



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316150-23

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<b>Development</b>	Construction of 2 houses and all associated site works.
<b>Location</b>	Golden Ridge, Lower Point Road, Dundalk, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	22922
<b>Applicant(s)</b>	Declan Flood.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party versus decision.
<b>Appellant(s)</b>	Denis and Joanne Daly. Alan and Bernice Clarke.
<b>Observer(s)</b>	Cian O Naraigh. Mr and Mrs Patrick Martin. Leo and Nora Gormley.

**Date of Site Inspection**

2 September 2023.

**Inspector**

Stephen Rhys Thomas.

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at Golden Ridge, a small cul-de-sac of four large detached houses arranged around a small green. Golden Ridge forms part of the eastern suburb of Dundalk in County Louth. The small estate is well maintained. Golden Ridge is positioned off the Point Road, a wide road that serves individual housing and small estates, and extends eastwards from Dundalk to the coast.
- 1.2. The appeal site is enclosed by mature hedging and takes an entrance from the cul-de-sac road. The site interior is heavily overgrown, but is broadly at the same level as houses to the west and south.

## 2.0 Proposed Development

- 2.1. The proposed development comprises two houses on a site of 0.1347 Hectares. Each house is two storeys in height and provides four bedrooms.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority issued a notification to grant permission subject to ten conditions, all are of a standard and technical nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reportshj

##### Report 1

- Principle of residential development on land zoned A1 existing residential is acceptable.
- Existing low density of development will be adversely impacted.
- The design of the proposed dwellings is out of keeping with neighbouring development.

- In terms of number 4 Golden Ridge, house 1 will be overbearing, and bedroom windows will overlook amenity space. House 2 presents no issues of overbearing, overlooking or overshadowing to adjacent property.
- Houses 1 and 2 are located too close together and the impact of a large expanse of blank wall is not acceptable.
- The requirement to infill portions of the site are noted.
- The amount of private amenity space for each dwelling is sufficient though, there are concerns about sunlight penetration.
- Car parking layout is atypical of the area.
- Landscaping has not been fully considered.
- Dwellings will not impact on protected views.
- Entrance details required.
- Flood risk assessment has not been carried out.
- For all of the reasons above permission should be refused.

#### Addendum Report

The principle of two dwellings is acceptable, subject to further information regarding: site entrance details, flood risk assessment, soakaway design and surface water drainage.

#### Post Further Information Report

Further information submitted was considered acceptable, grant permission subject to conditions.

#### 3.2.2. Other Technical Reports

Infrastructure – further information required.

#### 3.3. Prescribed Bodies

Uisce Éireann – no objection.

### 3.4. **Third Party Observations**

Eight submissions were received, and the issues are similar to those raised in the grounds of appeal.

## 4.0 **Planning History**

### 4.1. Site

Relevant planning applications include:

PA ref 21420 – permission for a single dwelling, second dwelling refused permission.

PA ref 201050 – permission for a single dwelling, second dwelling refused permission.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The **Louth County Development Plan 2021-2027** is the statutory plan for the area and the site is located on lands subject to zoning objective A1 – Existing Residential, To protect and enhance the amenity and character of existing residential communities.

The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location.

13.8 Housing in Urban Areas

13.8.9 Residential Amenity

13.8.32 Infill and Backland Development in Urban Areas

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or directly adjacent to any Natura 2000 sites. There are two designed sites located 175 metres to the north, the Dundalk Bay SAC (Site code 000455) and Dundalk Bay SPA (Site code 004026).

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, comprising the construction of two dwellings, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. Two third party appeals against the decision of the planning authority to grant permission have been received. The appeals are made by the occupiers of two neighbouring dwellings, 5 Golden Ridge to the south and 4 Golden Ridge to the west, common themes arise in the grounds of appeal, and they can be summarised as follows:

- Density of Development – the increase in the number of dwellings at Golden Ridge from five to seven, represents an increase in density and this is not welcomed. The development will result in plot subdivision and increase density.
- Overdevelopment – a single house on the site was considered to be acceptable and not the provision of another, this all represents overdevelopment of the site.
- Overbearing Impact – the proposed dwellings will present an overbearing impact to neighbouring houses and this will negatively impact the enjoyment of private gardens.

- Overlooking – the proposed dwellings will directly overlook garden areas and lead to a loss of privacy. The bedroom windows of house number 1 look directly across to 4 Golden Ridge. The inclusion of balconies will lead to overlooking.
- Overshadowing – the proposed dwellings will overshadow amenity space and habitable rooms. The application was not accompanied by a daylight and shadow projection assessment.
- Separation Distances – the proposed dwellings are too close to adjacent property and the separation distances between dwellings 1 and 2 are inadequate.
- House Design – the proposed dwellings are out of character with adjacent dwellings, the use of brick, mono-pitch roof and large windows are problematic. Each dwelling is of a different size and will lead to a disharmony in the character of the area.
- Views and Prospects – proposed houses will block the views that are protected in the development plan, VP36 Protected View and NGB 38 refer.
- Entrance – the use of and changes to the existing entrance presents issues to do with traffic safety and will create a hazard on this private road. A shared entrance is not a common feature at this location and the lack of gate pillars introduces a different type of entrance. Greater volumes of traffic could cause damage to sewers. The principles of DMURS have not been followed.
- Landscaping – hedges have not been planted as per previous planning permissions and the proposed landscaping plan is inadequate.
- Traffic – the increase in dwellings will increase traffic and this represents a traffic hazard.
- Shared Parking – this will introduce noise and air pollution, as well as damage to property. The shared car parking space is minimal in size and prevents any kind of adequate landscaping.



- Public Transport – the site is not on a public transport corridor, and this goes against the Guidelines on Sustainable Residential Development in Urban Areas.
- Flooding – the area is prone to flooding, finished floor levels do not correspond with previous levels taken on the site. No assessment has been made about how the proposed dwellings will impact flooding elsewhere. No account has been taken of climate change. Soakaway design is flawed due to the cramped nature of the site layout.
- Designated Sites – the large north facing windows will emit light and impact the designated sites located to the north.
- Light pollution – the proposed houses will increase light pollution due to cars entering and leaving.
- Noise Pollution – two additional houses will result in an increase in activity and consequently noise.
- Planning history – frustration that the site has permission for a single house and now the planning authority have permitted two. This will impact upon residential amenity. Two active permissions should be implemented.
- Land Ownership – a letter of consent to lodge the planning application should have accompanied the application.
- Numbering system – the numbering system will be disrupted for Golden Ridge.
- Property Devaluation.
- Procedural issues, inconsistencies between planning reports.

## 6.2. Applicant Response

The applicant has prepared a response that includes an overshadowing analysis, the response replies in detail to each of the grounds of appeal and offers a contrary view that positively supports the proposal. Points of note include:

- The planning authority is entitled to carry its functions within the statutory obligations of the PDA 2000.

- Drawings are shown to detail the permitted plans for number 4 Golden ridge and no habitable room windows are located on the eastern gable elevation, figure 3 refers.
- An overshadowing analysis has been prepared and shows no adverse impacts to neighbouring property.
- Three alternate parking layouts are presented and none introduce a safety concern.
- Finished Floor Levels (FFL) – the FFL of each house is set at 3.5 metres above datum, existing house to south is 3.7 and house to the west is 3.78 metres. The difference between proposed FFL and existing houses is between 0.2 and 0.28 metres, not significant. FFLs can be raised if required.

### 6.3. Planning Authority Response

- All of the issues raised by submissions and observations to the planning application were duly considered in the assessment.
- The omission of the word 'not' in the addendum report is noted but does not change the context of the report.
- Ownership and rights of way are not planning matters.
- The development will not lead to a traffic hazard.
- Updated data in the flood risk assessment lead to different finished floor levels.
- The location of soak pits can be managed by condition.
- Further information received did not significantly alter the development.
- The development will not significantly impact protected View VP 26.
- Development should be permitted and an additional condition with regard to soakage trench 2 should be attached.

#### **6.4. Observations**

6.4.1. Three observations were received, two from other dwellings at Golden Ridge (1 and 2 Golden Ridge) one from a dwelling to the south east along Point Road (San Jose). All submissions are similar in content and raise all of the issues already raised in the two third party appeals. There are some new issues of relevance and these can be summarised as follows:

- Rear garden levels at San Jose (dwelling to the east of the site) are significantly lower than the subject site. Property boundaries have not been accurately mapped. Flood risk is more pronounced between the subject site and San Jose.

#### **6.5. Further Responses**

6.5.1. Further responses were received from appellants and observers to the appeal. No new significant information is raised and the contents of the documentation submitted rebuts each point raised by the applicant's response.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.2. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Residential Amenity
- Traffic, Transport and Car Parking
- Visual Amenity
- Flood Risk
- Water Services
- Other Matters
- Appropriate Assessment

### 7.3. **Principle of Development**

7.3.1. The appellants and observers have raised concerns that though residential development is acceptable on the A1 land use zoning, the provision of two houses would militate against the protection and enhancement of the amenity and character of the area. In essence, it is the increase in residential density and thus the overdevelopment of the site that results in adverse impacts on all aspects of residential amenity. The planning authority are satisfied that the addition of two dwellings at this suburban location is entirely appropriate and permission is recommended. The applicant states that the proposed development has taken all aspects into account and the principle of residential development on the site is underpinned by the A1 zoning objective.

7.3.2. Zoning – The site is located in an eastern suburb of Dundalk. Development in the area is characterised by a variety of house types and styles, arranged on large single plots or in small housing estates. The appeal site is located on lands zoned A1 Existing Residential in the current development plan, and so the proposal for

residential uses is acceptable in principle. The acceptability of such residential development is weighed against whether it will enhance the amenity and character of existing residential communities and all of these matters are assessed in the following sections of my report. However, in principle, the proposal for two dwellings at this location is acceptable.

- 7.3.3. Density – the appellants and observers have raised concerns that two dwellings will create a high residential density at odds with the surroundings. According to the third parties, this is evidence of overdevelopment and the problems it brings, and permission should be refused. The planning authority and applicant disagree and are satisfied that the proposed development is a marginal increase in residential density and the sustainable use of zoned and serviced land is supported by the current development plan.
- 7.3.4. The proposed development results in a residential density of 14 units per hectare, this would be far lower than the 35-50 dwellings per hectare for the outer suburban area of a large town advised by the Sustainable Residential Development in Urban Areas. I note that the prevailing residential densities in the wider area are far lower than advised by the guidelines and lower again regarding properties in the immediate vicinity. For example, Golden Ridge would present a residential density of half that of the appeal site. Given the character of the surrounding area, the lack of public transport and the availability of adequate road and footpath infrastructure, the residential density of the proposed scheme is acceptable for this outer suburban location.

#### **7.4. Residential Amenity**

- 7.4.1. Permission already exists on the site for a single dwelling, but all third parties think that two dwellings is bad planning. The appellants and observers are wholly against the provision of two dwellings at this location and are critical of every aspect of the proposal and how it will impact upon existing and future residential amenity. The grounds of appeal and observations are detailed and lengthy in their opposition to the proposed development, but there are common themes that can be grouped under the following headings: overlooking, overbearing appearance, overshadowing and landscaping. Given all the detailed and lengthy submissions (grounds of appeal,

observations and responses to responses), I have laid out my assessment around the common themes in relation to residential amenity as follows:

- 7.4.2. Overlooking – the layout shows two parallel dwellings that are aligned lengthways along the site. This results in unit 1 being positioned 8 metres from the gable of 4 Golden Ridge and unit 2 circa 20 metres from the principal rear elevation of 5 Golden Ridge.
- 7.4.3. The eastern gable of 4 Golden Ridge includes two ground floor windows and a landing window between ground and first floor and a large rear garden that extends over 35 metres in length. A tall broadleaf evergreen hedge separates properties. Unit 1 has a number of windows along its western elevation, and notably, there are two bedroom windows at first floor level that face onto the gable of 4 Golden Ridge. The eastern gable of 4 Golden Ridge is not a blank gable but nor are there habitable room windows at first floor level that would result in any direct overlooking and thus a loss of privacy. The occupier of 4 Golden Ridge is concerned that there will be a loss of residential amenity due to the overlooking of private amenity space, i.e. rear and side garden. Unit 1 includes first floor bedroom windows along its western elevation, and I have already discounted any impact from overlooking to habitable rooms. Likewise, I am satisfied that overlooking from these bedroom windows to garden space is mitigated by the existing tall hedge line already in place between sites. In addition, I am satisfied that any likely views from these bedroom windows only presents a tangential and long range view to the rear garden so that loss of privacy is not a perceptible issue. The rear elevation of unit 1 is stepped circa 5 metres forward of the rear building line of 4 Golden Ridge and includes a recessed balcony. I anticipate no levels of adverse overlooking of rear gardens that would result in a perceptible loss of privacy.
- 7.4.4. Overbearing Appearance - the concept of an overbearing appearance in terms of the built environment can be difficult to quantify. For existing residents, it is the thought of a new structure occupying space that was previously unoccupied, and this is seen as an unacceptable intrusion upon residential amenity as it is currently enjoyed. The appellants and observers are concerned about the impact of an overbearing appearance and this is related to the provision of two dwellings on site rather than one. I note the concerns raised, however, I also note that the proposed dwellings are not particularly tall, they are two storey in height (6.5 metres) with a mono-pitch roof.

There are significant separation distances between proposed and existing dwellings to ensure privacy and consequently reduce the perception of overbearing appearance. Permission already exists for a dormer type dwelling of a similar height and the provision of a second will not significantly increase the prospect of an overbearing appearance.

- 7.4.5. The character of the area is defined by very low density housing, dwellings in the immediate vicinity are located on very large garden plots with significant separation distances to their own boundaries. The proposed development will introduce two dwellings on a site where permission for one already exists. I anticipate no adverse impacts from an overbearing appearance because the design of each new dwelling is low in overall height and set well within the site.
- 7.4.6. Overshadowing – The proposed dwellings are located to the east of 4 Golden Ridge and north of 5 Golden Ridge. Appellants and observers have raised issues that concern impacts on sunlight and specifically overshadowing. In their response to the Board, the applicant has prepared a set of drawings that show shadow paths.
- 7.4.7. Irrespective of the drawings and responses prepared by the applicant, I would not expect that two dwellings of up to 6.5 metres in height and positioned to the north and east of adjacent property would have any significant impacts upon sunlight, daylight or overshadowing. I note the drawings submitted by the applicant, and the impact that an existing hedgerow plays in terms of overshadowing. I am satisfied that no adverse impacts in terms of overshadowing will result to adjacent property.
- 7.4.8. Landscaping – the appellants are concerned that landscaping proposals are inadequate and that too much reliance has been placed upon mature hedging that lies outside the site. I note that the proposed layout fails to provide a detailed landscaping plan other than the provision of paving under the shared car parking area. In addition, I note that neighbouring sites are critical of boundary treatment, citing a lack of detail as problematic. I would expect detailed landscaping and boundary treatment plans to accompany multiple housing schemes but less so for individual or small groups of houses that do not include shared amenity space. The subject appeal is for two houses and I am satisfied that an appropriately worded condition can address the shortfall of information contained within the application in terms of landscaping and boundary treatment.

- 7.4.9. According to the appellants, the car parking area will lead to light and noise pollution because of its proximity to other houses, lack of suitable screening and the shared nature rather than private driveway design. I do not anticipate that the use of a shared driveway for two dwellings will lead to excessive levels of use that would result in the types of impact that the appellants are concerned about. The proposed development is for two houses with two car parking spaces each, the parking area is no larger than existing driveways already in use in the area. It should be noted that this is a suburban area, where car use is prevalent and normal day to day use of such a space is to be expected.
- 7.4.10. Residential amenity to be enjoyed by future residents was initially raised by the planning authority and is also noted by appellants and observers. The lack of separation distances between unit 1 and 2, and the extent of blank wall was raised in the first planning report. The overall site is large, at 0.1347 Hectares and its subdivision into two sites will result in two detached homes on larger than required garden plots. Table 13.4: Private Open Space Requirements seeks at least 80 sqm for dwellings of three bedrooms or more at suburban locations such as this. Unit 1 has a large area of private amenity space to the north and unit 2 has two large spaces to the north and south east, both exceed minimum area requirements. Both units provide adequate levels of interior accommodation space and room dimensions. I am satisfied that the design and layout of the proposed dwellings will provide an acceptable level of residential amenity for future residents.
- 7.4.11. Residential Amenity Conclusion – appellants and observers alike are upset that permission should be granted for two dwellings at this location. In terms of the overall reduction of residential amenity currently enjoyed by neighbouring property, I am not convinced that this will occur to any great degree. The subject site already has permission for a single dwelling and the addition of a second will not significantly alter residential amenities as they currently exist. Large houses on large garden plots in the immediate vicinity will still enjoy their property without a significant loss of privacy, or sense of overbearing appearance and no adverse overshadowing will occur.

## 7.5. Traffic, Transport and Car Parking



- 7.5.1. The proposed development of two dwellings intends to utilise an existing entrance on to a cul-de-sac that serves four dwellings. The existing cul-de-sac road, designed prior to the Design Manual for Urban Roads and Streets (DMURS) is wide, short in length, bounded by a wide footpath on its northern side and on the south by a large open space. The cul-de-sac road forms a wide junction on to the Point Road, that in turn has footpaths on either side, all within the urban 50kph zone.
- 7.5.2. Traffic Volumes – appellants and observers have concerns that the increase in vehicle movements brought about from the addition of two dwellings will result in a traffic hazard to vehicles and pedestrians. No similar concern was raised by the planning authority, after details that referenced the entrance point were clarified by further information. If there are issues to do with a right of way or access on to a private road, then these are matters that fall outside the remit of a planning application. However, with reference to traffic volumes and safety in general, I refer the Board to the context of the site that I have already outlined in section 7.5.1 above. In addition, permission already exists for a single dwelling at this location with similar access arrangements. I note the concerns raised, but this is a suburban site with permission for a dwelling already, the addition of a second house will not present the magnitude of traffic hazard anticipated by third parties.
- 7.5.3. Entrance Treatment – concern is expressed that the existing site entrance is not fit for purpose and that gate pillars will not be used. The planning authority sought further information with regard to entrance details and were satisfied with the drawing and layout received. The entrance will serve two dwellings and open on to the turning head of a very short cul-de-sac of four houses. Subject to the entrance meeting all of the technical requirements of the planning authority, I am satisfied that the proposal is acceptable and will operate safely without presenting any danger to vehicles or pedestrians.
- 7.5.4. Car Parking – the main concern expressed by third parties is that shared car parking is out of character with the private driveway arrangement of existing dwellings. Whilst this may be the case in terms of design, the provision of two car parking spaces per dwelling meets development plan requirements, Table 13.11: Car Parking Standards refers. I am satisfied that the car parking arrangement is acceptable.

7.5.5. Public Transport – third parties express concern that the increased residential density is not supported by public transport availability and that the requisite facilities of things like cycle lanes are neither in existence nor planned for the area. I have already discussed the issue of residential density and how the proposed development is at the extreme lower end of what scale of density would be expected at the suburban edge of a large town such as Dundalk. It would not be sustainable, and neither would it be expected to provide the full suite of public transport infrastructure to facilitate such a minor increase in residential density. I observe that the Point Road is well maintained and provides a footpath on both sides. The site is located less than two kilometres from the edge of the town centre, there are schools, employment and sporting facilities in the area. The opportunities for more sustainable forms of transport, such as cycling or walking already exist and to be pragmatic, it is likely that a private motor car would be used for shopping and commuting for any form of residential development at this location.

## 7.6. Visual Amenity

- 7.6.1. All observers and appellants are concerned that the layout, house design and building finishes are out of character with the area. In addition, the imposition of two new dwellings will impact upon protected views,
- 7.6.2. Character of the Area – I note that the area is not considered to be an Architectural Conservation Area (ACA) by the development plan. I also note that a nearby thatched cottage (D256) and central section of the former coastguard station (D257) are listed on the RPS, but these are some distance from the appeal site. The character of the area is defined by a variety of houses of different styles, shapes and design set on garden plots with no formal architectural preservation designation. My observations of the site and its surroundings are that there is a large variation in house type and the only character I could perceive was that of low density suburban housing common to many large provincial towns. The addition of two modern and contemporary designed houses on large garden plots will not impact the character of the area as it currently exists.
- 7.6.3. House Design – appellants and observers are critical of the house design and building finishes because they do not match existing development or that already permitted on the site. The applicant has sought to provide two house designs that

maximise the site without injuring residential amenity. I have already set out that the house design is appropriate from a residential amenity perspective and a contemporary design response allows this. The use of brick is a sustainable choice, it is hard wearing and stands up well to a maritime climate such as this site. The use of a napped plaster finish would require periodic maintenance. In addition, I observe that much of the built heritage of Dundalk revolves around the use of red brick and so in turn I am satisfied that its use at this location is entirely acceptable.

- 7.6.4. Protected Views – all third parties refer to the proposed houses and how they would obstruct views that are protected in the development plan. Reference is made to VP36 Protected View and NGB 38 of the development plan. The planning authority are not concerned that the houses will impact views. Table 8.15: Views and Prospects, Dundalk, lists out views and prospects that must be preserved and in turn allow sensitive development to occur. VP 36 is listed as views northward on the Point Road between the Coe's Road and Soldiers Point. I note that in the composite map for Dundalk an unlabelled view and prospect icon is positioned on the green space at Golden Ridge. The third parties have taken this to mean that the proposed development will impact upon the view northwards from this point on the open space. When I positioned myself at the site and various spots close to the green space, I observed no view or prospect as my line of sight was obstructed by mature hedges and existing housing. In any case, I take the meaning of VP 36, as it is listed in the development plan, to mean a collection of views that can be achieved as you progress along the Point Road and look northwards. The proposed development will not eliminate any single view northwards but will simply add to the already urbanising context of the area.

## 7.7. Water Services

- 7.7.1. Wastewater – The appellants have raised an issue about damage to sewers and have provided an image of a service hole cover. I note that Irish Water have not raised any issues with regard to the proposed connection to water services.
- 7.7.2. Surface Water Management – appellants and observers have raised issues about the surface water management strategy for the site and in particular matters that concern soakaway design. I note that the planning authority required further information in this respect and were satisfied that the material submitted was

acceptable. I am satisfied that the updated drawings and soakaway design is acceptable and subject to an appropriate condition will be up to the technical standards of the planning authority.

## **7.8. Flood Risk**

7.8.1. Appellants and observers have submitted images that show flooding in the area and are concerned that if the site is developed, no assessment has been made of off site flooding. The planning authority required a flood risk assessment to be submitted as further information, and what was received was deemed acceptable. The applicant prepared a flood risk assessment that concluded that the site is located on flood zone C and residential development is appropriate. I note that permission has already been granted for a single dwelling on this site and flood risk was not an issue of concern then. In addition, I note that surface water management and soakaway design was required at further information stage and the material submitted was deemed acceptable.

7.8.2. With regard to finished floor levels (FFL) and the proposed houses, there is very little difference between proposed and existing floor levels of neighbouring dwelling to the west and this can be seen on the drawings submitted, drwg no. 1321PPF/01 refers. According to the applicant the variation is between 200mm and 280mm FFL below that of adjacent property and this is to achieve a level with the road and allow gravity fed wastewater. This is entirely reasonable and the applicant's offer to raise the FFL of each dwelling to match the adjacent dwelling is neither necessary nor warranted. I am satisfied that flood risk has been assessed adequately in relation to the site, FFLs are adequate, the site is zoned A1 and in flood zone C, and permission already exists for a dwelling on this site.

## **7.9. Other Matters**

7.9.1. Procedural and Legal Issues - The appellants have raised a number of other matters that are not directly connected to planning issues but that cause frustration and annoyance and they can be listed as procedural or legal issues. Firstly, the appellants and observers are surprised that the initial recommendation of the Planner responsible for the assessment was overturned by a superior and permission was granted. The appellants have highlighted issues to do with the validity of the planning application, questions have not been accurately answered in

the application form. It is not the role of the Board to correct errors with planning applications, if they exist. The planning application was validated by the planning authority and I note that the planning report responds to the same concerns that were raised by observers during the initial planning application process. No further action is required of the Board in respect of the validity of the planning application process that was adequately carried out by the planning authority.

7.9.2. Boundary Issues –appellants have raised concerns that the applicant has shown boundary lines that include their property and has included hedgerows that are outside of their control. From a planning perspective, I am satisfied that the overall proposal is acceptable, however, actual on site works may require further legal agreements between parties. Such agreements are a matter between owner, leaseholder, any occupiers and contractors should works commence, and these are matters to be agreed quite outside the planning process.

7.9.3. Property Devaluation - Some appellants and observers are concerned that if the development is permitted it will decrease the value of their property and others in the area. No documentary evidence has been submitted to demonstrate that the development will adversely affect property values in the area, and it is likely that the provision of two units will provide more choice and desirability for the area as a whole. It may be the perception of appellants that their residential amenities will be affected and hence the value of their property will decrease. I have already explained that residential amenities will not be impacted upon to any great degree. I am not satisfied that a demonstrable case has been advanced to be certain that property values will be adversely affected by the development as proposed and amended by the further information submitted to the planning authority by the applicant.

#### **7.10. Appropriate Assessment**

7.10.1. The subject site is located 175 metres to the south of the Dundalk Bay SAC (Site code 000455) and Dundalk Bay SPA (Site code 004026). The appellants and observers have raised concerns that the addition of two dwellings will impact upon the wildlife associated with the designated sites located to the north. Specifically, that the activities related to a dwelling and light emitted from the houses will disrupt the habitats, flora and fauna associated with the SAC and SPA. These observations and concerns are noted however, having regard to the nature and scale of the proposed

development within a serviced urban area and the distance from 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, individually, or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the A1 Existing Residential zoning requirements for the area, the provisions of the Louth County Development Plan 2021 -2027, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16<sup>th</sup> day of February 2023 and by the further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of May 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.

Reason: In the interest of clarity.

2. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

5. The site shall be landscaped (and earthworks carried out) in accordance with a detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.

Reason: In order to ensure the satisfactory completion of the development.

6. 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.



Reason: In the interest of sustainable waste management.

10. The construction of the development shall be managed in accordance with a Construction and Traffic 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:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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.

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.

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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Stephen Rhys Thomas  
Senior Planning Inspector

5 September 2023