



An  
Bord  
Pleanála

## Inspector's Report ABP315240-22

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<b>Development</b>	Permission for dwellinghouse and associated site works.
<b>Location</b>	Cottage Lane, Blackrock. Co Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	22612.
<b>Applicant(s)</b>	Marian Brannigan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant permission subject to conditions.
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	1. Patricia & Catherine White 2. Mary McWilliams.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	12 July 2023
<b>Inspector</b>	Richard Taylor.

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## 1.0 Site Location and Description

- 1.1. The appeal site is located within a residential area at the end of a vehicular cul-de-sac road, off Sandy Lane in Blackrock, Co. Louth. The site comprises overgrown vegetation and is approximately 0.051 hectares in size. It is surrounded by single-storey housing on three sides and grassed public open space to its east. Boundaries are defined by post and wire fencing along the east, west, and south. The northern boundary consists of a timber fence approximately 1.8m in height. The site topography is broadly level. There are no formal existing vehicular or pedestrian entrances to the adjacent Sandy Lane to the west, or public pedestrian footpath immediately adjacent to the southern site boundary.
- 1.2. Vehicle access to the site is via Cottage Lane, a laneway which is 3.3m wide at its entrance point at Sandy Lane, increasing to approximately 3.8m wide at its widest point to the northwest of the site. The site has a frontage of approximately 20.9m abutting Cottage Lane. Along the site frontage, Cottage Lane is approximately 3.2m in width at the northwestern corner of the site, increasing to approximately 4m in width at the southwestern corner of the site. There is a pedestrian link to the south of the site, with the vehicular cul-de-sac continuing to the southwest. The laneway, which is not clearly marked on Sandy Lane, currently serves eight dwellings, five to the north of the appeal site, and three adjacent and to the southwest. The lane also provides a pedestrian link connecting Beech Park housing estate to the south with Sandy Lane.
- 1.3. The garden of a dwelling is adjacent to the north of the appeal site. There are two semi-detached single storey dwellings opposite the site to the west. The northernmost of these dwellings is approximately 3.2m from the site boundary at the closest point to the front elevation, extending to approximately 3.38m to the front/side corner of the elevation of the southernmost dwelling. These dwellings are finished in stone with grey slate pitched roofs. Immediately to the southwest there is another single storey dwelling with associated driveway access and is the furthestmost from the Cottage Lane access point on Sandy Lane. There is a further single storey dwelling (16 Beech Park) to the south of the appeal site, with vehicular access facilitated by Beech Park. This dwelling is separated by a public footpath, approximately 1.8m in width, which forms the southern boundary of the appeal site.

## 2.0 Proposed Development

2.1. The proposal is for a single storey dwelling with a stated floor area of 117 sqm. served by a new entrance from the adjacent Cottage Lane, a local road. The dwelling is finished in a mixture of stone, smooth render, and timber cladding with a grey 'Kingspan' monopitch roof. Accommodation includes a single bedroom, located at the front of the site, with living room and kitchen located and orientated to south and east of the site respectively. The dwelling is aligned with, and 1.5m from, the northern boundary, 3.3m from the front, 6.48m from the southern, and 4.25m increasing to 5.55m from the eastern site boundaries. The remainder of the site is to be landscaped for amenity areas. Boundary walls are also proposed. An access and driveway is proposed in the southern part of the site, aligned with the southern site boundary. Sewage and water supplies are proposed via connection to public services. A soakaway included within the driveway area. The applicant is the owner of the site, acquiring it in 2022.

## 3.0 Planning Authority Decision

### 3.1. Decision

Louth County Council issued notification of the decision to grant permission dated 10<sup>th</sup> November 2022 subject to 5 conditions, summarised as follows:

1. Carried out in accordance with plans and particulars received by the Planning Authority 2<sup>nd</sup> August 2022 and further information dated 18<sup>th</sup> October 2022;
2. Submission of comprehensive landscaping and programme of works, carried out in first planting season following commencement, replaced if fails, and maintained to not interfere with public road and walkways;
3. (a) Road access and visibility spays provided prior to commencement;  
(b) & (c) provision of boundary walls in accordance with submitted details and maintained at 1.2m;  
(d) surface water disposal within the site and not to public road. Surface water attenuation and disposal carried out in accordance with revised details dated 18<sup>th</sup> October 2022.

(e), (f), (g) provision of silt traps and interceptor/hydrocarbon retention geotextile membrane, soakaways;

(h) developer responsible for full repair costs for damage to public road to the satisfaction of the Council;

4. Development contributions for (a) road improvements €4200, and (b) Community, recreational and amenity €1200, total €5400 in accordance with Council Contribution Scheme.
5. Site development and building works hours of operation 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation in exception circumstances and subject to prior written approval from the Planning Authority.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The 1st Planner's report dated 16/09/22 notes:

- The planning history of the site, including 2 previously refused cases;
- Consideration of 7 observations received noting:
  1. Main issue of inadequacies of Cottage Lane for safe access, egress and manoeuvring to/from the site.
  2. Construction traffic is a civil matter.
  3. Cottage Lane is a public road quoting the pavement management system.
  4. Concerns relating to future extensions, noting permitted development limitations and assessment.
- No significant or adverse impacts on the Environment or European sites Special Areas of Conservation or Special Protected Areas.
- Acceptable in relation to density, pattern of development, design, residential amenity, open space provision, layout and orientation.
- Vehicular access and parking not included, but provision supported by updated development plan and policy promoting reuse of infill/vacant and

underutilised sites at rate of 1 space per dwelling in accordance with parking standards, also stipulated in the plan at table 13.11 and Design Manual for Urban Roads and Streets.

- A certificate of Exemption under Part V, Section 97 of the Act for the provision of social and affordable housing was granted 12<sup>th</sup> May 2022;
- Developer contributions are applicable in accordance with Article 5.0 of the Council Scheme 2016-2021, comprising (a) road improvements €4200, and (b) Community, recreational and amenity €1200, totalling €5400;
- Details of responses from the Area Engineer, Water and Wastewater sections and Irish Water are noted (no objections).

The 2nd Planner's report dated 08/11/22 notes the following:

- Further three observations received, including one petition from Beech Park Residents Association with 9 signatures.
- Response from Area Engineer advising no objection subject to conditions to revised details.
- Revised boundary treatments and amenity space provision (exceeding minimum requirement of 50sqm.) are acceptable.
- Revised soakaway details confirmed as acceptable by the infrastructure section.
- No adverse impacts on residential amenity.
- Following assessment of the further information, proposal complies with the plan and recommends a grant of permission subject to conditions.

### 3.2.2. Other Technical Reports

- First (05/09/22) and second (04/11/22) area engineers' reports recommend approval subject to conditions.
- The first area engineer report confirms a site visit inspection was undertaken as part of their assessment.

### 3.2.3 Prescribed Bodies

- First and Second reports from Irish Water recommend approval subject to conditions.

## 4.0 Planning History

### 4.1 On Site:

4.1.1 Council Ref: 06678 by Michael Brannigan for three 1.5 storey dwellinghouses, road turning bay and site works was refused on 18 July 2006. Two reasons for refusal were cited:

1. Due to insufficient turning movements entering and exiting the entrance to the development, combined with pedestrian and vehicle movements on the lane of the proposed development, would endanger public safety of a traffic hazard and obstruction to road users.

2. The proposed development would endanger public safety by reason of a traffic hazard and obstruction to road users as width of the lane is insufficient to cater for additional traffic from the development.

4.1.2 The above decision was appealed to An Bord Pleanála (ref PL 15.218999). ABP refused permission for the following two (revised) reasons:

1. It is considered that the proposed development of three houses would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate off a narrow substandard road at a junction where sightlines are restricted in an easterly direction.

2. The site is located on a minor road which is seriously substandard in terms of width. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of pedestrians and road users.

4.1.3 Application ref: 14198 was received by the Council on 10/06/2014 from Ms Bridget Farrell. It sought outline permission for a dwellinghouse and associated site development works. This application was refused on 24/07/2014 for 3 reasons:

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate off a narrow substandard road at a point where sightlines are restricted in an easterly direction.

2. The site is located on a minor road which is seriously substandard in terms of width. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of pedestrians and road users.

3. The planning authority is not satisfied, on the basis of information submitted, that the proposed development has not provided a Natura screening report (as required by the Minister's Guidelines, 2010) and therefore the potential impact of the development On Natura 2000 sites is uncertain. Applicant has inadequately demonstrated that the development would not have an adverse impact on any Natura 2000 site. Accordingly to permit the proposed would be contrary to the proper planning and sustainable development of the area.

4.1.4 The Council decision for application 14198 was appealed to ABP, under reference PL15.243755. The Board refused the application on 08 December 2014 for the following single reason:

It is considered having regard to the cumulative impact of an additional dwelling on the lane and the distance to the junction with Sandy Lane that the proposed development would endanger public safety by reason of traffic hazard because of additional traffic turning movements the proposed development would generate on a narrow substandard road and junction at a point where sightlines are restricted in an easterly direction. Furthermore, the site is located on a minor road which is seriously substandard in terms of width and which is without adequate passing bays for existing traffic using the road. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

4.1.5 There is no other history of relevance adjacent to the site.

## **5.0 Policy and Context**

### **5.1. Development Plan**

5.1.1 The Louth County Development Plan 2021-2027 (LCDP) is the operative plan for the area. The following are relevant to the appeal:

- The site is identified as A1 Existing Residential on the Plan Map for Dundalk. Section 13.21.5 page 510, states that the objective is to “protect and enhance the amenity and character of existing residential communities”. The guidelines



go on to state that “Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. “Residential” is identified as a “Generally Permitted Use”.

- 2.11.1 (page 2-28) Overarching Strategic Policy Objectives for the County. Policy CS2: To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
- 2.14.5 Residential Development (page 2-43): “In the southern area of the town development in the Blackrock area will be carefully managed with the focus on consolidation, the build out of extant permissions and developments currently under construction. The Plan supports the delivery of affordable homes including a mix of house types and tenure suitable for all lifestages.”
- HOU12 (page 3-10) To support the implementation of the Policy Statement ‘Housing Options for Our Ageing Population’ and the provision of independent and/or assisted living for older persons such as purpose-built accommodation, the adaptation of existing properties, and opportunities for older persons to avail of ‘rightsizing’ within their community at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.
- HOU23 To require the layout of residential developments to take account of the Design Manual for Urban Roads and Streets (2019) (DMURS) in the provision of pedestrian and cycling infrastructure and crossing points and the design of estate roads and junctions.
- HOU25 (page 3-18) All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of the Plan.
- 3.16.1 Infill, Corner and Backland Sites (page 3-19). The development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed, between the protection of

amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be considered for this type of development.

- HOU32 (page 3-19) To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.
- HOU33 (page 3-19) To promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- Chapter 8 NGB6 – Screening for Appropriate Assessment (AA).
- Chapter 10 IU19 – Requirement for Sustainable Drainage Systems (SUDS) and accompanied by a comprehensive SUDS assessment.
- Chapter 13 – Development Management Guidelines (page 13-8), including:
  - 13.8 Housing in Urban Areas;
  - 13.8.2 Infill and Backland Development;
  - 13.8.9 Residential Amenity;
  - 13.8.17 Private Open Space;
  - 13.16 transport, including access and car parking;
  - 13.20 water services; and
  - 13.20.4 sustainable drainage.

## **5.2. Natural Heritage Designations**

- 5.2.1 Appropriate assessment was considered in the most recent application and subject appeal by ABP as this matter was a refusal reason. The inspector concluded in that case that based on information provided, the proposal for a dwelling would not adversely impact on European sites.
- 5.2.2 The appeal site is not within a protected European Site, however the site is located approximately 190 metres from the shoreline at the closest point to Dundalk Bay

Special Area of Conservation (SAC) ref: 000455, and Special Protection Area (SPA), ref: 004026. These are designated for a variety of coastal and littoral habitats.

### 5.3. **EIA Screening**

Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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 issues raised are summarised below:

#### 6.1.1 Inadequacy of Site Access and Laneway:

- Site located at southern end of a narrow cul-de-sac. No site entrance and elevated above lane level by approximately 20 inches. Large vehicles including emergency fire vehicles cannot access the laneway with servicing undertaken from either end of Cottage Lane. Building materials and machinery had to be brought onto site via the community field to rear for construction work of last house built off Lane in 1995.
- Width of Cottage Lane is mere 10ft across. Only wide enough for dwellings on one (western) side of the Lane. There are no dwellings on the eastern side due to being too narrow.
- Cottage Lane is structurally inadequate for heavy vehicles, comprising beach sand overlain in tarmac (photographs of excavated road structure provided and referenced).
- Access in same location as that previously refused.

- Sight lines and visibility splays are inadequate.
- Proposed site access will result in traffic obstruction of adjacent accesses.
- Existing Cottage Lane access at junction with Sandy Lane has insufficient visibility as confirmed in previous appeals. The entrance is opposite St Oliver Plunkett primary school.

#### 6.1.2 Damage to neighbouring properties and structures:

- Adjacent properties date from 1904, have no foundations, and are constructed on sand. Piers and walls of appellants' residence have been damaged on numerous occasions. In 2005 a dwelling on Main Street suffered collapse and had to be demolished due to construction works adjacent to that site. Damage likely from vehicles required for extensive site clearance works.

#### 6.1.3 Site history:

- Two previous applications refused at appeal due to traffic, lack of turning movements, restricted sight lines at Cottage Lane junction with Sandy Lane. Characteristics of Cottage Lane has not changed since previous decisions in 2006 and 2014 and remains a minor road as concluded in these decisions.

#### 6.1.4 Safety:

- Increase in students attending the primary school with associated additional pedestrians using Cottage and Sandy Lane. Associated vehicular traffic impacts on pedestrians.
- No consideration by Council of safety on road users.
- Front access of appellants' property adjacent to the site opens directly onto the lane, with a bedroom also immediately adjacent. Safety issues due to this layout arrangement.
- Construction traffic will result in obstruction of existing accesses.

#### 6.1.5 Detrimental Impacts on amenity:

- Close proximity of proposed dwelling will negatively impact on amenity in terms of construction noise, overlooking/loss of privacy, overshadowing, and overbearing.

## 6.2. Applicant Response

- Cottage Lane is a public road as confirmed by the Council (evidence attached in appendix 2).
- Cottage Lane comprises a mix of single and 1.5 storey dwellings of varying ages, sizes and architectural styles indicative of the incremental development. It is in close proximity to Main Street via Sandy Lane and associated social and commercial services.
- Planning history of Cottage Lane is referenced.
- No evidence provided to support appellants' assertion that public safety would be adversely affected.
- Cottage Lane is not the most convenient or direct route to main street/village centre. Peak usage of the lane is restricted to drop-off/pickup periods associated with the primary school on Sandy Lane.
- HGV's will not be used for construction access due to the limitation of the site and the Lane. The site characteristics and nature of proposal necessitate the use of small-scale equipment including mini-diggers, forklifts and on-site equipment such as cement mixers. Atop raft foundation will be used rather than trench foundations which will limit on-site excavations. Materials will be offloaded at Sandy Lane and transported via forklift to the site. The applicant is amenable to a condition requiring the prior agreement of a Construction & Environmental Waste Plan (CEWMP) prepared in accordance with best practice publication by the Government and Construction Industry.
- Impacts on the physical structure of the lane are addressed through the Council's condition 3(h).
- The proposal was revised to include vehicular access and parking in accordance with a further information request from the Council. These details are in accordance with DMURS and parking requirements of the Plan.
- The majority of existing accesses onto the western side of Cottage Lane is immaterial and not as a consequence of a preferred or ridged pattern of development reflective of the narrowness of the roadway.

- Application re: 20909 'St Oliver Plunkett' Cottage Lane, Sandy Lane, Blackrock for “Retention permission for relocation of existing single storey dwelling house and boundaries previously granted permission under planning ref. no. 39/69” also accesses Cottage Lane. Infrastructure Section at the Council had no objection to the proposal subject to conditions. Granted 25/01/2021. Two parking spaces approved and no internal circulation space provided requiring cars to reverse or out of the site.
- No record of accidents on Cottage Lane and indicative of a natural equilibrium between residents without posing a threat to safety of pedestrians or cyclists.
- Standard trip modelling programmes such as TRICS provides an average of 3 trips or 6 vehicle movements per day which is not considered excessive or detrimental to safety of road users. Traffic will continue to move at extremely slow speed.
- Council expressed preference for revised layout over original which excluded a vehicular entrance. Exclusion of the entrance would be uncharacteristic with neighbouring properties. Revised proposal would align with national and regional policy and County Plan objectives to reduce over-reliance on the car. Change in policy to support the proposal and constitutes sustainable development. Applicant content to leave to ABP judgement if proposal better served with or without the vehicular access and parking.
- Original layout would address issues raised in previous appeals.
- Amenity Impacts:
  - i. Construction disturbance would be for a temporary duration and mitigated through conditions on decision and applicants suggested CEWMP condition.
  - ii. No impacts to appellants homes due to separation distances.
  - iii. Acknowledged appellants home has overlooked the vacant appeal site for long period of time however such views are not protected or requires retention through planning process.
  - iv. Proposed design and layout will improve character and aesthetics of streetscape and not result in overbearing or dominance.

- v. Siting of proposal will be close to northern (rear) boundary, gable/side onto the appellants' home and not face bulk of structure. Separation distances, size and scale are comparable to with other dwellings in Cottage Lane.
- vi. Privacy will not be impacted. 22m separation distance cited in 13.8.9.1 of the plan and paragraph 7.4 of the Sustainable Residential Development in Urban Areas Guidelines (2009) not applicable as both properties do not have opposing first floor windows. Paragraph 6.10 of the Guideline and Section 13.9.9.1 acknowledges that some degree of overlooking is likely in urban area and efforts shall be made to minimise where extent of overlooking where this is possible. There is only one window in the immediate western elevation which serves a master bedroom. Applicant amenable to condition for obscure glazing for this window. Views into/out of the site also obscured by proposed boundary walls. Privacy of appellants dwelling impacted by passing traffic and pedestrians due to location of windows directly onto Cottage Lane.
- vii. Overshadowing will not occur due to siting and design of proposal. Overshadowing assessment submitted with appeal evidence demonstrates no adverse impacts.
- Other Issues
  - i. Plan zoning of A1 existing residential and infill nature of development supports the proposal, contributing to compact growth supported by national, regional, and development plan policies.
  - ii. Applicant and husband are seeking to downsize from their current property. The proposal will facilitate their changing circumstances. Proposal meets Plan policy objective SC5 and HOU12 which supports the implementation of Government Policy 'Housing Options for Our Ageing Population'.

### 6.3. Planning Authority Response

- The Planning Authority had no further comments in relation to the appeal. They refer all parties to the reports on file.

#### 6.4. Observations

- None.

#### 6.5. Further Responses

- None.

### 7.0 Assessment

7.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment (AA) also needs to be considered. The main issues, therefore, are as follows:

- (a) Principle of Development and site history.
- (b) Residential amenity.
- (c) Traffic, access and safety.
- (d) Construction activity and damage to properties.
- (e) Exempted Development.
- (f) Appropriate Assessment (AA).

Each of these issues are considered in turn below.

#### **(a) Principle of Development and site history**

7.2 The application site has been subject to two previous applications which were refused and subsequently considered by the Board. The first of these applications was considered in 2006 and related to a proposal for three dwellings. This application was refused permission on the 19th of December 2006. Given the quantum of development proposed, and the significant passage of time since that decision, I do not consider this case to be of material relevance to the current appeal. I do, however, note the inspectors' comments in relation to characteristics of the Cottage Lane and the associated access junction with Sandy Lane.



- 7.3 The most recent application for the site comprised erection of a dwelling house which was also refused by the Board on the 8th of December 2014. I have noted the conclusions and comments by the inspector in relation to Cottage Lane and the junction with Sandy Lane. In this case the infrastructure office recommended refusal on road safety grounds. Consideration of this case was within a different policy context and of particular relevance was the Dundalk and environs Development Plan 2009- 2015. The inspector in that case noted that the site was zoned residential 1, the objective of which is to “to protect and improve existing residential amenities and to provide in full and new residential development”. Section 6.6 of the plan provided residential design guidelines. Section 6.6.7 dealt with and infill/ backland development.
- 7.4 Policy and guidance considerations have been significantly updated since the most recent application and appeal at both national and local level. The main considerations are set out within an updated development plan namely the Louth County Council Development Plan (LCDP) 2021-2027 in addition to the Design Manual for Urban Roads and Streets (DMURS) as discussed above. The LCDP further refines and expands support to redevelopment, infill, brownfield and regeneration sites within urban areas though policy CS2 of the core strategy which seeks to achieve compact growth through the delivery of at least 30% of new homes in urban areas.
- 7.5 From a review of the relevant policy considerations which are detailed above, the site is zoned as A1 existing residential. Policies CS2 and HOU 32 in addition to the zoning, support the development of the site subject to detailed considerations set out in the remainder of the plan. Accordingly, I consider the redevelopment of the site for a single dwelling acceptable in principle.

**(b) Residential Amenity**

- 7.6 The appellants have not objected to the design of the proposal. It comprises a single storey dwelling in a contemporary architectural style. There is a mix of architectural styles and finishes Cottage Lane and the locality. Taking this into account, I agree with the LPA and the applicant that the design of the proposal is acceptable and compliant with relevant policies in the plan.

- 7.7 The appellants have objected on grounds that the proposal will adversely impact on their amenity in terms of dominance, overshadowing, and loss of privacy. I consider that due to the urban location, proposed single storey building height, and separation distance of approximately 6.8 metres to the nearest dwelling to the west to be sufficient to mitigate against adverse impacts in terms of dominance.
- 7.8 In relation to overshadowing the applicant has included a shadow assessment drawing. This illustrates shadowing from the proposed dwelling on the 21st of each month of March, June, September, and December. It indicates a worst-case scenario in the morning period in December, that the shadowing would be limited to mostly the frontage of the northernmost front/eastern elevation of the nearest dwelling to the west, opposite the site on Cottage Lane. For the remainder of the year the drawing indicates that shadowing would occur over relatively small areas and mostly to the north and east of the site to adjacent amenity/garden areas. Taking this, and the urban context into account, I conclude that the overshadowing impacts would be limited and is therefore acceptable.
- 7.9 In relation to loss of privacy, I note that window openings are all located at ground floor, and most are positioned on the northern, eastern, and southern elevations save for a single window for a bedroom on the western elevation. This window is located in close proximity the existing dwelling opposite on Cottage Lane, however it is not located directly opposite an existing window of the neighbouring dwelling. This staggered arrangement, the bedroom use of the associated room, in addition to the proposed front boundary walls, will sufficiently mitigate against adverse impacts in terms of privacy. I therefore consider the proposal acceptable in relation to privacy and wider amenity impacts.

**(c) Traffic, access and safety**

- 7.10 In considering traffic, access and safety issues of the proposal, it is noted that previous schemes failed on these issues. The most recent scheme was for outline permission and did not indicate the proposed size or scale of the property. The access for the previous appeal proposal was set back off the site boundary and located in broadly the same position as the current proposal. It indicated a driveway area sufficient to accommodate a minimum of two vehicles and included a visibility

splay with boundary set back off the Cottage Lane. I note that the splay was less extensive than shown on the supporting plans for the appeal proposal.

7.11 I note from site observations that the dimensions, layout, and general arrangement of Cottage Lane remains as reported by the previous inspector. Their main comments were as follows:

- Egress onto Sandy Lane while exiting is compromised by the Boundary wall particularly to the east which affects sightlines... and is therefore deficient;
- The proposal would constitute unacceptable intensification of this restricted junction where sight lines are restricted;
- The laneway is not capable of absorbing additional traffic likely to be generated by an additional dwelling due to its deficient width and design.

7.12 The LPA are recommending approval of the application essentially based on the change in policy direction and the positive response from the infrastructure section.

7.13 The applicant supports the opinion of the LPA. The proposal is supported by the zoning, policy support for redevelopment of infill and brownfield sites, the single bedroom design of the dwelling, and demographic of the applicant which the LCDP provides policy support for facilitating “downsizing” through policy objective SC5 and HOU12.

7.14 Cottage Lane essentially functions as a shared surface road layout arrangement. I note that the DMURS acknowledges these design approaches for road and pedestrian traffic. It states that such roads should not exceed 4.8 metres in width (Figure 4. 55 page 102), however it does not stipulate a minimum width and is discussed in detail at page 96.

7.15 The width of Cottage Lane narrows further than the remainder of the Lane to a “pinch point” adjacent to the northwestern corner of the site. I consider that the enlarged visibility splay, compared to the previous appeal, along the appeal site frontage will assist in mitigating safety issues with this section of the Lane.

7.16 I note from the applicants’ evidence that there is no history of recorded accidents either on Cottage Lane or at the junction with Sandy Lane. The Infrastructure section of the LPA visited the site and have no objections in relation to traffic, safety or visibility splays to the proposal, which I consider to be a significant material

consideration. This represents a change in circumstances from those considered in the previous appeals. I consider that vehicle movement speeds along the lane will be low by virtue of the design and characteristics of the lane. The proposal is for a single bedroom dwelling designed purposefully for the applicants. I therefore consider that it would create vehicle movements below the 6 per unit average discussed by TRICS traffic survey information, as referred to by the applicant. I consider that the previous appeal would have assessed a worst-case scenario of a proposed dwelling of at least three bedrooms in the absence of detailed information. This form of development would have resulted in vehicle movements in line with the TRICS information. Based on these considerations, I consider that safety impacts will be acceptable on balance, taking account of the revised policies supporting redeveloped urban sites and renewal, the principles for housing our ageing population, and the single bedroom nature of the proposal.

**(d) Construction Activity and damage to properties**

- 7.17 The grounds of appeal included construction activity associated with the proposal and potential for damage to neighbouring properties and Cottage Lane.
- 7.18 The applicant has provided further detailed information regarding the anticipated construction process, servicing, and related activities for the construction process. I would agree that the circumstances of this site will pose difficulties for the process, and local residents. However, the construction process and associated impacts will be for a limited duration. The applicant suggested such issues could be resolved through a construction management plan, which I note from the LCDP is a requirement for larger scale developments. The LPA have not recommended a condition to this effect, however in these specific circumstances I would recommend the Board including such a condition to ensure an appropriately managed construction process in the interests of amenity.
- 7.19 I note the points raised by the appellant in relation to damage to property and Cottage Lane. I agree with related comments by the LPA and the applicant, in that such issues are civil matters and outside of the planning process. In relation to Cottage Lane, it has been confirmed by the LPA and the applicant that it is a public road and is therefore a matter for the Council to ensure that Cottage Lane is maintained in an appropriate condition both during and after any construction, should

permission be granted. In addition, the LPA has included a planning condition stipulating that the applicant shall be responsible for the full cost of repair in respect of any damage caused to the public road. Accordingly, appropriate mitigation measures for these issues can be secured and refusal on this basis cannot therefore be recommended.

7.20 The appellant considers that significant construction traffic will be required to facilitate site excavation works given the difference in levels between the Lane and the appeal site. I have reviewed the topography on-site and the levels indicated on the proposed plans and based on this information do not consider that significant excavation works are required to facilitate the proposal. In any event this issue would not justify withholding permission on this basis and is a matter of appropriate site management for the applicant, the Council, and other relevant bodies if and when it is appropriate.

**(e) Exempted Development**

7.21 The LPA has not recommended that exempted development be withdrawn. Should the Board conclude that permission be granted, I recommend that they consider the withdrawal of exempted development. The layout of the development is such that outdoor amenity space provision is close to the minimum standards specified in the plan. I consider it prudent, based on the characteristics of the proposal and the locality, to withdraw exempted development to ensure that any future adaptations or alterations to the proposed dwelling and site are subject to prior consideration by the LPA, to safeguard the amenity of existing and prospective residents.

**(f) Appropriate Assessment:**

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

## **8.0 Recommendation**

8.1. I recommend a grant of permission, subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the current Louth County Development Plan, 2021-2027 and all material considerations, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, would provide an acceptable standard of residential amenity for the prospective residents, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation, drainage proposals, or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority on 2<sup>nd</sup> August 2022, as amended by the further information date received 18<sup>th</sup> October 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>Reason: In the interests of clarity.</p>
2.	<p>(a) No work shall commence on site until the new site entrance is constructed onto the local road as illustrated on the site layout plan date received 18<sup>th</sup> October 2022 by the Local Planning Authority.</p> <p>(b) The area within the visibility splay for the hereby approved site entrance, shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and maintained clear thereafter.</p>

	<p>(c) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.</p> <p>(d) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Louth County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.</p> <p>Reason: in the interests of traffic and pedestrian safety.</p>
3.	<p>The proposed boundary walls shall be erected within the confines of the site. The boundary wall as marked B-C as shown on the site layout plan received by the Planning Authority 18th of October 2022 shall be erected no nearer the pedestrian walkway on the south side of the proposed site than the existing concrete post fence. The areas between the proposed boundary walls and the existing Cottage Lane and pedestrian walkway shall be made good following the construction of the walls.</p> <p>The proposed boundary walls as marked A-B-C and D-E on the site layout plan received by the Planning Authority 18th October 2022, shall be maintained at 1.2 metres high above ground level.</p> <p>Reason: in the interests of traffic and pedestrian safety.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>

6.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> <li>(a) A plan to scale of not less than [1:500] showing – <ul style="list-style-type: none"> <li>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.</li> <li>(ii) Details of screen planting which shall not include cupressocyparis x leylandii.</li> <li>(iii) Details of roadside/street planting which shall not include prunus species.</li> <li>(iv) Hard landscaping works, specifying surfacing materials, and finished levels.</li> </ul> </li> <li>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</li> <li>(c) A timescale for implementation [including details of phasing]</li> </ul> <p>All planting shall be carried out in the first planting season following commencement of development, shall be adequately protected from damage until established, and shall be maintained so as not to block and/or interfere with the vehicles and pedestrians using the adjacent public road and walkways.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
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7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed</p>

	<p>in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>.Reason: In the interests of public safety and residential amenity.</p>
11.	<p>.Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.</p> <p>.Reason: In the interest of residential amenity and to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.</p>

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

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.Richard Taylor  
Planning Inspector

28<sup>th</sup> July 2023