



An  
Bord  
Pleanála

## Inspector's Report ABP316121-23

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<b>Development</b>	Construction of 9 houses, 8 apartments, and associated site works.
<b>Location</b>	Dromiskin, Dundalk, Co Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	22174.
<b>Applicant(s)</b>	Propmount Enterprises Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party v Decision
<b>Appellant(s)</b>	Milena Dimitrova and Ian Campbell.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> 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 Dromiskin village, On the southern side of the village centre. The site has direct frontage to Main Street, designated as L7187. The site is broadly rectangular and shape and is approximately 0.484 hectares in size.
- 1.2. The site currently comprises a single storey dwelling finished in render with blue slate roof and associated garden areas located in the northeastern corner of the site. The remainder of the site comprises two sections separated by a timber rail and post fence approximately at the midpoint of the site/southern boundary. The eastern section, between the fence and roadside boundary, is laid out in a maintained lawn garden area. The eastern roadside boundary is demarcated by hedging with a stone wall behind approximately 1.2 metres and height and is historic in appearance and forms the boundary with the adjacent public footpath. The southern boundary comprises mature vegetation approximately 2.5 metres in height, with a number of mature trees on or adjacent to the boundary within lands to the south. There are also several very mature trees located along and adjacent to the central rail and post fence in the middle of the site. The topography of this section is broadly level, however it is at a lower level than the adjacent public road by approximately 0.5 metres.
- 1.3. The western section of the site comprises a grassland area, with a fenced off section comprising a polytunnel structure and area of planted trees. The remainder of the northern, western, and southern boundaries also comprise mature and somewhat overgrown field type hedging of varying height interspersed with mature trees. The topography of this portion of the site gently slopes towards the western boundary.
- 1.4. Beyond the northern and western boundary there are agricultural lands. To the south there is a narrow rectangular parcel of land including a laneway and access point onto Main Street. No buildings were evident on this site when viewed from the appeal site or public road and comprises overgrown vegetation and a large number of very mature trees.

## 2.0 Proposed Development

- 2.1. The appeal relates to an amended proposal following a further information request by the council, comprising an entirely residential development for 17 dwellings. The development comprises 1 two-bedroom detached dwelling, 8 three-bedroom semi-detached dwellings, 1 apartment block comprising 3 two-bedroom apartments and 3 3-bedroom apartments, one block of duplex apartments comprising one 1-bedroom apartment and one 2-bedroom apartment, site development works, the vehicular and pedestrian access to the public road, parking spaces, communal open space, cycle parking, bin storage, hard and soft landscaping, and boundary treatment works. The proposed buildings are two stories in height, save for one of the apartment blocks which is 2 1/2 stories in height. The buildings are finished either entirely in clay brick, or a mix of render and clay brick. All have pitched roofs, finished in blue or black slates.
- 2.2. The layout comprises an apartment block of two units located in roughly the same position as the existing dwelling in the northeastern corner of the site. An access road to serve the development is located immediately adjacent, broadly in the same location as the current access position. The other apartment block is located parallel to the front roadside boundary and set back approximately 18.38 metres from the roadside boundary. This block comprises 6 units, 3 2-bedroom apartments, and 3 3-bedroom apartments. A car park area is located between the front elevation of the apartment block and the roadside boundary. To the rear of the apartment block there is an area of communal open space approximately 724 square metres in size. To the north and opposite the communal space, there is a single two-bedroom dwelling with garden area. A row of 8 semi-detached dwellings is located to the rear of the site, orientated in an east/west layout parallel to the rear or western site boundary. These include private gardens to the rear with front gardens and parking areas. There is a separation distance of between 42 and 39 metres from the front elevation of the rear semi-dwellings and front apartment block (units 1-6). There is a separation distance of approximately 21 metres between the single two-bedroom dwelling and the semi-detached dwellings at the rear of the site at the closest point. The layout is such that both front apartment blocks, the detached dwelling, and the end units of the row of semi-detached dwellings are in close proximity to the northern and southern site boundaries.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Local Planning Authority (LPA) issued a notification of decision to grant permission on 24th February 2023 subject to 15 conditions including the following (summarised):

1. Details related to social and or affordable housing occupy us and associated requirements.
2. Requirement to enter into agreement in accordance with requirements of section 94 (4) and section 96 (2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under Section 97 of the Act, as amended.
3. Prior to occupation details of estate and roadway names, house numbering, and road signage.
4. All service cables associated with the development shall be located underground. Ducting to be provided to facilitate the provision of broadband no communication structure, satellite dish or aerial should be erected without a prior grant of planning permission.
5. Water and wastewater connection agreements with Irish water prior to commencement of development and carried out in compliance with Irish water standards, codes, and practices.
6. Restriction of development and building works to between hours of 0700 to 1900 Mondays to Saturdays inclusive and at no times on Sundays and public holidays.
7. Protection of existing landscaping, implementation of approved landscaping scheme, replacement of dying or removed plants, details of all boundary treatments submitted for agreement of the Planning Authority prior to commencement of development.

8. Development contributions under Section 48 of the Planning and Development Act 2000 (as amended) comprising €67,200 Class 1 and €19,200 Class 2. Total contribution €86,400.
9. Cash deposit of € 56,100 security to ensure the satisfactory completion of the development or to enable the Council to undertake the necessary completion or reinstatement of the site.
10. Noise and dust monitoring requirements during the construction process in line with BS5228 part one 1997 (noise and vibration control on construction and open sites).
11. Provision of a waste management plan prior to the commencement of development to be agreed with the local authority.
12. Road and drainage requirements as specified in the response from the infrastructure section, including visibility splays, surface water attenuation and discharge in accordance with submitted details, footpath details at crossover points to be agreed with the planning authority, applicant shall be responsible for phone repair costs relating to damage caused to adjoining public road or footpath from construction works, applicant to liaise with statutory bodies and public utility authorities and carry out all diversions etc as required, submission of street lighting details.
13. Archaeological monitoring and requirements should archaeological material be found during the course of works and any necessary mitigation.
14. Materials of external finishes of the residential units to be provided for agreement prior to commencement.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

First planning report dated 27<sup>th</sup> April 2022:

- Consideration of 4 observations received.

- Demolition of existing building acceptable taking account of brownfield nature of that portion of the site, single storey properties do not provide sufficient density in the village, and limited architectural merit.
- Land with zoning B1 town or village centre which seeks to support the development, improvement and expansion of town or village centre activities.
- Proposed density equates to 37 units per hectare considered contrary to national, regional, and local policy. Housing mix is considered acceptable.
- Issues with the design and layout including insufficient car parking, three storey height of apartments, design and external finishes would be out of character with the village. No urban design statement included with submission.
- Proposed residential amenity relating to size of dwellings, outlook, floor to ceiling heights, private and communal amenity and open space provision considered acceptable.
- Acceptable in relation to amenity considerations including overshadowing and privacy impacts on all existing residents.
- Proposed access is acceptable, and insufficient car parking provided, no details of electric vehicle charging provided.
- Second Planning Report following receipt of significant further information 31<sup>st</sup> January 2023:
  - Summary of revisions as follows:
    - Omission of retail unit and conversion to residential in substitution.
    - Reduction in residential units from 19 to 17.
    - Reorientation Apartment block at front of site to face public road with rear balconies overlooking public open space area.
    - Reduction in height from 10.618 to 10.318 metres for apartment block.
    - Reduction in width of apartment block from 29.445 metres to 22.23 metres by removing two apartments and reconfiguration of private amenity areas at first floor level.

- Two further submissions received. The first refers to inappropriate height of the three-storey apartment building is not contextually appropriate and road safety as sightlines for the access are limited. The second submission was from the appellant, objecting on grounds of overlooking, excessive density, and height of the building.
- Further consultation responses from the infrastructure section and Department of Housing, Local Government and Heritage noted as having no objections.
- Assessment concludes that the revisions adequately address original concerns, and the proposals are acceptable including in relation to design, layout, amenity provision, and no adverse impacts on existing residents amenity. A condition is necessary restricting the sale of units in line with the Regulation of Commercial Institutional Investment in Housing (S28 guidelines). 2 semi-detached houses shall be transferred for social and affordable housing requirements. Development contributions calculations are revised totalling € 86,400.

### 3.2.2. Other Technical Reports

Area Infrastructure Engineer: no objection subject to conditions.

Environment: no objection subject to conditions

Prescribed Bodies:

Irish Water: no objections subject to conditions.

Development applications unit, Department of Arts, Heritage and Gaeltacht: No objections

## 4.0 Planning History

No relevant history on the appeal site.

Adjacent site: Reference 21791 Permission granted for three-bedroom dwelling granted 12 August 2021.



## 5.0 Policy and Context

### 5.1. Development Plan

The Louth County Council development plan 2021-2027 is the current plan for the area. Policies relevant to the proposal include the following:

2.11.4: Dromiskin defined a small town and village.

CS18: to ensure localised sustainable growth within the small towns and villages identified in the settlement strategy, is proportionate to the size of the settlement, prioritised on infill/brownfield sites and that economic related development is supported.

CS19: to strengthen and rejuvenate the fabric of rural villages and create sustainable rural communities to meet rural generated housing needs and alleviated the need for one off rural housing in the open countryside.

CS20: to direct rural generated housing demand to rural villages and rural nodes in the first instance and ensure that one off housing in the open countryside is only permitted where there is demonstrable compliance with the criteria for rural housing as provided for in the development plan.

DROM1: to support the role of Dromiskin by facilitating development that will contribute to the character and structure of the village and complement and enhance the quality of the villages attractive built and natural environment.

DROM2: to secure the implementation of the core strategy of the county development plan, insofar as is practicable, by ensuring the housing allocation for Dromiskin and is not exceeded.

DROM3: to support and encourage residential development on underutilised and or vacant lands including "infill" and "brownfield" sites, subject to a high standard of design and layout being achieved.

DROM15: To preserve the character of the village and its setting by requiring the design, scale, and configuration of any proposed development to have regard to the history, heritage, and architectural importance of the village.

HOU1: to secure the implementation of the Louth housing strategy 2021-2027.

HOU10: to continue to support the creation of sustainable communities throughout the county for people across all the life stages by facilitating the creation of attractive neighbourhoods where there are strong links and connections to local services, community facilities and employment areas and where walking, cycling, and public transport is prioritised.

HOU11: to encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration of vacant and underutilised buildings and land and will re energise the town and village centres, subject to a high standard of development being achieved.

HOU15: to promote development that facilitates a higher, sustainable density which supports compact growth and the consolidation of urban areas... appropriate to the local context and enhance the local environment.

HOU17: to promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

HOU23: to require the layout of residential developments to take account of the Design Manual for Urban Roads and Streets (2019) in the provision of pedestrian and cycling infrastructure and crossing points and the design of a state roads and junctions.

HOU25: all new residential developments shall be designed and constructed in accordance with the development management guidelines in chapter 13 of the plan.

Chapter 13: Development management standards.

HOU26: to require the provision of an appropriate mix of house types and sizes in residential developments.

IU87: to promote innovative building design and the retrofitting of existing buildings where possible and encourage the design and construction of buildings that are functionally adaptable, to improve building energy efficiency, energy conservation and the use of renewable resources, in accordance with national policy and guidance.

BHC6: to ensure that any development, either above or below ground, adjacent to or in the immediate vicinity of a recorded monument or a zone of archaeological potential shall not be detrimental to or detract from the character of the archaeological site or its setting and be sited and designed to protect the monument and its setting.

IU21 and IU23 relating to drainage requirements.

Other relevant planning policies:

National Planning Framework

National Development Plan 2018-2027

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

Design Manual for Urban Roads and Streets (DMURS), 2013

Sustainable Urban Housing- Design Standards for New Apartments, Guidelines for Planning Authorities, December 2022

Urban Design Manual: A Best Practice Design Guide, 2009

Urban Development and Building Height Guidelines for Planning Authorities, 2018

Framework and Principles for the Protection of Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands, 1999.

## **5.2. Natural Heritage Designations**

The development site is not located within or adjacent to any designated sites.

## **5.3. EIA Screening**

Having regard to the 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

- This third-party appeal is submitted by Melina Dimitrova and Ian Campbell, who acquired the adjoining site immediately to the south approximately two years ago. They received permission to redevelop this site for a three-bedroom dwelling on the 12th of August 2021. They consider that the proposal will adversely impact on their site and proposed dwelling, raising the following issues:
- **Overlooking:** the front apartment block of 6 units includes balconies to the rear elevation and is approximately 18.5 metres from the front elevation of their approved dwelling. The closest semi-detached dwelling of the row of 8 dwellings, noted unit 17 on the site layout, is approximately 4.6 metres from the rear elevation of their proposed dwelling at the closest point. The first floor of unit 17 will overlook their proposed dwelling.
- **Proximity:** A surface water soakaway is located in the rear garden, and they were required to locate the dwelling 7.5 metres from this structure. Unit 17 will be located approximately 4.7 metres from the soak away trenches.
- **Density/site size development** proposes 17 housing units and commercial space on 0.48 hectares which is double the recommended guide permitted, referring to the density targets from the Louth County Development Plan. The site is located in an edge of town and village location and the appropriate density is therefore 15- 20 units per hectare based on the targets.
- **Height and overshadowing:** the height of the closest apartment block is over 10.5 metres and will have a detrimental impact on their side which is also impacted by existing trees to the south of the site which will also impact daylighting. No shadow assessment was submitted.

- Zoning: Referring to zoning B1 town or village centre, a full residential development would not be of benefit to the existing village or surrounding buildings. The proposal would not protect and enhance the character and vibrancy of existing and town and village centres and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses.

## 6.2. Applicant Response

- The response from the applicant has been submitted on their behalf by their agent:
- Overlooking: rear balconies to unit 24 face onto the green area at the rear of the apartment block. Separation distances exceed 22 metres, which is the recommended separation distance from direct opposing property windows. To alleviate any concerns, suggested that a perforated metal or obscured glass screening could be placed on the side elevation of the balcony to the closest apartment, number 2, if requested by the Board. There is no overlooking as the first-floor windows to the gable end of unit 17 is to a landing area as opposed to a habitable room. The windows at ground floor level look onto a new boundary wall that is 2 metres high. To alleviate any concerns the window serving the first-floor landing could be in obscured glass if the Board feel this is required. The window to the front elevation faces eastwards and given the angle it would not be possible to view the rear patio area. The planning report concludes overlooking would not adversely impact adjoining properties.
- Proximity: the superimposed site layout drawing submitted is not to scale and misleading. The soak pit to the rear of the proposed adjoining property are almost 6 metres from the proposed unit 17. The minimum recommended under BRE365 is 5 metres. Unit 17 is 2 metres from the boundary and is therefore in excess of five metres from the proposed soak pit.
- Density: the density referred to by the appellant is from the Louth County Council Development Plan 2015-2021 which has now been superseded. The proposal is for 17 units on a 0.484-hectare site. This is a density of 35 units per hectare SPPR1 and SPPR4 of the Urban Development and Buildings

Heights and Guidelines 2018 all support higher density developments in appropriate locations. The site is 150 metres from Dromiskin town centre on designated lands for village centre use including residential. The current plan sets out density requirements at table 13.3, recommending a minimum density of 35 units per hectare. The proposal equates to 37 units per hectare which is just above the minimum and considered acceptable.

- Height and overshadowing: the apartment block was reduced in height to 10.3 metres. The proposed buildings are all located north of the appellants property and therefore could not result in overshadowing. Shadow projection drawings were not provided as they were not required. The applicant has no control over the mature trees to the south of the appellant's site.
- Zoning: The initial proposals included a retail unit, however following review of existing provision and proximity to Dundalk, it is considered that there is no need for additional retail units within the village at this time. These lands were zoned in the current plan to facilitate development and were subject to a similar zoning under the previous development plan. The development provides much needed benefit of housing in the local area given we are in the centre of a nationwide housing crisis where additional housing units are required.

### **6.3. Planning Authority Response**

- No further comment received; all issues are addressed in the planning report.

### **6.4. Observations**

- None received.

### **6.5. Further Responses**

- None received.

## 7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, including submitted walk through video footage, 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 zoning.
- (b) Density.
- (c) Height and Overshadowing.
- (d) Overlooking.
- (e) Proximity.
- (f) Appropriate Assessment (AA)

Each of these issues are considered in turn below.

- (a) Principle of Development and site zoning.

7.2. The LCDP Identifies the site as falling within a zoning known as B1- town and village centre. The appellant considers that an entirely residential redevelopment scheme is contrary to this zoning.

7.3. Taking account of the policy and supporting maps for Dromiskin in the plan, the site is not designated for a specific land use or purpose. Rather the plan indicates that the site falls within the town or village centre. I note that policy DROM4 requires that the village centre is the priority location for new commercial, retail and mixed-use developments. DROM3 seeks to support and encourage residential development on under-utilised and/or vacant lands including 'infill' and 'brownfield' sites. 2.17 Small Towns and Villages repeats the requirement of CS18 stating "any new residential development shall be proportionate to the size of the settlement in which it is located with priority given to infill and brownfield development".

7.4. I consider that all of the above policies must be read together. The wording of DROM4 directs mixed-use development to the village centre. It does not state, or require, that developments within the village centre are mixed-use. CS18, and

repeated in 2.17 and DROM3, prioritises residential development to infill and brownfield locations. The applicant has submitted an assessment of retail need and concluded that further retail provision is not required within the village. The LPA have not disputed these findings. Accordingly, within this context I consider that an entirely residential development is in conformity with the plan.

(b) Density.

- 7.5. The appellant has disputed the density of the proposal, considering that it constitutes overdevelopment of the site. I note that the original submission was considered overdevelopment by the LPA and revisions relating to density, in addition to other issues, was sought through a further information request.
- 7.6. The appellant considers the site to be an edge of centre location, referring to an appropriate density of 20-30 units per hectare. The density information that is referred to is not within the current LCDP 2021-2027. As stated above, the site falls within the B1 town and village centre as shown on the supporting map for Dromiskin with in volume two of the plan. It is therefore a village centre location, rather than edge of centre, which supports a higher density approach for development.
- 7.7. The applicant states that the current applicable densities are set out at table 13.3, within chapter 13. This table states that within town or village centres the recommended minimum density is 35 units per hectare.
- 7.8. Chapter 13.8.4 also states that In the Self-Sustaining Towns and Small Towns and Villages, the density and plot ratio of a development will be reflective of the character of the settlement and the existing pattern of development in the area but does not specify density figures. The plan defines Dromiskin as a village. Accordingly, both parties have incorrectly identified the appropriate considerations for density of the scheme. I have therefore undertaken my own assessment based on the plan map and site observations. I consider the density and plot characteristics of existing sites to vary within the village centre zoning date designation, and I note that the density of the existing areas of housing within the settlement are of higher density than the village centre. I conclude that on balance, the density is acceptable taking account of the variance of the settlement, DROM3 and wider strategic policy, that seeks to redevelop infill sites within settlements.

(c) Height and Overshadowing



- 7.9. The appellants concerns regarding height and overshadowing solely relate to the proposed six-unit apartment building at the front of the site, to the northwest of the appellants approved dwelling. This building is 10.3 metres in height to the ridge, with an eaves height of 7.5 metres along the section of the building adjacent to the southern boundary, which is shared with the appellant's site. Chapter 13, 13.8.10 Daylight and Sunlight, of the LCDP is of relevance.
- 7.10. The appellant has included a composite annotated block plan that indicates the approved dwelling in context with the proposed residential development adjacent to the north. I note from these details that the six-unit apartment block would be sited gable on to the southern boundary. The area to the front of the appellant's dwelling largely comprises a centrally located driveway with lawn areas to either side. Both the proposed apartment block, and the appellant's approved dwelling, are orientated towards the public road, in a broadly east-west layout arrangement. The aspect of both sites is such that the sun path will therefore provide morning sunlight to the front of both sites, tracking across both sites during the day before orientating towards the rear or western site boundary. Accordingly, I agree with the applicant that, as the appellant's dwelling is situated to the south of the application site no significant adverse impacts will occur. Furthermore, I consider that there is sufficient separation distance between the apartment block and the appellants approved dwelling to mitigate height and overshadowing impacts. I also consider that the height of the apartment block would not adversely impact on the wider context and townscape and would be marginally higher than 2 storey buildings in the immediate context of the site.

(d) Overlooking

- 7.11. The appellant's concerns relate to overlooking into their site from the six-unit apartment block at the front of the application site, and unit 17, the end semi-detached dwelling closest to the appellant's site within the row of dwellings proposed at the rear of the application site. I have not been provided with scale drawings or layouts of the appellant's approval, and therefore must assume a standard typology layout comprising living rooms at the front, with kitchen and dining rooms to the rear at ground floor and bedrooms at first floor.

- 7.12. The six-unit apartment block varies in distance from the southern boundary from between 1-1.5 metres. The appellants submission indicates that the front elevation of their approved dwelling is approximately 18.58 metres from the closest balcony of the apartment building, which relates to apartment 2 as annotated on the floorplans. The proposed floor plans indicate balconies at first floor level and are 1.6 metres in depth. The total separation distance is therefore approximately 20.2 metres between respective elevations. Unit 17 has a ridge height of 6.639, eaves height of approximately 5.5 metres, and a gable depth of 10.6 metres. The submitted drawings indicate a gable window at first floor level relating to an ensuite bathroom. There is a bedroom with storeroom to the front of the first-floor plan, with two further bedrooms to the rear. Unit 17 it is set back off the southern boundary by approximately 1.5-2 metres, varying due to the alignment/layout of the boundary.
- 7.13. Considerations for overlooking are set out in chapter 13 of the LCDP, at 13.8.9.1 Privacy. This quotes a minimum separation distance of 22 metres between first floor habitable rooms where directly opposing. It goes on to state that a reduction may be acceptable “dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings”.
- 7.14. The apartment block and associated first floor balconies are located parallel to the appellant site to the south. The closest apartment to the appellant site as noted as apartment number 2 on the submitted floor plans. The living room and bedroom are located to the rear of the floor plan. The plans and elevations do not indicate any screening to obscure views from the edge of the balcony to the appellant’s site. Accordingly direct views would be permissible from this balcony with oblique views possible from the balconies of the adjoining units at first floor. Notwithstanding this, the views would be to the neighbouring site frontage and “public” facing section of this site. As suggested by the applicant, I consider provision of obscure screening to the end of the balcony adjacent to the boundary appropriate and would adequately mitigate concerns. This could be secured through an appropriate planning condition. I conclude that this would be an acceptable relationship and degree of overlooking in an urban context. I also consider that views from all balconies to the private amenity space to the rear of the appellants dwelling would be obscured by the dwelling itself. The layout and orientation are such that there are no windows from the proposed apartment block or dwellings directly facing onto the appellant's dwelling.

7.15. In relation to the impacts of unit 17, the gable window relates to a bathroom and accordingly will be subject to obscure glazing which would preclude overlooking into the appellant's site. This can be secured by planning condition. Due to the layout arrangement and orientation the first-floor windows at the front of the dwelling would not permit overlooking into the rear amenity space of the appellant's dwelling. I also consider this to be an acceptable arrangement within this urban context.

(e) Proximity.

7.16. The appellant has raised concerns in relation to the proximity of unit 17 to the surface water soakaway for their approved dwelling. I have not been provided with scale drawings of the appellants approval. I am therefore unable to verify the distances that are quoted however I estimate that the drainage pipe work referred to in the appellants submission would not be less than one metre from the boundary. I also note that the soakaway facility is located in the rear garden. The appellant states that a separation distance of approximately 4.7 metres from the gable of unit 17 to the nearest part of the soakaway. The applicant refers to the site layout drawing of the appellants approval indicates that the soak pit trenches 3 metres from the boundary of the site. The Gable of unit 17 varies in separation distance of between 1.5 and two metres based on the submitted site layout drawing. I can only conclude that the separation distance is at or very close to the five metres minimum recommended distance under BRE365 referred to by the applicant. On balance I consider the separation distances adequate and would not be contrary to policy.

(f) Other Issues

7.17. I have reviewed the design and layout of the wider proposal and am satisfied that is compliant with policy. The design, fenestration and associated solid to void ratios and materials proposed are considered sympathetic to the character of the locality. The proposed amenity provision is also compliant with plan requirements.

7.18. The Environment Section within the Council have no objections to surface water, water and wastewater details and based on this evidence I consider the proposal to be acceptable in relation to these issues. The site is not identified as being vulnerable to flooding and is therefore acceptable in relation to this issue. Related policy requirements are therefore satisfied.

7.19. I am also satisfied that the proposal will not adversely impact on any built heritage assets taking account of the consultation response from the Department of Arts, Heritage and Gaeltacht.

(g) Appropriate Assessment (AA)

7.20. The site is located approximately 1.52km from the nearest European site, Dundalk Bay SAC and 1.5km from Dundalk Bay SPA. An assessment screening report was submitted in support of the application.

7.21. Taking account of the screening report and having regard to the character of the site; the modest nature, scale and extent of development sought, it is considered that 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**

9.1 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, would not adversely impact on heritage assets, 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 10<sup>th</sup> March 2022, as amended by the further information date received 31<sup>st</sup> January 2023, 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>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
3.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the</p>

	<p>matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
4.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].</p>
5.	<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>
6.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health</p>
7.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>

8.	<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>
9.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained as indicated on the site layout plan drawing ref PP-003 Rev A, date stamped received by Louth County Council 31<sup>st</sup> January 2023, shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
10.	<p>(a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting and boundary treatments shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.</p>

	<p>(b) The hard and soft landscaping scheme shown on drawing PP-003 Rev A, date stamped by Louth County Council 31<sup>st</sup> January 2023 shall be carried out within the first planting season following substantial completion of external construction works. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works.</p> <p>(c) All planting shall be adequately protected from damage until established. 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 order to screen the development, in the interest of visual amenity.</p>
11.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 31<sup>st</sup> January 2023. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
12.	<p>The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p>



	Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.
13.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed 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>
15.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
16.	(a) No work shall commence on site until the new site entrance is constructed onto the local road and visibility splays of

	<p>2.4mx45mx1.05/0.6m are provided as detailed on submitted drawing PP0993.</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>(e) Roadside kerbing and footpath sections at crossover points shall be suitably lowered and dished in accordance with requirements of the planning authority. Details shall be submitted for the written agreement of the planning authority prior to the commencement of development.</p> <p>Reason: in the interests of traffic and pedestrian safety.</p>
17.	<p>Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings and hard surface landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
18.	<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</p>

	<p>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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</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>
19.	<p>. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>. Reason: To ensure the satisfactory completion of the development.</p>
20.	<p>. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>. (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p>

	<p>. (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>. (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>. Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
21.	<p>.(a) Prior to the occupation of Apartment 2 as noted on the approved floorplans, a 1.8m high privacy screen shall be erected at the southern edge of balcony. The screen shall be perforated steel sheeting or hardwood timber panel.</p> <p>.(b) The first-floor window on the southern/gable elevation of unit 17 as noted on the approved plans shall be glazed with obscure glass prior to occupation.</p> <p>.The measures under (a) and (b) shall be retained thereafter.</p> <p>.Reason: To prevent overlooking of adjoining residential property.</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

18<sup>th</sup> August 2023