



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317566-23

#### Development

The construction of a bungalow, connection to existing public sewer, new entrance, and all ancillary site development works. Significant further information /revised plans submitted on this application.

#### Location

Lagore Road, Dunsoughlin, Co. Meath.

#### Planning Authority

Meath County Council

#### Planning Authority Reg. Ref.

2347

#### Applicant(s)

Liam & Anne Lynch

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Eoin Corrigan & Nicola Brennan

**Date of Site Inspection**

16<sup>th</sup> September 2023

**Inspector**

Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.0924 hectares, is located a short distance to the north east of main street Dunsuaghlin and on the south side of Lagore Road. The appeal site is a vacant site defined by existing block wall boundaries on its eastern, western and southern boundaries. Adjoining properties include an Aldi store to the west, a single-storey dwelling to the east (appellants' property) and two-storey dwellings part of a housing development called Hanson Wood to the south.

## **2.0 Proposed Development**

2.1. Permission is sought for the construction of a bungalow, connection to existing public sewer, new entrance and all ancillary site development works. The proposed dwelling has a floor area of 220.8sqm and ridge height of 6.241m. The dwelling is gable fronted dwelling featuring a pitched roof. A shed was indicated on the first site layout submitted. The plans were amended by way of further information. The amended plans provided for a first floor level plan with a study and storage indicated on the floor plans. A change to number and size of rooflights serving the first floor was also provided on the revised plans.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 16 conditions. Of note is the following condition...

Condition no. 2: Submission of revised plans and elevations for agreement showing the location of roof lights with the location of such to match the floor plan location of roof lights.

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

#### 3.2.1. Planning Reports

Planning Report (07/03/23): Further information required including demonstration of sightlines, revised site layout providing for setback of the boundary, correction of site layout to show accurate separation distances, clarification of intended use of first floor, clarification regarding if domestic garage is proposed and the applicant is to address the issues raised in the third party submissions.

Planning Report (19/06/23): The proposed development was considered satisfactory in the context of the proper planning and sustainable development of the area and a grant of permission was recommended subject to the conditions outlined above.

Other Technical reports

Transportation Department (01/03/23): Refusal recommended on the basis of failure to demonstrate that sightlines in accordance with DMURS can be provided.

Transportation Department (19/06/23): Refusal recommended on the basis the applicant has failed to demonstrate sightlines of 45m at the proposed entrance. .

### 3.3. **Prescribed Bodies**

None.

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

#### 3.4.1 Two submission were received...

Fiona & Niall Colgan

Nicola Brennan & Eoin Corrigan

The issues raised can be summarised as follows...

- Excessive height of the proposed development.
- Impact on residential amenity in term of overlooking and overshadowing.
- Excessive height of shed and impact on adjoining amenities/inconsistencies on drawings regarding shed.
- Lack of daylight and sunlight analysis.
- Traffic impact in terms of inadequate sightlines, lack of consent from adjoining landowners to improve sightlines.

3.4.2 Further submissions were received in response to further information from...

Fiona & Niall Colgan

Nicola Brennan & Eoin Corrigan

The issues raised include the previous issues raised and some additional including...

- Potential use of the first floor.
- The possible location of the shed.
- Overshadowing of a solar panel.
- Incorrect elevations in terms of roof light position.
- Revised sightlines not achievable and lack of consent for alterations required to achieve such.
- Excessive height of shed and impact on adjoining amenities/inconsistencies on drawings regarding shed.

## 4.0 Planning History

211477: Permission refused for the construction of a storey and a half dwellings, connection to the public sewer, new site entrance and ancillary site development works. Refused based on two reasons...

1. The proposed development by reason or its size, scale and massing located in close proximity to the neighbouring residential property to the west, and in absence of a Shadow Impact Assessment carried out in accordance with the “Site Layout and Planning for Daylight and Sunlight: A Guide to best practise (BRE 1991) or BS 8026 “Lighting for Buildings, Part 2, 1992, Code of Practise for Day Lighting”, to prove otherwise, would, if permitted, have a harmful impact on the residential amenity of this neighbouring property in terms of overbearing and overshadowing, and would depreciate the value of these adjoining properties, would establish a poor precedent for similar substandard developments, and would be contrary to the proper planning and sustainable development of the area.

2. The applicant has failed to demonstrate that adequate sightlines can be achieved from the proposed entrance and therefore it is considered that the proposed development would endanger public safety by reason of traffic hazard.

## **5.0 Policy Context**

### **5.1. Development Plan**

The relevant Development Plan is the Meath County Development Plan 2021-2027. The site is zoned B1 Commercial Town or Village Centre with a stated objective ‘to protect, provide for and/or improve town and village centre facilities and uses’.

### **5.2 Natural Heritage Designations**

None in the vicinity of the site.

### **5.3 EIA Screening**

Having regard to the nature and scale of the proposed development, comprising of construction of a dwelling house in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

## **6.0 The Appeal**

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

6.1.1 A third party appeal has been lodged by Eoin Corrigan & Nicola Brennan. The grounds of appeal are as follows...

- The appellants' home is located immediately to the east of the site.
- The dwelling is excessive in height relative to the adjoining property and would cause overshadowing of the appellants' property with particular reference to the west facing windows serving a kitchen, living and dining room as well as concerns regarding overshadowing of a solar panel on the west facing roof plane. The appellants' note that the dimensions of their dwelling shown on the drawings are incorrect with their dwelling narrower in width and lower in ridge height than represented on the drawings. Given the first floor is not to be used, the ridge height of proposed dwelling should be lowered.
- The proposal would cause overshadowing and have an overbearing impact with the decision based on inaccurate drawings and the lack of a daylight and sunlight analysis.
- The proposal would cause overlooking and loss of privacy with roof lights on the eastern roof plane overlooking the appellants' property with it noted that there are inconsistencies on the plan regarding roof lights.
- In responding to further information regarding sightlines the applicants submitted a revised redline boundary showing part of the appellants property within the site boundary and would require removal of mature trees and a common boundary impacting the appellant privacy. The appellant refer to the fact that the Council's Transportation section have recommended refusal on traffic issues.

## 6.2. Planning Authority Response

### 6.2.1 Response by Meath County Council

- The PA is satisfied that all matters outlined in the submission were considered in the course of its assessment and request that the Board uphold the decision to grant permission.

### 6.2.2 Response by the applicants Liam & Anne Lynch

- The site is zoned B1 and is currently an underutilised site with the proposal enhancing its unsightly appearance.
- The level of separation between the proposal and the appellants' dwelling is sufficient and the applicants have marked the 45 degree right to light line. The proposal will not impact on natural light to the appellants' property.
- The proposal will not cause overlooking of the appellants' property with only one rooflight on the eastern plane.
- The proposal would not be out of character at this location with considerable variation of house types in the area.

## 7.0 Assessment

Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Design, scale and pattern of development

Traffic

Other issues

### 7.2 Principle of the proposed development:



7.2.1 The proposal is to construct a detached dwelling on a vacant site within the urban area of Dunsoughlin. The appeal site is vacant site defined by existing block work boundary walls on three sides. The information provided by the applicant on file is that there was previously a dwelling on site, however that is disputed by the third party submissions. The site is zoned B1 Commercial Town or Village Centre with a stated objective 'to protect, provide for and/or improve town and village centre facilities and uses'. The proposal for a dwelling at this location is consistent with the zoning objective of the site and is in keeping with adjoining uses, which are mainly residential. The proposal would also entail active use of an underutilised vacant site, which is a positive aspect of the proposal.

### 7.3 Design, scale and pattern of development:

7.3.1 The main issues raised in the appeal concern the scale of the proposed dwelling and its relationship with the adjoining dwelling to the east with concerns raised regarding overshadowing and overlooking.

7.3.2 The appeal submission raises concerns that the proposal is excessive in height and features first floor accommodation and is excessive in height relative to the appellants' single-storey dwelling. The applicant notes that the first floor accommodation is for storage purposes. Notwithstanding such the dwelling has a ridge height of 6.241m and is a gable fronted dwelling with the ridge of the roof running on a north south axis. The design of such means that the eastern elevation, which is the closest elevation to the appellants' property has an eaves height of 2.9m.

7.3.3 The site is surrounded by a variety of structures including a single-storey dwelling to the east, two-storey dwellings to the south, a retail store and its associated car park to the west. I would be of the view that the overall scale and design of the proposed dwelling is not excessive in scale relative to adjoining properties and would not be out of character or visually obtrusive at this location.

7.3.4 In relation to adjoining amenities, I am satisfied that the design and scale of the development has adequate regard to adjoining amenities and that the gable fronted design of the dwelling means the height of the structure reduces in height at its closest point to the appellants' dwelling. The level of separation between the eastern elevation and the site boundary is just over 3m and approximately 5m (4.9m at their nearest points up to 5.2m) from the western elevation of the appellants' dwelling. The existing boundary wall between the appeal site and the appellants' property is a 2m high block wall. The appellants raise concerns regarding the impact of the dwelling on west facing windows and the failure to carry out a daylight and sunlight assessment. I am of the view that the proposed dwelling conforms to the established pattern of development, in particular the dwelling to the east, with the provision of a gable fronted dwelling running on a north south axis as is the case of the existing dwelling. The proposed dwelling is larger in scale and higher in ridge height, however such would not be excessive relation to the appellants' property given the gable fronted design and reduced height at eaves level.

7.3.5 In terms of impact through overshadowing and the requirement for a daylight and sunlight assessment, as noted above there is separation of approximately 5m between the eastern elevation of the proposed dwelling and the western elevation of appellants' dwelling with the eastern elevation having height of 2.9m. The most commonly used test for assessing daylight impact is Vertical Sky Component or VSC (Site Layout and Planning for Daylight and Sunlight: A Guide to best practise (BRE 1991) or BS 8026 "Lighting for Buildings, Part 2, 1992, Code of Practise for Day Lighting). For VSC...

Is the distance for each part of the new development from the existing window three or more times its height above the centre of the existing window.

Based on a centreline height of 1.5m at the appellants' dwelling the eastern elevation is more than three times the height of wall above the centreline level. The ridge height is not more than three times the height of the building above the centreline of the window.

The next test is does a line drawn from the centre of the existing window at a 25 degree angle cut through the new development. I am satisfied that a line draw from the centreline of the windows on the western elevation of the appellants' dwelling would not cut through the proposed structure and the development is unlikely to have a substantial effect on the existing dwelling and no calculation for VSC is required.

7.3.6 I am satisfied that the proposed dwelling is not excessive in height or scale relative to the existing dwelling to the east and is consistent with the pattern of development in the area. The proposed development would have no significant or unacceptable impact in terms of overshadowing in relation to any adjoining property including the appellants' dwelling.

7.3.7 The appellants' have also raised concerns regarding overshadowing of a solar panel on the western roof plane of their dwelling. The proposed dwelling would not cause overshadowing of the existing solar panel as the scale and form of the dwelling is not in close enough proximity or of a scale that would cause overshadowing of solar panel on the roof of the existing dwelling, which has a very shallow pitched roof.

7.3.8 In regards to the issue of overlooking, the first set of plans submitted provided no plans for first floor with 3 no. roof lights serving the first floor. One on the eastern roof plane and two on the western roof plane. The revised plans submitted in response to further information provide plans for the first floor with the provision of a study and two further rooms for storage. The revised plans provide for 4 no. roof lights with one on the eastern roof plane and three on the western roof plane serving first floor level. These are enlarged over that proposed on the original plans submitted. I would have no concerns regarding overlooking with the appeal site in an established built up urban area and the fact that the windows are roof lights also would mitigate against any direct and unacceptable overlooking of adjoining properties. In addition only one rooflight is proposed on the eastern roof plane.

7.4 Traffic:

7.4.1 The proposed development entails provision of a vehicular entrance off Lagore Road. Permission was previously refused on site for a dwelling based on traffic issues and in particular failure to provide adequate sightlines to the east of the proposed entrance. The Transportation Section have recommended refusal in two reports due to lack of ability to provide sightlines of 45m in each direction in compliance with DMURs. The applicant was requested by way of further information to demonstrate sightlines. The original site layout submitted showed 23m sightlines to the east. In response the applicant submitted site layout indicating provision of 31m with an amended site boundary and a statement that the works proposed do not effect third party lands. The appellants have noted that the amended redline boundary in the revised layout includes lands in their ownership. The DMURs recommendation for visibility splays on roads with a design speed of 50kph (site is within the urban speed limit zone of 50kph) is 45m with a 2m setback. This level of visibility is not available to the east and would require setback of the adjoining boundary to the east. I would question whether the applicant has the level of control indicated in the site layout provided in response to further inflation and would be off the view that maximum visibility available to the east is 23m as originally proposed.

7.4.2 I would consider that despite limited visibility to the east, the proposal should be granted. This is on the basis that the site is an infill site within the urban area and within the urban speed limit zone and that the development of the site for a dwelling is in keeping with the pattern of development and would result in an active use of an underutilised site. I would be of view that consideration must be taken that the site is within the urban speed limit zone in addition to the fact that the development is in close proximity to a junction with a stop sign to the west of the site with traffic slowing coming from the east. I would be of the view that even with major alteration of the boundary to the east, 45m is unlikely to be achievable due to the alignment of the road. I would consider that sufficient visibility is available in the context of the sites urban location.

7.5 Other Issues:

7.5.1 The original set of dwellings submitted shows a shed with what looks like a pitched roof at the south western corner of the site. No detailed plans were provided and no

reference is made to such in the public notices. The revised plans submitted in response to further information also show a shed in the same location however with a different design featuring a monopitch roof (plans submitted). I would note that there is also no reference to such in the revised public notices. The overall design and scale of the shed is modest and subordinate to the scale of the existing dwelling. I would be satisfied that such would be acceptable in the context of the amenities of adjoining properties.

## **8.0 Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to 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 a grant of permission subject to the following conditions.

## **10.0 Reasons and Considerations**

Having regard to the pattern of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The

proposed development 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 and as amended by the revised plans submitted on the 10<sup>th</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, or as otherwise stipulated by conditions hereunder, 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 An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The following shall be implemented...

(a) the entrance layout shall be as per the drawings submitted on the 20<sup>th</sup> day of January 2023.

Reason: In the interest of orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

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

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

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

Reason: In the interests of clarity and public health.

7. 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.

8. The shed to be constructed on site shall be in accordance with the plans submitted on the 10<sup>th</sup> day of May 2023 and shall be only used for purposes ancillary to enjoyment of the existing dwelling on site.

Reason: In the interests of orderly development.

9. 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.

---

Colin McBride  
Senior Planning Inspector

19<sup>th</sup> September 2023