



An
Bord
Pleanála

Inspector's Report ABP 315444 - 23

Development

Two storey two-bedroom residential mews dwelling on an infill site, new site entrance and connections to the existing site services.

Location

134 Meadowbrook, Willow Park,
Athlone, Co. Westmeath.

Planning Authority

Westmeath County Council.

Planning Authority Reg. Ref.

22/489.

Applicant(s)

Eddie and Joseph Egan

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party v. Decision.

Appellant(s)

Eddie and Joseph Egan.

Observer(s)

None.

Date of Site Inspection

3rd April 2023

Inspector

Aisling Cunnane.

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1.0 Site Location and Description

- 1.1. The site is located within the mature residential estate of Meadowbrook, Athlone, which is situated in the southeast area of Athlone Town, c 1km west of the N6/ Athlone bypass.
- 1.2. The site comprises parts of the rear garden areas of semi-detached houses; No 134 Meadowbrook and No 135 Meadowbrook.
- 1.3. The site is contained on the east boundary by a high masonry wall, which is also the estate boundary wall and straddles the public footpath alongside Norwood Court, the access road through the estate. The site is bounded on the west by a shared boundary fence with No 136 Meadowbrook and it is contained on the north by the boundary wall with No's 95 and 96 Thornbury Drive.
- 1.4. The proposed access is via a proposed new opening in the said eastern site boundary wall along Norwood Court access road and public footpath.

2.0 Proposed Development

- 2.1. A two-storey, two-bedroom dwelling with living accommodation and kitchen on ground floor and two en-suite bedrooms at first floor level. Private open space is proposed to the west side of the dwelling. There is a 1.8 metre rendered block wall and hedgerow proposed on the west site boundary with No 136 Meadowbrook.

3.0 Planning Authority Decision

- 3.1. The planning authority refused planning permission on the 1st December 2022 for the following reason(s):

Having regard to the location of the proposed development within the rear gardens of an established residential estate coupled with its siting and design and having considered its relationship with adjoining residential property, it is considered that the proposal would constitute an inappropriate form of development which fails to integrate or relate to the established built form and context of this area. The proposed development would if permitted result in an inappropriate, ad-hoc and

piecemeal design form which would be out of character with its context.

Furthermore, the proposal would depreciate the value of property in the vicinity and set an undesirable precedent for similar development of this type in the future which is contrary to policy objectives CPO15.1 and policy objective CPO 16.13 of the Westmeath County Development Plan 2021 – 2027 and policy objectives PRD2 and P-LRD 7 of the Athlone Town Development Plan 2014- 2020 (as extended) and to the proper planning and development of the area.

3.2. The planners report reflects the decision of the planning authority.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The planners report notes that the proposed dwelling unit is in the rear gardens/private open space of two dwellings. It also notes that the documentation submitted refers to the space as 'infill' but the planners report disagrees and considers the space to be the rear private open space areas of No's 134 and 135 Meadowbrook. The report refers to Development Plan policies and considers that the proposal is out of context with the established form of mature residential development and would represent an ad-hoc form of development *inter alia*.

3.3.2. **Other Technical Reports**

The district engineer refers that there is no issue with regard to roads and traffic safety.

3.3.3. **Prescribed Bodies**

TII – Traffic Infrastructure Ireland submitted that it would trust that the planning authority would abide by National Policy with respect to development affecting national roads.

4.0 **Planning History**

None.

5.0 Policy and Context

5.1. Westmeath County Development Plan 2021 – 2027

CPO 15.1 Support high quality residential consolidation and sustainable intensification at appropriate locations in a manner that does not impact negatively on the amenities or character of an area.

CPO 16.2 Achieve the delivery of high-quality built environments ensuring that development is designed to a high standard in line with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and Best Practice Urban Design Manual (DoECLG 2009), *inter alia*.

CPO 16.13 Where new developments are proposed adjacent to existing and established neighbourhoods, the design, layout and housing mix should be designed in such a way to enable positive integration, both physically and socially towards building strong integrated communities and social cohesion.

CPO 16.18 Boundary Treatment: Rear private garden area should be not less than 11m in depth extending the full width of the house. Discretion of this standard will be dependent on-site layout characteristics and flexibility may be employed where performance-based criteria can be adequately demonstrated. (For example, where a side garden of equal or greater dimensions can be substituted for rear garden space and where a situation of overlooking is demonstrably avoided).

Where a front boundary wall or fencing is provided, the design and materials must be such as to provide a subtle but complimentary design feature to the overall housing layout.

5.2. Athlone Town Development Plan 2014 -2020 (as extended)

Section 12.9.3 New Residential Development in an Urban Area - Infill Residential Development, refers that 'Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships'.

P – H6 To have regard to the provisions of the ‘Guidelines on Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual’ in assessing applications for housing development.

P – RD2 To promote higher residential density development in the town centre, and on brownfield and infill sites subject to Development Management Standards and the Evaluation Considerations in the NSS being met and existing residential amenity not being compromised.

P – RLD1 To achieve attractive and sustainable development and create high standards of design, layout, and landscaping, for new housing development.

P – RLD2 To determine the layout of new development before or at the same time as the road layout with connections to social infrastructure identified.

P – POS1 To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development.

P – RLD7 To ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities.

(Note: the planning authorities schedule one refers to P – LRD7, which I believe to be a typo and was intended to be P – RLD7).

5.3. **Natural Heritage Designations**

The site is located c. 4km to the south of the Lough Ree SPA (Site Code: 004064) and SAC (Site Code: 000440). Crosswood Bog SAC (Site Code: 002337) is positioned c. 3 km east of the site.

6.0 **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.2. The grounds of appeal are:

- It is submitted that the proposed building responds sensitively to its context with simple design form acknowledging established properties. Design reflects local vernacular, and the ridge was designed lower than established dwellings to ensure it is subtle and in keeping with established building pattern.
- The design recognises the constraints of the site, has east/west aspect and layout, no openings on south or north façade, which minimises impacts.
- It is submitted that the site is zoned existing residential not low density and it is also zoned 'Outer Suburban Proximity to Public Transport'.
- In terms of sustainability, it is submitted that the proposal would have A rated building energy efficiency. It is 100 metres from bus stop/near amenities, which would minimise need for car transport.
- The proposed plot ratio for the site is 0.41 and the indicative plot ratio is 0.35 – 0.5 therefore it is compliant with the Athlone Town Development Plan 2021 – 2027. Plot ratios for No 134 and No 135 Meadowbrook, respectively are 0.50 and 0.495.
- The proposed private open space dimensions, for the proposed dwelling would be 67.44 sq. m. and the proposed private open space dimensions for No 134 and No 135 Meadowbrooks respectively would be 70.13 sq. m. and 66.52 sq. m. It is argued all are within the Development Plan requirements.
- Refuse storage is proposed on the west side of building.
- The site is not located in a Town Centre rather is an infill site in outer suburban proximity, it complies with the NPF, through effective design and

planning and if permitted, the residential amenities of adjacent properties would not be compromised.

- The proposal is an example of an infill site with all service and transport links in place and could provide affordable housing, where there is a pressing need.

7.3. **Planning Authority Response**

No response submitted.

7.4. **Observations**

None

7.5. **Applicant Response**

None.

7.6. **Planning Authority Response**

None

7.7. **Observations**

None.

8.0 **Assessment**

8.1. Having examined all the application and appeal documentation on file and having regard to the 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 the planning authorities' reason for refusal and I am satisfied that no other substantive issues arise. AA also needs to be considered. The main issues, therefore, are as follows:

- Context, Character, Design & Density
- Residential Amenity
- Other Issues
- Appropriate Assessment

- 8.2. The appeal documentation refers to the proposed site as an infill and cites various policies in support of the proposal as an infill site. The planners report states this the appeal site is not considered to be an infill site, rather the site is comprised of the private open space of two dwellings, which are part of a mature residential development.
- 8.3. I refer to the guidance regarding infill development in the Government Publication; *Guidelines for Residential Development in Urban Areas (2009)* which is also reflected in Section 12.9.3 of the Athlone Town Plan, whereby infill development is described as follows: ‘Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships’.
- 8.4. The appeal site measures an area of 0.0174 Ha and comprises the rear private open space/gardens attendant to Numbers 134 and 135 Meadowbrook. Meadowbrook is a mature residential development in a non-town centre space, which has a suburban quality. The appeal site is also positioned proximate to the Athlone Town Council Plan boundary. I do not consider the appeal site to *be a small gap infill, unused or derelict land or a backland area as per the above definition*. Therefore, I do not concur with the appellants contention that the site is an infill site.
- 8.5. The spacing and layout of the residential estate, including design, access and roads layout has been established in this area under the original grant of planning permission. The principles relating to the sense of space/public amenity/roads layout, access and provision of residential amenity including the provision of rear garden spaces, including minimum rear garden spaces, *inter alia*, were applied at the time of planning and designing the overall layout of the residential estate. The form, pattern and layout design of particular dwellings was also assessed, which

reflects policy P- RLD 2, which requires that the layout of new development be determined before or at the same time as the road layout with connections to social infrastructure identified.

- 8.6. Under the zoning of the site, O-LZ1, Existing Residential, it is an objective of the Council, to provide for residential development, associated services and to protect and improve residential amenity. I am of the viewpoint that the proposed development, in the rear gardens of residential dwellings, would be out of context and pattern of development within the established residential estate and would therefore, if permitted not 'protect or improve residential amenity', rather it would detract from the character and context of the area and would detract from the visual and residential amenities of the area and of properties therein and set an undesirable precedent for similar development.
- 8.7. In relation to density, the appellant makes the case that the proposal is within the density ranges stipulated within the development plan. The proposed density of the stand-alone appeal site is stated to be 0.41. The case is also made that the appeal site is proximate to public transport and is therefore a sustainable solution. I note that the Athlone plan, Section 12.9.4 refers the following:

Recommended densities in Athlone range from 35-50 units per hectare, depending on location. In the town centre, densities of up to 50 units per hectare will generally apply. In outer suburban locations, a density of 35-50 units is applicable.

- 8.8. The area is a mature residential estate, which is not a town centre site and is in fact located near the boundary of the Athlone Town Council development plan boundary. The receiving built environment and the protection of visual and residential amenities of the area and adjacent properties has to be considered in this context and the assessment of density alone, isolated from context would be remiss. I note that section 12.9.4 of the Athlone Town plan also refers that first priority will be given to design quality and to securing a good environment for residents, and that new dwellings should be of an 'appropriate' density. Given the foregoing, and the established design, density, context and character of the subject mature residential area, it is considered that the proposed departure from the established density of the area, would not be in accordance with the proper planning and sustainable development of the area.

8.9. Residential Amenity

8.10. I note that the appellant refers that there will be no direct overlooking of the adjoining properties owing to the dual aspect nature of the proposed dwelling design with no windows proposed on the north or south elevations, thereby respecting the privacy of adjacent dwellings, which is accepted.

8.11. The proposed dwelling structure, however, is to be situated predominantly in the rear garden of No 134 Meadowbrook and the proposed private open space is to be located in the established and integral attendant rear private open space associated at No 135 Meadowbrook. The south elevation of the proposed two storey dwelling, a blank façade, would be directly visible from the rear windows of No 134 Meadowbrook and would have an overbearing impact on same with reference to the proposed separation distances and the proposed dwelling form, that of a two-storey dwelling. The established private open space pertaining to Numbers 134 and 135 Meadowbrook would be reduced to stated 70.23 sq. m. and 60. 52 sq. m. respectively, which is a considerable reduction in quality of private open space for each dwelling and would therefore depreciate the values of same. In the context of this specific area, a suburban residential estate, I consider that the departure from the established prevailing context and pattern of development and established private open space standards, would represent overdevelopment of the site and would detract from the residential amenity of the existing properties in the area.

8.12. Other Issues

8.13. I note that the Planners report states that no permission has been given to the applicant to develop Councils property, with regard to the public footpath, which is proposed to be used for access purposes. I also note the District Engineers report has not referred to actual consent. Whilst there may be an ownership issue, such issues are not within the Boards remit for consideration.

8.14. Appropriate Assessment

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

9.0 Recommendation

9.1. I recommend that planning permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1.	Having regard to the location of the site, in a mature residential area, it is considered that the proposed development is excessive in the context of adjoining development, would result in an inadequate quality of private open space to serve the existing adjacent development, and would give rise to substandard residential amenity for existing and future occupiers and would seriously depreciate the value of adjacent properties, by reason of loss of space and visual impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2.	The proposed development, by reason of its form and location in the rear gardens of established dwellings, would be out of character with the pattern of development in the vicinity and with the existing residential properties and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Aisling Cunnane
Planning Inspector

11 April 2023