



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317882-23

<b>Development</b>	Construction of an apartment block comprising 6 apartment units and all associated site works.
<b>Location</b>	10 Hillside, Monaghan , Co. Monaghan
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	2395
<b>Applicant(s)</b>	Flemings Retail Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dr. Kevin McKenna
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> November 2023
<b>Inspector</b>	Ronan O'Connor

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## 1.0 Site Location and Description

- 1.1. The stated site area is 0.052 ha. The site is a vacant site with hardstanding, and it was previously occupied by a two office building which has since been demolished (under previous permission PA Ref. 18/19). The associated historic entrance gate and railings (NIAH listed Reg No 41303084) remain, however. The site drops in elevation from High Street, with retaining stone walls. To the immediate north of the site is a recently constructed 3.5 storey terrace permitted under Reg Ref 18/20. To the immediate east, at a lower elevation, is open space associated with No. 16 Mill Street. To the south are existing residential and commercial properties with frontages onto High Street and Mill Street. To the west, across High Street, are two storey commercial and residential buildings.
- 1.2. The site is within the development limits of Monaghan Town and is zoned 'Town Centre' within the Monaghan County Development Plan 2019-2025.

## 2.0 Proposed Development

- 2.1. Permission for a development consisting of the following:
- (i) Construction of a two and a half storey building consisting of 3 no. one bedroom apartments and 3 no. two bedroom duplex apartments
  - (ii) Lower ground level parking
  - (iii) New pedestrian footpath
  - (iv) Alteration to existing access to include refurbishment of existing gateway (NIAH Ref: 41303084)
  - (v) Connection to mains services including water, storm and foul sewage.
- 2.1.1. The application was amended at Further Information Stage which resulted in *inter alia* an increase in 2 no. 2 bed apartment units at lower ground floor level (taking the total no. of proposed units from 6 no. units to 8 no. units), the removal of the proposed 6 no. parking spaces at lower ground floor level and the omission of the proposed vehicular access.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Grant permission [Decision Date 01/08/2023] subject to 16 no. conditions.

Conditions of note are as follows:

- 7(a)(i) All balcony areas proposed along the rear elevation to be finished with 1.8m high frost glass balustrades.

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

3.2.1. Planning Reports

- Residential use is considered a permitted use in lands which are zoned as 'Town Centre'
- Note all apartments exceed the minimum floorspace requirements
- No objections to the development, having regard to the provisions of SPPR4 (of the Apartment Guidelines) relating to dual aspect provision
- Proposed floor to ceiling heights are acceptable
- Further information in relation to boundary treatment is requested
- Details of visual screening of the bin stores
- Satisfied that the proposed units will be adequately serviced by natural light
- Open space provision is considered reasonable/details of landscaping and boundary treatment required
- Details regarding impact on residential amenity of properties to the east/south east of the application site is requested
- Proposed car parking provision considered acceptable
- A Road Safety Audit is requested

3.2.2. A request for Further Information was made on the 22<sup>nd</sup> May 2023 in relation to the following issues:

- Statement showing compliance with the 12 criteria as set out in the Urban Design Manual in accordance with Section 15.7 of the Monaghan County Development Plan 2019-2025
- Clarification of site boundary
- Road Safety Audit
- Landscaping Details
- Impact on Surrounding Residential Amenity
- Bin Storage Screening
- Lighting Details
- Water Protection Plan/Waste Management/SUDS/Bin storage and servicing

3.2.3. Significant Further Information was received by MCC on 5<sup>th</sup> July 2023. The revised drawings submitted proposed an additional 2 no. 2 bed apartment units at lower ground floor level (taking the total no. of proposed units from 6 no. units to 8 no. units), the removal of the proposed 6 no. parking spaces and the omission of the proposed vehicular access.

3.2.4. This was considered acceptable to the Planning Authority and the Planner recommended a grant of permission [Planner's Report dated 27/07/2023]

3.2.5. Other Technical Reports

Environmental Report [Dated 12<sup>th</sup> July 2023] No objection subject to conditions/  
Environment Report [Dated 17<sup>th</sup> May 2023] Request FI in relation to Water  
Protection Plan/Waste Management/SUDS/Bin storage and servicing

Public Lighting Team [dated 11<sup>th</sup> July 2023] No objection subject to conditions/  
Public Lighting Team [dated 25<sup>th</sup> April 2023] – Request FI in relation to Lighting  
Details

Roads [Dated 10<sup>th</sup> July 2023] – No objection subject to conditions/ Roads [Dated 24<sup>th</sup>  
April 2023] – Request FI in relation to (i) A Stage 1 & 2 Safety Audit (ii) Quality Audit  
Water Services [Dated 04<sup>th</sup> April 2023] – No objection subject to conditions

Housing [email dated 28<sup>th</sup> April 2023] note that the applicant transferred a house to MCC under the terms of the previous permission on this site (Ref Reg 1819) – This is sufficient to cover the Part V requirement associated with this application

Fire & Civil Protection [Dated 18<sup>th</sup> April 2023] – No objection subject to conditions.

### **3.3. Prescribed Bodies**

3.3.1. None.

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

3.4.1. 1 no. Third Party observation was received during the application stage. The issues raised are as per the appeal submission below.

## **4.0 Planning History**

4.1.1. PA Ref. 18/19 Grant Permission to (i) to demolish existing office building & associated outbuildings (ii) construction of three-storey apartment building consisting of 6 no. two-bedroom apartments over semi-basement level car parking (iii) new pedestrian footpath (iv) alteration to existing access to include refurbishment of existing gateway (NIAH Ref: 41303084) (v) connection to mains services including water, storm & foul sewage (vi) ancillary storage (vii) associated open space, landscaping & ancillary site works. Significant Further Information includes an Archaeological assessment, additional drainage information, relocated open space, amended entrance & footpath layout and associated works. [Decision Date 03/10/2018][Expired on 05<sup>th</sup> November 2023].

### Wider Site

4.1.2. PA Ref 18/20 Grant Permission to (1) demolish existing outbuildings, (2) Construct 8 no. three and a half storey 4 bedroom dwellings together with attached garage, (3) new gated entrance to public road with new pedestrian footpath & associated off-street car parking to include retaining wall structure, (4) connect to mains services including water, storm, & foul sewage, (5) construct associated openspace, landscaping & ancillary site works. Significant Further Information includes an

Archaeological assessment, additional drainage information, amended footpath layout and associated works [Decision Date: 03/10/2018]

## **5.0 Policy Context**

### **5.1. Development Plan**

The Monaghan County Development Plan, 2019 to 2025, is the applicable Development Plan.

The site is zoned 'Town Centre'.

Chapter 2 of this plan identifies Monaghan town as a 'Tier 1 (County Town)' and indicates that it will be promoted as the primary growth centre for industrial development, as the primary retail and service centre and as a strong and attractive residential centre

Chapter 10 of this plan deals specifically with Monaghan town and it sets out the following: 'Monaghan Settlement Plan Strategic Objective': "to facilitate the development of Monaghan to maintain its position as the principal town in the County at the top of the settlement hierarchy and to ensure that its expansion takes place in an orderly and sustainable fashion that will not detract from the vitality and viability of its town centre" (Note: MTSO 1)

Section 10.1 of the plan states that: "strengthening of Monaghan town as a major centre of population in the regional and cross border context is important in terms of attracting private sector investment in jobs and the economy"

#### **9.8 – Housing**

UDO 10 - To encourage and support proposals for new residential development that will result in the regeneration/renewal of town centre areas and/or a reduction in vacancy/dereliction in the context of the proposed planning and sustainable development of the area.

#### **9.12 – Infrastructure & Service**

RPO 4 - Regulate and manage car-parking facilities throughout the towns in accordance with Development Management Guidelines, Monaghan County

Development Plan 2019- 2025 and ensure that adequate off-street, car parking and servicing space is provided in all new developments.

### 9.13 Natural & Built Heritage

SNO 11 - Ensure that new developments enhance, respect and compliment the form and scale of the existing town streetscape and architecture

## Chapter 15 - Development Management

15.2.3 Infill Sites - Development within infill sites must consider the context of the surrounding area. Development proposals on sites along streetscapes shall comprise an active frontage and shall continue the established building line.

15.2.6 Scale & Mass - The size of a building should be relative to its surroundings and scale and is a key element in the design consideration for new buildings. If a building's design is incongruous or excessively large when compared to adjoining buildings within the streetscape, then the proposal will be resisted

15.2.9 Roofline - The older and more traditional buildings within a streetscape generally have slated pitch roofs which contain features such as chimneys that can add to the visual interest and character of the building...Roof design should have regard to the scale and roof form of the street frontage and use materials which are chosen to complement the existing roof within the streetscape.

15.2.10 Building Heights & Overshadowing - The height of new or extended developments shall not be determined solely by the height of adjoining properties. In general, heights should respect the local streetscape.

All proposals must minimise overlooking, overbearing and overshadowing to ensure no significant adverse impact on adjoining properties. Proposals which impact negatively on the residential amenity of adjoining properties by reason of overlooking or overshadowing will be resisted...Shadow projection drawings in accordance with 'Site Layout Planning for Daylight and Sunlight; A guide to good practice (1991)' or 'Lighting for Buildings Part 2; A code of practice for day lighting (1992)' may be required.

The publication 'Quality Housing for Sustainable Communities'...should be applied to all housing designs. Housing design should aim to achieve the standards set out in Table 5.1 of these guidelines (Appendix 21) as a minimum.



## 15.7 – Multi-Unit Residential Developments

15.7.1 – Layout – Lists components to be considered when designing layouts for new developments.

15.7.5 Layout & Design of Apartments - The 'Sustainable Urban Housing; Design Standard for New Apartments' (2020) identify minimum standards for floor areas of apartments including storage space and individual room areas. Apartment design should aim to achieve higher standards than those prescribed for in the guidelines

Table 15.3 – Sets out the minimum private open space requirement for residential units.

## 15.12 – Waste Storage

### 15.13.7 – Residential Amenity

RDP 24 - Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted.

## 15.28 – Car Parking Standard

Table 15.6 – Sets out the car parking standards for development. (Apt 1-2 bed = 1.5 per unit)

CP 5 - To provide for a reduction of up to 50% of the standards as required in Table 15.9 of the Monaghan County Development Plan 2019-2025 for developments or redevelopment of infill/brownfield/derelict sites located within the designated town centres, where appropriate

CP 6 - To permit a reduction in the car parking standards set out where the developer cannot provide the required car parking spaces and to accept a financial contribution in lieu of the provision of car parking, where appropriate.

## 5.2. Natural Heritage Designations

- 5.2.1. The nearest nationally designated site is Wright's Wood pNHA which is 1.5km to the west of the site. The nearest European Site is the Slieve Beagh SPA (site code 004167) which is approximately 12.5km to the north-west of the site.

### **5.3. EIA Screening**

- 5.3.1. See completed Form 2 on file. 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, therefore, is not required.

## **6.0 The Appeal**

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

- 6.1.1. A Third Party Appeal against the grant of Planning Permission has been submitted on behalf of Dr. Kevin McKenna, 16 Mill Street, Monaghan.
- Existing apartments on neighbouring site are on much deeper sites to that proposed here/there is reasonable separation to the rear boundary wall
  - Appellants rear garden is located to the immediate east/is 1.25 to 1.75 lower.
  - Garden has development potential as a mews dwelling subject to planning permission
  - Proposal will directly overlook appellant's garden
  - Description is misleading/proposal is 3 and half storeys/has a ridge height of 13.86m above ground level
  - Full topographical survey should have been prepared
  - Insufficient communal space
  - Response to amenity issue at FI was inadequate
  - Objection to the FI was not acknowledged in the Planner's Report
  - Site area is 0.052ha not 0.52ha/gives the impression of a low density scheme
  - No final Planner's Report assessing the FI information received
  - Proposal is an overdevelopment of the site/density of 154 units/ha.
  - Poor level of amenity for new occupants

- Significant impacts on amenity of subject property to the east
- The two additional apartments in the undercroft area will have limited access to sunlight and daylight
- Screens will limit the amenity value of the balconies
- No parking provided on site which is contrary to Development Plan policy
- Overlooking will take place despite the screens/maintenance and enforcement of the screens will be problematic/will be views over clients garden/will erode privacy and greatly reduce their development potential
- Proposal will result in overshadowing
- Proposal will be visually intrusive and overbearing
- Noise generation and littering is also a concern
- Stability of historic boundary wall may be compromised/not clear what the extent of excavation will be/no detail in relation to the design of the retaining wall/real safety concern for users of clients garden
- Loss of development potential/at 650 sq. m. the garden could accommodate a mews dwelling/add to the town centre housing supply
- Was no consultation carried out by the applicant
- Proposal is contrary to Development Plan policy
- Would depreciate the value of clients dwelling
- Proposal should be refused

## **6.2. Applicant Response**

6.2.1. A First Party Response was received on 25<sup>th</sup> September 2023. This is summarised below:

- Proposal is a logical continuation of the development on the adjoining site
- Proposal would be consistent with planning policy at a national, regional and local level
- Appellant fails to show that the proposal is objectionable on amenity grounds

- PA consider the proposal to be consistent with the Development Plan
- Proposal was increased from 6 to 8 units at FI stage
- Building is a 3.5 storey brick building/presented as a 2.5 storey building to High Street/utilising the level change to provide a further storey at lower level accessed Mill Street
- Extensive modelling and shadow studies have informed the massing and scale of the building to ensure the building is relative to the surrounds and feasible in terms of density for its siting
- Provides an opportunity to provide a new pedestrian link from High Street to Mill Street
- Range of dwelling types/range of public, communal and private spaces proposed
- Private amenity space exceeds accepted national standards
- Communal amenity spaces are located to maximise solar gains and views of Peter's Lake
- Vehicles have been removed from the scheme enhancing the sense of place and maximising amenity space
- Relevant standards are met
- Unnecessary to provide car parking or vehicle access given its location in the town centre
- Proposal complies with Development Plan Policy include Objective SHO 1
- PA conditioned screens onto balconies
- PA considered proposal had adequate daylight and sunlight
- Density is appropriate for the context of the site
- Not accepted that proposal will provide a poor standard of amenity for future occupants
- Proposal complies with apartment guidelines
- Privacy screens are a common feature on balconies

- Development Plan states that parking can be reduced or eliminated in suitable locations
- Significant separation distance between the proposed development and the existing residential properties
- Angles nature of the layout in relation to existing development serves to increase protection of privacy
- Proposed panels on the balconies reduce the potential for overlooking
- There is no evidence the that the maintenance of the screens would be problematic/screens would be difficult to enforce
- No evidence to show that overshadowing would occur/town centre site and a degree of overshadowing is to be accepted, particularly in the winter months
- The proposed building is set sufficiently far back within the site so as not be overbearing when viewed from the adjoining lands to the east
- There is no vehicle access proposed/noise from cars will be reduced
- A level of disturbance to existing residents is to be expected, especially during the construction phase/conditions in relation to construction hours have been imposed
- Littering will not occur
- No proposals to the party wall are included as part of these development works
- Issues in relation to the preservation of the party wall area civil matter/there are no plans to alter the boundary wall
- It is difficult to see how a landlocked garden has any development potential/the development proposed would have any impact on the development potential of this adjoining garden
- No statutory requirement for direct engagement/consultation by an application with neighbours prior to or during the application process
- Ask that the Board uphold the decision of the planning authority

### 6.3. Planning Authority Response

6.3.1. None received.

### 6.4. Observations

6.4.1. None received.

## 7.0 Assessment

7.1. The issues raised in the appeal are as follows:

- Design Issues/Visual Amenity
- Impact on Residential Amenity
- Residential Standards
- Other Issues

#### Design Issues/Visual Amenity

7.1.1. The Third Party Appellant has set out that the proposed development is an overdevelopment of the site, with excessive density, and will be visually dominant and overbearing.

7.1.2. The First Party response essentially states that the scale of the proposed development is appropriate for the site.

7.1.3. In relation to the density of the site, the net density is approximately 154 units/ha, with reference to the revised drawings received at Further Information Stage which increased the number of units from 6 to 8 units. I note that this is a town centre site, where existing densities are generally greater. Section 15.7.6 'Housing Density' of the Development Plan recommends that, within designated towns, new development should contribute to maintaining compact forms. I note also the provisions of the Apartment Guidelines (2023) which note that in 'Intermediate Locations'<sup>1</sup> such as this one, medium to high density residential schemes are appropriate, with densities broadly greater than 45 units/ha (there is no upper limit set out). In relation to the

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<sup>1</sup> Which are defined as *inter alia* Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town centre or employment locations that may include hospitals. The site is within a principle town centre and within c100m of Monaghan General Hospital.

provisions of the Sustainable Residential Development Guidelines (2009), this document encourages higher densities in town centre sites such as this one, with no upper limit on density, subject to compliance with particular criteria, including those related to design standards (Section 5.6 of same refers). As such, the principle of a higher density scheme is appropriate in this location.

- 7.1.4. In terms of the height proposed, I note that the overall height is 3.5 stories. The overall height proposed is in keeping with the adjoining development to the north and reads as a continuation of the terrace of buildings at this location and I am satisfied that the height is appropriate.
- 7.1.5. In terms of visual dominance and overbearingness, I would note that the appellant's property (16 Mill Street) sits to the south of the site, and the garden/open areas associated with No. 16 Mill Street, lie to the south and east of the site and sit at a lower elevation than this site. I am of the view that any development of scale on this site, would be visually prominent from these lower elevations. However, I do not consider that this should preclude a development on this site. I am not of the view that the height, at 3.5 storeys, is excessive, and I am not of the view that the development as proposed would be visually dominant, nor overbearing, although it certainly will be visible from the appellant's property. However the visual impact is further reduced by the distance of the rear windows of neighbouring properties from the nearest balconies, which is some 31m.
- 7.1.6. Of note also is that a development of similar scale was approved under Planning Reg Ref 18/19 and, as such, the principle of a development of this scale on the site has already been established.

## **7.2. Impact on Surrounding Residential Amenity**

- 7.2.1. The Third Party Appellant has stated that the proposed development will result in the overlooking of the garden to the east, notwithstanding the proposed privacy screens. It is further set out that the screens will not be maintained and they may be difficult to enforce. It is further stated that the proposed development will result in overshadowing.
- 7.2.2. The First Party has noted the distance to the rear of the nearest properties and it is further stated that the privacy screens will mitigate against overlooking, and that these can be the subject of enforcement if needed.

- 7.2.3. From the information submitted in the Third Party appeal, the garden referred to in the appeal submission is associated with No. 16 Mill Street, which is accessed from a rear yard via a Right of Way (I refer the Board to Page 1 of the appeal submission and the attached site location map attached to the appeal submission). It is further stated in the Third Party Appeal submission that the property and garden are currently unused, but may be brought back into use at a future date. In relation to the overlooking of the garden, I note that there are proposed balconies on or close to the eastern boundary of the site. This is a similar situation to that approved under 18/19 and as such this arrangement has been previously considered as acceptable. While there may be a degree of overlooking of the rear garden of No. 16, from these balconies when occupiers are standing on same, the frost glazed panels will serve to mitigate against overlooking from occupiers sitting out on same. I would further note that the site is situated within a town centre and as such a degree of mutual overlooking of amenity spaces is an established feature in such areas. In terms of loss of privacy or overlooking of existing residential windows, I note that there are no directly opposing windows. The nearest residential windows are 31m to the south-east of the balconies (the rear of the properties fronting onto Mill Street). This is sufficient, in my view, to ensure that there will be no material overlooking. Notwithstanding, the revised drawings submitted at FI stage indicate 1.8m high privacy screens, and I am satisfied that these will mitigate against any perceived overlooking from the balconies.
- 7.2.4. In relation to the issue of overshadowing, I note that No. 16 Mill Street, lies to the south of the site, and as such will not be impacted as a result of overshadowing (in relation to loss of sunlight to the rear windows). In relation to the potential overshadowing of the rear garden area of No. 16 Mill Street, I note that the applicant has not provided a shadow diagram outlining any potential impacts on the adjoining garden. Section 15.2.10 of the Development Plan notes that such diagrams *may* be required (my emphasis), however, there is no mandatory requirement for same, under the provisions of the Development Plan. It would appear the Development Plan allows for a degree of discretion as to whether a shadow diagram is required. In this instance, I am of the view that it is not required, and it can be inferred from the nature of the development, and from its relative orientation to the adjoining garden of No. 16 Mill Street, that, while there will be some impact on sunlight in the evening,



given the proposed development lies to the west of same, the sunlight for the majority of the day will be unaffected by the proposed development, and the existing open aspect of the garden remains and allowing sunlight penetration to the garden from the south and east, although I note that sunlight is likely to be somewhat already compromised by the vegetation on the boundaries. It is likely, in my view, that the garden would achieve the BRE target of 2 hrs of sunlight per day for over 50% of the garden on 21<sup>st</sup> March<sup>2</sup>, with the proposed development in place, disregarding any impact of the existing vegetation that bounds the garden area. Overall, I am satisfied that the any overshadowing resulting from the proposed development that will result will not have a significant impact on the amenity value of the garden area.

#### Residential Amenity (Daylight/Sunlight, Amenity Spaces)

- 7.2.5. The Third Party appeal submission contends that there will be a poor level of amenity for new occupants, stating that the two additional apartments in the undercroft area will have limited access to sunlight and daylight. It is also contended that the proposed privacy screens will limit the amenity value of the balconies.
- 7.2.6. The applicant does not accept that the proposal will provide a poor standard of amenity for future occupants, and note that the PA have accepted that the proposal would provide adequate daylight and sunlight. It is further stated that the privacy screens, such as that proposed, are a common feature and, in fact, add to the amenity of the balcony, allowing it to be used on a year round basis.
- 7.2.7. In terms of the daylight and sunlight to the lower ground floor/undercroft units, I note that these 2 no. units were proposed in addition to the 6 no. units proposed in the originally submitted application, and were included in the Further Information submission, in the place of car parking spaces. The applicant has not provided a Daylight & Sunlight Assessment of the proposed development, either at application stage, nor at appeal stage. However, there is no explicit requirement for same, having regard to the provisions of the Development Plan. Section 15.7.2 of the Development Plan states that layouts should considered orientation to maximise amenity, daylight and solar gain. In this regard, I would note also that the Planning

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<sup>2</sup> With reference to BRE Site Layout Planning for Daylight and Sunlight (2022)

Authority did not raise any concerns in relation to daylight and sunlight to the proposed units.

- 7.2.8. In relation to the daylight/sunlight provision to the lower ground floor units (Units 04 and 05), I note that these are dual aspect units, and have easterly and westerly aspects. The front windows (west elevation) are set below ground level, with the rear windows (east elevation) having an open aspect to the east. In relation to Unit 04, the living/dining area has windows to the west and the east. While I accept that both daylight and sunlight to the west facing window of Unit 04 may be compromised as a result of location of the window below ground level, the east facing window is likely to receive sufficient daylight and sunlight, and I am of the view that the room overall would likely achieve sufficient daylight and sunlight. Bed 02 of this unit would also likely receive good daylight and sunlight levels, given the unobstructed nature of same, and its easterly orientation. However, I accept that Bed 01 of both Units 04 and 05, may well be compromised in terms of daylight and sunlight, as well as aspect. On balance, however, I am of the view that it is likely that the remainder of the proposed habitable rooms in the remaining units (there are 24 habitable rooms in total within the proposed development) would achieve good daylight and sunlight standards, given the dual aspect nature of the units, and the unobstructed nature of the aspect, with no large built form in close proximity that would have an impact on daylight and sunlight levels. I also note that the BER Guidance (2022) state that living rooms and kitchens need more daylight than bedrooms, and should be sited away from obstructions (Para 2.1.14 refers), as is the case with this proposed development. The BER Guidance also note that the main requirement for sunlight is in living rooms, and it is viewed as less important in bedrooms (Para 3.1.2 refers). I also note the provisions of the Apartment Guidelines (2023) which state that the daylighting and orientation of living spaces is the most important objective (when considering the issue of dual aspect ratios). In this instance it is likely the living spaces of both lower ground floor units will achieve good daylighting levels with both spaces having an open unobstructed orientation to the east.
- 7.2.9. In conclusion therefore, I accept that the 2 no. bedrooms referred to above may not achieve BRE standards, or have a particularly good outlook, the proposal overall is likely to achieve good standards of daylight and sunlight, and with the vast majority of habitable rooms having a good outlook (22 of 24 habitable rooms). I am cognisant,

too, of the design constraints associated with the site, with the drop in elevation, from High Street, with necessitates some design compromises, in terms of overall amenity to the proposed units. The proposed development also serves to 'bookend' the existing terrace and in this regard provides an appropriate streetscape or urban design solution. Both design constraints and the provision of an appropriate streetscape are factors which can be taken into account when daylight and sunlight standards cannot be fully achieved (with reference to Para. 6.7 of the Apartment Guidelines, 2023). I am not minded to recommend a condition omitting the units in question (given the lack of an alternative use for this floor space, and given the need to ensure an efficient use of a centrally located, zoned and serviced site). I am also not minded to recommend that the bedrooms in question are omitted, as this would result in 2 no. oversized 1 bedroom units.

- 7.2.10. In relation to the proposed privacy screens, these are limited to the southern elevations of the balconies and would have a very limited impact on the amenity of same and I accept that there are a common feature of such balconies in an inner urban context.

### **7.3. Other Issues**

- 7.3.1. Development Potential of Neighbouring Site - The Third Party appellant has stated that the development potential of the neighbouring site could be impacted upon as a result of the proposed development, namely as a result of the visual impact of same, and overlooking that would result from same. I have considered both of these issues above, in terms of design and residential amenity. In relation to impacts on the development potential of the neighbouring gardens (associated with No. 16), I note that a similar development to that proposed here was approved under Reg Ref 18/19, and as such the nature of the relationship of this building to the neighbouring site has already been found to be acceptable. Furthermore, the appellant has not provided any evidence of how the adjoining site may come forward for development (in terms of a concept diagram for example), save to note that it may accommodate a mews dwelling. In this regard, there does not appear to be any planning history relating to same (referred to in the file at least) and, given the above factors, I am not of the view that the development as proposed would impact on the development potential of the adjoining site to such an extent that would warrant a refusal of permission.

- 7.3.2. Impact on Retaining Wall – The Third Party Appellant has stated that the proposed development may have an impact on the existing historic retaining wall that borders the development site. The applicant has responded by clarifying that no works to this wall are proposed. I am satisfied that this is the case, with reference to the proposed drawings.
- 7.3.3. Impact on Property Values – The Third Party Appellant has stated that the proposed development will impact on the property value of his property. No evidence is provided to support this claim. Notwithstanding, I am of the view that no adverse impacts on No. 16 Mill Street will result from the proposed development (as considered in the assessment above) and I do not share the appellant's view that a negative impact on property values would result from the proposed development.

## 8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development, and the distance from the nearest European Site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have any significant effects either alone, or in combination with any other plans or projects, on any European Sites.

## 9.0 **Recommendation**

- 9.1. Having regard to the foregoing assessment it is considered that the proposed development should be **Granted** for the following reasons and considerations and in accordance with the following conditions.

## 10.0 **Reasons and Considerations**

- 10.1.1. Having regard to the land-use zoning of the site, the planning history associated with the site and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenities of the area or injure residential amenity of property in the vicinity and would be acceptable in terms of traffic safety and

carparking. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5<sup>th</sup> July 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 proposed 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.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>Prior to the commencement of development, revised plans shall be submitted to the planning authority for agreement in writing illustrating the following:</p> <p>(a) all balcony areas proposed along the rear elevation to be finished with 1.8m high frosted glass balustrades.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

4.	<p>The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
5.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
6.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
7.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
8.	<p>The developer is required to sign a connection agreement with Uisce Éireann (formerly Irish Water) prior to any works commencing and</p>

	<p>connecting to its network. All development is to be carried out in compliance with Irish Water Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
10.	<p>Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1300 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>
11.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>

12.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
14.	<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</p>



	<p>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 for Monaghan County Council 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><b>Reason:</b> 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>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Rónán O'Connor  
Senior Planning Inspector

21<sup>st</sup> December 2023

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	317882-23			
<b>Proposed Development Summary</b>	Construction of an apartment block comprising 6 apartment units and all associated site works.			
<b>Development Address</b>	10 Hillside, Monaghan , Co. Monaghan			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Y	
		<b>No</b>	No further action required	
<b>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?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	No		Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	Yes	Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001.		Proceed to Q.4

		<ul style="list-style-type: none"> <li>• Construction of more than 500 dwelling units</li> <li>• 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.</li> </ul> <p>*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.</p>		
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4. Has Schedule 7A information been submitted?		
No	No	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_