



An  
Bord  
Pleanála

## Inspector's Report ABP315943-23

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<b>Development</b>	Retention of a single storey family flat to the rear of a dwelling; internal and external alterations to the structure being retained; provision of a new single storey link connecting the family flat being retained with the dwelling; provision of a new septic tank and percolation area; and all associated site works and landscaping
<b>Location</b>	Clondoogan, Summerhill, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	22/1554
<b>Applicants</b>	Eily and Colm O'Reilly
<b>Type of Application</b>	Retention permission and permission
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eily and Colm O'Reilly
<b>Observers</b>	Richard and Siobhan Flaherty, Clondoogan Eimer Irwin and Paul Bradley, Clondoogan
<b>Date of Site Inspection</b>	11 <sup>th</sup> July 2023
<b>Inspector</b>	Trevor Rue

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## 1.0 Site Location and Description

- 1.1. The application site is in a rural location about 2 kilometres by road to the west of the village of Summerhill and about 9 kilometres to the south of Trim. It is roughly midway along a short cul-de-sac L62109.
- 1.2. The site is generally rectangular in shape and has a stated area of 0.38 hectares. Ground levels fall from the road towards the rear of the site. A domestic access at the south-western corner of the site serves a T-shaped dwelling, set back about 12 metres from the road with its principal elevation facing the road. There is some planting between the road and the dwelling but most of the area to its west and south is a driveway for cars.
- 1.3. A substantial entrance hall and large utility room protrude from the rear of the dwelling. Behind the utility room there is a detached single storey building containing living accommodation including three bedrooms. The building measures 19.1 metres by 8.1 metres. Its walls have a painted render finish. The roof is pitched and tiled and has a ridge height of 4.9 metres. The short northern elevation has a door leading to a small play area and a small boiler house is attached to that elevation. There are four windows on the long western elevation which faces the back of the dwelling and one small window on the short southern elevation located next to the site boundary. The long eastern elevation to the rear of the structure has four roof lights and adjoins a large manufacturing shed.
- 1.4. The manufacturing shed has a ground area of about 160 square metres and a ridge height of about 6 metres. There is a lean-to structure on the eastern side of the shed. Another large shed straddles the northern boundary of the site. Most of the site is hard surfaced and in industrial use. It is in an untidy state with equipment and materials strewn about.
- 1.5. There is a single storey dwelling to the north of the site, which is within the appellants' ownership and occupied by their son. There is a dormer bungalow to the south, separated from it by tall, dense coniferous and deciduous vegetation. There are open fields to the rear of this row of dwellings. On the opposite side of the cul-de-sac there is an access leading to a detached dwelling which is set well back from the road.

## 2.0 Proposed Development

- 2.1. **Retention permission** is sought for a single storey family flat to the rear of a dwelling.

- 2.2. **Permission** is also sought for (a) internal and external alterations to the structure being retained; (b) provision of a new single storey link connecting the family flat being retained with the dwelling; (c) provision of a new septic tank and percolation area; and (d) all associated site works and landscaping.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Meath County Council **refused** permission on 2<sup>nd</sup> February 2023 for the following reasons:-

1. *The Planning Authority, in having regard to the provisions of DM POL 15 and DM OBJ 49 as they pertain to family flats are not satisfied that the development would form an integral part of the structure of the main house or that the layout and design of the family flat, which immediately abuts a large manufacturing shed, would enable the flat to easily fully revert to being part of the original house when no longer occupied by the family members. The Planning Authority considers the proposed development would be contrary to the above policy provisions of the Meath County Development Plan 2021 – 2027 and would, therefore, not be in accordance with the proper planning and sustainable development of the area.*
2. *Having regard to the siting of the proposed development immediately abutting a large manufacturing shed, the Planning Authority are not satisfied that the development would provide a satisfactory standard of residential amenity for occupants by reason of noise arising from manufacturing works and from the limited fenestration and availability of natural light to the family flat. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
3. *Having regard to the lack of clarity in relation to the planning history of the site and to the quantum and configuration of existing residential and commercial structures and uses on the overall site, the Planning Authority is not satisfied that the development for which retention is sought, and the proposed development would not further contribute to the haphazard overdevelopment of the site.*

## 3.2. Planning Authority Reports

3.2.1. The **planning officer's report** of 30<sup>th</sup> January 2023 provided the reasoning for the authority's decision. He described the site, set out the planning history, summarised the consultation responses of public bodies, summarised two third-party submissions and the applicants' response thereto, and set out relevant provisions of the development plan. Among the key planning considerations he identified were design and siting, and waste water treatment.

3.2.2. The planning officer reached the following conclusions relevant to these matters:-

- It is proposed to convert Bedroom 2 and part of Bedroom 1 into a domestic garage. The proposed works are to accommodate a reduced residential space of two bedrooms to enable to structure to reflect a family flat.
- Overlooking and natural light issues have been overcome. The existing window on the southern elevation currently accommodating Bedroom 1 is proposed to be blocked as part of the domestic garage conversion. All remaining bedrooms and living areas would have natural light.
- Concerns regarding noise impact from the adjoining workshop to the east of the family flat have not been addressed.
- A single storey glazed link to the dwelling is proposed. It would have a pitched roof and door openings to the north and south. The applicants have not demonstrated how the family flat could easily be fully reverted to part of the original dwelling.
- The applicants have submitted proposals for the installation of a septic tank and percolation area but have failed to submit a full site characterisation report.

3.2.3. The prescribed body **Irish Water** had no objections subject to conditions. The Council's **Water Services Section** and **Fire Service Department** likewise had no objections subject to conditions.

## 4.0 Planning History

4.1.1. According to the Council, it is unclear whether the dwelling on the application site has the benefit of planning permission.

- 4.1.2. **00/339:** On 17<sup>th</sup> May 2001, the Council granted planning permission to Bernard O'Reilly for a bungalow, domestic garage and bio-cycle waste water treatment system on land immediately to the north of the current application site and within the ownership of the current applicants.
- 4.1.3. **UD18/293:** On an unspecified date, the Council issued an enforcement notice requiring the unauthorised extension of a structure to the immediate rear of the existing dwelling house to be removed within four months. The case proceeded to legal action on 8<sup>th</sup> July 2020 for non-compliance with the notice.
- 4.1.4. **21/323:** On 23<sup>rd</sup> November 2021, the Council decided to grant retention permission for the existing single storey flat to the rear of the dwelling and permission for the provision of a new single storey link to connect the family flat to the existing dwelling, together with associated site works and landscaping, subject to 11 conditions. Richard and Siobhan Flaherty submitted a third party appeal to An Bord Pleanála. The Board refused permission on 12<sup>th</sup> May 2022 for the following reasons:-

- 1. Notwithstanding the stated need for a family flat to support the occupants of the main house and the proposal to construct a glass link between the family flat and the main house, the Board, in having regard to the provisions of DM POL 15 and DM OBJ 49 as they pertain to family flats, considered that the family flat by virtue of its size and layout was more akin to a separate dwelling to be occupied by a separate family unit. In coming to this conclusion, the Board considered the compliance criteria set out in DM OBJ 49 and was not satisfied that the proposed development would form an integral part of the structure of the main house or that the layout and design of the family flat, which immediately abuts a large manufacturing shed, would enable the flat to easily fully revert to being part of the original house when no longer occupied by the family members. The Board considered that the proposed development would be contrary to the provisions of the Meath County Development Plan 2021-2027 and would, therefore, not be in accordance with the proper planning and sustainable development of the area.*
- 2. Having regard to the siting of the proposed development along the boundary with the dwelling to the south and immediately abutting a large manufacturing shed, the Board was not satisfied that the development would provide a satisfactory standard of residential amenity for occupants by reason of noise arising from*

*manufacturing works and from the limited fenestration and availability of natural light in the family flat. The Board also considered that the development, for which retention is sought and the proposed development, in conjunction with the existing development on the site, would seriously injure the residential amenity of the adjoining dwelling to the south by reasons of overlooking and overbearance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3. *Having regard to the lack of clarity in relation to the planning history of the site and to the quantum and configuration of existing residential and commercial structures and users on the overall site, the Board was not satisfied that the development for which retention is sought, and the proposed development would not further contribute to the haphazard over development of the site.*

*In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the existing pattern of development on the landholding, to the design and layout of the family flat for which retention is sought and the proposed development and did not consider that the development was in accordance with the policy provisions for family flats set out in the Meath County Development Plan 2021-2027. Furthermore, the board considered that the family flat by virtue of its siting, layout and design, would seriously injure the residential amenity of occupants of the family flat, and the occupants of the adjoining dwelling to the south and that a grant of retention and permission would give rise to further over development of the site.*

- 4.1.5. **UD22/087:** On an unspecified date, the Council sent a warning letter concerning the placement of six 20-foot steel storage containers without the benefit of planning permission.

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.1.1. Paragraph 11.5.24 of the Meath County Development Plan 2021 to 2027 states that family flats (often known as granny flats) are a way of providing additional accommodation with a level of independence for an undefined temporary period of time. Family flats allow for semi-independent accommodation for an immediate family member (dependent on the

main occupants of the dwelling). Paragraph 11.5.24 sets out the development standards and land use zoning objectives to be applied in assessing applications for family flats.

**DM POL 15:** The creation of a custom-built 'family flat' to be occupied by a member of the occupant family with a housing need is generally acceptable subject to site suitability and compliance with DM OBJ 49.

**DM OBJ 49:** All applications for family flat development shall comply with the following criteria:

- The flat shall form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house i.e. not detached;
- The flat shall not have a separate access provided to the front elevation of the dwelling
- There shall be no permanent subdivision of the garden / private amenity space;
- The flat shall remain in the same ownership as that of the existing dwelling on site. In this regard, the flat shall not be let, sold or otherwise transferred, other than as part of the overall property;
- The design proposed shall enable the flat to easily fully revert to being part of the original house when no longer occupied by the family member(s);
- If the site is not connected to public mains, the existing waste water treatment system on site must be capable for any additional loading from the flat, and if not, proposals should be submitted to accommodate the additional loading.

Paragraph 11.5.25 of the Development Plan considers residential extensions.

**DM OBJ 50:** All applications for residential extensions in urban and rural areas shall comply with nine criteria (of which the following are relevant to the current application):

- High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc;
- The quantity and quality of private open space that would remain to serve the house;



- Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy;
- Ability to provide adequate car parking within the curtilage of the dwelling house.
- In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

## 5.2. **Natural Heritage Designations**

5.2.1. Map 8.3 of the Meath County Development Plan indicates that no part of the application site or its surroundings is covered by a natural heritage designation.

## 5.3. **EIA Screening**

5.3.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an environmental impact assessment report and carrying out of an environmental impact assessment may be set aside at a preliminary stage.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. In 1990 a storage shed to the rear of the applicants' dwelling was converted to a small family flat containing a home office to support their family business. In 1998 the family flat was altered internally and occupied by their son Barney O'Reilly, his wife and family until 2019 as a temporary residence while he completed construction of his own dwelling on adjoining land to the north. Since over seven years have elapsed, the planning authority is barred by Section 157(4)(a) of the Planning and Development Act 2000 from taking any enforcement proceedings against the unauthorised structure and use

6.1.2. In 2019 the family flat was extended. (A submitted plan shows the structure extended in a northerly direction by 6.1 metres and its floor area increased by 45 square metres to 133

square metres.) Since then the family flat has been occupied by the applicants' son Féchin O'Reilly and his immediate family.

- 6.1.3. The applicants Eily and Colm O'Reilly are elderly and have complex health needs which make them dependent on their children to carry out some everyday tasks for them. Though their youngest daughter lives with them, she is physically unable to help with their care as she has had three spinal surgeries. When Eily had her last few falls, her daughter was unable to lift her and all she could do was call for help. Féchin and his family have returned from spending a period of time in the Middle East. It was decided that Féchin would be the best person to assist with his parents' care.
- 6.1.4. The applicants intended to address the issues raised in the refusal of their previous application by An Bord Pleanála with this present application that seeks to retain the existing structure with some internal and external modifications. The revised proposal reduces the internal floor area of the family flat by reconfiguring and adding a garage space at the building's southern end. This would have the advantage of reducing the size of the family flat from a three-bedroom to a two-bedroom unit. The garage would serve as a buffer space between the flat and the neighbouring property to the south. To address the concern regarding overlooking of that property, the applicants propose closing up the side window. It is still proposed to construct a single storey glazed link 7 metres in area to join the dwelling and the family flat. The utility room in the main dwelling would become a shared facility.
- 6.1.5. In response to **Reason for Refusal 1**, it was argued that the proposal is fully compliant with DM POL 15 and DM OBJ 49. The family flat would form an integral part of the structure of the main house through the glazed screen which would unify the building. The family flat does not have a separate access on the front elevation of the dwelling but is accessible through a side door which is not visible from that elevation. It would become accessible to the main dwelling through the glazed link which would also not be visible from that elevation. While a proposed garage door would be visible from the front elevation of the main dwelling, the garage would not have access to the family flat.
- 6.1.6. There would be no subdivision of the garden private amenity space. The family flat would remain in the same ownership as the main dwelling; the applicants have no intention of letting or selling it. The proposed design would enable the family flat easily to revert to being fully part of the house as demonstrated in a drawing submitted for information only.

(The drawing shows the size of the utility room reduced to provide improved access to the rear unit and the substitution of a games room for the proposed kitchen/dining/living area within that unit.) Proposals for waste water treatment are provided as part of the application.

- 6.1.7. In response to **Reason 2**, it was argued that the development would provide a satisfactory standard of residential amenity for occupants. While the family flat immediately abuts a large manufacturing shed, Féchin is currently employed in the family business operating from the property, therefore noise arising from the works would be under his control. All bedrooms and living areas would have the benefit of natural light and the bedroom windows are more than adequate for the spaces they serve.
- 6.1.8. As regards **Reason 3**, the applicants engaged with Allied Legal, in an effort to provide clarity on the planning history of the site. (The information obtained was essentially the same as that contained in the planning officer's report.)
- 6.1.9. It was contended that planning permissions granted by Meath County Council in 2022 and 2023 for family flats at Ballinvally, Oldcastle (two sites); Conigar, Warrenstown, Dunboyne; and Navan Road, Dunboyne serve as precedents.

## 6.2. **Planning Authority Response**

- 6.2.1. The planning authority was satisfied that all relevant matters outlined in the applicants' appeal submission were considered in the course of its assessment of the planning application as detailed in the planning officer's report.

## 6.3. **Observations**

- 6.3.2. **Richard and Siobhan Flaherty**, who live in the property immediately to the south of the application site, submitted that the proposal is for a backland single storey dwelling and not for a family flat. It was built to accommodate Mr Féchin O'Reilly and his wife and children, after they returned to Ireland to continue teaching after a five-year career break. No link corridor was built back then in 2018/19 as there was no need for it. The occupants of the second dwelling house come and go as they please via their own separate entrances. It was only when the legal case against this unauthorised structure commenced during 2020 that the applicants came with a plan to suggest that this is a family flat.

- 6.3.3. The inspector who dealt with the previous appeal noted in her report that the provision of three bedrooms in a family flat is excessive and represents overdevelopment. The new application proposes to reduce the three bedrooms to two to make the house look more like a typical family flat. It is fanciful to suggest that Mr Féchin O'Reilly, his wife, son and daughter would live in a two-bedroom dwelling after they have enjoyed living in the existing two-bedroom dwelling since March 2019. The third parties believe these building modifications will never materialise and are contrived to obtain retention permission and have the enforcement action dropped.
- 6.3.4. The third parties noted that the applicants had stated that their existing dwelling built in 1981 received planning permission in 1980. (This information was given in the applicants' response to the earlier third party appeal when they quoted the reference number P.80-1323.) When An Bord Pleanála queried this with Meath County Council, the Council replied that there were no history files relating to the site. In 2004 the applicants raised the roof of the dwelling to accommodate an upper floor with velux windows to the rear. Having regard to the history of unauthorised development on the site, the application should be refused because of past failures to comply.
- 6.3.5. As next door neighbours since 2002, the third parties stated that in that year a lean-to structure formerly located to the front of the large manufacturing shed was used for storage and as an office. It was later modified internally and occupied by Mr Barney O'Reilly and his family between October 2008 and July 2018. When he moved out it was completely demolished in August/September 2018 apart from the gable end wall next to the site boundary which was retained and later raised to support the new high-pitched roof. The third parties confirmed that they witnessed the removal of the lean-to roof, the front and north elevation walls and the internal stud walls. They attached Google images dated 2009 which show the front elevation of the lean-to structure with a door, narrow windows and a yellow brick wall. The new dwelling has large windows incorporated in a block wall which was subsequently finished in a painted render.
- 6.3.6. The new application proposes that the second dwelling or family flat would still remain abutted to the large unauthorised manufacturing shed. Mr Féchin O'Reilly started a new business in Autumn 2021 involving metal fabrication. The third parties regularly hear welding, cutting, grinding and banging emanating from the shed which is right up against their site boundary. They and another neighbour have complained to the Council about

the constant noise. The standard of residential amenity available to the occupants of the flat and to the third parties has become considerably worse since this new business began.

- 6.3.7. The third parties stated that the steel storage containers placed on the site without planning permission relate to the new metal fabrication business. The large shed which straddles the site boundary was built in Spring 2020 and is used to store raw materials for that business. It is subject to a separate enforcement notice since 16<sup>th</sup> February 2021.
- 6.3.8. The noise complaint sent to the Council attached to the third parties' observations included further information about the application site. It stated that the applicant has a construction business which trades as Colm O'Reilly Building Contractor. While the large shed built up against the site boundary has been in existence for many years, until 2021 it was mainly used for storage of construction materials. The shed has galvanised sheeting on the roof and sides and no insulation to reduce noise levels. Noise from the metal fabrication business can sometimes start as early as 6.30am and can continue until late evening. Saturday can sometimes be a busy day. The noise is even worse when metal cutting is carried out in the open air which is a regular occurrence after a delivery of steel to the yard. Deliveries can occur two to three times a week. A large articulated lorry would be parked outside the entrance to the O'Reilly yard while the steel is offloaded using a forklift.
- 6.3.9 The third parties noted that the drawings submitted with the new application show no change to the size, scale and height of the family flat, which, they said, dominates the views from their front garden. The overbearance of the structure would still exist. The overall length of the manufacturing shed, the flat and the existing dwelling to which it would be connected would be about 45 metres. This configuration would be undesirable for a rural setting.
- 6.3.10. In response to the evidence about the applicants' medical needs, the third parties said they regularly meet Mr Colm O'Reilly driving his van, dumper truck or construction machinery and hope they will have the same good health and mobility when they reach his age.
- 6.3.11. The third parties also made the point that while the applicants refer to other cases to justify their proposal, each planning application must be treated on its merits.
- 6.3.12. **Eimer Irwin and Paul Bradley** stated that from their entrance gate they have a direct view of the site and confirmed that the original apartment was demolished in 2018 to make way for the current dwelling. The noise emanating from the manufacturing shed and yard had become considerably worse since the applicants' son started a new steel fabrication

business in late 2021. The noise is clearly audible within their home, which is a considerable distance from the shed. This has had a detrimental effect on their quality of life, never mind the effect on the occupants of the family flat. As neighbours of the applicants since the early 1990s, they had witnessed the building of structures on the site apparently without planning permission. A grant of retention permission for the family flat would further contribute to the haphazard overdevelopment of the site. Meath County Council's decision to refuse permission should not be overturned.

## 7.0 **Assessment**

### 7.1. **Issues**

7.1.1. Having inspected the site and considered in detail the documentation on file for this First Party appeal, it seems to me that the main planning issues are:-

- whether a housing need for the family flat has been established;
- whether the site is suitable for a family flat;
- whether the proposed design is acceptable;
- the impact of the family flat as proposed on the amenities of the residents of the neighbouring property; and
- whether the proposal is in overall compliance with the development plan.

7.1.2. I must also consider whether an appropriate assessment (AA) is required pursuant to the European Union Habitats Directive (92/43/EEC).

### 7.2. **Housing Need**

7.2.1. Paragraph 11.5.14 of the County Development Plan describes a family flat as "semi-independent accommodation for an immediate family member dependent on the main occupants of the dwelling". DM POL 15 states that the creation of a custom-built family flat to be occupied by a member of the occupant family with a housing need is generally acceptable. Need and dependency are therefore key considerations under the policy. The normal expectation seems to be that the occupants of the family flat would have housing needs that make them dependent on the occupants of the existing dwelling.

7.2.2. In this instance, the proposition being advanced is that the applicants who occupy the main dwelling have complex health needs which make them dependent on their son, who

occupies the family flat with his family. The information provided in support of this assertion is sparse. No detail has been provided of the extent to which each parent is dependent on their son Féchin or of the nature of the everyday tasks which he must of necessity carry out for them. No medical reports were submitted to corroborate their case. It has not been explained why their other son Brendan who lives next door could not perform those tasks. No other housing needs have been presented. I conclude that a housing need for the family flat has not been established as required by DM POL 15.

### **7.3. Site Suitability**

- 7.3.1. DM POL 15 indicates that the acceptability of family flat development is subject to site suitability. The land-use character of the application site sets it apart from most domestic curtilages. The application site is in a mixed use with residential, industrial and storage elements. While the planning authority says it is unclear whether the original dwelling has planning permission, what is clear that the dwelling has achieved immunity from enforcement through the passage of time. The third party evidence strongly suggests that the large shed which adjoins the family flat is also beyond enforcement. The evidence of a long-established building contractor's use supplemented by a more recent metal fabrication business is consistent with the site's current physical state. None of the information provided about the four planning permissions for family flats put forward by the applicants as precedents even hints at the presence of industrial-type uses on those sites.
- 7.3.2. Much of the application site is given over to commercial activity. There is incomplete physical separation between the residential and non-residential areas. Living accommodation is concentrated in the south-western quarter of the site. The proposed glazed link, by filling in the only break in the sequence of buildings from the main dwelling to the manufacturing shed, would add to that concentration. However, this would not be obvious from public viewpoints and there are many places throughout the countryside where there is an agglomeration of buildings. The landscaping plan, if faithfully implemented, would go some way towards improving the balance of uses on the site, rationalising their arrangement and mitigating the site's haphazard appearance. I am not persuaded that what is being proposed amounts to overdevelopment.
- 7.3.3. The family flat accommodates not only the applicants' son and daughter in law but also their grandchildren. Even with the proposed landscaping in place, there would still be limited outdoor amenity space for the residents of the family flat to enjoy. The quality of

that space would continue to be severely infringed by its proximity to a builder's yard with frequent comings and goings, activity, noise and danger. To my mind, this external environment is far from ideal for a family flat.

7.3.4. The family flat abuts a long-standing large manufacturing shed with no insulation. While the applicants have stated that the noise arising from the work is under the control of their son who occupies the flat, third party evidence alleges that noisy activities have been carried on in the early morning, in the late evening and on Saturdays. It is also alleged that their residential amenity has been adversely affected by noise from outdoor working. The impact of noise on the occupants of the family flat must be at least as great as that experienced by the neighbours who are further away from the source. This suggests that noise from the business activities on the site is not being effectively controlled and there is no guarantee that it would be properly controlled if this appeal were successful.

7.3.5 Taking into account the poor outdoor environment and the likelihood of noise disturbing the residents when they are inside the structure, I am satisfied that the land-use character of the site makes it an unsuitable location for a family flat. The proposed development is at variance with DM POL 15 in this respect.

#### 7.4. **Design**

7.4.1. DM POL 15 requires compliance with the criteria set out in DM OBJ 49. It seems to me that all these criteria are capable of being met if the permission sought were implemented in full. Construction of the glazed link would ensure that the flat would form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house. The flat would not have a separate access provided to the front elevation of the dwelling. To the limited extent that there is private amenity space, it would not be permanently subdivided. The flat would remain in the same ownership as that of the existing dwelling and a condition could be imposed requiring that the flat shall not be let, sold or otherwise transferred, other than as part of the overall property. A drawing submitted has demonstrated that the flat could easily fully revert to being part of the original house when no longer occupied by the family members. Proposals for waste water treatment provided as part of the application have not been objected to.

7.4.2 With the conversion of Bedroom 2 and part of Bedroom 1 into a domestic garage, the remaining bedrooms and living areas would have natural light. As the planning officer has acknowledged, that would overcome the concerns about natural light. Leaving aside the



matters of principle which I have already considered, I do not find the design of the proposed development objectionable.

### **Impact on the Neighbouring Property**

- 7.5.1. Removal of the only window on the southern elevation of the appeal structure would eliminate any possible concern about overlooking. The structure has an eaves height of about 2.8 metres and a ridge height of 4.9 metres and is positioned 10.3 metres from the neighbours' taller 1½-storey dwelling to the south. The boundary is densely planted out on the neighbours' side. Given the relative sizes of these two buildings, the distance between them, the intervening vegetation and the fact that they are both orientated in the same direction, I am satisfied that the appeal structure does not have an overbearing effect on the adjoining property. This was unmistakably clear when I inspected the site.
- 7.5.2. While I entirely understand the third parties' concerns about industrial activity on the application site, I do not accept that the proposed development would in itself be injurious to their residential amenity.

### **7.6. Overall Compliance with the Development Plan**

- 7.6.1. Notwithstanding my findings that the proposed development, if carried out in accordance with the submitted drawings, would meet the design criteria for family flats and would not be harmful to the residential amenity of the neighbouring property, I have also found that no housing need has been established for the proposed family flat and that the site is not a suitable location for a family flat. I consider that the proposal does not comply with fundamental requirements of DM POL 15 and fails to comply with that policy read as a whole. The proposal is therefore contrary to Paragraph 11.5.24 of the County Development Plan and should not, in my opinion, be approved.

### **7.7. Appropriate Assessment Screening**

- 7.7.1. According to the planning officer's report, the application site is located about 7 kilometres to the south of the River Boyne and River Blackwater Special Area of Conservation and the River Boyne and River Blackwater Special Protection Area. Having regard to the nature and scale of the proposed development, the nature and scale of the foreseeable discharges therefrom and the distance between the application site and these European nature conservation sites, it is possible to screen out the requirement for the submission of a Natura impact statement and the carrying out of an AA at an initial stage.

## 8.0 Recommendation

8.1. I recommend that permission be refused.

## 9.0 Reasons and Considerations

The proposal is contrary to the relevant provisions of the Meath County Development Plan 2021 to 2027 set out in Paragraph 11.5.24 and DM POL 15, in that a housing need for the family flat has not been established and the application site is unsuitable for a family flat due to the presence and extent of industrial and storage uses on the site, the limited availability of amenity space and the prevalence of noise emanating from the adjoining manufacturing works. The proposed development would, therefore, not be in accordance with 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.



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**TREVOR A RUE**

Planning Inspector

13<sup>th</sup> July 2023