



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317126-23

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<b>Development</b>	Revised dwelling design under that permitted under LB/181443.
<b>Location</b>	Woodview, Slane, Co. Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	22/1134
<b>Applicant(s)</b>	Eoin and Ciara Feeley.
<b>Type of Application</b>	Full Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ann Gorman.
<b>Observer(s)</b>	Ciaran Baxter
<b>Date of Site Inspection</b>	20 <sup>th</sup> of July 2023.
<b>Inspector</b>	Karen Hamilton

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## 1.0 Site Location and Description

- 1.1. The site is an agricultural field located along the west of the L5603 (Grangegeeth Road), north of the village of Slane, Co. Meath. The site is currently overgrown with mature trees and hedges along the boundaries to the front (east), and south. A drainage ditch runs along the front of the site, adjoining the road. There is also a drainage ditch along the south of the site, adjoining the existing dwelling.
- 1.2. There are a number of one-off dwellings in the vicinity of the site, all with access onto the Grangegeeth Road. The site was previously part of a larger field, and an entrance has been hard cored and cordoned off. Permission was granted for a one-off house for the applicants in 2019 (LB181443).

## 2.0 Proposed Development

- 2.1. The proposed development would comprise of:
  - Revision of dwelling design previously granted under Reg Ref LB181443,
  - Inclusion of an attached family flat,
  - Revise position of dwelling and garage on site,
  - Install wastewater treatment system and percolation area,
  - Form new entrance off public road,
  - All other associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 11 no. conditions of which the following is of note:

C2: The proposal shall fully comply with the requirements of Reg Ref LB/181443 unless otherwise specified by this grant of permission.

C3: The dwelling and family flat shall be jointly occupied as a single residential unit. The proposed extension shall not be let, sold, or otherwise transferred or conveyed

save as part of the dwelling. The principal use of the application site shall remain in private residential use.

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

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

The decision of the area planner reflects the decision to grant permission following a request for further Information as summarised below.

1. Justification for the proposed family flat accommodation for the parents of one of the applicants.
2. Submission of additional details for the wastewater treatment system sized to cater for the additional loading from the proposed development.
3. Response to third party submission to state that the roadside drain would be cleared out with an appropriately sized pipe placed below the new entrance to ensure the drain flows freely. All surface water will be treated on the site and disposed in soakaways. The “dry ditch’ has been removed from the site layout and replaced with reference to “existing watercourse”. The entrance will not be altered from the previously permitted.

#### **3.2.2. Other Technical Reports**

Transportation Section: No objection subject to conditions.

Environment Section: Request for further information.

### **3.3. Prescribed Bodies**

None received.

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

None received.

## **4.0 Planning History**

## **Reg Ref LB/181443**

Permission granted for a single storey dwelling with detached domestic garage for Eoin Feeley. Chief Executive Order was dated 23.07.19.

### **5.0 Policy Context**

#### **5.1. EPA Code of Practice for Domestic Wastewater Treatment Systems 2009 & 2021**

#### **5.2. Meath County Development Plan 2021-2027**

##### **5.2.1. Land Use Zoning**

The site is located on land use zoned as RA, Rural Area, where it is an objective *“To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”*.

##### **5.2.2. Family Flat Extensions**

Section 11.5.24 Applications for family flats will be considered favourably subject to criteria set out in the relevant policy set out below.

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

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

- The flat shall form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house i.e., not detached;
- The flat shall not have separate access provided to the front elevation of the dwelling
- There shall be no permanent subdivision of the garden/private amenity space;

- The flat shall remain in the same ownership as that of the existing dwelling on site. In this regard, the flat shall not be let, sold or otherwise transferred, other than as part of the overall property;
- The design proposed shall enable the flat to easily fully revert to being part of the original house when no longer occupied by the family member(s);
- If the site is not connected to public mains, the existing wastewater treatment system on site must be capable for any additional loading from the flat, and if not, proposals should be submitted to accommodate the additional loading.

### 5.2.3. Extensions in Urban and Rural Areas

Section 11.5.25 The objective below relates to residential extensions in urban and rural areas.

**DM OBJ 50:** All applications for residential extensions in urban and rural areas shall comply with the certain criteria such as high-quality design, impact on open space, impact on adjoining residential amenity etc.

### 5.3. Natural Heritage Designations

The site is located c. 1.1km to the north of:

- Boyne Woods proposed NHA (site code 001592),
- River Boyne and River Blackwater SAC (site code 002299) and
- River Boyne and River Blackwater SPA (site code 004232).

### 5.4. EIA Screening

The proposal includes alterations to a previously permitted house on agricultural lands to the north of Slane Village. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted from a resident in the vicinity of the site, located on the opposite side of the road along the front of the site. The issues raised have been summarised below:

#### Flooding

- The existing dwelling and associated site are currently impacted by surface water run-off from the Grangegeeth Road.
- A Meath County Council Engineer has previously stated that any dwelling built directly across from the gate will directly impact flooding on the existing dwelling.
- During flash floods the rain is so strong it flows into the porch and garage and impacts the drainage and sink holes on the property.
- Meath County Council have stated that they can not put any more drains along the road as the road is too narrow and there are concerns it may collapse.

#### Ditch

- The planning permission states that there was a dry ditch along the boundary.
- There is a natural spring on the site, there was concern it should be left alone but this has been damaged.
- The council put a drain under the existing site, and it is unsure if the drain will now be blocked after all the digging undertaken.

#### Conditions on the permission

- It has been stated there are conditions on the grant of permission although hedges have been ripped out during bird nesting season.
- The applicant relatives were approached regarding the flooding.
- There is concern that the applicant will stick to the conditions or if the volume of water can be treated.



## 6.2. Applicant Response

6.2.1. None received.

## 6.3. Planning Authority Response

6.3.1. A response was received from the planning authority (PA) which is summarised below:

- A site description is outlined, and it is noted that the topography of the site rises significantly above road level with a difference of c. 7m from the NE to SW site boundaries.
- The third-party appeal is noted, and the issues have been reviewed.
- It is considered the issues raised have been addressed in the Planner's report on the 24<sup>th</sup> of October 2022 and 20<sup>th</sup> of April 2023.
- It is requested that the Board uphold the grant of permissions as per the conditions set out in Appendix A.

## 6.4. Observations

6.4.1. The observation is submitted by a resident in the vicinity of the site, supporting the issues raised in the grounds of appeal. The submission is summarised as follows:

- The observer considers there are flaws in the application.
- The ditch to the south and side (at the east) have been described as dry ditches although this has been amended in subsequent applications.
- The ditch to the south needs kept open or a large diameter pipe laid at least 700mm.
- The ditch to the east must remain open as this is subject to large volumes of water, in an outlet for the drainage system, adjoining house and garden and the water from the Grangeeth road.
- The water from the Grangeeth road causes considerable flooding on Miss Gorman's house and the council have failed to address the problem.
- Permission should not be granted until remedial actions is undertaken.

## 6.5. Further Responses

No further responses

## 7.0 Assessment

7.1. I consider that the main issues in this case are as follows:

- Background and Planning History
- Treatment of Surface Water and Impact on Flooding
- Wastewater
- Compliance of conditions
- Appropriate Assessment.

## 7.2. Background and Planning History

- 7.2.1. The proposed development includes revisions to a previous permitted application (LB/181443) for a one-off dwelling in the rural area to the north of Slane village. The planning authority assessed the initial proposal against the local needs criteria of the previous development plan and this proposed development has been submitted by the same applicant.
- 7.2.2. The proposal submitted, as amended under the further information request, includes alterations to the design of the previously permitted dwelling to include a modest family flat to the rear of the dwelling, internally connected to the main dwelling. The planning authority have assessed the justification for this unit and are satisfied that adequate justification has been provided. Conditions on the grant of permission require the flat to be occupied by family members and not to be sold etc as an independent unit.
- 7.2.3. The grounds of appeal have not raised any issue in relation to the principle of the development, use of the family flat, or the amended design submitted. Whilst it is appreciated the Board can assess the proposed development *de novo*, I find no reason to undertake an additional assessment other than the issues raised in the grounds of appeal. This aside, I note the parent permission was permitted on the 23<sup>rd</sup> of 07 July 2019 and there is no extension of duration. The proposal relates to

revisions to a permitted development, which I consider relates to the alteration of LB/181443. I note the PA conditions link the grant of permission to that parent permission and I consider that the life of the permission should remain the same. In this regard I note the development plan has changed since the previous grant of permission and that qualifying criteria may potentially have changed.

- 7.2.4. In the event the Board should grant permission, I consider a condition should be included linking the proposal to the parent permission along with the date of expiration, in the interest of clarity.

### **7.3. Treatment of Surface water and Impact on Flooding**

- 7.3.1. The site is located c. 1km to the north of the River Boyne and River Blackwater, separated by Slane Village. There are several one-off rural houses in the vicinity of the site. There is a drainage ditch along the front of the site, adjoining the existing road which would have previously connected to a ditch on either side although these have been filled and are connected to existing one-off dwellings. There are a number of road gullies on the opposite side of the public road, which drops away from the front of the subject site.
- 7.3.2. The grounds of appeal are submitted from the residence of the dwelling to the northeast, on the opposite side of the public road (Grangegeeth Road). The main concern raised by the appellant is the impact of the proposal on the surface run-off from the subject site. It is stated that there is currently flooding along this section of the road during flash flood events. The excess water from the road then flows down into the appellant's lands having a significant negative impact. The appellant states that a representative from Meath County Council has informed them that a dwelling on the subject site would make the flood situation along the road worse. A letter of support from an observer (adjoining house to the (appellant) also notes the levels of excessive water and the impact this has on the appellant.
- 7.3.3. Both the appellant and the observer have raised concern in relation to the impact the proposal may have on the existing ditch along the front of the site, which they consider is a watercourse.
- 7.3.4. The report of the area planner notes that the site is not located in a flood zone although is c.470m from the nearest identified flood risk zone. I note the information

contained in the EPA flood maps<sup>1</sup> which recorded the nearest flood event at the River Boyne and River Blackwater. No other flood events have been recorded in the vicinity of the site. This aside, the appellant has submitted photographs clearly illustrating flooding along the road along the front of their dwelling.

- 7.3.5. I note the site is located in an area where the ground vulnerability is extreme (rock at or near surface or karst<sup>2</sup>). The site characterisation form submitted with the further information notes this vulnerability and notes general infiltration dominates or runoff on the hills, with runoff ponding in lower areas. This information, in my opinion, would indicate that the soil throughout the majority of the site is generally not very permeable and some run-off, even at greenfield rates would be expected.
- 7.3.6. As part of a further information request, the applicant was requested to address third party concerns and amended the design of the surface water treatment. Drwg no 22110-310 included a proposal for the inclusion of a surface water pipe along the ditch. The applicant's response further states that two soakaways will be included to dispose of any surface water.
- 7.3.7. Upon site inspection it was noted that the site rises gradually away from the road (northeast to west). It was noted that there are currently drainage ditches along the front and south of the site, both within the applicant's ownership. The drainage ditch along the front of the site is located below the public road. The further information notes the front ditch as an existing watercourse, although upon a site inspection this was dry and overgrown. The ditches on either side of the site have been previously filled and are associated with one-off rural dwellings.
- 7.3.8. In my opinion the use of a surface water pipe would allow any surface water to be transported to a stream, river, or soakaway. Having regard to the location of the proposed pipe in the front drainage ditch, it would not serve to transport the surface water anywhere. In the first instance it is not proposed to be connected to either soakaway in the front garden and would be located at a level below either soakaway. In the second instance, the applicant has not indicated any connection with other surface water pipes or a water course and upon site inspection it was not evidence

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<sup>1</sup> [Flood Maps - Floodinfo.ie](https://www.floodinfo.ie) (accessed 21/07/2023)

<sup>2</sup> [Geological Survey Ireland Spatial Resources \(arcgis.com\)](https://www.arcgis.com) (accessed 21/07/2023)

there was any possible connection. I therefore find no reason why the surface water pipe in the existing ditch would alleviate any surface water problems.

- 7.3.9. The applicant has clearly stated that all surface water will be treated on site. Condition No 8 states that all surface water will be disposed off within the boundaries of the site, not adversely affect any adjoining properties and fully comply with the Greater Dublin Strategic Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments. It is my opinion that the use of two soakaways in the front garden and the retention of the drainage ditch along the south and east of the site, should adequately deal with any additional runoff from the proposed development. The appellants flood problem is historic and there is no evidence on file to indicate that runoff from the subject site is currently having an adverse impact on the surrounding area. The Board will note there are no technical reports from Meath County Council to indicate any concerns with the surface water drainage proposals.
- 7.3.10. Therefore, having regard to the location of the site, the design of the surface water treatment and Condition No 8, I consider that subject to the retention of the existing drainage ditches on the site the proposal would not have an adverse impact on the surface water flow along the public road. In the event the Board consider a grant of permission is warranted, it is recommended that a condition to retain these ditches in perpetuity is included.

#### **7.4. Compliance of Conditions**

- 7.4.1. As stated above the Condition No 8 requires the applicant to ensure that all surface water treatment is undertaken within the site. The appellant is concerned that the applicant will not comply with conditions imposed on any grant of permission.
- 7.4.2. Compliance of conditions is matter for the Planning Authority and not the Board. If an applicant does not comply with conditions the PA can decide to undertake enforcement action. I do not consider the potential non-compliance of conditions a matter for the Board and is therefore not relevant in the assessment of this appeal.

#### **7.5. Wastewater**

- 7.5.1. The proposed development includes a packaged secondary treatment system and polishing filter area designed for 6 persons. On foot of a further information request

to amend the size of the treatment system to cater for the additional family flat, the applicant submitted an amended design illustrating the reduction in the size of the dwelling in line with the previously permitted dwelling (LB181443).

- 7.5.2. A site characterisation form was submitted with the application which states that the soil type is Acid Brown earths. The aquifer category is *poor*, and the vulnerability is *extreme*. The groundwater protection response is 'R2', i.e., (Table E1 of the EPA CoP) would generally indicate that the soils are acceptable subject to normal good working practice with particular attention given to the depth of subsoil over bedrock so that the minimum depths required in Chapter 6 of the EPA are met.
- 7.5.3. The trial hole assessment submitted by the applicant encountered no bedrock at a depth of 2.1m. Groundwater was not encountered at 1.4m. The trial hole tests are dated 2014 and were not available for inspection. The Board will note the site rises gradually away from the road and there was no evidence of ponding etc where evident on the site. Section 4 of the submitted site characterisation records a sub-surface (T-Test) value of 36.81 min/25mm.
- 7.5.4. The grounds of appeal note the existing drainage ditch on the site. The site characterisation form details this drainage ditch, as discussed above in relation to the treatment of surface water. The EPA CoP (2021) notes the presence of drainage ditches generally suggests the water table is at generally shallow depth.
- 7.5.5. Section 6.3 and Table 6.2 of the EPA CoP (2021) includes the minimum separation distances from the entire DWWTS (periphery of tanks/ plant and infiltration/treatment area). The key minimum distances relevant to this proposed development are listed below:
- Open Drain or drainage ditch 10m,
  - On-site dwelling house 10m (infiltration/treatment area),
  - Neighbouring dwelling house 7m (tank/plant), 10m (infiltrations/treatment area),
  - Surface water soakaway 5m (the soakaway should be ensured that this distance is maintained from the neighbouring stormwater disposal areas or soakaways).

7.5.6. In relation to the above, the proposed infiltration system is over 10m from the appellant's drainage ditch and the proposed soakaway, and I consider the proposed development can comply with the minimum separation distances in Table 6.2.

## 7.6. Appropriate Assessment

7.6.1. The site is located c. 1.1 km to the north of the River Boyne and River Blackwater SPA (code 004232) and the River Boyne and River Blackwater SAC (002299).

Natura 2000	Site Code	Qualifying Interests	Conservation Objectives
River Boyne and River Blackwater SAC	002299	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
River Boyne and River Blackwater SPA	004232	Kingfisher ( <i>Alcedo atthis</i> ) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

7.6.2. No habitats associated with this species are identified on the site. The site characterisation form indicates that foul water can be adequately treated on the site. The site is not connected to any adjoining European Sites by any hydrology, and I do not consider there is any source-pathway-receptor.

7.6.3. Having regard to the location, scale and nature of the proposed development it is considered that no appropriate assessment issues arise. The proposed development

would not 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 that planning permission should be **GRANTED** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to:

- a) The policies and objectives of the Meath County Development Plan 2021-2027 in relation to family flats and extensions to dwellings in rural areas,
- b) The treatment of the surface water as proposed in the further information response to the planning authority,
- c) The nature, location and extent of the proposed development and the established character and pattern of development in the vicinity of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character or residential amenities of the area, would be acceptable in terms of treatment of surface water and would be in accordance with the provisions of the Meath County Council Development Plan 2021-2027 and 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, 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 and amended by those drawings submitted to An Bord Pleanála, the developer shall agree such details in writing with the planning authority
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	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to for determination.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Submission of a site layout plan illustrating the retention of the drainage ditch adjoining the public road (L5603) and along the south of the site, adjoining the existing dwelling.</p> <p>(b) Submission of landscaping details which clearly indicate the protection of both drainage ditches on the site and prevent any infilling of either.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall ensure current drainage ditches are retained in perpetuity.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The proposed development shall comply with the terms and conditions of Planning Reference LB181443, save where amended by the terms and conditions herein.</p> <p>For the purpose of clarity, the life of the permission shall be the same as Planning Reference LB181443.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
4.	<p>The proposed family flat extension shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p>Reason: In order to comply with the objectives of the current development plan for the area.</p>

5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species].</p> <p>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 the interest of residential and visual amenity.</p>
6.	<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, construction traffic management and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

8.	<p>The applicant or developer shall enter into water wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>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.</p> <p>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>
10.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<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 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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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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Karen Hamilton  
Senior Planning Inspector

23<sup>rd</sup> of July 2023.