



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317776-23

---

<b>Development</b>	Two storey extension and associated alterations to dwelling house, domestic garage, waste water treatment system, modular dwelling (for the duration of the house rebuild).		
<b>Location</b>	Millvilla, Mountpleasant, Dundalk, Co. Louth		
<b>Planning Authority Ref.</b>	23195		
<b>Applicant</b>	Lisa O'Neill		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v Grant	<b>Appellant</b>	Philip McKeivitt
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	30 <sup>th</sup> September 2023	<b>Inspector</b>	Ian Campbell

---

### **1.0 Site Location/and Description.**

The appeal site has a stated area of 0.370 Ha. and is located on the southern side of the R132 (Old Newry Road) at Mountpleasant, c. 4 km north-east of the centre of Dundalk. The appeal site accommodates a vacant detached two storey dwelling with a two storey rear annex (stated floor area 188 sqm). The adjoining lands to the south-west, east and north-east are indicated as being within the applicant's ownership/control, as depicted by the blue line boundary. These lands accommodate a number of shed structures and the red brick chimney of a former 19<sup>th</sup> Century flax mill. The roadside boundary comprises a c. 3 mere high stone wall. The adjoining area is rural in character.

### **1.1 Proposed development.**

The proposed development consists of;

- Two storey extension to existing dwelling (ridge height c. 7.7m, external finishes consist of stone for external walls and black roof slate).
- Alterations to existing dwelling.
- Domestic garage (stated floor area 70 sqm, external finishes render and stone and blue/black roof slate).
- Waste water treatment system.
- Modular dwelling (for the duration of construction works on the house/stated floor area 114 sqm).

### **1.2 PA's Decision.**

FI Request: Prior to the decision of the Planning Authority to grant permission for the proposed development, the Planning Authority requested Further Information.

The applicant was requested to submit;

- (1) Revised drawings correctly indicating chimneys, flush eaves, and other relevant architectural detail, the details of proposed rain goods, stone finish and window/door material.
- (2) A landscape plan.
- (3) Confirm water supply, whether the modular dwelling will be connected to treatment system and whether it will be removed upon completion of the

rebuild, and that construction and demolition waste will be sent to an authorised facility.

(4) Details of soakaway design, including permeability testing.

The applicant submitted a response to the PA on the 30<sup>th</sup> June 2023.

Decision: The Planning Authority issued a Notification of Decision to GRANT permission on the 21<sup>st</sup> July 2023 subject to 11 no. conditions. The following condition is considered pertinent;

**C4** – modular dwelling shall remain in place for two years.

Report(s) of PA: In addition to reflecting the issues raised in the Further Information request, the initial report of the Planning Officer notes that the principle of the development is acceptable, that no amenity issues are anticipated in respect of the proposal, and that the dwelling is considered to be a vernacular dwelling which is worthy of retention. The second report of the Planning Officer notes that the information submitted by the applicant is considered acceptable.

Environment Section – initial report recommends FI is sought (see Item no. 3 of FI request). Second report recommends conditions in relation to compliance with the EPA CoP 2021.

Prescribed Bodies: - Irish Water (now Uisce Éireann) – no objection.

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

Observations to PA:

1 no. observation was received in respect of the initial application. The observation raised concerns in relation to the number of commercial applications on site to date.

### **1.3 Planning History.**

Appeal Site (relevant and recent):

**PA. Ref. 22/720** – Permission REFUSED to demolish existing house and for the construction of new two storey dwelling house, domestic garage, new waste water treatment system, modular dwelling (for the duration of the house build). Reasons for refusal concerned the loss of a vernacular structure and potential for impact on Carlingford Shore SAC.

**PA. Ref. 18/459** - Retention Permission GRANTED for roadside boundary wall incorporating piers and vehicular entrance to existing horse livery facility.

Within blue line boundary:

**PA. Ref. 18/1084 & ABP. Ref. PL.15.303906** – Permission REFUSED for demolition of house and development of bloodstock facility.

Refusal reasons concerned potential impact on Dundalk Bay SAC and SPA, scale of staff accommodation and flood risk.

#### **1.4 Planning Policy**

Development Plan - The relevant Development Plan is the Louth County Development Plan 2021-2027. The appeal site is not subject to any specific land-use zoning.

The provisions of the Louth County Development Plan 2021 – 2027 relevant to this assessment are as follows:

##### Chapter 3 (Housing)

- Policy Objective HOU48
- Policy Objective HOU49

##### Chapter 9 (Built Heritage & Culture)

- Policy Objective BHC42

##### Chapter 10 (Infrastructure & Public Utilities)

- Section 10.2.3 – Onsite waste water treatment systems

##### Chapter 13 (Development Management Guidelines)

- Section 13.8.35 - House Extensions
- Section 13.8.37 – Domestic Garages and Outbuildings
- Section 13.9.12 – Refurbishment of Existing Vernacular Dwellings and Buildings

#### **1.5 Natural Heritage Designations**

Dundalk Bay pNHA (Site Code 000455) – c. 820 metres south-east.

Dundalk Bay SAC (Site Code 000455) – c. 775 metres south-east.

Dundalk Bay SPA (Site Code 004026) – c. 950 metres south-east.

## **1.6 The Appeal**

### **1.6.1 Third Party**

This is a third-party appeal by Philip McKeivitt against the decision to grant permission. The grounds for appeal may be summarised as follows;

- Unauthorised development has taken place on the site, this has not been addressed in the current application and the current application is invalid on this basis. Permitting the proposal will facilitate unauthorised development. Mushroom houses on the site have been demolished without permission and there is a real risk that the proposal will not be carried out as proposed.
- Demolition of the mushroom houses was carried out without screening for Appropriate Assessment. This has not been assessed and the Board is precluded from granting permission for the proposed development. The Board cannot be satisfied that the proposal will not impact protected habitats and species.
- The proposed extension, with minor tweaks, could operate as an independent dwelling as the layout suggests an internal subdivision of the existing dwelling from the proposed extension, and thus fails to integrate with the existing dwelling.
- The proposed development does not accord with Policy HOU 48 of the Louth County Development Plan 2021-2027 as it has not been sensitively designed and would negatively impact the visual amenity of the area. The scale and design of the proposed extension is out of character with the vernacular dwelling, and would detract from same.
- The proposed development does not accord with Policy HOU 49 of the Louth County Development Plan 2021-2027 as no building survey or engineer's report has been submitted, and none was sought by the PA contrary to Section 13.9.12. The proposal is not complementary to the character and setting of the existing building, or sympathetic to the scale, massing and architectural style of the building. The proposed extension will dominate the existing building.
- The drawings submitted with the planning application are substandard.

- A construction management plan was not submitted with the planning application to address the potential for building collapse during construction works.
- It is unclear why the existing 3 metre high boundary wall is permitted to be retained. The PA's Further Information request in relation to boundary treatment was an opportunity to require a different form of front boundary to the site.

### **1.6.2. Applicant Response**

The applicant has submitted a response in respect of the third party appeal submission. The submission notes;

- The mushroom houses were derelict for a number of years and badly damaged in a storm. The applicant is amenable to lodging a retention application, if required.
- The appellant makes reference to a number of other planning applications which are of no relevance to the proposed development and related to a period prior to the applicant's ownership of the property.
- The proposal takes account of the preservation of the characteristics of the existing building, and also the needs of modern family living. Consideration was given to the surroundings and includes features of other recently approved developments in the area.
- The proposal is to be used as a family home.
- The current existing building was granted planning permission under PA. Ref. 86283 which makes it 37/36 years old. Many extensions to a building of the same age has been successfully constructed without the collapse of original building.
- Taking into account that the proposal includes removing the existing extension and replacing it to suit the needs of a modern family, the proposal is not excessive.
- The applicant has not undertaken any unauthorised development.

- The proposed development would not have a negative impact on the appellant's property, or that of any other property, nor will it result in a loss of light, privacy or views. The proposed development does not overshadow or dominate any adjoining properties and is fully compliant with the Development Plan.

### **1.6.3. P.A. Response**

A response was received from the PA stating that;

- The issues raised in the appellant's appeal statement have already been considered by the Planning Authority.
- The Planning Authority are satisfied that the proposed extension, which is internally linked to the existing house, will not give rise to any subdivision of the house and a planning condition has been attached to the permission granted to that effect.
- The 3 metre high stone boundary wall was granted retention under PA. Ref:18/459.
- The demolition of the mushroom houses that were on the site would not have any bearing on the current proposal and unauthorised works are not facilitated by it. The Planning Authority is not precluded from granting permission in this case.

### **1.6.4. Observations**

None received.

## **1.7 EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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.

### **1.8 AA Screening**

A watercourse is situated c. 100 metres south-east of the location of the proposed waste water treatment system and extension. This watercourse discharges to Dundalk Bay SAC and Dundalk Bay SPA. The watercourse is located behind a stone wall. Having regard to the nature and limited scale of the proposed development, the proposal for a waste water treatment system which complies with the EPA Code of Practice 2021 and importantly to the distance between the proposed development and the watercourse, and subsequent lack of direct connectivity, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

## **2.0 Assessment**

2.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Design of proposed extension/impact on visual amenity
- Modular dwelling
- Waste water
- Issues Arising

The impact of the proposed development on residential amenity has not been raised as a grounds of appeal. In respect of this issue, having regard to the scale, design and relationship of the proposed extension and the modular dwelling relative to adjoining property I am satisfied that the proposed development would not result in any significant negative impacts on the residential amenity of property in the vicinity in terms of overlooking, overshadowing or overbearance.



## 2.2. Design of proposed extension/impact on visual amenity

- 2.2.1. The appellant raises concerns in relation to the impact of the proposed extension on the visual amenity of the area, and states that the proposal is out of character with the existing vernacular dwelling.
- 2.2.2. The existing dwelling is served by a dilapidated two storey rear annex which in my opinion is not particularly sympathetic to the dwelling. The proposal entails the demolition of the existing annex and its replacement with a two storey extension with a link element separating the main/existing part of the dwelling and the proposed extension. The proposed extension has a ridge height c. 0.4 higher than the existing dwelling, however given its position to the rear of the main dwelling this height difference will be imperceptible. I am satisfied that the design of the proposed extension is more coherent and integrates more effectively with the dwelling compared to the existing annex. I am also satisfied that the proposal accords with Policy Objective HOU48 and HOU49 of the Louth County Development Plan 2021-2027 and would not harm the character of the dwelling.
- 2.2.3. The appellant states that the requirements of Section 13.9.12 of the Louth County Development Plan 2021-2027 have not been met as they relate to the submission of a building survey and a construction management plan. The first party notes that the building was built around 1986 and that buildings of this age routinely have works carried out on them without issue. In my opinion, noting the nature of the appeal property, its observed condition and the nature and extent of the proposed development I do not consider that the submission of either a building condition survey or a construction management plan would be warranted in this instance.
- 2.2.4. Regarding impacts on the visual amenity of the area, the dwelling is screened by a 3 metre high stone wall along the roadside with only glimpses of the side/gable elevations of the dwelling possible from the R132. Having regard to the scale, height and design of the proposed extension and the nature of boundary treatments to the site, I do not consider that the proposal would represent a discordant feature in the landscape, or would result in significant adverse effects on the visual amenity of the area.

### 2.3. **Modular dwelling**

2.3.1. The applicant is proposing to erect a modular dwelling which is to be used for the duration of the construction works to the dwelling on the site. This single storey structure has a stated floor of 114 sqm and is to be located to the south of the site. In response to a request for Further Information the applicant confirmed that this structure is to connect to the proposed waste water treatment system on the site. The proposed modular structure will not be visually prominent from outside the site noting its single storey nature, its location on the site, and the screening which is provided by the roadside boundary wall. I consider that the proposal to erect the structure on the site as a temporary measure is acceptable. In the event of a grant of permission I recommend that a condition is attached stipulating that the modular structure is removed within 2 years of a grant of permission.

### 2.4. **Waste water**

2.4.1. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a 'Locally Important Aquifer' where the bedrock vulnerability is 'High'. A ground protection response to R1 is noted. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice). The applicant's Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.

2.4.2. The trail hole depth referenced in the Site Characterisation Report was 2.7 metres. The water table was recorded in the trail hole at a depth of 2.7 metres below ground level (bgl). Bedrock was not encountered in the trail hole. The soil conditions found in the trail hole are described as comprising clayey gravel with a considerable amount of cobble sand boulders. Percolation test holes were dug and pre-soaked. A T value/sub-surface value of 11.97 was recorded. I observed the conditions in the trail hole and note that they generally correspond with the information contained in the Site Characterisation report.

2.4.3. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a septic tank and percolation area, a secondary treatment system and a soil polishing filter, or a tertiary treatment system and infiltration area. Based on the site layout drawing submitted I

note that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021. The Site Characterisation Report submitted with the application concludes that the site should be suitable for treatment of waste water. I am satisfied that the treatment of effluent on the site can be catered for without a risk to groundwater.

## 2.5. Issues Arising

### 2.5.1. Status of works allegedly undertaken on site

The appellant contends that unauthorised development has taken place on the site which has not been addressed in the current application, that the current application is invalid on this basis, and that permitting the proposal will facilitate unauthorised development. In response the first party notes that mushroom houses on the site were damaged in a storm and that should the Planning Authority deem it necessary an application for retention permission will be submitted to regularise the issue. Having inspected the appeal site I am satisfied that the removal of the structures referred to have no bearing on the assessment of the current proposal. I also note that issues of enforcement are matters for the Planning Authority and not An Bord Pleanála. The appellant also notes that the demolition of the mushroom houses were carried out without screening for Appropriate Assessment and that as such the Board is precluded from granting permission for the proposed development. I note that this appeal does not relate to the demolition of the mushroom sheds, and regarding the Board being precluded from determining the proposed development on the basis that the demolition of the mushroom sheds required an Appropriate Assessment, I note that Section 34 (12) of the Planning and Development Act, 2000, as amended, applies in circumstances where the application is for retention permission. As this appeal does not relate to an application for retention permission for the demolition of the mushroom sheds the Board need not concern themselves further with this issue.

### 2.5.2. Use of proposed extension

The appellant raises concerns in relation to the potential for the proposed extension to be used independently from the main dwelling. In response, the first party asserts her intention to use the dwelling as a family home. Having reviewed the proposed floor

plans I note that the proposed extension is internally connected to the main dwelling, and based on the plans and particulars submitted I am satisfied that the development proposed is as described, that being a domestic extension to a dwelling. Should the Board be minded to permit the proposed development I recommend that a condition is attached stipulating that the dwelling is used as a single dwelling unit. Similarly, I recommend that a condition is attached in relation to the use of the proposed garage, specifically that its use is ancillary to the dwelling and that it is not used for human habitation or for the carrying out of any trade or business.

#### 2.5.3. Standard of Drawings/Information

The appellant states that the drawings submitted are substandard. I note that the applicant was requested through Further Information to address some discrepancies in the detail of the dwelling. The applicant submitted updated drawings in response to this request which were deemed acceptable to the Planning Authority. I note that a first floor window on the side/south elevation is indicated on the floor plans but not the corresponding elevation. I do not consider this omission to be significant in the context of the overall proposal and the proposed window at this location does not result in any significant overlooking of adjacent property. Having reviewed the drawings submitted with the planning application I am satisfied that they are adequate to enable an assessment of the proposed development.

#### 2.5.4. Development Contributions

Section 9 of the Louth County Council Development Contribution Scheme, (adopted on the 18<sup>th</sup> September 2023) provides an exemption/no charge in respect of domestic extensions and garages. Development contributions for temporary permissions are calculated on the basis of the duration of permission. Whilst the proposed modular dwelling is to be used as residential accommodation it will cater for the existing residential use from the house on a temporary basis and as such I consider that the proposal would not attract a development contribution, should the Board be minded to grant permission for the proposal.

### 3.0 Recommendation

3.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

### 4.0 Reasons & Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development as proposed would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not have a significant impact on ecology or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

### 5.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the Planning Authority on the 30<sup>th</sup> June 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 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Within 2 years of a final grant of permission the modular dwelling hereby permitted shall be removed from the site. The modular dwelling shall connect to the waste water treatment system hereby permitted on the site.</p> <p><b>Reason:</b> To ensure that the development shall be in accordance with the permission, and that effective control be maintained, and in the interest of public health.</p>
3.	<p>a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the</p>

	<p>Planning Authority on the 17<sup>th</sup> April 2023 and the 30<sup>th</sup> June 2023, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>(b) Within three months of this grant of permission, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity.</p>
5.	<p>The garage structure hereby permitted permission shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.</p> <p><b>Reason:</b> To restrict the use of the garage in the interest of residential amenity.</p>
6.	<p>Prior to commencement of development the developer shall agree in writing with the Planning Authority details of material finishes to the extension. Where proposed, roof slate shall be natural slate. Windows and doors shall be comprised of timber or metal, and not uPVC.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

7.	<p>Water supply and 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.</p> <p><b>Reason:</b> In the interest of public health.</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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</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.

---

Ian Campbell  
 Planning Inspector

1<sup>st</sup> October 2023