decision of Meath County Council to grant permission for development at Summerhill, Co. Meath. The issues raised in the grounds of appeal have been set out under various headings and can be summarised as follows:

Overlooking / Overshadowing:

- The proposed development on an elevated site will significantly overlook the neighbouring residential units – Numbers 1,2,3,4 and 8 Elm Grove.

- The proposed boundary treatment along the northern boundary is insufficient to protect privacy and if made higher would result in overshadowing.
- Overshadowing would also be an issue if garden sheds were constructed against the northern boundary.
- The proposed development would block vistas towards Summerhill Demesne currently enjoyed by residents of Elm Grove.

Removal of Protected Trees/hedgerow

- The development proposes the removal of trees which are protected in the development plan, and which are important in maintaining the character of the village.
- An unspecified amount of the existing hedgerow on the northern boundary is also to be removed.
- The removal of protected trees and the potential removal of the hedgerows is an unacceptable breach of Meath County Council's own plans and guidelines and would seriously affect the natural amenity they provide.
- The development would be contrary to *Summary Objective 12* of the County Development Plan for Summerhill.

Traffic Management /Safety/ Congestion

- The additional traffic movements generated by the proposed development, in addition to that generated by existing and permitted developments on the R156 and in close proximity, would increase the likelihood of accidents on the R156, contribute to traffic congestion and endanger public safety.
- The development would be contrary to *Summary Objective 14* of the County Development Plan for Summerhill.

Housing Allocation / Water Services Provision

- The proposal goes against the council's own core strategy. The Meath County Development Plan gives a projected population increase for Summerhill of 100 and a core strategy household allocation of 40 units from 2019 to 2026. Given the quantum of housing already permitted and the limited water supply capacity in the area, it is completely inappropriate to add additional housing in

the village. The level of development in the village is entirely unsustainable and could jeopardise current residents access to water services.

Disputed Boundary No.2 Elm Grove / Boundary Distance:

- The owners of No.2 Elm Grove have lodged an application with the Property Registration Authority to regularise the boundary of their property. The applicant's submission has highlighted the disputed boundary but does not take account the actual current boundary on the ground when calculating the distances between No.2 Elm Grove and the proposed new development.
- The separation distances presented by the applicants only refer to the two storey elements of the proposed houses and not the optional sunrooms which are an additional 5.25m to the rear boundary. The separation distance between the proposed development and the homes in Elm Grove will be significantly less than those stated in the planner's decision.

6.2. Applicant Response

The applicant's response to the third-party appeal can be summarised as follows:

- The validity of the appellant and the right to appeal is strongly questioned. The third-party objections to the planning application were submitted by individual third parties not a collective group represented by Fergus and Lorraine Dunne. It is submitted that submitting the appeal as a collective group with a single fee has created an invalid third party and therefore the appeal should be deemed invalid.

Overlooking / Overshadowing:

- The position of the proposed housing in relation to the northern boundary with Elm Grove was revised 4m further south in the further information response.
- The separation distances achieved between the two storey elements of the proposed and existing houses range from 27.6m to 32m – considerably in excess of the conventional standard of 22m between opposing first floor windows. Most of this separation distance is provided within the gardens of the proposed houses.

- In regard to floor level difference, the FFL difference between no's 1 and 2 Elm Grove and proposed house No.1, is 370mm. The FFL difference between existing no's 3 and 4 Elm Grove and proposed house no.2 is 390mm. Even taking into account the optional sunroom addition, separation distance between no's 1 and 2 Elm Grove and proposed house No.1 would still be in excess of 24m. a level difference of 370mm over a distance of 24m equates to a gradient of more than 1:60 and would be almost imperceptible from any real-world perspective.
- Significant separation distances ensure that overshadowing will not occur however to avoid doubt a shadow study in accordance with BRE guidelines has been submitted.
- The applicant, in responding to the further information request, elected to leave in place much of the existing hedgerow supplemented by the provision of a 2m high concrete post and hit and miss timber panel fence on the development side of the hedgerow to aid privacy. The proposed 2m high fence is a standard provision which was favoured over a concrete block wall as the excavation of a foundation for a wall could potentially damage the rot structure of the hedge.

Removal of protected trees/hedgerow

- It is the case that there are protected trees on the subject site. for this reason, an Arborist was retained to before and after the design process to make recommendations for tree preservation and protection and tree removal where necessary.
- The trees proposed for removal along the western boundary were classified as "C" trees of low quality or "U" unsuitable for retention. The only tree proposed for removal along the southern boundary is classified as "C" tree of low quality.
- Any proposed tree removals were carefully considered.

Traffic Management /Safety/Congestion

- The subject site is zoned for new residential development and therefore it is unrealistic to expect that the lands will not be developed.

- The proposed entrance was designed by Waterman Moylan Consulting Engineers, is within the urban 50km speed zone and readily meets the required criteria for sight visibility and forward stopping distance.
- Additional entries along straight stretch of the R156 travelling east out of Summerhill would help to slow traffic and therefore improve traffic safety.

Housing Allocation / Water Services Provision

- The Core Strategy in the Meath CDP does not quote a specific housing allocation for Summerhill, rather it provides a global figure for Tier 6 Settlements (villages) of 840 units.
- With regard to water services provision, Irish Water in their letter dated 22nd April 2021 and submitted with the application, confirm that there is capacity available for the proposed development.

Disputed boundary No.2 Elm Grove / Boundary Distance

- The issue of land ownership is a civil matter rather than a planning matter.
- The position of the northern boundary does not change the separation distance between the existing and proposed houses.

Density

- It is submitted that the proposed density is appropriate to the location and context of the site and will offer an alternative to one-off rural housing in accordance with good planning and development principles.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response to the issues raised in the grounds of appeal is set out in correspondence received on the 28th of July 2022 and can be summarised as follows:

- The Planning Authority is satisfied that the issues raised have been substantially addressed in the planning reports on file.
- In relation to overlooking and overshadowing the Planning Authority dispute any claims that garden sheds or optional sunrooms will give rise to any over

shadowing or overlooking. The separation distance between directly opposing upper floor windows is the relevant issue.

- Proposals for boundary treatment were clarified at further information stage with additional requirement imposed by condition 8(a). The further information response detailed a 2m wide footpath along the R156 boundary except where it would come within 2m of the tree stem of the 3no. trees to be retained. Root protection areas and mitigatory planting is also managed by Condition No's 6 and 7.
- With regard to the concerns expressed in respect of traffic management, congestion and water services, the Planning Authority note the comments from the transportation department and Irish Water where no objections/ concerns were raised.
- The concerns raised in respect of boundary dispute is a civil matter for the relevant parties. The Planning Authority is satisfied that the applicant has demonstrated sufficient interest in the lands as detailed on submitted Folio MH55423F.
- The proposed development accords with the national, regional and local planning policy context for residential development and the Planning Authority is satisfied 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 the properties in the vicinity and would not be likely to have significant effects on the environment or the ecology of the area.

6.4. Observations

None

6.5. Further Responses

None.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, and having inspected the site, I consider that the main issues in this appeal are as follows:

- Procedural Issues
- The Principle of Development
- Density (New Issue)
- Impact on Residential Amenity
- Removal of Trees and Hedgerows
- Access and Traffic.
- Water Supply.
- Appropriate Assessment

I am satisfied that all other issues were adequately addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

7.2. Procedural Issue

7.2.1. In the first instance it is noted that the applicants have queried the validity of the third-party appeal. They note that the third-party objections to the planning application were submitted by individual third parties and not a collective group represented by Fergus and Lorraine Dunne. They contend that submitting the appeal as a collective group, with a single fee, has created an invalid third party and that the appeal should be deemed invalid on this basis. I have considered the documentation lodged with the appeal and the relevant sections of the Planning and Development Act 2000 (as amended) and I am satisfied that the appeal would accord with the requirements of Section 127 of the Act and is sufficient to form the basis of a valid appeal. Therefore, I do not recommend that the appeal be dismissed.

7.3. Principle of Development

- 7.3.1. The appeal site is located within the development boundary of Summerhill which is designated as a village (rural) in the Meath County Development Plan 2021-2027 (MCDP 2021). The site is zoned 'A2 New Residential' – to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate. The A2 zoning is identified as the primary zone for new residential development. Residential / Sheltered Housing is listed as a “permissible use” within the zoning. I am therefore satisfied that the development of this site for residential use as proposed is acceptable in principle.
- 7.3.2. Volume 2 of the MCDP 2021 includes a written statement and maps for Summerhill. The written statement includes an objective (SUM OBJ 1) which seeks to ‘secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring the household allocation for Summerhill as set out in Table 2.12 of the Core Strategy is not exceeded’. Table 2.12 of the CDP does not specify a household allocation for Summerhill instead it provides a Core Strategy allocation of 840no units to be distributed across all 21no village settlements for the current plan period. The two-year progress report on the MCDP 2021-2027 was released earlier this year (December 2023), the report notes that a residential tracker is in place to monitor the number of units permitted and delivered in each settlement. There is no indication that the Core Strategy housing allocation for the 21 village settlements has been exceeded. In my opinion the proposed development of only 9no houses on zoned and serviced lands approximate to the village centre of Summerhill is unlikely to undermine the core strategy for Meath.
- 7.3.3. It is an objective of the MCDP 2021, Objective SH OBJ10, to ensure that in Villages no single application on a defined parcel of land shall increase the existing housing stock by more than 15%. The written statement for Summerhill notes that the housing stock in 2016 was 327no units with an additional 28no.units completed between 2016-2019. The proposed development of 9no houses would represent a less than 3% increase in housing stock above the 2019 figure and would therefore accord with Objective SH OBJ10.

7.4. Density (New Issue)

7.4.1. The appeal site encompasses an area of greenfield in the village of Summerhill, c50m east of the village centre and c25m east of the Summerhill ACA. MCDP objective SUM OBJ11 for Summerhill requires that all development proposals within or contiguous to the Architectural Conservation Area be sympathetic to the character of the area. The map for Summerhill identifies trees for protection along the western and southern boundaries of the site. The prevailing pattern of residential development within the settlement comprises a mix of mainly semi-detached and terraced houses within and to the north and east of the village centre with a pattern of lower density development of detached dwellings occurring to the west of the village particularly along the R156 and R158 regional roads.

7.4.2. In terms of density, the proposal comprises the construction of 9 residential units on a net development area of 0.95ha (as stated), this equates to a net residential density of 9.5uph. Objective DM OBJ 14 of the MCDP encourages densities of 25uph - 35uph in small towns and village with lower density development, 15uph-25uph, permissible on outer locations. Both density ranges are significantly higher than that achieved in the current proposal. The 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages)', 2009, provides a graduated approach to the application of densities within smaller towns and villages, as follows:

- Centrally located sites: 30-40+ dwellings per hectare.
- Edge of centre sites: 20-35 dwellings per hectare.
- Edge of small town/village: 15 - 20 dwellings per hectare.

Densities of less than 15 - 20 dwellings per hectare are permissible, in controlled circumstances, along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question.

7.4.3. On the issue of density, the applicants in their response to the grounds of appeal submit that the proposed density is appropriate to the location and context of the site, stating that the proposal will offer appropriate housing options as an alternative

to one-off rural housing. They note that the appeal site forms part of a larger landholding with additional 'A2' zoned lands to the east (refer to Land Registry Map for Folio MH55432F, submitted to the Planning Authority on the 12th of May 2022). The Board will note that these lands currently have the benefit of planning permission for the construction of 51 housing units (MCC Ref: 21/1532 as amended by MCC Ref:221276). If permitted, the proposed development would in conjunction with the development permitted under MCC Ref:22/1276 (as amended), allow for the construction of a total of 60no. houses on 3.9929 hectares which equates to an overall density of c15uph. It is the contention of the applicants that a density of c15uph is appropriate for edge of small town / village sites.

- 7.4.4. However. I note the location of the appeal site in proximity to the village centre and the prevailing pattern of residential development in the area and I consider that the provision of 9 no. houses at a density of 9.5 units per hectare would represent and an inappropriate and inefficient use of these well-situated lands. In my opinion the appeal site, at just under one hectare, could accommodate a more appropriate density of development, that is in keeping with the character, form, and scale of the village while also ensuring the reasonable protection of trees. Therefore, I consider that planning permission should be refused on the basis of an inadequate density. I would draw the Board's attention to the fact that this is a new issue, and as such it may be appropriate to re-circulate prior to decision.

7.5. **Impact on Residential Amenity**

- 7.5.1. The third-party appellants have raised concerns in relation to the impact of the proposed development on the residential amenities of neighbouring properties to the north (Elm Grove) by way of overlooking / loss of privacy, overshadowing and visual intrusion (blocking of views towards Summerhill Demesne). Concerns relating to impacts arising during construction and depreciation in property value were also raised by third parties.
- 7.5.2. It is the contention of the third-party appellants that the proposed development, due to its location on an elevated site and the separation distances available, would

significantly overlook Numbers 1, 2, 3 ,4 Elm Grove to the rear and No. 8 Elm Grove to the side. They believe that the proposed treatment of the northern boundary is insufficient to protect their privacy and that if made higher, would overshadow their homes.

- 7.5.3. Drawing No. 21028-FI-100.00 submitted to the Planning Authority on the 12th day of May 2022 details the proposed development (as amended) and its relationship with Elm Grove. The Board will note that redline site boundary was redrawn at further information stage to address the boundary dispute with No.2 Elm Grove, this is a civil matter between parties. As detailed on Drawing No. 21028-FI-100.00, proposed housing units No's 1 to 5 back onto a shared boundary with Elm Grove. The drawing details the finished floor levels (FFL's) of both the proposed dwellings and the existing dwellings, indicating a level difference ranging between +0.37m and 1.12m in favour of the proposed dwellings.
- 7.5.4. The proposed dwellings (including optional sunroom) have been set back a minimum of 16m from the northern boundary allowing for separation distances of more than 27m between directly opposing rear windows at first floor level. The separation distances available far exceed the minimum separation distance of 22m recommended in the MCDP (Objective DM OBJ 18) and are, I consider, sufficient to negate any impacts arising from the variance in levels between the proposed development site and Elm Grove, which in itself is not significant
- 7.5.5. As detailed on Drawing No. 21028-FI-100.00, the applicants are proposing to retain much the existing hedgerow along the northern party boundary and to install a new 2m high concrete post and hit and miss timber fence on the development side. The height of the proposed fence at 2m is standard for a boundary treatment between two opposing properties and is appropriate in terms of privacy. Having reviewed the plans submitted and inspected the site I am satisfied that the rear garden depths and separation distances provided by the proposed scheme, together with the proposed boundary treatment, would be sufficient to ensure an adequate level of privacy for both the existing residents of Elm Grove and future residents of the proposed scheme.

- 7.5.6. The third-party appellants have raised concerns regarding potential overshadowing from garden sheds if placed up against the boundary on the new development side. The Board will note however that the proposed development does not include proposals for the provision of garden sheds and as such the Board need not concern itself with potential impact arising from same. Notwithstanding, it is noted that should such structures be proposed at a future date, they would have to be provided either in accordance with the exempted development provisions for such structures as set out in the Planning and Development Regulations 2001 (as amended) or be subject to a separate planning application.
- 7.5.7. The proposed development would be visible in views from properties in Elm Grove and as a result would change the outlook from these properties. However, I note that the lands in question have been identified for development within the MCDP 2021-2027 and as such a change to the receiving environment from the development of these lands is to be expected. In my opinion, the extent of visual change arising from the proposed development would be in keeping with the natural expansion of the village and would not adversely impact the residential amenities of neighbouring properties to a degree that would warrant a refusal of permission.
- 7.5.8. While I accept that the construction phase of a development is likely to give rise to nuisance (noise, dust, construction traffic etc) this would be for a limited duration, and it is standard practice to impose conditions that seek to ensure that the associated nuisances are controlled to lessen amenity impact.
- 7.5.9. Third parties have raised a concern that the development of this site as proposed would result in a depreciation in the value of their properties. However, having regard to the assessment and conclusions set out in this above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.6. Removal of Trees / Hedgerow

- 7.6.1. The removal of protected trees and hedgerow has been raised as an issue by the third-party appellants. They consider that such proposals would be contrary to

MCDP Objective SUM OBJ 12 which seeks, inter alia, to protect existing tree stands along the southern and western boundaries of the appeal site and to the amenities of the area.

7.6.2. An Arboricultural report, including tree survey, arboricultural impact assessment and method statement was submitted with the application. The report identifies a total of eight trees along the western and southern site boundaries, comprising four Horse Chestnut trees along the western boundary (T319; T320, T321 and T329) and two lime trees (T317, T318), one Ash tree (T322) and one Sycamore tree (T323) along the southern site boundary. Of the eight trees identified, three are to be retained and protected against damage, namely the two Lime trees (T317, T318) and the Sycamore tree (T323) along the southern boundary. The remaining five trees are to be felled to facilitate the proposed development. Of the five trees identified for removal, two, the Horse Chestnut (T319 and T329) along the western boundary, have been deemed unsuitable for retention due to their condition while the remaining Horse Chestnut trees (T320 and T321) and Ash tree (T322) have been categorised as being of low quality with no material conservation or other cultural value. While the loss of trees is regrettable, I am satisfied that a reasonable case has been made for their removal. I am also satisfied that with the retention and protection of trees (T317, T318 and T323) along the R156 as proposed, the proposed development would not materially contravene Objective SUM OBJ 12.

7.6.3. The application includes proposals for landscaping including planting schedule, details of hard and soft landscaping and boundary treatment. The proposed scheme was amended at further information stage to include for the retention of the existing hedgerow along the northern site boundary. The extent of boundary to be retained is detailed on the Landscaping Plan, Drawing No: PP329-P2-01 which was submitted to the Planning Authority on 12th May 2022. It was also clarified at further information stage that the existing hedgerow to the east of the site lies outside of the applicant's control. A new replacement hedgerow is proposed along the southern (roadside) boundary; the existing hedgerow is to be removed to facilitate the provision of a new 2m wide footpath. In my opinion, the proposed landscaping scheme (as amended) along with the retention of trees / hedgerow as proposed is sufficient to ensure that

the proposed development is assimilated in the landscape, in a manner that is in keeping with the character of the village.

7.7. Access / Traffic

- 7.7.1. The proposed residential scheme is to be served by one new vehicular access and two new pedestrian accesses off the R156 to the south of the site. The R156 forms part of the regional road network that connects the village of Summerhill to the settlements of Kilcock (c12m to the south), Trim (c10km to the northwest) and Dunboyne (c17.5km to the southeast). The R156 at the location of the proposed development site, is c6.6m wide, it has a speed limit of 60km/h and is served by a public footpath (1.4m in width) along its northern boundary. The proposed development (as amended) includes proposals to replace the existing footpath along the regional road, thereby improving existing pedestrian facilities. The new footpath will be constructed to a width of 2m except where it would come within 2m of the tree stem of the 3no. trees to be retained.
- 7.7.2. The proposed vehicular entrance is positioned centrally along the site's southern boundary, c60m west of the existing junction serving the Summerhill Enterprise Centre and c150m west of the new development entrance permitted under MCC Ref: 21/1532. The third-party appellants are concerned that the proposed development would increase the number of entrances and traffic turning movements onto the R156, thus increasing the likelihood of accidents along this stretch of road, while also generating additional traffic, contributing to traffic congestion in the village. Having reviewed the plans and particulars submitted with the application and having visited the site I am satisfied that the R156 and adjoining road network is adequate in terms of width and alignment to accommodate the additional traffic movement likely generated by the proposed development. The R156 at the location of the proposed entrance comprises a straight stretch of road with good visibility in both directions. I agree with the contention of the applicants as set out in their response to the grounds of appeal, that the provision of additional entrances along this stretch of road would, in addition to the 60kmh speed limit, encourage slower traffic speeds thereby improving traffic safety. I note that the Transportation Department of Meath

County council raised no objection or concerns in relation to the proposed development. I conclude that in terms of roads and traffic issues, the development is acceptable.

7.8. Water Supply

- 7.8.1. In accordance with the written statement for Summerhill, the village is supplied by Trim Water Supply scheme with limited capacity available. The third-party appellants are concerned that the proposed development would, in conjunction with other permitted development in the settlement, place a strain on the existing water supply and jeopardise current residents access to water. Uisce Eireann is responsible for the public water supply. In accordance with the details submitted within the application, a pre-connection enquiry was submitted to Uisce Eireann at the design stage with the provider confirming, in a letter dated 22nd April 2021, that a connection to the existing water supply infrastructure was feasible without infrastructure upgrade. A copy of this letter can be found in the Engineering Assessment Report (Appendix A) submitted to Planning Authority 11th October 2021. It is further noted that Uisce Eireann, in their report to the Planning Authority (May 2022) have cited no objection to the proposed development and, that if permitted the proposal would be subject to a connection agreement with Uisce Eireann.

7.9. Appropriate Assessment

- 7.9.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

- 7.9.2. The proposal comprises a small residential scheme of 9 detached, two-storey houses on a greenfield site within the development boundary of Summerhill village. The site is served by public mains water and foul drainage. Following on-site attenuation, surface water is to be drained, at a controlled rate, to a rural stream at the site boundary.
- 7.9.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.9.4. A Habitats Directive Screening Statement for the proposed development was submitted to the Planning Authority as further information on the 12th of May 2022. The Screening report identifies three Natura 2000 sites within 15km of the appeal site, namely:
- River Boyne and River Blackwater SAC (Site Code: IE0002299); c7.85km to the north of the appeal site
 - River Boyne and River Blackwater SPA (Site Code: IE0004232); c7.85km to the north of the appeal site
 - Rye Water Valley/Carton SAC (Site Code: IE0001398); c14.6km to the southeast of the appeal site.
- 7.9.5. There is no direct connection to these sites, however, the drain at the front of the site likely connects Clonmeath River c1km north-east of the site. This watercourse connects with the River Boyne via the Dangan River / Knightsbrook River, c7.8km north of the appeal site, creating a hydrological pathway to the River Boyne and River Blackwater SAC and SPA.

7.9.6. As the subject site is not located within the SAC any impacts on the European site would be restricted to the discharge of surface water and foul water from the site, which could occur during both the construction and operational phases. However, given the scale of the proposed development, the indirect connection, and the distance from the closest European site, I am satisfied that the proposed development would not be likely to give rise to significant effects on any European site, either individually or in combination with any other plan or project. Having reviewed the documents on file, and having regard to the nature and scale of the proposed development and the location of the site in a serviced settlement with an indirect connection via a hydrological pathway to a European site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the 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 be refused for the following reason and consideration.

9.0 Reason and Consideration

1. Having regard to the location of the proposed development on zoned and serviced lands within the development boundary of Summerhill and in proximity to the village centre, to Objective DM OBJ 14 of the Meath County Development Plan 2021-2027 which encourages densities of 25uph – 35uph within Smaller Towns and Villages and to the provisions of the ‘Sustainable Residential Development in Urban areas, Guidelines for Planning Authorities’ published by the Department of the Environment, Heritage, and Local Government, in May 2009, in respect of residential density in small towns and villages, it is considered that the appeal site, at just under one hectare, could accommodate a more appropriate density of development, that is in keeping with the character, form and scale of the settlement while also ensuring the reasonable protection of trees and existing amenity, through high quality

design and layout and, that the current proposed development would provide an insufficient density of development at this location, which would constitute underutilisation of this residential zoned site, would be contrary to the relevant provisions of the Meath County Development Plan 2021-2027 and would be contrary to Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Lucy Roche
Planning Inspector

14th December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314042-22		
Proposed Development Summary	A residential development of 9 houses		
Development Address	Summerhill, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	<input checked="" type="checkbox"/>	The development involves 9 no. residential units on an overall site of c. 0.95ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
Yes	<input checked="" type="checkbox"/>	Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is	Proceed to Q.4

		<p>required for the following classes of development:</p> <p>Construction of more than 500 dwelling units</p> <p>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</p>		
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4. Has Schedule 7A information been submitted?		
No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes		Screening Determination required


Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	314042-22	
Proposed Development Summary	A residential development of 9 houses	
Development Address	Summerhill, Co. Meath	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> • The site is located within the development boundary of Summershill as designated under the Meath County Development Plan 2021-2027 and is proximate to existing / permitted residential development. • The site is served by public mains water and sewerage. Uisce Eireann have confirmed that there is available capacity to cater for the development. • The removal of topsoil and small amounts of C&D waste will be minimal and localised construction impacts will be temporary. • The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the area. 	no
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<ul style="list-style-type: none"> • The construction of 9no houses on zoned and serviced land and contiguous to existing housing development and proximate to Summerhill Village centre is not exceptional in the context of the existing built-up urban environment. • There is an extant permission for a residential scheme of 51units on the adjoining lands to the east. Given the nature and scale of the developments proposed no significant cumulative impacts are anticipated. 	No
<p>Location of the Development</p>	<ul style="list-style-type: none"> • There are no ecologically sensitive locations in the vicinity of the site. 	No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<ul style="list-style-type: none"> • The site is not within a European site. Any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. • The appeal site is located outside of the Summerhill Architectural Conservation Area. • The proposed development does involve the removal of trees listed for preservation; this matter can be dealt with in the planning assessment. 	
10.0 Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>
		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____