



An
Bord
Pleanála

Inspector's Report

ABP-315106-22

Development	Three dwellings complete with basements and all ancillary works.
Location	Swellan Lower, Cavan, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2263
Applicant(s)	Eonish Properties.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Edward and Aine Kelly and Others.
Observer(s)	N/A.
Date of Site Inspection	19 th of April 2023.
Inspector	Stephanie Farrington

1.0 Site Location and Description

1.1. The subject site is located at the junction of Swellan Lower and Beech Court in Swellan Lower, which is situated in the southwestern part of Cavan Town. The site is brownfield and occupied by a retaining wall and the foundations of 2 no. previously approved houses on site (PA Ref: 07/808). The site is adjoined by existing residential dwellings to the south and west. Swellan Lower is located to the north of the site and Beech Court is located to the east.

2.0 Proposed Development

2.1. The development, as described in the public notices, comprises the construction of 3 no. detached bungalow style dwellings on site, with basements, access road, connection to existing services, landscaping and all associated works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Cavan County Council issued a notification of decision to grant permission for the development subject to 18 no. conditions. The following conditions are of note:

- Condition no. 4 sets out specifications for boundary treatment for written agreement with the planning authority.
- Condition no. 9 sets out road design specifications.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report

The initial planner's report recommended a request for further information. The following provides a summary of the key points raised:

- The site is brownfield, on zoned and serviced lands and the principle of residential development is established on site.

- The overall design is considered acceptable at this location with a contemporary style and finishes that reflect some of the dwellings in the area.
- The report raises concern in relation to the layout of the proposed units including limited open space.
- The proposal to develop 3 no. dwelling is considered overdevelopment having regard to the existing adjacent dwellings which are detached 2 storey dwellings on large sites.
- The density is excessive, and the built form is inconsistent with adjacent development.
- The report outlines that a revised site layout which reduces the number of units on site to 2 should be submitted in line with the previously submitted development on site.
- The report recommends a request for further information on foot of concerns raised in relation to the site layout, traffic impact, parking, open space, potential overlooking and impact on residential amenity.
- Having regard to the nature of development, the location on zoned and serviced lands and the distance of same from the nearest Natura 2000 site an appropriate assessment is not deemed necessary.

A request for further information is recommended on the basis of the following:

- The Planning Authority has concerns regarding the layout of the proposed development having regard to the existing built form in the vicinity of site, which comprises of detached 2 storey development. The following issues are noted as being of concern from a planning point of view, site layout, additional traffic movements, parking, footpath width, substandard open space, potential overlooking and loss of residential amenity to adjacent dwellings and the planning history of the site. The applicant is requested to re-design the site layout, taking into consideration the concerns raised above.

Planner's Report on Further Information

The Planner's Report prepared in respect of the FI response recommends a grant of permission subject to conditions. The following provides a summary of the key points raised:

- The proposed layout has been revised to address the potential impact on adjoining residences.
- The revised layout addresses the concerns raised within the FI request.

3.2.2. Other Technical Reports

Area Engineer (17/10/22)

The report outlines that the following was noted to the applicant's agent at an on-site inspection:

- Entrance to the east is a better option.
- The 4.3m separation between service road and public road is a concern as vehicles turning into the development have insufficient space to safely access the development.
- Larger delivery and collection vehicles would likely have to stop on the public road to service the development.
- The parking layout is inadequate to accommodate 2 vehicles per property.
- Visibility to the west of the hedgerow is restricted and the neighbouring hedgerow impacts on the achievement of sight lines.
- Footpath widths of a minimum of 1.8m is required.

3.3. Prescribed Bodies

Irish Water (16/09/2021)

Recommends a request for further information.

3.4. Third Party Observations

Observations were submitted during the initial statutory public consultation stage and in response to the request for further information. The points raised reflect those within the grounds of appeal.

4.0 Planning History

The following planning history relates to the appeal site.

- PA Ref: 07/808, ABP Ref: PL02.224156: planning permission granted by An Bord Pleanala in November 2007 to demolish the existing bungalow and construct 2 no. detached dwellings on site.
- PA Ref: 06/966, ABP Ref: PL02.220361: Permission refused by An Bord Pleanala in March 2007 to demolish the existing bungalow on site and construct 2 no. detached dwellings on site. Permission was refused on grounds of impact on existing and future residential amenity including overlooking of adjacent residential dwellings and substandard design and layout of the development incorporating short rear gardens with associated car parking.
- PA Ref: 03/1053, ABP Ref: PL02.205272: Permission refused by An Bord Pleanala in April 2004 to demolish the existing bungalow on site and construct a terrace of 4 no. 2 storey houses on site. Permission was refused on grounds of impact on existing and future residential amenity including overlooking of adjacent residential dwellings and substandard design and layout of the development incorporating short rear gardens.

5.0 Policy Context

5.1. Development Plan

Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028

Zoning

- 5.1.1. The site is zoned for “Existing Residential” purposes within the Cavan Local Area Plan included within the Cavan County Development Plan 2022-2028. This zoning objective seeks to: *“Protect and enhance the amenity of developed residential communities”*.

5.1.2. The vision of this zoning objective seeks to:” *Ensure that any new development does not adversely impact upon the amenity of existing residential properties. New housing and infill developments should be in keeping within the character of the area. Seek to enhance associated open space and community uses and improve the quality of existing residential areas*”. Residential is listed as a use which is “permitted in principle” under this zoning objective.

5.1.3. The following Development Objectives set out within the Cavan Town Local Area Plan in Chapter 2 of the County Development Plan are of relevance to the proposal:

- Development Objective CSC 2: Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the population of Cavan Town.
- Development Objective CSC 3: Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up areas.

Development Management

5.1.4. Residential Density (Section 13.4.1) – This section of the plan outlines that due to the difficult topography of County Cavan, there are many instances where specified densities cannot be achieved. For Cavan Town the following densities are identified:

- Density in town/village core = 30-35
- Density in brownfield and infill sites = 22-30
- Density in Proposed Residential = 18-22
- Density in Proposed Low Density Residential = 8-10

Residential Density Development Objectives:

5.1.5. It is a development objective of Cavan County Council to:

- *RD 01 Encourage densities in accordance with the above table throughout the County in accordance with the Core Strategy.*
- *RD 03 Ensure densities of proposed developments reflect the key attributes and character of the surrounding/adjoining area.*

5.1.6. The plan outlines that these indicate approximate key residential outputs over the life-time of the plan and site density will be determined on a case by case basis.

5.1.7. Private Open Space (13.4.7) Private open space should be a useable area to the rear of the front boundary of the dwelling.

Private Open Space Development Objectives

5.1.8. It is a development objective of Cavan County Council to:

- *POS 01 Require that new development has regard to the character of the area in which they are located in terms of requirements for private open space.*
- *POS 02 Require the following minimum open space requirements for new dwelling houses - One/Two bedroom, 48sqm- 55sqm and 3/4/5 bedroom unit, 60 sqm-75sqm.*

Public Open Space Development Objectives

5.1.9. It is a development objective of Cavan County Council to:

- *PCOS 01 Ensure public open spaces in new residential developments comply with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG (2009) and the accompanying Urban Design Manual (2009) or any updates thereof.*
- *PCOS 02 Ensure public open space is well designed, of a high visual standard, generally flat, retain natural features and proposes appropriate landscaping or wetland and has a high level of surveillance and overlooking.*

5.1.10. Overlooking and Overshadowing (13.4.9) New development should be designed to avoid overlooking of existing or proposed residential units. It is a development objective of Cavan County Council to:

- *OO 01 A minimum distance of 22 metres of separation between directly opposing rear windows at first floor in the case of detached, semi-detached, terraced units shall generally be observed.*
- *OO 04 Any window proposed at ground floor level should not be less than 1 metre from the boundary it faces.*

Design and Layout (13.4.10)

5.1.11. Section 13.4.10 of the Development sets out Design and Layout Development Objectives. The following are of relevance to the appeal site:

It is a development objective of Cavan County Council to:

- *DL 01 Require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), the Urban Design Manual- A Best Practice Guide 2009 and the Urban Development and Buildings Heights Guidelines for the Planning Authorities (2018), or any updates thereof.*
- *DL 03: Planning proposals for housing schemes are required to present a considered design approach to tailor the scale, design, layout and density of housing in responding to the individual character of the respective town or village.*
- *DL 07: Adequate provision shall be made for the storage and collection of waste material. Each house shall have adequate screened storage for at least 3 number wheelie bins.*
- *DL 10: Provide for high quality boundary treatment within the development including dwelling boundary treatments, public open space boundary treatment. All boundaries shall be of high-quality solid construction with no gaps. Post and wire or timber post and panel fencing is not permitted.*
- *DL 13: Delivery of high quality accessible open space, public realm and landscaping.*

5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Lough Oughter and Associated Loughs SAC (000007) – 3.1km
- Lough Oughter Complex SPA (004049) – 3.1km
- Drumkeen House Woodland pNHA (000980) – 2.6km
- Lough Oughter and Associated Loughs pNHA (000007) – 2.8km

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was submitted on behalf of residents in the vicinity of the site listed below:

- Edward and Aine Kelly – 15 Birch Close, Johnstown Wood, Navan
- Caroline Clarke, 2 Beech Court, Swellan Lower, Cavan
- Patrick Brady, 4 Beech Court, Swellan Lower, Cavan

6.1.2. The following provides a summary of the grounds of appeal.

Planning History

6.1.3. The appeal refers to the planning history pertaining to the site and two no. previous refusals under PA Ref: 03/1053, ABP Ref PL02.205272 and PA Ref. 06/966, ABP Ref. PL02.220361. The reasons for refusal related to design, layout and impact on residential amenity of existing residential units in the vicinity.

6.1.4. The appeal outlines that the proposed layout does not address these concerns. It is stated that the development would seriously injure the amenities of property in the vicinity and the amenities of the proposed occupants.

Compliance with Development Plan

6.1.5. The appeal refers to the “Existing Residential” zoning objective pertaining to the site which seeks to protect and improve existing residential amenity and outlines that infill developments should be of sensitive design and complimentary to their

surroundings. It is stated that the proposed development does not comply with the objectives for the infill development as set out within the Development Plan including Development Objectives DL03, DL07, DL10 and DL13. The appeal outlines that the development does not protect the building line along Beech Court and the L1519-0.

Design and Layout

6.1.6. The appeal cross refers to Cavan County Council's request for further information and outlines that the applicant failed to address the layout and design concerns raised. The appeal lists the following specific points in this context:

- The revised site layout as submitted in response to CCC's request for further information included the relocation of the proposed access road from the southern site boundary to the northern site boundary.
- The appeal refers to the location of the proposed site services to the south of the site and requirement for a wayleave along the private open space which would have to remain unobstructed and open. On this basis there will no provision of private open space for the development.
- A rear servicing access will be provided to the houses from Beech Court. The appeal outlines that this area will be used for service providers, bin services and collections as the access road to the north cannot accommodate these uses. No details of boundary treatment for the southern boundary are submitted.
- The appeal raises concern in relation to the proposed public open space provisions. It is stated that the public open space to the east of house 3 is minimal in area, unusable due to topography and will be totally passive. It is stated that the public open space is not in accordance with PCOS 02 of the Cavan County Development Plan 2022-2028. No active, overlooked open space is provided for small children.

Traffic and Associated Issues

- The design of the proposed entrance is not in accordance with DMURS or the TII Document DN-GEO-03060 (Figure 5.12). The visibility standards for a minor road junction with direct access onto a single carriageway do not

comply with the requirements. Inadequate sightlines is a valid standalone reason for refusal.

- If Condition 4(a) is implemented as conditioned the development will not make the acceptable standard.
- The estate road for the development as designed does not comply with acceptable standards including turning path requirements for service vehicles and will result in a traffic hazard. The appeal outlines that entrance design provides for no separation between pedestrians and vehicles, the width of the road doesn't facilitate passing vehicles and the proposed turning bay is substandard.
- The appeal raises concern in relation to light spillage from the estate road onto the L1519-0.
- The appeal raises concern in relation to the parking layout for the proposed houses. It is stated that the spaces are unusable, and no parking is provided for visitors.
- The appeal outlines that concerns were raised by the Municipal District Engineer, but these were not addressed within the FI response. The appeal outlines that no report was received by the Municipal District Engineer on the revised layout.

Impact on Residential Amenity

- The appeal raises concern in relation overlooking to houses at Beech Court. It is stated that while the applicant proposes obscure glazing on the first-floor level windows, the side window or the rear bedroom at ground floor level of all 3 houses overlook the rear garden of Beech Court Houses.
- The separation distance between the rear windows and garden at no. 1 Beech Court is insufficient.
- The concerns raised in relation to overdevelopment of the site within CCC's FI request have not been appropriately addressed. It is furthermore considered that the development constitutes a traffic hazard. The previous decisions by ABP to refuse permitted for development on the site remain valid.

- The Board is requested to refuse permission for the development.

6.2. Applicant Response

Custom House Plans submitted a response to the appeal on behalf of the applicant. The following provides a summary of the key points raised:

- The appeal response refers to the planning history pertaining to the site. It is stated that the application granted under PA Ref 07/808 ABP Ref: PL02.224156 addresses the concerns raised by the appellants with respect to density, boundary proximity and massing.
- The appeal response refers to the planning history of the area wherein permission was refused by ABP for a development of 12 no. houses at a similar distance from Cavan town on grounds including the low density of the development (ABP Ref: PL02.309254). The appeal further refers to the reference in the Inspector's Report under ABP Ref: PL02.224156 to the potential for 3 no. terraced houses on site.
- The design of the development seeks to maintain the original pattern of design along the main road by presenting to the roadside façade a bungalow style dwelling.
- The appeal response outlines that the development has been designed to negate against overlooking. The application outlines that there is no overlooking at height from the dwellings as proposed.
- The development seeks to create an attractive development that maximises the potential for a prime location, suburban site. The Board is requested to uphold the decision of the planning authority to grant permission for the development.

6.3. Planning Authority Response

Cavan County Council's response to the grounds of appeal requests the Board to uphold the decision of the Planning Authority having regard to the Planning Report (dated the 27/10/22) and the applicant's FI response and revised plans.

6.4. **Observations**

None

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and 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 and Layout
- Impact on Residential Amenity
- Traffic and Transportation
- Other Issues
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The proposed development is zoned for “Existing Residential” purposes within the Cavan Town Local Area Plan with an objective to “*protect and enhance the amenity of developed residential communities*”. Residential is listed as a use which is permitted in principle on lands zoned for existing residential purposes.
- 7.2.2. The site was previously occupied by a detached dwelling which was demolished to accommodate the development of 2 no. dwellings on site permitted under PA Ref: 07/808, ABP Ref: PL02.224156. The site is currently occupied by the foundations of 2 no. previously approved residential units. The principle of residential development has previously been established on site.
- 7.2.3. The subject application seeks permission for 3 no. dwellings on a 0.11ha site, which would yield a gross density of 27 units per hectare. The applicant has provided a

justification for the increase in the residential density on site from that previously permitted having regard to Development Plan objectives to support compact growth within the settlement boundary of Cavan.

- 7.2.4. I consider that the principle of the development of a zoned and serviced brownfield site within the development footprint of Cavan for residential purposes is acceptable in principle subject to the consideration of design, layout and amenity considerations.

7.3. Design and Layout

- 7.3.1. The proposal comprises the construction of 3 no. split level 3-bedroom dwellings. The 3 no. dwellings are identical in design and layout and include a bedroom and kitchen/dining room at lower ground level and 2 no. bedrooms and living room at upper ground floor level. The dwellings have a narrow plan and a gross floor area of 147 sq.m. The design statement submitted in support of the application outlines that the dwellings have been designed to respond to the topography of the site and read as bungalows from the roadside boundary and 2 storey houses to the rear.

- 7.3.2. The appeal raises concern in relation to the design and layout of the development as revised in response to CCC's request for further information. The appeal outlines that the development does not comply with the objectives for the infill development as set out within the Development Plan and raises concerns in relation to the proposed building line and quality and usability of the proposed public and private open space within the development. I consider the points raised in turn as follows.

Compliance with Infill Development Objectives

- 7.3.3. The appeal outlines that the development does not comply with the objectives for the infill development as set out within the Development Plan including Development Objectives DL03, DL07, DL10 and DL13 as detailed below:

- *DL 03: Planning proposals for housing schemes are required to present a considered design approach to tailor the scale, design, layout and density of housing in responding to the individual character of the respective town or village.*
- *DL 07: Adequate provision shall be made for the storage and collection of waste material. Each house shall have adequate screened storage for at least 3 number wheelie bins.*

- *DL 10: Provide for high quality boundary treatment within the development including dwelling boundary treatments, public open space boundary treatment. All boundaries shall be of high-quality solid construction with no gaps. Post and wire or timber post and panel fencing is not permitted.*
- *DL 13: Delivery of high quality accessible open space, public realm and landscaping.*

- 7.3.4. The appeal outlines that the development does not protect the building line along Beech Court and the L1519-0 and is inconsistent with the requirements of Development Objective DL03 of the Cavan County Development Plan on this basis.
- 7.3.5. The proposed dwellings are set back c. 11m from the L1519-0 and 4m from Beech Court. While I note that greater set-backs are observed from the adjoining road network by existing residential development to the west and south of the site I do not consider that the principle of a setback building line as proposed renders the properties inconsistent with the existing pattern of development in the area. I furthermore note that the development permitted under PA. Ref: 07/808, ABP Ref: PL02.224156 did not follow the established building line in the area as evidenced by the existing building foundations on site.
- 7.3.6. As detailed in further sections of this report I consider that the layout of the development, which is dominated by access arrangements, includes substandard private open space and restricted car parking spaces is inconstant with the existing pattern of development within the area. I consider the proposal to be contrary to Development Objective DL 03 of the Development Plan in this regard.
- 7.3.7. I consider that details of boundary treatment and waste management are limited within the application. However, I refer to the requirements of Condition no. 8 of Cavan County Council's notification of decision to grant permission for the development which relates to written agreement of boundary treatment with the Planning Authority prior to the commencement of development. I am satisfied that these could be agreed by means of condition in the instance that the Board is minded to grant permission in accordance with the requirements of Development Objective DL 10. I also consider that waste storage and collection could be facilitated to the rear of the site in accordance with the requirements of Development Objective DL 07.

7.3.8. Development Objective DL 13 relates to the provision of accessible open space, public realm and landscaping within the development. The appeal raises concern in relation to the limited scale and quantum of public open space proposed to serve the development and questions its usability. I note that Cavan County Council have not raised objection to the limited provision of public open space and having regard to the infill nature of the site, I consider that the non-provision or limited provision of public open space is acceptable at this location.

Private Open Space

7.3.9. The appeal outlines that the quantum of the proposed private open space is contrary to the provisions of Development Objective PCOS 02 of the Cavan County Development Plan. Development Objective POS 02 of the Cavan County Development Plan outlines that it is a development objective of the Council to: *“require the following minimum open space requirements for new dwelling houses - One/Two bedroom, 48sqm- 55sqm and 3/4/5-bedroom unit, 60 sqm-75sqm”*.

7.3.10. The appeal refers to the planning history pertaining to the site wherein permission was refused for development on site on grounds including layout and insufficient private open space (ABP Reference: PL02.220361 and PL02.205272). It is stated that such concerns are not addressed within the submitted layout.

7.3.11. The Site Layout Plan submitted in response to CCC’s request for further information (Drawing no. 145.10.01) which includes the provision of private open space to south of the proposed dwellings. The quantum of private open space provided for each dwelling is not detailed on this drawing. However, it is clear that quantum of private open space for the proposed dwellings is below Development Plan requirements.

7.3.12. I refer to the planning history of the site wherein permission was refused for development on the site on grounds including sub standard provision of private open space (ABP Ref: PL02.220361 and PL02.205272). While the appellant notes that the principle of development was accepted under ABP Ref: PL02.224156, the permitted development included the provision of 97 sq.m private open space for unit 1 and 83 sq.m. for unit 2. I note that concerns were raised by CCC in relation to the provision of private open space to serve the proposed dwellings within the FI request. I do not consider that this is satisfactorily resolved within the revised layout.

7.4. Impact on Residential Amenity

- 7.4.1. The appeal raises concern in relation to the impact of the proposal on the residential amenity of existing dwellings in the vicinity of the site. Particular concerns are raised in relation to overlooking from the development to existing dwellings at Beach Court to the south of the site.
- 7.4.2. The appeal outlines that while the applicant proposes obscure glazing on the first-floor level windows, the side window of the rear bedroom at ground floor level of all 3 houses overlook the rear garden of Beech Court Houses. The appeal also raises concern in relation to the insufficient separation distance from the development to no. 1 Beech Court.
- 7.4.3. On review of the proposed layout, I note that the development incorporates obscure glazing at first floor level windows to negate against overlooking. I consider that the side window of the rear bedroom of each of the dwellings is angled in such a position to negate against direct overlooking of the private amenity space of the houses at Beech Court.
- 7.4.4. The proposed site layout plan (drawing no. 145.10.01) illustrates a minimum set back of 9m between the proposed dwellings and the existing dwelling at no. 1 Beech Court to the south. The nature of intervening development includes private open space and an access road. I consider that this distance is sufficient to negate against impact on adjoining dwellings.

7.5. Traffic and Transportation

- 7.5.1. The appeal raises a number of traffic and transportation concerns in relation to the proposed layout of the development. The proposed development, as revised in response to CCC's request for further information, includes access to the development from Swellan Lower to the north of the site. A further service access is provided from Beech Court to the east. Swellan Lower operates within a speed limit of 50kmph in the vicinity of the site. Drawing no.145.10.01 illustrates the provision of sightlines of 100m from the proposed site entrance from Swellan Lower.
- 7.5.2. The appeal outlines that the sightlines at the proposed entrance are inadequate, service vehicle access is restricted and the proposed entrance to the north would constitute a traffic hazard. The appeal furthermore raises concern in relation to light

spillage from the development onto the public road, the usability of the proposed parking spaces and lack of provision of visitor parking.

- 7.5.3. I refer to the concerns raised within the Municipal Engineers report dated 17th of September 2022 in particular in relation to the achievement of sightlines at the proposed site entrance, the design of the proposed access road including set back from the public road and the proposed parking layout. These points have not been addressed by the applicant within the appeal response.
- 7.5.4. On review of the proposed site layout, I consider that the proposed layout is dominated by the proposed road layout. I note the point raised within CCC's Municipal Engineers report dated 17/09/22 in relation to the preference of an access to the development from the south and the concerns raised in relation to the proposed access arrangements. I also consider that there is inadequate space in the current layout to accommodate 2 no. in-curtilage car parking spaces on site.
- 7.5.5. On the basis of the information submitted in conjunction with the application and appeal I consider that the applicant has not sufficiently demonstrated that the proposed access and parking arrangements associated with the development would not constitute a traffic hazard.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

8.0 Recommendation

I recommend the permission is refused for the development in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. Development Objective POS 02 of the Cavan County Development Plan 2022-2028 sets out *“the following minimum open space requirements for new dwelling houses - One/Two bedroom, 48sqm- 55sqm and 3/4/5 bedroom unit, 60 sqm-75sqm”*. The quantum of private open space proposed for the 3 no. 3 bed residential units is not in accordance with the requirements of Development Objective POS 02 and in this regard comprises substandard private open space which would injure the amenities of persons occupying the proposed dwellings. The proposed development would therefore be contrary to the requirements of Development Objective POS 02 of the Cavan County Development Plan 2022-2028 and the proper planning and sustainable development of the area.
2. Having regard to the design and layout of the proposed development, incorporating insufficient private open space and restricted car parking, it is considered that the proposed development would constitute substandard development which would seriously injure the amenities of persons occupying the proposed dwellings and would be inconsistent with the existing pattern of development in the area. The proposed development would therefore be contrary to the requirements of Development Objective DL03 of the Cavan County Development Plan which outlines that *“Planning proposals for housing schemes are required to present a considered design approach to tailor the scale, design, layout and density of housing in responding to the individual character of the respective town or village”*. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Insufficient information is provided within the application to demonstrate that the proposed access, servicing and car parking arrangements associated with the development would not constitute a traffic hazard. 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.

Stephanie Farrington
Senior Planning Inspector

18th of September 2023