



An
Bord
Pleanála

Inspector's Report ABP-317960-23

Development	Construction of a house to side of 8B Oaklawns, relocate site entrance and all associated site works.
Location	8B Oaklawns, Dundalk, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	23105
Applicant(s)	Mr. William Arrowsmith.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Parties (3 no.)
Appellant(s)	1. Rorie McCann 2. Mr. & Mrs. McKey 3. Patrick & Eileen McSorely
Observer(s)	None.
Date of Site Inspection	09/05/2024
Inspector	Paula Hanlon

1.0 Site Location and Description

- 1.1. This site is currently within the site boundary of number 8B Oaklawns, which is an established two-storey semi-detached dwelling located along the eastern side of a cul-de-sac street within a mature residential scheme in the urban area of Dundalk, Co. Louth. The subject site (0.037ha) encompasses the southern portion of 8B Oaklawns which is currently in use as a side garden. The established building line is varied, with the proposed dwelling consistent with the building line of adjoining dwellings to the northwest of this site and forward of adjacent dwelling sited to the east of this site.

2.0 Proposed Development

- 2.1. Construction of a house to side of 8B Oaklawns, relocate site entrance and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 18 August 2023, Louth County Council issued a Notification of decision to grant planning permission subject to 5(no) conditions. The conditions were mainly standard, and the following are of note:

- Development to be carried out in accordance with plans and particulars submitted on 03/03/2023 and 28/07/2023 (Condition 1)
- Development Contribution (Condition 2)
- Sightlines, Dished footpath & Other Infrastructure Requirements (Condition 4).

3.2. Planning Authority Reports

3.2.1 Planning Report(s)

Two Planning Reports have been attached to the file. The first report completed on 18/04/2023 provides a response in regard to concerns raised within 3(no) submission received and considers that the proposed design and layout is broadly acceptable, will not impact on residential amenities of adjoining properties or impact negatively on the

character of the area. It recommends that further information be sought in respect of sightlines, front boundary treatment, roadside kerbing/footpath lowering and drainage (SuDs).

The second planning report completed 15/08/2023 forms the basis for the decision by Louth County Council to grant permission. The content of this report deemed the Applicant's response to the further information request to be acceptable and a grant of planning permission was recommended subject to compliance with conditions.

In making this recommendation, the Planner's Report refers to an internal report undertaken by The Placemaking and Physical Development Section of LCC and outlined that the details sought in regard to sightlines, boundary treatment and drainage were acceptable. The report subsequently recommended that permission be granted subject to conditions.

3.2.2 Other Technical Reports

Placemaking & Physical Infrastructure Section: Further Information was sought (report dated 12/4/23). A subsequent report (dated 14/08/23) recommended conditions.

3.3. Prescribed Bodies

Uisce Eireann: No objection.

3.4. Third Party Observations

The Planning Authority (PA) received 3 third-party submissions during the course of their determination. Each of these submissions were made by persons who reside in the immediate area. The matters raised include impacts on residential amenities of adjoining properties, impacts on the character of the area, design, services considerations and validity of public notice(s).

4.0 Planning History

07/520098: Demolish garage and construct 2(no.) semidetached dwellings and associated works, granted permission and upheld on appeal (Reference PL55.225217), subject to 8 conditions. An extension of duration of permission was subsequently granted in 2012 and the permitted development was constructed.

06/520260: Demolish garage and construct a terrace of (3no) terraced dwellings and associated works, refused the grounds of the proposed terrace being out of character with the estate, devalue surrounding properties and be contrary to local policy.

4.1. Louth County Development Plan

4.1.1 The Louth County Development Plan 2021-2027 (CDP) is the operative Development Plan for the county.

4.1.2 The site is located in an area zoned 'Residential Existing', with the landuse zoning objective A1 – 'To protect and enhance the amenity and character of existing residential communities'.

'Residential' is listed as a 'Generally Permitted use' under the landuse zoning attached to this site.

4.1.3 Policy objectives and Sections of particular relevance include:

Core Strategy/Settlement Strategy/Compact Growth

CS1: To secure the implementation of the Core Strategy and the Settlement Strategy in so far as practicable, by directing sustainable growth towards the designated settlements, subject to the availability of infrastructure and services.

HOU15: To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be

appropriate to the local context and enhance the local environment in which it is located.

HOU18: (Develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas...).

HOU19: (Enhance and develop the fabric of existing settlements in accordance with the principles of good urban design...).

HOU 22: (Prioritise and facilitate walking, cycling, and public transport...).

HOU 25: (Design & Construction to accord with the Development Management Guidelines set out in Chapter 13).

IU19, IU21 and IU23 (Drainage requirements/SuDs).

Development Management Standards (Chapter 13) with standards of particular relevance including 13.8 (Housing in Urban Areas); 13.8.9 (Residential Amenity) and 13.8.10 (Daylight & Sunlight).

4.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024)

The strategy for Regional Growth Centres is to support consolidation within and close to the existing built-up footprint. This site is within a 'Regional Growth Centre -

Suburban/Urban Extension' as defined within Table 3.4 of these Guidelines, with residential densities in the range 35 dph to 50 dph (net) to be generally applied.

SPPR 1 - Separation Distances

...Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces... In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

SPPR 2 - Minimum Private Open Space Standards for Houses

Proposals for new houses to meet the following minimum private open space standards: 2 bed house 30m² and 3 bed house 40m² and a further reduction may be considered acceptable in certain circumstance.

SPPR 3 - Car Parking

(iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where justified is 2(no.) spaces per dwelling. Applicants are required to provide a rationale and justification for parking proposal and satisfy the PA that such provision is necessary and appropriate.... The maximum car parking standards include visitor parking.

SPPR 4 - Cycle Parking and Storage

All new housing schemes to include safe and secure cycle storage facilities to meet the needs of residents and visitors.

Policy and Objective 4.1

That PA's implement the principles, approaches and standards set out in DMURS (including updates) in carrying out their functions under the PDA (as amended) and as part of an integrated approach to quality urban design and placemaking.

4.3. Natural Heritage Designations

The appeal site is not located on or within proximity to any designated Natura 2000 sites or Natural Heritage Areas. Dundalk Bay SPA (004026) is sited approximately 1 kilometre NE and Dundalk Bay SAC (000455) is sited approximately 1.4 kilometre NE of the site.

4.4. EIA Screening

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.

5.0 The Appeal

5.1. Grounds of Appeal

3(no) third-party appeals have been received in relation to the PA's decision to grant permission from, Mr. Rorie McCann, Mr. & Mrs. McKey and Patrick & Eileen McSorely all of whom reside in the vicinity of the proposed dwelling house. The grounds of the appeals received are summarised together below. They reiterate and expand on matters raised in each of the appellant's original submissions lodged with the PA.

Procedural/Planning History: The PA's report lacks transparency and procedural fairness. Proposal is unjustified within the context of the appeal site's previous planning history, national guidelines and CDP policies and standards. The site's

planning history was highlighted as material in determining the appropriateness of further development on this site.

Character of the Area: The proposal will have a negative impact on the appearance and character of the estate, reducing the curtilage associated with the proposed dwelling and adjoining house (8B), resulting in a physically cramped and visually domineering structure. There are insufficient grounds to justify the proposed material deviation from the established pattern of development, visual character and streetscape and the proposal will be the only detached house within Oaklawns.

Design: It constitutes overdevelopment, is non-compliant with development management guidelines/standards and the promotion of compact growth should not be to the detriment or at a cost to existing residents. Concerns raised in regard to plot ratio, site coverage, separation distances to adjoining house boundaries being too narrow in the context of access provision and visual impacts (appearing similar to an end-terraced form of development, with previous refusal on similar type development), extent of private open space (subject site & No. 8B) being below minimum standards & the incorrect inclusion of front garden space in calculation provided, no details on bin storage and the undesirable precedent it would set if permitted.

Impacts on Residential Amenities/Zoning Objective: The proposal will result in overshadowing, overbearing, overlooking and loss of privacy to adjoining dwellings (including Nos. 7, 8, 8B and 9) and compliance with the site's A1 zoning which also seeks 'to conserve and enhance the quality and character of established residential communities and protect their amenities' is raised as an issue.

Overbearance concerns expressed due to proposed siting, mass & bulk and proximity to adjacent boundaries (Nos. 8, 8B & 9), its building line relative to No.9 and impacts on private open space to No. 8B.

Additional Overlooking and Loss of Privacy of rear gardens (Nos. 7, 8, 8B & 9) and of rear elevation habitable windows (Nos. 7, 8 & 9) is raised as an issue, due to separation distances and the orientation of proposed dwelling.

Loss of Air, Natural Daylight and Direct Sunlight concerns to Nos. 8, 8B & 9 given proximity to adjoining houses, with particular reference made to a 1.8m separation distance from windows in No. 8B. No shadow projection diagrams were submitted.

Vehicular Access, Traffic and Car Parking: The achievement of sightlines (south) and insufficient car parking resulting in additional on-street parking, parking on footpaths and reduced parking for No. 8B are raised as concerns. Site is located within Area 3 and requires 2 car spaces per unit.

Services Provision: Potential impacts on public main sewer infrastructure which runs through this site and the capacity of sewerage network is raised. Wayleave was not annotated on drawings.

Devalue Property: The matter of devaluation of neighbouring properties due to impacts on their physical setting and amenities is raised.

5.2. **Applicant Response**

Procedural/Planning History: The application process was carried out with transparency and fairness. The proposal differs from previous application on this site and will not devalue houses in the area.

Character of the Area: The applicant refers to the subjective views of planners and emphasises that the proposal is in keeping with the character of the area (maintaining street pattern/building line and will create variety to the street scene), is consistent with current policy, guidelines & regulations and provides for greater density in an urban area as opposed to contributing to urban sprawl. The removal of an existing copper beach tree (c.20 years old) is necessary to accommodate the site's development, with additional planting including native trees also proposed.

Design: The proposal is in a town centre location and will increase existing density in an established estate albeit lower than the density prescribed within the CDP (50 per ha). The plot ratio is below permissible ratio stated in CDP and site coverage is 0.34 which is consistent with the CDP. Private open space in the form of 50m² (rear) and 16m² (front) of site will be provided and the CDP does not stipulate that private open space must be located to the side or rear of dwelling. Adjoining house (referenced as No.8C) will have 63m² private open space.

Impacts on Residential Amenities

Overbearance: The proposed design generally reflects the established building line along the public road within Oaklawns and is similar in design to No.8A in terms of overall height with a narrower depth, provides 22-metres separation distance between opposing first floor windows, orientation (north to south) and has a minimum distance of 9 metres from neighbouring houses to rear and 1.8m separation distance with adjacent dwelling (No. 8B). Reference is made to possible overbearance to non-habitable structures associated with Nos. 8&9 and that there is more overbearance from No.8B to No.8 than the proposed dwelling which is sited further away.

Overlooking and Loss of Privacy: The extent of overlooking and loss of privacy is minimal with 1 bedroom window at first floor level proposed to rear elevation and 2 windows serving WCs with obscure glazing. The bedroom window can be fitted with obscure glass, if deemed necessary.

Loss of Air, Natural Daylight and Direct Sunlight: Shadow Projection Drawings are attached to the appeal response. The loss of natural light to adjoining houses would be negligible in respect of habitable rooms given the design and separation distances proposed. The loss of natural light to WC and first floor landing window in gable of No.8B is similar to most housing estates.

In reference to Section 13.8.6 (loss of air, light), no further consideration is required given the nature and scale of the development proposed.

Vehicular Access, Traffic and Car Parking: Matters raised regarding visibility constraints due to existing southern boundary were addressed at further information stage of the planning process. There are no previous issues in regard to congestion or excessive on-road parking noted along the adjoining cul-de-sac which accommodates 28(no) houses and there is an operational bus service within proximity of the site. A separate driveway is proposed to accommodate car parking requirements (1 space per dwelling) within both the proposed development and No. 8B.

Services: Irish Water had no objection to the proposal. Previous sewer pipe on these lands was diverted and no permanent structure(s) is proposed on wayleave.

5.3. Planning Authority Response

Two responses were received from the Planning Authority dated 28/09/2023 and 13/10/2023 which confirms its decision. The response of the 28/09/2023 outlines that the proposal would provide accommodation of an appropriate design quality at this urban location, subject to conditions and that matters on public water infrastructure pertain to Uisce Eireann.

5.4. Observations

None.

5.5. Further Responses

Further correspondence submitted by a third party (31 October 2023) refers to misleading statements and inaccuracies within the applicant's response. It reiterates the relevance of the site's planning history and outlines that there have been no changes to adjoining properties or to planning considerations/ principles set out in guidelines and policy regardless of the differing development proposals. It further reiterates that the proposal will result in overbearance on adjoining house and negatively impact on the streetscape and raises issue in regard to details provided on the site's location (peripheral residential, not town centre), density, private open space provision, car parking (Area 3 applies) and on-site wayleave (and queries whether this infrastructure is with Irish Water). The 2(no) Shadow Projection Diagrams submitted contain many deficiencies and also demonstrate that the proposal will materially overshadow the private amenity space of neighbouring dwellings, in particular No. 8B. The proposal is required to meet minimum design standards set out in national guidelines and within the CDP and if permitted, would set an undesirable precedent for an unacceptable and undesirable low standard for other development in the area.

6.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, site inspection and having regard

to the relevant local/national policy objectives and guidance, I am satisfied that the main issues to be considered are those raised within the 3(no) Third-Parties grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues in determining this appeal are as follows:

- Principle of the development
- Character of Area
- Design
- Residential Amenities
- Loss of Air, Natural Daylight and Direct Sunlight
- Vehicular Access, Traffic and Car Parking
- Procedural.

6.1. Principle of the development

There is no dispute that residential use is permissible on this site and therefore acceptable in principle. Furthermore, the appellant correctly outlines that the zoning objective attached to the site also requires that any such development protects and enhances the amenity and character of the existing residential community.

Accordingly, I am satisfied that the proposed development is acceptable in principle subject to compliance with relevant planning guidelines, policy objectives & standards and consider that the key issue in determining the proposed development and the extent to which it is consistent with the site's zoning is based on whether or not the subject site which is currently a side garden to an adjoining dwelling can accommodate a detached house in a way that it will not have a detrimental impact on the surrounding residential amenities and the character of the area within Oaklawns residential scheme. It should be noted that the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) are now relevant in this assessment.

In reviewing the planning history and the expressed concerns by the appellants regarding this site which previously formed part of a larger site that encompassed the subject site (alongside Nos. 8A & 8B), I note that the PA was satisfied with the subject dwelling proposed and I am of the view that whilst the Board's assessment is informed by the site's planning history, the proposal must be assessed on its own merit as is standard planning practice.

6.2. Character of Area

It is argued by third party that the proposed detached house would be out of character, due to matters on siting, design & layout. Whilst all arguments on overall design can be somewhat subjective and in examining the site's planning history, the proposal in my opinion represents an acceptable insertion into the streetscape for a number of reasons. Firstly, whilst appellant argues on the compatibility of house type proposed at this location, in my opinion, it is neither necessary or apt to slavishly adhere to the established design parameters of Oaklawns, being semi-detached housing units only. I consider that the design and layout of proposed detached dwelling with overall floor area (103m²), depth 7.7m and width 8.05m is broadly consistent with adjoining dwellings given that it has a similar ridgeline (7.5m), fenestration and material finishes to its immediately adjoining dwellings. Secondly, I note that the proposed dwelling will be nestled within an established streetscape and where the existing building line is varied and the proposed house will lie flush adjoining dwellings (north), notably Nos. 8A & 8B and its front boundary aligns with adjoining development on both sides of the site. Whilst it is forward of the adjoining building line to the south (No. 9), I am of the view that the proposal is sufficiently setback (6.08m) from the adjoining footpath and cul-de-sac road such that it would not detract from the established character of the street or impact negatively on the setting of No 9 given the site's southern lateral boundary treatment and separation distance (9m) between the footprint of the proposed dwelling and dwelling at No. 9 (excluding attached garage). Also, in my opinion the separation distance (1.8m) between this site and adjoining No. 8B is quite typical in an urban area and therefore acceptable, subject to the protection of residential amenities which I will discuss separately in Section 6.4 of this report. I therefore do not consider that the footprint of the proposed detached dwelling and

design approach will in any way diminish the existing character of the street, surrounding area in Oaklawns or the visual amenities of the area. I am of the view that this dwelling will add to the variety and visual interest of the street, promote compact growth and is compatible with the area. Accordingly, I consider that the proposal is consistent with the CDP which supports enhancement and development of the fabric of existing settlement(s), in accordance with the principles of good urban design (policy objective HOU19).

6.3. Design

Density/Plot Ratio/Site Coverage

In relation matters raised on density, I wish to refer the Board to policy objective HOU15 of the CDP which seeks to promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, subject to its appropriateness in a local context and in terms of the environment. Accordingly, and given the scale of the development proposed, I am of the view that this site constitutes infill within an urban area and that the pertinent issue for consideration in this case is whether or not the proposal constitutes overdevelopment of this site and whether or not the proposal dwelling will successfully integrate with adjoining development as opposed to the matter(s) of density. The plot ratio and site coverage (0.34) proposed is consistent with the CDP provisions for this site. Accordingly, and in light of my considerations in relation to residential amenities, private open space and streetscape, discussed separately in this report, I am satisfied that the proposal does not constitute overdevelopment of this site and will successfully integrate into its surroundings.

Private Open Space

In regard to the provision of private open space, I wish to highlight that SPPR 2 of the Compact Guidelines (2024) is now relevant in this case. I am satisfied that the proposed development provides in excess of 40m² being the minimum standard set out within SPPR for private open space and that private open space provision to adjoining No. 8B, in the event that permission is granted for the proposed development also complies with this standard. The proposal is also consistent with the minimum

private open space standard (i.e. a standard of 40m² private open space 3-bed house) contained within Table 13.4 of the CDP.

Bin storage/Rear Access

Whilst no details on bin storage are provided within the submitted documentation, I am generally satisfied that the submitted plans demonstrate appropriate side access provision (0.9m wide) to rear of the proposed dwelling and separate side access (0.9m) to adjoining site and that bin storage can be accommodated within the respective rear garden space(s), as required.

6.4. Residential Amenities

With regard to the impact on residential amenity, this issue in my view is the critical issue in determining the current application.

Daylight/Sunlight

I note that the CDP does not contain a specific policy or standard in relation to the undertaking of a detailed technical assessment on daylight performance. Section 13.8.10 of the plan makes reference to ensuring that adequate levels of natural light can be achieved and that unacceptable impacts on light to nearby properties are avoided in the design of residential development. The recently adopted Compact Guidelines are implicit in stating that such an assessment is not required in all cases and that a level of discretion may apply in this regard. In this context, I have considered the content of the plans and particulars submitted (including 2(no) Shadow Projection Diagrams attached to the appeal response) in relation to the potential for poor daylight performance in the case of the proposed house and also in regard to its potential impact(s) on neighbouring houses (specifically No. 9, No. 8 and No. 8B). I wish to highlight that my assessment is not fully contingent on the detail provided within the submitted Shadow Projection Diagrams. In examining the site layout plan and elevational treatment of adjoining houses, I consider that there is good separation distance (i.e. generally greater than three times the height above the centre of the ground floor window of adjoining houses), between this site and No. 8 (c.10m

separation distance) and No. 9 Oaklawns (c.9m separation distance excluding existing garage space). In the case of No. 8B, whilst a separation distance of 1.8m is proposed, I note that the affected windows on its southern elevation serve non habitable rooms, notably ground floor WC and first floor landing. Therefore, given the siting and massing of the dwelling proposed with good separation distances, I am satisfied that the undertaking of a detailed technical assessment in relation to daylight performance is not required in this instance. I concur with the applicant that the proposed development will provide acceptable levels of daylight provision and that undue impact will not arise on adjoining dwellings.

Overshadowing

The applicant's response to the submitted appeal contains 2(no) shadow projection diagrams (equinox and midday summer solstice) which show some shadow cast from the proposed dwelling onto the subject site and adjoining No. 8B, with no shadow cast shown on adjoining No. 9 which is to south of the site and No. 8 located northeast of the site. It is generally accepted that in a low rise urban context and in accordance with guidelines, it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected. In this regard, I am satisfied that given the siting of the proposed development which will lie flush with the building line for No. 8B (north) and adjoining the vehicular access and front garden space of No. 9 (south) and private open space of No. 8 to rear (east) with separation distance of 4.8m to boundary, that perceived impacts (if any) due to overshadowing will remain at slight or imperceptible.

Overbearance

I have considered the matters raised in regard to overbearance. It is my view that given the siting and design of the proposed dwelling (7.5m high, 8.05m wide x 7.7m deep) that the proposal will not overbear adjoining houses or amenity spaces associated with No 8 and 8B. Furthermore, I acknowledge that the proposal will be forward of the adjoining building line of No. 9, however given the 1.6m separation distance to shared (and planted) boundary (south) and the 9m separation distance to the front elevation of No. 9, in my view the proposal will not have a profound visual impact or overbear

this neighbouring property which is significantly setback (in excess of 10m) from the adjoining footpath.

Overlooking

The proposed development adjoins the rear garden of No. 8. Having assessed the submitted site layout plans and elevational plans for the proposed development, I am of the view that there are no directly opposing first floor windows between the proposed house and adjoining houses and that the siting and orientation of this dwelling relative to No. 9 and adjacent to its front boundary is such that it will not give rise to overlooking or loss of privacy, with no directly opposing first floor windows. I am therefore satisfied that the proposed development will not give rise to significant overlooking or loss of privacy of adjoining residences.

6.5. Vehicular Access, Traffic and Car Parking

The achievement of sightlines to south is raised as a concern. I note that the applicant in response to the PA's request for further information submitted revised plans which demonstrate that 23m sightlines are achievable in both directions. In light of this, I concur with the PA and the Council's Placemaking and Physical Development Section that required sightlines are achievable along this cul-de-sac estate road. In regard to concerns expressed regarding car parking requirements and the quantum proposed (1 space for proposed dwelling and 1 space for No. 8B) and its impacts on parking associated with No. 8B, I wish to highlight that SPPR 3 of the Compact Guidelines (2024) apply and that there is no requirement to provide 2(no) spaces. There is no on-street car parking/controlled parking regime in the form of pay and display on the adjoining cul-de-sac road and currently all houses within this estate comprise 2(no) in-curtilage parking spaces. I consider that the provision of 1(no) car spaces on this site and on adjoining site (No. 8B) is appropriate and in accordance with current standards on parking as set out within the Compact Guidelines (2024) and will promote a modal shift from the private car in this urban location.

6.6. Procedural.

In regard to matters raised that the proposed development would impact on a foul sewer line and that associated wayleave was not shown on submitted documentation, I wish to firstly highlight that the application submitted was validated by Louth County Council. Secondly, having examined all available documentation, it is unclear whether there is an established wayleave on this site. The submitted drawings show a 225mm sewer line delineated by way of a broken orange line running through adjoining site 8B and labelled “existing 225mm foul sewer” and a proposed 100mm proposed foul sewer within the rear garden of the proposed development, however no wayleave is identified. I further note that Uisce Eireann raised no objection to the proposal and I acknowledge that a connection agreement is required prior to commencement of works. I am satisfied that the matter raised did not prevent concerned parties from making representations to this appeal. This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.0 AA Screening

The nearest European designated sites are Dundalk Bay SPA (004026) and Dundalk Bay SAC (000455) located circa 0.9 kilometres north and 2.8 kilometres east of the site and Carlingford Mountain SAC (000453) c.6.6km NE. Taking into consideration the nature, extent and scope of the proposed development, separation distance to the nearest European sites and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely

to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

It is recommended that permission be granted for the development proposed subject to conditions set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, to the location of the site within an established residential area and to the form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the residential or visual amenities of the area, would not pose a risk to traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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>
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2.	<p>The applicant or developer shall enter into water and/or wastewater connection agreements with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
3.	<p>(a) The external finishes shall be as specified in the documentation and plans submitted unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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>
5.	<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>Reason: In the interest of public health.</p>
6.	<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 Wicklow County Council 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</p>

	<p>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>
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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.

Paula Hanlon
Planning
Inspector

20/05/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317960-23			
Proposed Development Summary	Detached Dwelling House			
Development Address	8B Oaklawns (Side Garden), Dundalk, 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		
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			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	Class 10 (Infrastructure Projects)		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317960-23	
Proposed Development Summary	Detached Dwelling House	
Development Address	8B Oaklawns (Side Garden), Dundalk, Co. Louth	
<p>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.</p>		
	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 site is currently the side garden of a semi-detached dwelling and is infill in nature, located in an urban area. The site is zoned with residential use permissible. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</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 regard to other existing</p>	<p>No. The site area is 0.037ha</p> <p>There are no other developments under construction adjoining the site. All other developments are established uses.</p>	No

and/or permitted projects?		
<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>No.</p> <p>The proposed development is not located on or within proximity to any designated natura 2000 sites or any designated NHA/pNHA.</p> <p>The nearest European designated sites are Dundalk Bay SPA (004026) and Dundalk Bay SAC (000455) located circa 0.9 kilometres north and 2.8 kilometres east of the site and Carlingford Mountain SAC (000453) c.6.6km NE. Taking into consideration the nature, extent and scope of the proposed development, separation distance to the nearest European sites and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.</p>	No
<p style="text-align: center;">• Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)