



An
Bord
Pleanála

Inspector's Report

ABP-317617-23

Development	Full planning permission for 2 detached single storey dwelling houses and extensions and alterations to an existing dwelling house. The permission will include a private access road and all associated site development and drainage works
Location	Green Road, Dromiskin, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2360086
Applicant(s)	MWAC Ireland Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Joseph Kavanagh & Margaret Duggan.
Observers	None

Date of Site Inspection

07 February 2024

Inspector

Sinéad O'Connor

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Section 28 Guidelines	9
5.3. Natural Heritage Designations	9
5.4. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	12
6.3. Planning Authority Response.....	14
7.0 Assessment.....	14
7.1. Procedural.....	15
7.2. Residential Amenity	15
7.3. Visual Amenity	19
7.4. Car Parking & Access	20
7.5. Impact on Adjoining Lands.....	21

8.0 Appropriate Assessment Screening..... 22

9.0 Recommendation..... 24

10.0 Reasons and Considerations..... 24

11.0 Conditions 25

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site of 0.195 hectares (ha) is located on the southern side of Green Road, circa 1.4 km to the northwest of Dromiskin Village Centre. There are no footpaths on this part of Green Road and the road terminates circa 420 metres to the northwest of the site. Development in the vicinity of the site comprises predominantly 1- and 2-storey detached and semi-detached dwellings with front and rear gardens and in-curtilage car parking. St. Joseph's GAA Club abuts the site to the southeast and several of the dwellings in the vicinity appear to have industrial or commercial scale sheds to the rear.
- 1.2. The site is rectangular in shape and accommodates a small, single storey semi-detached house, a driveway and a large private garden. The subject dwelling is one of 3 no. pairs of similar semi-detached houses on this part of Green Road, and I note that 4 no. of these dwellings have been extended or substantially altered. At the time of my site visit (07 February 2024), I noted that there was no formal boundary treatment at the southeast boundary. This boundary was defined by sheds and a mobile home on the adjoining property.

2.0 Proposed Development

- 2.1. The proposed development comprises works to extend the existing dwelling from 47.8 sq.m. to 100 sq.m. and to construct 1 no. 2-bedroom single storey house (105 sq.m.) and 1 no. 5-bedroom single storey house (235 sq.m.). It is proposed to relocate and widen the existing vehicular access from Green Road to serve the 3 no. dwellings.

3.0 Planning Authority Decision

3.1. Decision

On the 23 June 2023 Louth County Council issued a notification of their decision to grant planning permission for the proposed development subject to 7 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 23 June 2023 forms the basis of the P.A. decision. I consider that the following matters raised are of relevance.

- The layout of the site is acceptable and accords with Policy Objective CS2, which seeks at least 30% of new homes within the footprint of existing settlements.
- The design of the dwellings, private amenity areas, and boundary treatments are acceptable.
- Adequate separation distance is provided to the property to the south.
- Proposed car parking at the site is excessive. 2 no. car parking spaces per dwelling is appropriate.
- The site is not located within an identified flood risk zone.
- The dwellings will connect to public potable and foul water infrastructure.

3.2.2. Other Technical Reports

Place Making & Physical Infrastructure: Report dated 15 June 2023. No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Eireann: Report dated 10 June 2023. No objection subject to conditions.

3.4. Third Party Observations

1 no. observation was made in respect of the application. The substantive planning issues raised that are additional to the grounds of appeal are summarised as follows:

- The application is invalid as a Part V certificate was not included.
- Existing vegetation at the site, to be removed, is a likely roosting site for bats in the area.

4.0 Planning History

The planning history of the site can be summarised as follows:

- P.A. Ref. 67548: On 29 February 1968 planning permission was granted to Patrick Clarke for the construction of a rear extension at the existing semi-detached dwelling.

Planning history of the adjoining property to the south includes the following:

- P.A. Ref. 2360438: On the 11 November 2023 the Appellants, Joseph Kavanagh and Margaret Duggan, lodged an application for works to their property to the immediate south of the subject site. Works described include the retention of temporary residential accommodation at the site, the construction a part 1- and 2-storey extension to the existing dwelling and works to increase the height of the existing garage. The P.A. have requested further information in respect of this application.

5.0 Policy Context

5.1. Development Plan

The Louth County Development Plan 2021-2027 is the relevant Statutory Plan.

Policies and objectives of relevance to the proposal include the following:

- The site is zoned A1 Existing Residential – To protect and enhance the amenity and character of existing residential communities. 'Residential' is listed as a Generally Permitted Use in A1 zones.
- Table 2.4 'Settlement Hierarchy for County Louth' lists Dromiskin as a Level 4 Settlement 'Small Town and Villages', alongside Annagassan, Baltray, Collon, Knockbridge, Louth Village, Omeath, and Tallanstown.
- Table 2.15 'Core Strategy Table' allocates Level 4 Settlements a combined housing allocation of 230 no. units during the Development Plan period 2021-2027.
- Section 2.17 'Small Towns and Villages' states that new development in Level 4 Settlements will be proportionate to the size of the settlement, with priority given to

brownfield or infill sites. It is stated the Dromiskin has the largest population of the Level 4 settlements.

- Section 13.8.15 'Public Open Space' states that schemes of up to 5 no. units have no requirement to provide public open space where private open space provision exceeds the minimum standards.
- Table 13.4 'Private Open Space' is applicable to houses and apartments. In greenfield/suburban locations, 2-bedroom units require 60 sq.m. of private open space and 3+ bedroom units require 80 sq.m. of private open space.
- Table 13.16.12 'Car Parking Standards' specifies car parking requirements based on location. In Area 3 (areas not in town centre locations or proximate to high frequency public transport), 2 no. car parking spaces are required per unit.

Chapter 9 of Volume 2 of the Development Plan contains the written Statement and map for Dromiskin. Relevant provisions include the following:

- The site does not occur in designated Flood Zone A or B, any Zone of Archaeological Potential, as per Map Number 4.4.
- Section 9.3 'Settlement and Housing' states that future development in the settlement will focus on consolidation, build-out of extant permissions, and infill development in the village centre.
- Section 9.5 'Water Services Infrastructure' states that there is capacity in the potable water and wastewater infrastructure serving Dromiskin.

Relevant Policies and Objectives of Volume 1 and 2 include the following:

- Policy DROM 1: To support the role of Dromiskin by facilitating development that will contribute to the character and structure of the village and complement and enhance the quality of the village's attractive built and natural environment.
- Policy DROM 3: To support and encourage residential development on under-utilised and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

5.2. Section 28 Guidelines

5.2.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) post-dates the adoption of the Development Plan. Relevant provisions of these Guidelines include the following:

- Table 3.7 'Areas and Density Ranges for Rural Towns and Villages' does not specify a density range for smaller settlements, and states that new development should be tailored to the scale, form and character the settlement and infrastructural capacity.
- SPPR 1 – Separation Distances: A separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Reduced separation distances can be provided where there are no opposing windows and where privacy measures are designed in.
- SPPR 2 – Minimum Private Open Space Standards for Houses: 2-bed houses require 30 sq.m. of private open space, and houses with 4 or more beds require 50 sq.m. of private open space. Reductions are facilitated where a proportionate quantity of high quality semi-private open space is provided. Infill schemes on sites up to 0.25 ha may provide less private open space subject to the proximity and design quality of public open space.
- SPPR 3 - Car Parking: In peripheral locations a maximum car parking provision of 2 no. spaces per dwelling shall apply.

5.3. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The subject site is circa 1.8 kilometres (km) to the west of Dundalk Bay Special Protection Area (SPA) (Site Code: 004026) and the circa 2.2 km west of Dundalk Bay Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA) (Site Code: 000455). The site is circa 4 km east of Darver Castle Woods pNHA (Site Code 001461), 4.5 km southeast of Stephenstown Pond pNHA

(Site Code 001803), and 5 km north of Stabannan-Braganstown SPA and pNHA (Site Code 004091).

5.4. EIA Screening

See completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

1 no. Appeal has been received from the adjoining resident to the west. Issues raised are summarised below as follows:

- The shared southern boundary of the site delineated in the submitted documentation is incorrect.
- Proposed extension to the existing dwelling would require the demolition of structures that are owned by the Appellants. No consent is given for these works.
- Works to Dwelling 1 will impact upon the Appellants' ability to extend their own property.
- There are discrepancies in the submitted drawings in respect of the footprint and height of Dwelling 1. The internal layout of the existing dwelling has already been materially altered by recent works.
- The full scope of the works proposed has not been described in the submitted documents.
- The P.A. decision was incorrect with reference to national guidelines, and local policies and development standards.
- The P.A. report did not include a substantive assessment of the issues raised by the Appellants.

- The site is inaccurately assessed as an infill and brownfield site. No justification is given for these designations.
- The P.A. decision facilitates longer working hours than is permitted at similar developments in the area, and no Construction and Waste Management Plan was requested.
- There are currently no back land developments on Green Road. Dwelling 3 would be contrary to the established built form and would, therefore, be inconsistent with Section 13.13.2 of the Development Plan.
- The proposed development will provide a continuous built form on Green Road, which would be uncharacteristic and have an overpowering and overbearing impact on the streetscape.
- The hammerhead could be extended to provide access to adjoining lands thereby facilitating further inappropriate back land development.
- Elements of the design and layout do not align with the residential zoning objective, which seeks to protect and enhance the residential amenity of neighbouring dwellings.
- Private amenity areas serving Dwellings 1 and 2 will not be overlooked by the dwellings and would not be of high amenity value.
- The proposed extension to Dwelling 1 would more than double the size of this unit and, therefore, does not accord with Sections 13.8.35 or 13.9.12 of the Plan.
- The extension would be more physically and visually dominant than the existing cottage.
- Car parking serving Dwelling 3 exceeds the provisions of Table 13.11 of the Development Plan.
- The dwellings do not facilitate future adaptability as required under Policy Objective HOU 29 of the Plan due to the limited plot widths proposed.
- Proposed Dwellings 1 and 2 have been designed for subdivision. Dwelling 3 contains additional rooms that make no sense unless the unit is proposed for subdivision.

- The proposed development will substantially overbear upon the Appellants' property, will reduce natural daylight and sunlight, and will have a profound negative impact on adjoining residential amenity.
- Dwellings 1 and 3 will overshadow the property and will be physically and visually overbearing.
- No shadow projection drawings have been submitted by the Applicant.
- No daylight or sunlight assessment of the proposed dwellings is submitted. Owing to its internal layout, the living areas at Dwelling 1 will be reliant on artificial light.
- The proposed boundary treatment is inappropriate. Queries raised regarding the maintenance of the proposed fence at the shared boundary.
- Rainwater goods are not shown in the submitted drawings. Water run-off will flow into the Appellants' property.
- Planting or works on the existing grass verge would compromise sightlines from the site. Condition 3 (a) of the P.A. decisions is unenforceable as the grass verge is not in the Applicant's control.
- The Applicant has not illustrated that Green Road can accommodate the additional traffic arising from the proposed development.
- Section 13.9.16 of the Plan requires the submission of landscaping drawings. No landscaping proposals were submitted by the Applicant.
- Proposed removal of existing vegetation is contrary to Sections 13.9.16, 8.5, 8.11 and 13.19.7 of the Plan and would fragment this existing ecological corridor.

6.2. Applicant Response

A response was received from the First Party dated 09 August 2023. I consider that the main issues raised are as follows:

- Matters relating to legal ownership are not within the scope of this assessment. The submission includes a copy of the land folio map for the site.

- A legal requirement to maintain the sightlines from the subject site is not required as this is an existing entrance, and the existing grass verge is maintained year-round.
- The subdivision of dwellings would require planning permission. The assessment of the proposed development should be based on the particulars submitted.
- The proposed development is within the settlement boundary of Dromiskin.
- The character of the surrounding area informed the design of the development.
- The existing pattern of development is an uneconomic use of urban lands.
- Green Road accommodates low-density single storey dwellings, dormer dwellings and industrial developments. There is existing development to the rear of structures fronting Green Road.
- Proposed building heights match the predominant single storey heights in the area.
- The existing ridge height stated is incorrectly show in the submitted drawings. Notwithstanding the error, it is proposed to retain the existing dwelling and match this established height.
- The streetscape will be similar to that located elsewhere on Green Road.
- The existing dwelling falls short of current living standards. The proposed 2-bedroom dwelling meets the minimum standards of the Design Manual for Quality Housing.
- Proposed private open space exceeds the minimum standards of the Development Plan.
- There will be no overlooking of adjoining lands as no 1st floor windows are proposed.
- The proposed bungalows will not affect sunlight or daylight reaching the Appellants' land owing to the northern orientation of the site and the separation distances provided. Shadow projection modelling is provided in Appendix C of the response.

- Proposed boundary treatments accord with Section 13.8.11 of the Development Plan.
- The development accords with the criteria for infill development as per Section 13.8.32 of the Plan in respect of prevailing patterns of development, impacts on the streetscape, residential impacts, private open space provision and car parking.
- Works to the existing dwelling align with Section 13.8.35 of the Plan, which facilitates large extensions to bring small dwellings up to modern living standards.
- A 'homezone' approach is taken in the design of the site. The turning head proposed at Dwelling 3 is provided to facilitate emergency vehicles, as per the Design Manual for Urban Roads and Streets (DMURS).
- Traffic arising from the site would fall short of the thresholds for Traffic Assessment.

6.3. Planning Authority Response

A response has been received from the Planning Authority dated 17 August 2023, which states that the P.A. has no further comments in respect of this case.

7.0 Assessment

Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the substantive planning issues in this appeal are as follows:

- Procedural
- Residential Amenity
- Visual Amenity
- Car Parking & Access
- Impact on Adjoining Lands

In this assessment I refer to the existing dwelling as Dwelling 1, the proposed 2-bedroom dwelling as Dwelling 2, and the proposed 5-bedroom dwelling as Dwelling 3.

7.1. Procedural

- 7.1.1. The Appellant raised procedural matters with respect to the site boundary delineated in the application drawings. Land Folio information submitted by the Applicant (dated 09 August 2023) shows the site boundary between the First and Third Parties' properties is a straight line, rather than staggered around the existing sheds as submitted by the Appellants. I wish to highlight that, as per Section 34 (13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.2. Residential Amenity

- 7.2.1. The proposed development comprises the construction of 2 no. single storey dwellings and works to extend the existing dwelling to the rear. Each of the dwellings has private amenity space to the rear and in-curtilage car parking.
- 7.2.2. In general, I consider the overall layout of the proposed development acceptable with reference to the established building line, building heights, and residential density.
- 7.2.3. Private open space for each dwelling exceeds the minimum standards in Table 13.4 of the Development Plan and SPPR 2 of the Compact Settlements Guidelines. The proposed rear gardens serving Dwellings 1 and 2 are largely separated from the units by the proposed car parking. In this way, the proposed rear gardens are not sufficiently overlooked and are of reduced amenity value. I consider that this issue could be addressed by relocating the proposed car parking to the end of the gardens, thereby increasing connectivity, useability and overlooking of the amenity areas. I note that there are soakaways provided under most of the rear private gardens at Dwellings 1 and 2. These soakaways also serve Dwelling 3. I consider that these soakaways should be placed underneath the proposed car parking, to safeguard the residential amenity of the rear gardens. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is

attached to amend the location of the car parking and soakaways serving Dwellings 1 and 2.

- 7.2.4. The submitted documentation does not give sufficient information in respect of the proposed boundary treatments, particularly at the southeast boundary. Drawing No. S2301-102 'Proposed Site Layout' shows that 'existing hedgerow' will be retained at all site boundaries. At the time of the site visit, 07 February 2024, there was no vegetation at the southeast boundary and there were substantial gaps in the hedgerows at the northwest boundary. I consider that boundary vegetation at the site should be protected and supplemented, and that secure site boundaries should be provided at the site to protect the residential amenity of adjoining properties and safeguard the amenity of future residents. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require the Applicant to provide low maintenance concrete post and concrete panel boundary treatments at the site, and to supplement existing hedgerows with appropriate native species.
- 7.2.5. The internal dimensions of the proposed and existing dwellings appear to accord with the provisions of the Quality Housing for Sustainable Communities Guidelines (2007). I note that Table 5.1 'Space Provision and Room Sizes for Typical Dwellings' of these guidelines does not specify standards for single storey, 5-bedroom 10-person dwellings such as proposed Dwelling 3. I note that Dwelling 3 comfortably exceeds the minimum standards in Table 5.1 and it is my opinion that this unit will be of sufficient amenity value for future residents. I note that the layout of Dwellings 1 and 2 is unconventional as both dwellings have bedrooms accessed directly from the kitchen/living areas, and neither dwelling has a shared/family bathroom. Both dwellings meet and exceed the minimum internal dimensions of the guidelines and therefore, on balance, I consider their internal layout adequate.
- 7.2.6. The Appellants' grounds of appeal refer to potential negative residential amenity impacts as a result of subdivision of the proposed and existing dwellings. The submitted documentation and description of development provided in the Notices and Application Form indicate that each of the 3 no. dwellings will function as a single dwelling unit. Further to this, I note that the subdivision of a dwelling would require planning permission under Section 34 of the Planning and Development Act 2000, as amended. For surety, if the Board is minded to grant planning permission

for the proposed development, I recommend that a condition be attached to require the habitation of each of the 3 no. dwellings as single housing units.

- 7.2.7. In respect of adaptability, I consider that Dwelling 3, at 235 sq.m., is sufficiently large to accommodate and meet the changing needs of future residents. Dwellings 1 and 2 have regular shaped living rooms and kitchens that, I consider, facilitate adaptability in layout and design. I note that internal doors in both dwellings could be widened at a future date to improve accessibility, if necessary. Drawing from the above, I consider that the proposed dwellings provide adequate adaptability for future residents.
- 7.2.8. The Appellant raised concerns regarding the scale of the proposed extension at Dwelling 1 with reference to the size of the original dwelling. As per Drawing No. A2301-201 'Existing Dwelling Plans', the existing dwelling has a total floor area of just 47.8 sq.m. and the 4 no. existing rooms are small with reference to modern standards. I note that Section 13.8.35 'House Extensions' of the Development Plan facilitates large extensions to bring smaller dwellings up to modern living standards. In this regard, I note that the proposed dwelling meets and exceeds the relevant development standards, as discussed in Section 7.2.3 of this report, and offers sufficient residential amenity to future residents. I note that the rear extension retains the height of the existing dwelling and is of simple design and construction, which is appropriate for this location. Drawing from the above, I consider that the scale of the proposed extension to Dwelling 1 is appropriate in this instance.
- 7.2.9. I do not consider that significant levels of overlooking will occur within the site or at adjoining properties owing to the single storey height of the dwellings, the separation distances achieved, and the lack of directly opposing rear windows. Southeast facing windows are proposed at Dwelling 3 however, these windows look directly onto the back of existing outbuildings and sheds on the adjoining property. I consider that the provision of suitable boundary treatments, as discussed in Section 7.2.4, will also mitigate against undue overlooking from the site.
- 7.2.10. The Appellants raised concerns regarding potential overbearing on their property as a result of the proposed development. In this regard, I note that the proposed dwellings are single storey and are commensurate in height with existing development in the vicinity. A separation of 1.56 metres is proposed between

Dwelling 3 and the shared boundary, which I consider sufficient given the single storey height of this unit, and the screening provided by the existing structures on the Appellants' property. I note that a secure boundary treatment, as discussed in Section 7.2.4, will further mitigate against loss of visual and residential amenity at the adjoining site. In this way, I do not consider that the proposed development will reduce residential amenity of the adjoining properties due to overbearing.

7.2.11. I consider that the proposed works to the rear of Dwelling 1 will reduce sunlight reaching the nearest window at the adjoining property however, applying the 45° rule in Section 2.2.17 of BR209, 2022, I do not consider that the loss of skylight to this window will be significant. I note that the affected room has 2 no. windows and only the nearest window to the proposed extension would be impacted. In this way, I consider that sunlight reaching the adjoining room will not be significantly impacted by the proposed development. With reference to Section 2.2.4 of BR209, 2022, I consider that proposed Dwelling 3 will not cause any loss of daylight and sunlight to the Appellants' dwelling as the distance between Dwelling 3 and the adjoining dwelling is more than 3-times the height difference between the tallest point of Dwelling 3 and the centre of the nearest window.

7.2.12. In respect of overshadowing impacts on the adjoining rear garden, I note that the proposed development is located to the northwest of the Appellants' property, which reduces the potential for significant overshadowing impacts. Relevant guidance is provided in Section 3.3.17 of BR209 2022, which specifies that a garden will appear adequately sunlit if at least half of the garden receives at least 2 hrs of sunlight on 21 March. The shadow diagrams submitted by the Applicant in their response dated 09 August 2023 illustrate that most of the adjoining rear garden will be sunlit between 12:36 and 16:25 on March 20th, which exceeds the recommendations of BR209,2022. In this way, I consider that the adjoining rear garden will remain sufficiently sunlit.

7.2.13. The Appellant raised concerns regarding the provision of rainwater goods at Dwelling 1 and the potential for water run-off onto their property. I note that Drawing No A2301-202 'Existing Dwelling Extension and Alterations Plans' does not show any proposed rainwater goods at the dwelling. I consider that this matter can be addressed by condition. If the Board is minded to grant planning permission, I

recommend that a condition be attached to require the Applicant to agree in writing with the P.A. suitable rainwater goods at Dwelling 1.

7.2.14. Drawing from the above, I consider that the proposed development meets the relevant development standards and would be of sufficient residential amenity for future residents. I do not consider that the proposed works would have a significant negative impact on the residential amenity of adjoining properties in respect of overlooking, overbearing or overshadowing.

7.3. Visual Amenity

7.3.1. The area surrounding the subject site has a low-density, suburban character. Development on Green Road comprises predominantly single storey and dormer dwellings, several of which have industrial style structures to the rear. Recent development at Foxfield, to the northwest of the site, and at the southern end of Green Road comprises 2-storey detached dwellings. There are wide grass verges on both sides of Green Road, and the existing dwellings have created strong building lines. Plot sizes and widths on Green Road vary, and boundary treatments in the vicinity predominantly comprise low walls or fences with hedging.

7.3.2. The proposed development respects the established building line on Green Road and maintains the existing building heights. The front elevation of Dwelling 1 will be retained, and proposed Dwelling 2 is largely identical to the Dwelling 1. Drawing No. A2301-102 'Proposed Site Layout' indicates that the existing hedgerow along the road frontage will be retained. Owing to the siting of the proposed development, the limited height of the dwellings, and the retention of existing vegetation on Green Road, I do not consider that the proposed development would be unduly visible or overbearing on the streetscape.

7.3.3. Dwelling 3 is proposed at the rear of the site, set behind the established building line. During my site visit I noted that several of the dwellings on Green Road have large structures behind the building line that are visible from the public road. Proposed Dwelling 3 is commensurate in height to the existing dwellings and structures in the vicinity, including the facilities at St. Josephs GAA Club circa 40 metres to the southeast. I do not consider that Dwelling 3 incorporates contemporary design, as supported in the Development Plan and I consider that the proposed living room at

the northern end of the dwelling is inappropriately scaled with reference to the rest of the unit. Notwithstanding these matters, I note that Green Road accommodates a range of dwelling types and I do not consider that Dwelling 3 would be visually unsuitable in this area. In this way, I do not consider that proposed Dwelling 3 will disrupt the pattern of development in the area or will be visually incongruous in this locality.

7.3.4. Drawing from the above, I do not consider that the proposed development will have a significant negative impact on the visual amenity of the area or the streetscape.

7.4. Car Parking & Access

7.4.1. As per drawing no. A2301-102 'Proposed Site Layout' the development will be accessed via an amended vehicular entrance from Green Road. 2 no. in-curtilage carparking spaces are proposed at Dwellings 1 and 2. Car parking to serve Dwelling 3 is not delineated in this drawing however, I note that there is a circa 14.5 metre wide hard-surfaced area to the front of Dwelling 3. This area has capacity for circa 5 no. cars, with reference to Table 13.9 'Dimensions of Parking Spaces' in the Louth County Development Plan.

7.4.2. Table 13.16.12 'Car Parking Standards' of the Development Plan requires 2 no. parking spaces per residential unit in Area 3, which comprises lands outside of town centres and not served by high frequency public transport. With reference to these standards, I consider that car parking to serve Dwellings 1 and 2 is appropriate. I consider that an excessive quantity of car parking is provided at Dwelling 3. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached requiring a maximum of 2 no. car parking spaces per unit and the reconfiguration of proposed car parking at Dwelling 3.

7.4.3. I consider that the layout of the proposed development is dominated by the proposed hammerhead at Dwelling 3, and that this hammerhead could be used for additional informal car parking. I consider that sufficient turning space for emergency vehicles could be provided in a standard turning head rather than the hammerhead proposed. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached requiring the re-design of the internal roadway to comprise a single turning head rather than a hammerhead.

- 7.4.4. In respect of proposed traffic impacts, I note that the Place Making & Physical Development Section of Louth County Council raised no concerns in respect of increased traffic on Green Road and proposed a condition requiring the maintenance of sightlines as shown in the submitted documents. Having undertaken a site visit, I consider that Green Road is a low trafficked area, and that this road is sufficiently wide to accommodate additional traffic without creating a safety hazard. I do not consider that the 2 no. additional dwellings proposed will give rise to significant traffic movements onto Green Road therefore, I consider that the proposed development can be accommodated without giving rise to a traffic hazard.
- 7.4.5. Drawing No. A2301-102 'Proposed Site Layout' shows that 75-metre visibility splays can be provided from a 3-metre setback from Green Road. I consider this sight splay appropriate with reference to Table 13.13 of the Development Plan and Table 4.2 of the Design Manual for Urban Roads and Streets (DMURS). I note that these sightlines are reliant on the maintenance of the existing grass verges, which do not form part of the subject site and are not under the control of the applicant. No works are proposed to the grass verges, and the verge was well maintained at the time of my site visit. As the area of the grass verge is not under the control of the Applicant, I do not consider it appropriate to require works to this area as part of this application.

7.5. Impact on Adjoining Lands

- 7.5.1. The Appellant raised concerns regarding the impact of the proposed development on the development potential of their property. I note that the proposed works to the rear of the existing dwelling immediately adjoin the shared boundary however, no works are proposed upon or over the site boundary shown. The proposed rear extension is single storey in height and no windows are proposed at the southeast elevation. Owing to the semi-detached character of the existing dwellings, I consider that the lack of separation between the rear extension and the site boundary acceptable in this instance. With reference to the modest scale and height of the proposed development, I do not consider that the proposed works would prejudice future development at the adjoining site.

8.0 Appropriate Assessment Screening

- 8.1.1. The nearest designated sites to the subject site are Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455), which are 1.8 km and 2.2 km to the east of the site, respectively. Stabannan-Braganstown SPA (Site Code 004091) is located 5 km to the north of the subject site.
- 8.1.2. Owing to the small size of the proposed development, the distance of the site from the Stabannan-Braganstown SPA, and lack of direct hydrological or over-land connections, I consider that this site can be screened out from further assessment.

Natura 2000	Site Code	Qualifying Interests	Conservation Objectives
Dundalk Bay SAC	000455	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	To maintain or restore the favourable conservation status of habitats and species of community interest in Dundalk Bay SAC.
Dundalk Bay SPA	004026	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Greylag Goose (Anser anser) [A043]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p>	To maintain the favourable conservation condition of species and habitats in Dundalk Bay SPA.

		Pintail (<i>Anas acuta</i>) [A054] Common Scoter (<i>Melanitta nigra</i>) [A065] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]	
--	--	---	--

8.1.3. During the site inspection I did not see any evidence of waterbodies at the subject site and the EPA mapping does not show any waterbodies within or immediately

adjoining the site. The site is connected to existing foul water infrastructure, which is stated to have capacity (see Chapter 9. Dromiskin of Volume 2 of the Louth County Development Plan 2021-2027). The subject site is separated from Dundalk Bay SPA and SAC by existing intervening residential and rural development. I consider that there are no direct hydrological connections between these sites and the subject site. In this way, there are no source receptor pathways between the subject site and any designated areas.

- 8.1.4. Owing to the separation distance between the subject site and the designated areas and the surrounding pattern of uses, I do not consider that ex-situ effects on QI species or habitats are likely.
- 8.1.5. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC or SPA or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.1.6. This determination is based on the following: the lack of hydrological connections to the designated sites, the fully serviced nature of the site and the residential character of the surrounding area.
- 8.1.7. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, subject to conditions.

10.0 Reasons and Considerations

Having regard to the policies and objectives of the Louth County Development Plan 2021-2027 including the written statement for Dromiskin, the zoned and serviced nature of the site and the height and design of the proposed development, I consider that, subject to compliance with the conditions set out below, the proposed

development would not seriously injure the residential amenities of the area or of property in the vicinity, would not create a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The subject development shall be amended as follows:</p> <ul style="list-style-type: none"> a) The internal road serving the dwellings shall be amended to replace the hammerhead with a single turning head. b) Car parking serving the existing dwelling and the proposed 2-bedroom dwelling shall be relocated to the end of the private rear amenity areas serving the units, so that the dwellings immediately adjoin and overlook their rear gardens. c) Soakaways shall be provided beneath the car parking areas. d) A maximum of 2 no. car parking spaces shall be provided to serve the proposed 5-bedroom dwelling. <p>Prior to the commencement of development, details of the above shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of residential amenity and to prevent surface water run-off from the site.</p>

3.	<p>Boundary treatments shall be provided at the site as follows:</p> <p>a) Concrete post and concrete panel fencing shall be provided at the southeast boundary of the site.</p> <p>b) Existing boundary vegetation at the southwest and northwest shall be maintained and supplemented with native species.</p> <p>Reason: In the interest of visual and residential amenity.</p>
4.	<p>The existing dwelling and the 2 no. proposed dwellings shall each be occupied as a single residential unit and shall not be subdivided without a prior grant of planning permission.</p> <p>Reason: To restrict the use of the 3 no. dwellings in the interest of residential amenity.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the Planning Authority for such works and services. Rainwater goods shall be provided at each of the 3 no. dwellings to ensure the satisfactory collected of water run-off.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings 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>
8.	<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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
9.	<p>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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sinead O'Connor

Sinead O'Connor
Planning Inspector

08 February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317617-23		
Proposed Development Summary	Full planning permission for 2 detached single storey dwelling houses and extensions and alterations to an existing dwelling house. The permission will include a private access road and all associated site development and drainage works.		
Development Address	Green Road, Dromiskin, Co. Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	X	10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units.	Proceed to Q.4

	(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
--	---	--	--

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Sinead O'Garra

Date: 02 February 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317617-23	
Proposed Development Summary	Full planning permission for 2 detached single storey dwelling houses and extensions and alterations to an existing dwelling house. The permission will include a private access road and all associated site development and drainage works.	
Development Address	Green Road, Dromiskin, Co. Louth	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises residential development in an area characterised by residential development. In this way, the proposed development is not exceptional in the context of the existing environment.</p> <p>Given the moderate size of the development I do not consider that the construction or demolition waste arising would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the operational phase due to the residential nature of the proposal.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having</p>	<p>The proposed development has a higher residential density than the surrounding residential areas but the scheme would not be of an exceptional size.</p> <p>Owing to the serviced urban nature of the site and residential character of the scheme I do not think that there is potential for significant cumulative impacts.</p>	No

<p>regard to other existing and/or permitted projects?</p>		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The subject site is not located within or immediately adjoining any protected area. The closest Designated Site is the Dundalk Bay SAC and SPA, which are circa 2 km to the east. There are no waterbodies at the site and there are no hydrological links between the subject site and any designated site. Therefore, there is no potential for significant ecological impacts as a result of the proposed development.</p> <p>The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>X</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector. Sinead O'Connell

Date: 02 February 2024