



An
Bord
Pleanála

Inspector's Report

ABP-316166-23

Development	a house in rear garden, a new vehicular entrance and associated site development works
Location	Ballyvannon, Eastham Road, Bettystown, Co. Meath, A92 PF57
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22745
Applicant(s)	Richard and Catherine Crowley
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Richard and Catherine Crowley
Observer(s)	Brian Farrelly, Paul & Audrey Browne, John & Deirdre Daly, Rodney Hodgkinson and Brian & Áine Kavanagh
Date of Site Inspection	09 th of June 2023
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The application site has a stated site area of 0.0457 ha and is located within the settlement boundary of Bettystown in County Meath. The site is part of the rear garden of an existing residential property known as Ballyvannon which is located off the Eastham Road. The existing dwelling on site is a dormer style house with a single storey rear return.
- 1.2. The site benefits from a deep back garden that extends c.28m from the rear of the single storey return where it adjoins the access road to Wellesley Manor a mature established residential estate. The access road serves c. 34 two storey semidetached style houses. An existing c. 2m high boundary wall separates the site to the access road.
- 1.3. The single storey return to Ballyvannon protrudes centrally from the rear of the house providing two areas of private amenity spaces either side and the main rear garden to the rear. The space to the west side is currently set up as the main area of amenity enjoyed by the house with an access door from the house located along this side.
- 1.4. Ballyvannon is located in a row of c. 10 detached houses and between two single storey houses. It is noted that the last property in the row c. 150m east of the site have developed a dormer style house in their rear garden with a separate entrance onto the Castlemartin Park housing estate.

2.0 Proposed Development

- 2.1. The application is for-
 - a 2 storey dwelling house in the rear garden, 193 sq.m, 8.6m high
 - a new vehicular entrance onto Wellesley
 - Manor housing estate and associated site development works.
- 2.2. Further Information (FI) was sought on the 26/07/22 in relation to-
 - A revised single storey design considering existing residential amenity, private amenity space to existing house and details of proposed boundary treatment.

- Sightlines, proposed entrance details and necessary consents

2.3. A Response to FI (RFI) was received on the 17/01/23 and includes-

- Revised proposal for storey and a half style dwelling of 7.2m, window arrangement revised to address overlooking.
- Private amenity space to existing house is 200 sq.m and 212 for the proposed house.
- Details of revised entrance and boundary proposal. Wellesley Manor has been taken in charge by Meath and works to their property will be done under licence. Red line boundary amended to include area for entrance.

2.4. The applicants readvertised the proposal as Significant FI and submitted copies of the notices on the 08/02/23.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission on the 06/03/23, for one reason as follows-

1. The application site is located on lands zoned 'A1' - Existing Residential in the Meath County Development Plan 2021-2027. The objective of this zoning designation is to 'protect and enhance the amenity and character of established residential communities'. The proposed development design, as presented in the application, is considered to be out of keeping and fails to integrate with the character of the surrounding built context. Furthermore, if permitted, the dwelling, as proposed, would seriously injure the amenities and depreciate the value of properties in the vicinity and occupants of the development proposed, would establish an undesirable future precedent for similar developments of this kind and would be contrary to the proper planning and sustainable development of the area. Accordingly, to permit the proposed development would contravene the aforementioned zoning objective for existing residential lands in the Meath County Development Plan 2021 2027

and thereby contrary to the proper planning and sustainable development of the area.

4.0 Planning Authority Reports

4.1. Planning Reports

The Planning Reports generally reflects the decision of the Planning Authority.

4.2. Other Technical Reports

- Water Services-
 - 30/06/22- No objections
- Transportation-
 - 20/07/22- FI required
 - 24/02/23- No objection subject to conditions

4.3. Prescribed Bodies

- Irish Water/Uisce Éireann-
 - 02/7/22- No objections

4.4. Third Party Observations

A number of third party observation were received on the application and the Significant FI submission. I have reviewed all of these and am satisfied the substantive matters are generally those raised in the observations to the appeal and summarised in section 7.3 below.

5.0 Planning History

- This Site- None recent

6.0 Policy Context

6.1. Meath County Development Plan 2021-27 (CDP)

6.1.1. The site is zoned A1 Existing Residential as per the Bettystown Land Use Zoning map- Sheet No. 5.3 (a). Section 11.14.6 of the CDP deals with Land Use Categories.

- The Objective for A1 is-

“To protect and enhance the amenity and character of existing residential communities”

- Additional Guidance details- *“Lands identified as ‘Existing Residential’ are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area.”*
- Permitted Uses include- Residential.

6.1.2. Chapter 2 sets out the Core Strategy for Meath over the CDP period. Bettystown is identified in Table 2.4 as a ‘Self sustaining Town’. The following objectives are relevant-

- *CS OBJ 1 To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.*
- *CS OBJ 4 To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.*

6.1.3. Chapter 3 deals with ‘Settlement and Housing Strategy’ and seeks to transpose high-level objectives of the Plan as detailed in the Core Strategy into a more local context by setting out a strategy for the future direction of settlement growth in the County. The following ‘Settlement Strategy Policy is relevant-

SH POL 2 To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations.

6.1.4. Chapter 11- Development Management Standards and Land Use Zoning Objectives. Section 5 sets out Residential Development Standards. The following objectives are relevant-

- *DM OBJ 18: A minimum of 22 metres separation between directly opposing rear windows at first floor level in the case of detached, semi- detached, terraced units shall generally be observed.*
- *DM POL 7: Residential development shall provide private open space in accordance with the requirements set out in Table 11.1. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with the requirements set out in Table 11.1. three bedroom house- 60sq.m, four bed- 75 sq.m.*
- *DM OBJ 28: To require that boundaries between the rear of existing and proposed dwellings shall be a minimum of 1.8 metres high and shall be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency. Alternative durable materials will be considered.*

6.1.5. Section 11.5.16 deals with 'Light and Overshadowing' and states-

- Daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof.

6.1.6. Section 11.5.19 (a) 'Infill Sites in Urban Areas'

- *Infill development relates to development located in gaps between existing buildings in built-up urban areas. The Council will support infill development on appropriate sites that make the most sustainable use of serviced land and existing urban infrastructure.*
- *DM OBJ 42: Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways etc.*

6.1.7. 11.5.20 b) 'Backland Sites in Urban Areas'

- *Backland residential development relates to small scale development located to the rear of existing buildings in built-up areas. Having regard to the requirement to protect the residential amenity and character of existing A1 zoned residential areas backland site development shall satisfy the criteria for infill development and avoid undue overlooking and overshadowing of adjacent properties.*

DM OBJ 43: Backland development proposals shall avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development.

6.2. Ministerial and Other Guidance

- Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets (2019)
- BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2022).

6.3. Natural Heritage Designations

- The site is-
 - c. 1 km west of the Boyne Coast and Estuary SAC (001957)
 - c. 2 km south west of the Boyne Estuary SPA (004080)

6.4. EIA Screening

6.4.1. It is proposed to construct one house on a stated site area of 0.0457 ha in an existing settlement boundary. The scale of the development and site area are well below the applicable thresholds of Class (10) (a) Infrastructure Projects of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) i.e. number of units.

6.4.2. In terms of Class 10 (b) the proposal can be described as an 'urban development'. The site is located within a settlement boundary, is not located within a 'business

district' and is not within the 'built up area' as defined by the Regulations (i.e. where "city" and "town" have the meanings assigned to them by the Local Government Act, 2001). In this regard the site has a stated area of 0.0457ha and is well below the applicable threshold of 20 ha for urban development sites identifiable as 'elsewhere'.

- 6.4.3. The introduction of one house will not have an adverse environmental impact on surrounding land uses. The proposal would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It proposes use of the public water and drainage services of Uisce Eireann/Irish Water upon which its effects would be marginal in terms of EIA.
- 6.4.4. I have concluded that, by reason of the limited nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary (See Preliminary Examination EIAR Screening Form).

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of this first party appeal can be summarised as follows-

- Inconsistent decision making process
- A 1.4m total height reduction addresses concerns regarding height of the building.
- The use of obscured glazing is a standard well established and accepted method of addressing concerns of overlooking. The three subject windows are located to non-habitable rooms. Separation distance between rear first floor of the proposed and adjacent houses exceeds 22m. They are prepared to change these to a Velux window if deemed appropriate by the Board as shown in figure 2.1 of the appeal.
- The provision of private amenity spaces to both dwellings far exceeds the stipulated 60 sq.m and depending on interpretation ranges from 146 sq.m to

200 sqm for the existing house and 110 sq.m to 212 sq.m for the proposed as shown in Figure 2.2.

- It is difficult to understand how a storey and a half building 7.2 m can be considered unacceptable in the context of the existing surrounding built environment where a mix of house types are evident. See photographs included.
- The proposal is compliant with local and national policies and objectives including SM¹ Pol 2 of the CDP
- The proposal complies with a full range of development management standards as set out in Chapter 11 of the Development Plan.
- The existing boundary wall along Wellesley Manor is contrary to DMURS
- There is no evidence to support the proposal depreciating the value of properties in the area. A range of detailed academic papers offer evidence that infill developments can increase proximate property values.

7.2. Planning Authority Response

The Planning Authority's response to the grounds of appeal can be summarised as follows-

- The private open space will be considerably diminished at the 'parent' property and that the unit would be left with an extremely limited rear amenity space that would be largely consumed by the proposed dwelling.
- The garden depth from the rear building line of each unit is quite limited. As a result the proposal would result in a loss of amenity to neighbouring structures, constitute overdevelopment of a limited site and set an undue precedent for similar development.
- Correspondence from the applicant's own agent supports the site is constrained by detailing why a single storey design is not possible.

¹ Possible typing error- should refer to SH POL 2

- The design response from a two storey to storey and a half was not considered appropriate. The applicants failed to adequately address the concerns of the Planning Authority with respect to height and potential impacts on neighbouring properties. Incorporating obscured glazing to rear windows is not an adequate design solution which eliminates the perception of overlooking from the first floor level. Such a proposal is an acceptance that amenity issues are indeed present and would result if permitted.
- The Planning Authority is not satisfied the areas of amenity spaces to serve the proposed dwelling and parent property were calculated correctly and that the functionality and usability of these areas would be severely limited.
- The principal of residential development is considered acceptable the subject proposal is contrary to the A1 zoning objective to protect and enhance the amenity and character of established residential communities.

7.3. Observations

Five observations were received from-

- Brian Farrelly of 45 Wellesley Manor
- Paul and Audrey Browne of 3 Wellesley Manor
- Declan P. Walsh and Co on behalf of John and Deirdre Daly of 'Linden' Eastham Road (property to the west of site)
- Rodney Hodgkinson of Eastham Road (property to the east of site) and
- Brian and Áine Kavanagh of 59 Wellesley Manor

The submissions can generally be summarised as follows-

- The proposal would contravene the A1 zoning objective for the site.
- The applicants ignored the Planning Authority suggestion for a single storey design. The proposal does not address overlooking concerns. Overlooking to Wellesley Manor is also raised.
- The proposal does not meet the required 22m separation distance between directly opposing rear windows. It is 16.46 m.

- The proposal is located on an access road to an estate not an urban street.
- The Applicants reference to academic papers and depreciating of property do not compare like for like and are not relevant in this instance. The impacts of overlooking would contribute to an opinion that that there will be a negative impact upon market value.
- A small step down retirement type bungalow could easily be accommodated on the site.
- Concerns over absence of a site notice for the significant further information
- The proposal will increase traffic and parking accessing in Wellesley Manor including construction traffic, creating a traffic hazard for all road user types including service vehicles.
- The proposed entrance requires crossing over a portion of existing landscape space within the estate.
- Concerns in relation to connecting to existing public water supply and wastewater services.
- Access could be facilitated through the existing entrance of Eastham Road.
- The proposal has not demonstrated that the residential amenity of the surrounding area and neighbouring dwellings will be protected. No concern was given to the front aspect overlooking Wellesley Manor.
- Examples of precedents cited by the applicants are not comparable to an entrance and house design of Wellesley Manor.
- The proposal is overdevelopment of a back garden.
- The proposal would depreciate the value of property in Wellesley Manor.
- The height of the proposal will have a significant negative impact on the amount of natural light entering existing neighbouring houses.
- The proposed changes to the boundary wall will not change the security or surveillance within the estate.
- Concerns over impacts upon visual amenity of the estate.

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application details and all other documentation on file including the submissions and observations. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the substantive issues for this appeal are as follows-

- Principle of Development
- Refusal Reason
- Other Matters
- Appropriate Assessment

8.2. Principle of Development

8.2.1. The application is for a house on lands zoned A1 Existing Residential as per the Meath CDP 2021-2027. Residential uses are permitted in principle uses within this zoning. The zoning objective for this zoning is to protect and enhance the amenity and character of existing residential communities. The CDP provides additional guidance and details proposals on these lands primarily consist of developments including infill. The principle of this proposal is acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area. These matters will be considered further below.

8.3. Refusal Reason

8.3.1. The Planning Authority refused the proposal as they considered-

- the design proposal submitted at RFI stage to be out of keeping with and failed to integrate with the character of the surrounding built context
- would seriously injure the amenities and depreciate the value of properties in the vicinity and occupants of the development proposed,

- would establish an undesirable future precedent for similar developments of this kind

and accordingly the proposed development would contravene the zoning objective for existing residential lands in the CDP.

Character of the surrounding built context and visual amenity

- 8.3.2. The application as proposed at RFI stage provides for a 7.194m storey and a half style dwelling with single storey rear return. The house is to be finished in smooth plaster finish with blue/black roof tiles. Its primary elevation is to be set back c. 4m from the front boundary of the site behind a 1m high boundary wall facing onto the access road of Wellesley Manor.
- 8.3.3. Wellesley Manor is a mature residential estate of two storey detached and semi-detached properties. Bettystown is described in the core strategy as a 'self sustaining town' and I note a variety of different housing typologies in the wider area. I do not consider the design of the proposal to be out of keeping with this residential area. It would not negatively detract from existing visual amenity and I see no reason why it would not integrate with the character of the surrounding built context.

Residential Amenities and Property Devaluation.

- 8.3.4. The refusal reason also raises concerns regarding injuring amenities and depreciating the value of properties in the vicinity and occupants of the development proposed. The Planning Authority's response to the appeal elaborates on this raising specific concerns over the provision of private amenity space to the proposed and existing dwelling. I note the CDP requires 60sq.m and 75 sq.m of private amenity spaces for 3 and 4 bedroom houses.
- 8.3.5. The drawings submitted at RFI stage detail an area of 212 sq.m of private amenity space. This, as admitted in the Appeal is a generous interpretation of private amenity space i.e. all area behind the front building line of the house. The proposed application site is c. 18.5 m wide along the rear boundary. The area from the single storey rear return to the proposed boundary is detailed as 7.28m deep. This suggests an area of at least c. 134 sq.m of private amenity space to the rear of the house. The proposed house provides an acceptable quantum of private amenity space that would be of sufficient functional quality.

- 8.3.6. Any proposal to subdivide a garden of an existing house would impact the quality of the amenities of the original house. That is not to say such proposals are never acceptable. Equally subdivision should ensure an acceptable level of amenity is retained. In this context, the layout of the existing house is somewhat unusual in that it is deeper than it is wider. The single storey rear return to the house somewhat divides the existing private amenity space in to three distinct areas i.e. an enclosed space to the east, the main rear garden (substantially where the house is proposed) and the area to the west of the rear return which I note benefits from a paved outdoor seating area off the existing kitchen.
- 8.3.7. The RFI drawings indicate an area of c. 200 sq.m of private amenity space will be retained to the existing house. The proposal provides a new rear boundary c. 4m to the north of the existing rear return. This in itself will provide a narrow area of private amenity space that on its own could be considered of poor functional quality. However, a significant area of amenity space is also provided along the western side of the house behind the front boundary of the house. This area is c. 6m wide and close to 10m deep and benefits from its western orientation. While I do not know how many bedrooms are provided within the existing house I am satisfied a significant quantum of private amenity space in excess of 75 sq.m would be provided and this space would be of sufficient quality to ensure satisfactory residential amenity of its occupants. The proposal is not considered overdevelopment of the site in this regard.
- 8.3.8. Other residential amenity concerns include the impacts of overlooking. The RFI drawings proposes three rear facing first floor obscure glazed windows. The first floor layout provides these windows to a bathroom, a stairwell and an ensuite bathroom. The drawings suggest these first floor windows will be located c. 12m from the rear boundary. The site is located on zoned lands in an existing residential area. Oblique overlooking of private amenity spaces in such contexts is inevitable and given the setback, room layout and glazing type proposed I do not consider there should be any perception of undue overlooking in this context. A requirement for 22 m separation distances between directly opposing first floor windows is generally sought to protect from loss of privacy from within rooms. While I only observed a Velux style window in the rear elevation of the existing house I am satisfied the drawings suggest it would be at least 11m from the proposed rear

boundary and 22m from the rear upper level of the proposed house. I note concerns of observations in relation to overlooking of properties in Wellesley Manor. The proposed house is set back 4m into the site, over 11m from the property of the directly opposing house and would overlook the existing public road and pathway providing improved passive surveillance. Overall I am satisfied the proposed house will not lead to undue overlooking of the existing house or of existing neighbouring property in the area.

8.3.9. I note concerns raised by an Observer in relation to a loss of significant daylight to their property. In terms of these impacts it is considered reasonable to refer to the principles of 'Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2022) i.e. BRE209.

a) BRE209 provides a number of measures that contribute to assessing 'Daylight and Sunlight' impacts. Having examined the contents of this Application, the Appeal and BRE209 and in the interest of thoroughness, I consider the following measures appropriate for this assessment-

- Existing Diffuse Daylight to neighbouring properties on Eastham Road
- Existing Diffuse Daylight to existing Ballyvannon house
- Existing Sunlight to rear private amenity areas of neighbouring properties on Eastham Road. Wellesley Manor and Ballyvannon.

b) Section 1.6 of BRE 209 specifically details that the advice given is not mandatory and should not be seen as an instrument of planning policy. However, it is considered appropriate that these measures are used to consider the impacts of the development to be retained upon existing residential amenity. I note section 11.5.16 of the CDP details daylight and sunlight levels should, generally, be in accordance with the recommendations of BRE209.

c) Both neighbouring properties have slightly north west facing elevations. Any subsequent windows on these elevations would not be obstructed by the proposed development in a plane perpendicular angle in any way by the development (figure 14 of BRE209) and the test of such impacts as set out in

Figure 20 are therefore not necessary. I am satisfied the proposal would not lead to a significant loss of daylight to neighbouring properties.

- d) In terms of Ballyvannon I note the existing single storey rear return serves a dining and kitchen area and provides conservatory style glazing to the north and west elevation. The proposed house and rear boundary wall would provide an obstruction c. 4m from the window that could potentially contribute to a loss of daylight. However the room benefits from glazing to two elevations and the western elevation will not be obstructed in any way by the proposed development. A utility room window also on the north elevation is not a room type for consideration as per BRE209. I am satisfied the test set out in Figure 14 of BRE209 is not necessary in this context and the proposal would not lead to a significant loss of daylight to Ballyvannon.
- e) Section 3.3 of BRE 209 considers the impact of development on sunlight to existing amenity spaces such as the neighbouring properties on Eastham Road and Ballyvannon, In this regard neighbouring property extends along the western and eastern boundary of the application site. Section 3.3.7 of BRE209 recommends that at least half of these amenity spaces should receive at least two hours of sunlight on March 21st and in scenarios where detailed calculations cannot be carried out it is suggested that the centre of the area should receive at least two hours of sunlight on March 21st.
- f) The applicants have not submitted an assessment in this regard. However the proposed development is located to the north and in this context I am satisfied the path of the sun across March 21st would be such that no existing property would receive less than 2 hours direct sunlight as a result of the development proposed. I have also considered the location and extent of the amenity space to the rear of the house opposite the site in Wellesley Manor. This space benefits from its south and western orientation and given its extent and separation from the site would not see a reduction of direct sunlight to less than two hours of sunlight on March 21st as a result of the proposal.
- g) In conclusion, I am satisfied the proposed development would not significantly impact to an undue degree upon existing residential amenity by way of daylight or sunlight impacts.

8.3.10. Having considered all of the above I am satisfied the proposed development would not unduly impact upon existing residential amenity and as a result I see no reason why it would devalue property in the area.

Undesirable Precedent

8.3.11. In refusing the development the Planning Authority also considered the proposal would establish an undesirable future precedent for similar developments of this kind and would contravene the zoning objective for existing residential lands in the CDP.

8.3.12. Residential development is permitted in principle on A1 zoned, the dwelling design is not out of character with existing development in the area, the proposal provides adequately for existing and proposed residential amenity. The proposal is an appropriate infill development that makes sustainable use of serviced land and existing urban infrastructure and would not be overdevelopment of the site.

Conclusion

8.3.13. Having considered all of the above and noting CDP policy SH POL 2 and objectives CS OBJ 4, DM OBJ 42 and DM OBJ 43 the proposed development is appropriate 'Infill' development of a 'Backland Site', would contribute to the consolidation of appropriately zoned residential lands, would promote compact growth within Bettystown and would reasonably protect the existing residential amenity and character of the existing A1 zoned lands in the area. The proposal would therefore be consistent with the A1 zoning objective and the provisions of the CDP. The Planning Authority decision to refuse should be set aside and permission should be granted.

8.4. Other Matters

- I note concerns raised by observers in relation to access, car parking, road safety and traffic hazards.
 - The application proposes an entrance to the site from an existing access public road serving Wellesley Manor. A shared entrance of Eastham Road would be inappropriate and unnecessary in this context and the Planning Authority have detailed their satisfaction with the RFI proposal.

- The application site provides significant space for car parking including construction related traffic if necessary.
 - I accept that when the proposed development is operational and under construction there may be conflicting traffic movements at times with cars on the access road e.g. if cars are parked on the road or if service vehicles are using the road. However, such conflicts are not dissimilar to existing conflicts and would generally be transitional. I do not consider such movements would have a significant impact from a road safety perspective with vehicles likely to be moving slowly and within speed limits on such occasions.
 - Overall, it is considered that the existing access road has the width and capacity to serve the proposed development and the small scale nature of the development would not have a significant impact on the existing road network in the wider area.
- Uisce Éireann have raised no concerns in relation to connecting to existing public water supply and wastewater services.
 - Matters over the presence of a site notice at the site at FI stage are not ones for the Board.
 - The RFI provides the site boundary over part of the site in local authority control. It is considered works to this area are matters for the Planning Authority and the provisions of the Road Opening Licence process.

8.5. **Appropriate Assessment**

- 8.5.1. Having regard to the nature and scale of the proposed development 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.

9.0 **Recommendation**

- 9.1. I recommend that permission is granted subject to the following conditions-

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Meath County Development Plan 2021-2027, the pattern of development in the area, the infill nature of the application site and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would not result in a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 17 day of 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.

Reason: In the interest of clarity.

2. The site entrance, access driveway and roadside boundary treatment serving the proposed development shall comply with the detailed requirements of the planning authority for such works. Proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

3. The existing and proposed rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, unless otherwise

agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

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

8. 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.

Reason: In the interest of sustainable waste management.

9. 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 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.

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.

10. 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 the 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.

Adrian Ormsby
Planning Inspector

10th of June 2023