

An
Bord
Pleanála

Inspector's Report ABP318190-23

Development	The construction of 4 no. detached two-storey houses and all associated site works.
Location	"Lissoy", Retreat Road, Athlone, Co. Westmeath, N37VX28.
Planning Authority	Westmeath County Council.
Planning Authority Reg. Ref.	2360231.
Applicant(s)	Alan Cunliffe.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Alan Cunliffe.
Observer(s)	None.
Date of Site Inspection	22/02/24.
Inspector	Anthony Abbott King

1.0 Site Location and Description

- 1.1. The development site comprises the substantial side and rear garden of a detached two-storey dwelling house “Lisoy” built circa. 1970 on the south side of Retreat Road.
- 1.2. Retreat Road is a suburban artery moving west from the town centre to the urban hinterland giving access to residential housing estates and school campuses. The grounds of “Our Lady’s Bower” secondary school is located to the immediate west and shares a property boundary with the development site. There is a streetscape of detached houses on plots to the east.
- 1.3. The topography of the area is such that the development site rises from west to east and from south to north. The site slopes downwards from the subject dwelling house at “Lisoy” toward the northern boundary with Retreat Ridge and toward the western property boundary with the school grounds. The upward slope of Retreat Road from west to east along the extensive road frontage is clearly discernible.
- 1.4. The area is a mature suburban location characterised by detached houses on larger plots and infill housing estates. There is a small estate of houses to the south-east of the development site at Retreat Ridge. Retreat Ridge is a cul-de sac of detached split-level bungalows located behind and parallel to the main building line on Retreat Road with access from Retreat Road west of the development site.
- 1.5. The applicant proposes new vehicle access points to the development site east of the existing access to “Lisoy” on Retreat Road and an access to the rear of the site onto the cul-de-sac to the south at Retreat Ridge.
- 1.6. The site area is given as 0.17 hectares.

2.0 Proposed Development

- 2.1. The construction of 4 no. detached two-storey 4-bedroom infill houses and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for the following reason:

(1) The proposed development by virtue of its siting and design form together with its proximity to established residential development represents over-development of the site, fails to assimilate within its context and would adversely impact upon the streetscape character of retreat road and character of Retreat Ridge residential estate, would adversely impact upon adjoining residential amenities by reason of overshadowing and visual dominance and would adversely impact upon the future development of the site no. 1 Retreat Ridge. To permit the development as proposed would be contrary to Section 12.9.3 and policy Objectives P-RD2, P-SR2 and in particular P-RLD7 of the Athlone Town Development Plan where it is the policy to "ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities". The development as presented would if permitted set an undesirable precedent and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Westmeath County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Engineering Report recommends additional information in regard to car parking.

4.0 Planning History

There is no relevant recent planning history.

5.0 Policy and Context

5.1. Development Plan

The following provisions of the Westmeath County Development Plan 2021-2027 are relevant:

- Chapter 2 (Core Strategy), Section 2.3 [Strategic Development of county Westmeath within a Regional Context (Eastern & Midlands Region)] *inter alia* states:

The Settlement Strategy for the region designates Athlone as a Regional Growth Centre and aims to promote Athlone's sustainable and compact growth by setting the town a target population of 30,000 up to 2031. The RSES acknowledges that Athlone includes lands within the combined functional area of two Local Authorities; Westmeath and Roscommon County Councils. A key priority is the preparation and adoption of a Joint Urban Area Plan for Athlone by Westmeath and Roscommon County Councils.

It is noted that the Strategic Issues Paper commencing the preparation of the Athlone Joint Urban Area Plan (JUAP) 2024-2030 initiated in December, 2023. The plan making process will review the Athlone Town Development Plan 2014-2020 and the Monksland / Bellanmullia Local Area Plan 2016-2022.

- Chapter 2, Section 2.9 (Regional Growth Centre Athlone), *inter alia* states:

The NPF sets the policy parameters for the Eastern and Midlands Region to better manage the growth of Dublin as a city of international scale supported by the growth of the three key Regional Centres of Athlone, Dundalk and Drogheda. These settlements form the upper two tiers in the settlement hierarchy presented in the RSES.

These Regional Growth Centres referred to in the RSES are 'large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area'. Athlone's strategic location in the centre of Ireland is acknowledged in the strategy, with

reference made to its position as a key node between Dublin and Galway on the River Shannon.

The following policy objective CPO 2.2 is relevant and states:

Support the continued growth of Athlone, with a focus on quality of life and securing the investment to fulfil its role as a key Regional Growth Centre and economic driver in the centre of Ireland, with a target population of 30,000 up to 2031.

- Chapter 7 (Urban Planning and Placemaking) Section 7.6.1 (Compact Urban Centres) Policy Objective 7.27 is relevant and states:

Support and facilitate the ambitious regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands.

The following in the matter of the development of infill sites is relevant:

Development within urban infill sites must consider the context of the surrounding area. Development proposals on sites within existing streetscapes should provide for active frontages and continue the established building line. On larger infill sites new development has the potential to establish a new pattern of development; it should however consider matters such as streetscape, layout, pedestrian permeability, location of car parking and service bays as well as the amenity of any adjoining buildings.

- Chapter 15 (Landuse Zoning Objectives) Section 15.4 (Established Residential) is relevant::

The 'Established Residential' zoning objective is intended to reflect existing established residential areas. The development plan recognises that sustainable intensification of gap infill, unused or derelict land can be achieved through infill development, the subdivision of larger houses, backland development and the development of corner sites. However, proposals for development involving the intensification of residential uses within established residential areas will be required

to clearly demonstrate that the proposal respects the existing character of the area and would not harm the amenity value of adjacent properties.

Policy Objective CPO15.1 is relevant and states:

Support high quality residential consolidation and sustainable intensification at appropriate locations in a manner that does not impact negatively on the amenities or character of an area.

- Chapter 16 (Development Management) Section 16.3.2 (Residential Density) is relevant and *inter alia* states :

The Council generally seeks that the number of residential units to be delivered on a site should be determined in relation to the hierarchical status of the settlement within the Council's Settlement Hierarchy and its capacity for growth and its access to public transport and necessary social infrastructure.

Policy Objective CPO16.24 is relevant and states:

Increased residential density within Athlone Regional Centre and Mullingar (key town) in principle where the subject lands are:

- within walking distance of the town centre, or
- are adequately serviced by necessary social infrastructure and public transport and/or
- designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

The following provisions of the Athlone Town Development Plan 2014-2020 are relevant:

The Athlone Town Development Plan 2014-2020 would appear to have lapsed in the interim between the horizon date of the development plan and the preparation of the Athlone Joint Urban Area Plan (JUAP) 2024-2030 (preparation commenced December 2023). The planning authority continue to use the policies and provisions of the development plan.

The Athlone Town Development Plan 2014-2020 was formerly adopted by the Elected Representatives as the statutory framework for Athlone town and no

subsequent document exists. Therefore, the Board should have regard to its governing policies and objectives in the interest of proper and sustainable planning of the area. I am basing my assessment on both the policies and objectives of the Westmeath County Development Plan 2021-2027 and the policies and objectives contained in the Athlone Town Development Plan 2014-2020 including the relevant residential zoning objective.

The Athlone Town Development Plan 2014-2020 zoning objective for the development site is "Established Residential": 'OLZ-1 To provide for residential development, associated services and to protect and improve residential amenity'.

Residential is a permissible use.

Chapter 12 (Development Management) Section 12.9 (Residential) is relevant including Policy Objectives P-RD2 (to promote higher residential density development in the town centre, and on brownfield and infill sites subject to development management standard's etc and existing residential amenity not being compromised) P-SR2 (to promote infill / backland development in the town subject to meeting development management criteria) and P-RLD7 (to ensure that all new urban development especially in and around the town centre is of a high design and layout quality).

Section 12.9.3 (New Residential Development in an Urban Area – Infill Residential Development) is relevant and *inter alia* states:

Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas where the character is established by its density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of the established character and the need to provide residential infill. The design approach should be based on recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design....

Other Policy Considerations

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).

The following is relevant:

RPO Athlone : Support the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate significant population growth and achieve sustainable compact growth target of 40% of all new homes to be built within the existing built up urban area.

- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities' (15 January, 2024).

5.2. EIA Screening

- 5.3. Having regard to the nature and scale of the proposed development for 4-infill house, located within a built-up urban area and the criteria set out in Schedule 7 of the Regulations, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The proposed development has been considered have due regard to the following: (a) national and local compact growth policy; (b) site zoning; (c) high quality density reflecting the character of the area; (d) protection of surrounding residential amenity and; (e) location of the site proximate to services and facilities.
- The planning authority failed in their assessment of the application to consider certain matters including pre-panning meeting and subsequent issue responses by the applicant presented as part of the planning application (Planning and Design Report dated July 2023).
- All applicable development management standards have been achieved and in instances exceeded. There are no technical reasons supporting overdevelopment.
- The planning authority has failed to provide a meaningful insight into why a density of 24 units per hectare is not deemed acceptable. The site 600m from the town centre and immediately adjacent to amenities is a target location for higher density development. The planning assessment is contradictory stating that 24 units per hectare is inappropriate in the body of the assessment while concluding that the proposed density was not excessive.
- It is practically impossible to deliver higher density development in accordance with national planning policy on suburban infill sites where the planning authority considers the 'established ' character of the area to be of paramount importance. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) highlight that there is a need to change this way of thinking.
- The planning assessment states that the proposal fails to achieve the 22m separation between opposing windows distance standard. However, no

allowance has been given to the topography of the site (drop of approximately 2m front to back) or the fact that a row of trees is proposed on the designated public space between houses.

- No reference is made to SPPR-1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), which explicitly states that local authorities should remove reference to the 22m separation distance standard.
- Planning authorities as per NPO 13 (NPF) are advised to focus on assessing individual development proposals on performance based criteria dependent on location and individual site characteristics rather than a prescriptive criteria such as plot ratio, separation distances etc.
- The planning authority failed to consider the detailed analysis of building line along Retreat Road with reference to proposed Units nos. 1 & 2, which are located 2m behind the established building line. Rather than purposefully breaking the building line, the location of Units nos. 1 & 2 is to compensate for the set-back of the existing house "Lisoy", which did not respect the established building when built in the 1970s - thus creating a weak urban edge.
- In the matter of established roofline, there is no written rule to suggest that all roof profiles must match / not exceed the unit immediately adjacent. Furthermore, site topography should be considered in the assessment. It is claimed infill housing despite typology defines its own height. An example of height deferential is provided with reference to a new street under construction at Bower Hill 200m from the development site.
- In the matter of the cited important view looking west of the modern Bower secondary school (visual dominance of design), the appellant finds it difficult to decipher why the proposed gable of a two storey house with windows is an unacceptable alternative.
- The Board is requested to review Section 7.0 (Materials & Finishes) of the Planning and Design Report (July 2023, detailed analysis (requested by the planning authority) was carried out focusing on the subtle characteristics of adjoining dwellings. It is evident that a range of house types, designs, finishes

and building lines are synonymous with Retreat Road. A robust layout and design approach is presented in keeping with the prevailing character of houses along the road.

- In the matter of planning authority concerns with reference to overshadowing / loss of daylight, proximity to neighbouring boundaries, the proposed development respects all neighbouring properties including the existing dwelling house on site.
- In the matter of the proposed Units nos. 3 & 4 (at Retreat Ridge), the design approach is outlined in the Planning and Design Report (July 2023). The Board is requested to consider the following planning reasons justifying the proposed housing layout: (a) Unit 3 directly addresses the Retreat Ridge corner while Unit no. 4 is “neatly tucked away” in the south west corner; (b) The redesign of Units nos. 3 & 4 as split level to reflect the character of the houses at Retreat Ridge as requested in pre-application discussion is not practical; (c) Unit no. 4 does not impact on Retreat Ridge; (d) Undue weighting in the planning assessment has been given to the undeveloped site at the end of Retreat Ridge where there is no extant permission; (e) the design, positioning and layout of Units nos. 3 & 4 will not impact on the development of the site at the end of Retreat Ridge.
- The proposed development is in accordance with the policies of the Athlone Town Development Plan cited by the planning authority including Policy p-RD2, P-SR2 and in particular P-RLD67.
- In the matter of traffic movements, the entrance to Units nos. 3 & 4 has been designed by ‘MMKDA Engineers’ who have demonstrated there will be no negative impact on Retreat Ridge. However, following discussion with the Senior Engineer Westmeath County Council, the Board is invited to consider an updated ‘MMKDA Engineering’ drawing and cover letter, which demonstrates that safe turning movements will be achieved for all units along both Retreat Road and Retreat Ridge.

6.2. Planning Authority Response

None recorded.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, the reason for refusal and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant proposes to build 4-infill detached two-storey houses in the grounds of "Lissoy", a substantial two-storey detached dwelling. The substantive part of the rear and side garden of the existing house would accommodate the infill housing. The site area is given as 0.17 hectares. The existing house at "Lissoy" would be provided with a significantly smaller truncated rear garden (66sqm.). Access to the infill houses would be provided both from Retreat Road (Units 1 & 2) east of the existing access point to "Lissoy" and from Retreat Ridge (Units 3 & 4). Retreat Ridge is a residential cul-de-sac to the rear of the development site.
- 7.3. The planning authority refused the proposal on over development considerations having regard to site planning, design and proximity to existing residential development and the failure to assimilate within context. The proposal would have a negative impact on the streetscape character of Retreat Road and Retreat Ridge, adjoining residential amenities and a potential infill development site at Retreat Ridge. Furthermore, the planning authority considered that *to permit the development as proposed would be contrary to Section 12.9.3 and policy Objectives P-RD2, P-SR2 and in particular P-RLD7 of the Athlone Town Development Plan where it is the policy to "ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities"*. Finally, the development as presented would if permitted set an undesirable precedent.
- 7.4. The appellant claims that the proposal has been designed to have due regard to the following: (a) national and local compact growth policy; (b) site zoning; (c) high quality density reflecting the character of the area; (d) protection of surrounding residential amenity and; (e) location of the site proximate to services and facilities. Furthermore, the proposed development would *inter alia* satisfy densification objectives required by national and local planning policy and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024).

7.5. The relevant planning matters arising, including the matters relating to the refusal of planning permission by the planning authority, are interrogated in my assessment under the following headings:

- Compact growth / urban consolidation
- Zoning
- Residential density
- Infill development
- Residential housing standards and design
- Impact on the residential amenities of adjoining properties
- Vehicular access

7.6. Compact Growth / Urban Consolidation

7.7. The National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban / suburban areas and promote the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcome. National Planning Framework (NPF) designates Athlone as a regional growth centre. National Policy Objective 2b states:

The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda-Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.

Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.

7.8. The RSES for the Eastern and Midlands region envisages a population target of 30,000 for the entire settlement of Athlone up to 2031. The Westmeath County Development Plan 2021-2027, Chapter 2 (Core Strategy) supports Athlone as a Regional Growth Centre and aims to promote the town's sustainable and compact growth by setting the town a target population of 30,000 up to 2031. The current

town population is 22,869 persons living in the urban area in 2022 (Strategic Issues Paper Athlone Joint Urban Area Plan). The NPF National Policy Objective 3c states: *Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.*

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019) clarifies that it supports the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate significant population growth and achieve sustainable compact growth target of 40% of all new homes to be built within the existing built up Athlone urban area.

- 7.9. The development proposal would provide for the retention of the existing detached house on site and the construction of additional infill housing within the side and rear garden, which would provide 4 additional housing units. The site is situated in a well-established residential area and is served by a range of local amenities and services. It is centrally located and is accessible given the proximity of town centre approximately 600m. I noted on the day of my site visit that there was a bus stop located to the west of the development site outside the secondary school at 'Our Lady's Bower'. I consider given the extensive nature of the garden of "Lisoy", the extensive road frontage onto Retreat Road and the potential access from the rear of the site to Retreat Ridge, combined with the central location of the site in an inner suburban located 600m from the town centre served by public transport, that the subject site has the potential for infill development.
- 7.10. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards

7.11. The Guidelines *inter alia* recognise the need for change and state that the continued application of housing standards conceived in the twentieth-century is inhibiting innovation in housing delivery in particular the inclusion of suburban housing standards. The Guidelines recommend a graduated and flexible approach to the application of residential development standards across all housing types in order to enable innovation. The following assessment is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

7.12. Zoning

The site is zoned “Established Residential” in the Athlone Development Plan 2014-2020. The subject lands are located within an established urban area where piped services are available (water services would be brought on site from Retreat Ridge). Athlone is a designated Regional Growth Centre with a target population of 30,000 up to 2031 where 40% of new homes are to be constructed within the built-up urban area (Athlone RPO). The development site is 600m from the town centre. It is served by social infrastructure and public transport. I consider the development site an appropriate location for residential development.

Residential Density

7.13. The Westmeath County Development Plan 2021-2027 seeks that the number of residential units to be delivered on a site should be determined in relation to the hierarchical status of the settlement within the Council's Settlement Hierarchy and its capacity for growth and its access to public transport and necessary social infrastructure. The development site is located within an inner suburb of Athlone. Athlone is the settlement at the apex of the Westmeath County settlement strategy designated as a regional growth centre.

7.14. Athlone is located within the Eastern and Midland Regional Assembly Area (EMRA) and Northern and Western Regional Assembly Area (NWRA), both of which are aligned in facilitating the sustainable and compact growth of Athlone as a Regional Growth Centre. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), Section 3.3.2 (Regional Growth Centres) *inter alia* state that the strategy for the Regional Growth Centres is to support consolidation within and close to the existing built-up urban footprint.

7.15. Section 3.3.2 - Table 3.4 (Areas and Density Ranges Regional Growth Centres) – of the Guidelines provides a centre and urban neighbourhoods category that includes sustainable development locations that are within the existing built-up urban footprint. It is a policy and objective of the Guidelines that residential densities in the range of 50-150 dph (net) shall generally be applied in centres and urban neighbourhoods. I consider that the subject development site would satisfy the performance criteria for an urban neighbourhood location given the proximity of the development site to Athlone town centre and the availability public transport and social infrastructure. I further consider that urban consolidation must be balanced with the existing amenities of residential properties in the vicinity in the application of an appropriate infill site density.

7.16. Policy Objective CPO16.24 of the Westmeath County Development Plan 2021-2027 provides that increased residential densities within Athlone Regional Centre and Mullingar (key town) are acceptable in principle subject to the lands meeting stated criteria. The development site is in walking distance of the town centre (600m) and is adequately serviced by social infrastructure (e.g. 3 secondary schools within environs) and public transport (A1 bus stop approximately 30m to the west of the site). It is considered that site location would satisfy the stated criteria outlined in Policy Objective CPO 16.24 and that the site density proposed by the applicant at 24 residential units to the hectare is an acceptable site density in principle.

7.17. Infill Development

The Westmeath County Development Plan 2021-2027, Section 15.4 (Established Residential Zoning Objective) *inter alia* states that 'Established Residential' zoning is intended to reflect existing established residential areas. The development plan recognises that sustainable intensification of gap infill, unused or derelict land can be achieved through infill development, the subdivision of larger houses, backland development and the development of corner sites. However, it also recognises that proposals for infill development involving the intensification of residential uses within established residential areas will be required to clearly demonstrate that the proposal respects the existing character of the area and that it would not harm the amenity value of adjacent properties.

- 7.18. The proposed site layout plan provides for the division of the side and rear garden of "Lissoy" into two development parcels comprising the proposed units nos. 1 & 2 located onto Retreat Road and units nos. 3 & 4 configured around an access road from Retreat Ridge to the rear of the site. The separation distances between the proposed front units 1 & 2 and back residential units nos. 3 & 4 would be an approximate 17m (measurement between site location of unit no. 2 and unit no. 4). The grounds of refusal relate *inter alia* to the deficiency in the 22m opposing window development standard, which is cited in the planning case officer report.
- 7.19. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), Chapter 5 (Development Standards for Housing) provides *inter alia* for separation distances that would be less than the 22m standard between opposing first floor windows where privacy and amenity issues are carefully considered. I consider that in the instance of the subject site the proposed site layout plan has on balance successfully considered privacy and amenity issues.
- 7.20. SPPR1 of the Guidelines requires that statutory development plans should not include an objective in respect of separation distances that exceeds 16 metres between opposing windows serving habitable rooms *inter alia* at the rear or side of houses. However, it requires that when considering a planning application a separation distance of at least 16m between opposing windows serving habitable rooms above ground floor level at the rear and side of houses should be maintained. In the instance of the proposed development the site layout would provide a separation distance of approximately 17m between the rear elevation of units nos. 1 & 2 and the front elevation of units 3 & 4, which would exceed the 16m minimum threshold recommended by the Guidelines. I consider that the separation distances between the proposed residential units are acceptable in principle.
- 7.21. In the matter of the proposed separation distances between the new residential units and existing residential properties, including the existing dwelling house on site "Lissoy". These matters are discussed in the section assessing impact on residential amenity below.
- 7.22. Residential Housing Standards and design
- The applicant confirms in the Planning & Design report (July 2023) submitted to the planning authority that the proposed development has been designed to satisfy the

Quality Housing for Sustainable Communities Guidelines (2020). I have reviewed the site layout, elevation and floor plan drawings, I consider that the proposed 4 number 4-bedroom infill houses would provide for an acceptable level of residential accommodation on site.

7.23. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) SPPR4 requires a minimum of 50 sqm. of private open space for new 4-bedroom houses. The private amenity open space requirement would be satisfied for the 4 infill housing units (no.1 - 80sqm. / no. 2 - 85 sqm. / no. - 39 5 sqm / no. 4 - 95 sqm.). All of the amenity spaces would have a south orientation. Furthermore, the truncated garden of "Lisoy" comprising a rear south facing garden and the residual west side garden would provide an acceptable private amenity area both in terms of quantity and quality.

7.24. In the matter of elevation design, roof line and materials, the applicant has analysed at the request of the planning authority the existing streetscape on Retreat Road and has isolated a number of key architectural features, which have been incorporated into the elevation design of units nos. 1 & 2. These features include roof angle / pitch, flat roof projecting canopies, size of window openings and the use of grey brick. The infill houses would bookend to the west the existing streetscape on the southside of Retreat Road as the streetscape transitions to the open school grounds at "Our Lady's Bower". I consider that the proposed building form and elevation treatment of nos. 1 & 2 fronting onto Retreat Road would provide an appropriate infill streetscape (also see potential impact on "Lisoy" below).

7.25. In the matter of houses nos. 3 & 4, I consider that the proposed two-storey height, elevation design and material finish is an appropriate design solution given the backland location of the subject houses. It is noted that the applicant has indicated that development of a dwelling unit to mirror unit no.3 may in future provide balance to the entrance to the access road from Retreat Ridge.

7.26. Impact on the residential amenities of adjoining properties

The development site is bounded to the north by the Retreat Road frontage. The site to the west and south by the school grounds attached to "our Lady's Bower". The substantive southern boundary is with Retreat Ridge including a potential development site at no.1 Retreat Ridge (where a previous planning permission for a

dwelling house has lapse – Register Ref: 07/3169). The applicant demonstrated in the documentation submitted to the planning authority that the feasibility of at least one additional dwelling house on the subject plot at no.1 Retreat Ridge would not be compromised by the proposed development. An infill dwelling house following the established Retreat Ridge building line would have a 24m separation distance from the proposed units nos. 3 & 4.

“Rindon”

- 7.27. The development site is bounded to the east by a detached 2-storey dwelling house located on Retreat Road “Rindon” with a substantial rear garden to the south. The back garden extends from the rear elevation of the subject house on Retreat Road to the Retreat Ridge cul-de- sac. The substantive section of the western property boundary would be shared with the existing dwelling house on site “Lisoy” and, as such, the existing relationship between these properties would be maintained. “Rindon” would also share a property boundary with the development site at the southern extremity of its rear garden. The applicant has noted that the access road to the proposed development may benefit from an additional housing unit opposite the proposed unit no. 3. This I presume is a reference to the development potential of the rear garden of “Rindon”.
- 7.28. The proposed unit no. 3 is located at the entrance to the new access point from Retreat Ridge to the development site. Unit no. 3 is located immediately to the west of the shared property boundary with “Rindon”. Unit no. 3 would be separated from the shared property boundary with “Rindon” by the carriageway of the development access road and by proposed boundary planting. It is considered on balance that no significant adverse impact on the residential and visual amenities of “Rindon” would result given the separation provided by the access carriageway and planting. Furthermore, a potential modest number of car movements would be generated by the access road to a 2-unit cul-de-sac.

“Lisoy”

- 7.29. The existing house on site “Lisoy” within truncated gardens would share an extensive boundary with the development site to the west and south. The site layout plan provides for 4 new residential units within the existing curtilage of “Lisoy”. Along the Retreat Road frontage there would be a new physical relationship to the

west of the existing dwelling house with the construction of units nos. 1 & 2 in the extensive side garden. The appellant claims units 1 & 2 would follow the Retreat Road building line and would provide enclosure to the front garden of "Lisoy" to the east.

7.30. The applicant has articulated a rationale for the location of the Retreat Road building line of the proposed units nos. 1 & 2 evidenced by analysis of the established building line along the south side of Retreat Road (Appendix A of the Planning & design Report). The anomaly represented by the set back of "Lisoy" from the established building line on the south side of Retreat Road is highlighted.

7.31. I note that the gable elevation of unit no. 1 will be set forward of "Lisoy" and will be visible from observation points east of the development site. The appellant claims that the gable elevation of unit no. 1 will frame the residual front garden of the existing house on site. The gable elevation would have a render finish above ground floor level and will have one first floor window opening. On balance the configuration of unit nos. 1& 2 forward of "Lisoy" is supported by the building line analysis conducted by the applicant. The gable elevation treatment proposed is acceptable. I consider that the streetscape analysis provides justification for a building line forward of the setback of "Lisoy".

7.32. It is acknowledged that unit no.1 would be set significantly forward of the front building line of "Lisoy". The appellant claims it would be a notional 2m behind the main established building line on the south side of Retreat Road. The proposed unit no. 1 would present a predominantly blank rendered gable elevation to "Lisoy". The one proposed single window opening at first floor level would not light a habitable room. There would be no significant potential overlooking of the front garden area of the existing house. I consider that the applicant has successfully demonstrated the merits of the proposed building line of new development on Retreat Road.

7.33. The rear elevation of unit no.1 would be set back from the rear elevation of "Lisoy". The west gable of "Lisoy" would therefore screen the truncated rear garden from oblique potential overlooking from the first floor windows of unit no.1. It is considered that there would be an acceptable level of residential amenity accorded the existing dwelling house on site with reference to the site planning of the proposed units nos. 1 & 2.

7.34. Finally, the relationship between “Lisoy” and proposed units nos. 3 & 4 requires interrogation. It is acknowledged that the rear garden of the existing dwelling house would be modest in scale in comparison with the extensive grounds presently enjoyed comprising the existing curtilage of “Lisoy”. Unit no. 3 is located to the immediate south of the rear elevation of “Lisoy”. The proposed separation distance between the rear elevation of “Lisoy” and the gable elevation of unit no.3 is less than 16m.

7.35. Unit no. 3 would have triple aspect fenestration including ground and first floor window openings on the proposed north gable elevation. The opposing window distance between the rear first floor windows of “Lisoy” and the north gable elevation first floor windows of unit 3 is not 16m or greater in distance, as required by Sustainable Residential Development and Compact Settlements Guidelines. Furthermore, given the site topography the rear garden of “Lisoy” is significantly raised above the level of the rear access road, which would align the first floor north gable windows of Unit 3 with the level of the proposed rear garden of “Lisoy”. The subject window opening light two bedrooms, which have dual aspect. The omission of the first floor window openings in the north gable elevation of unit no.3 can be dealt with by way of condition.

7.36. Vehicular Access

The Westmeath County Council Engineering Report recommended further information in regard to car parking for the residential units. The Report states that it is the opinion of the district engineer that the proposed car parking servicing the units is not demonstrating adequate space for vehicles completing turning movements. The applicant is requested to provide an auto-track simulation and modified proposals to confirm same. The appellant has submitted an updated Engineering Drawing (Site Layout Drawing, Ref 4116.30 – P-4 dated 5th October, 2023 – Car Movements and Car Paring Site Layout) and cover letter prepared by MMKDA Engineering subsequent to a discussion by telephone with the Westmeath County Council Senior Engineer as part of the appeal statement for the Board’s consideration.

The content of the covering letter dated 4th October, 2023 states that matters that relate to car parking within the sites of dwelling units nos. 1 & 2 as well as the turning

head to the southern end of the site have been addressed. It is also stated that minor alteration to the width of the sites entrances and the wing walls on entry to units nos. 1 & 2 has provided an adequate turning area and car parking. These matters are noted. The requirements of the district engineer including car parking within the site and turning movements can be dealt with by way of condition.

- 7.37. Furthermore, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) states that availability of car parking has a critical impact on travel choices for all journeys, including local trips. The Guidelines require a graduated approach to the management of car parking within new residential development. This approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. The Guidelines state that car parking ratios should be reduced at all urban locations. SPPR 3 (car parking) defines “Accessible”, “Intermediate” and “Peripheral” locations. An “Accessible” location as defined in the Guidelines is served by a high frequency bus service within 500m at 10 minute intervals at peak. An “Intermediate” location would provide for 15 minute intervals at peak.
- 7.38. The A1 Athlone Town Bus Service is routed via Retreat Road and the bus stop is located proximate to the development site. However, the frequency of this service is every 30 minutes. Therefore, the location of the development site does not satisfy the definition of an “Accessible” or an “Intermediate” location. However, due consideration must be given to the central location of the development site 600m from the town centre and the service provided by a 30 minute interval bus route (bus stop 30m from the site). I consider that the application of a reduced car parking ratio applying one car parking space per unit would be an acceptable graduated approach in the instance of the subject development given its location and accessibility. This can be dealt with by way of condition.

7.39. Conclusion

In conclusion, Athlone is a designated regional growth centre at the apex of the settlement hierarchy as provided for in the Westmeath County Development Plan 2021-2027. The development plan seeks increased residential densities within Athlone Regional Centre subject to the lands meeting stated locational criteria

(Objective CPO16.24 of the Westmeath County Development Plan 2021-2027). The development site is in walking distance of the town centre (600m) and is adequately serviced by social infrastructure (e.g. 3 schools within environs) and public transport.

7.40. The proposed development is located on residential lands located within an inner suburb. The applicant proposes 4 infill two-storey detached houses in the rear and side garden of an existing substantial two-storey dwelling house sited on a large plot. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) recognise the need for change and recommend a graduated and flexible approach to the application of residential development standards across all housing types in order to enable innovation.

7.41. The proposed housing units would provide for an acceptable level of accommodation on site and would in site layout and design successfully integrate with the streetscape on Retreat Road. Furthermore, there would be no significant adverse impacts on the existing amenities of adjoining residential properties including the existing dwelling house on site subject to condition. It is considered that the proposed development would satisfy national, regional and local compact growth / urban consolidation objectives, would successfully apply the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) and would be consistent with the proper planning and sustainable development of the area.

7.42. **Appropriate Assessment Screening**

The proposed development comprises 4-infill dwelling houses within an established inner suburb.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

8.1. I recommend a grant of permission having regard to the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the reason for refusal, the designation of Athlone as a regional growth centre, the established residential zoning objective, the accessible location of the development site 600m from the town centre accessible to public transport (A1 bus route) and social infrastructure, the policy framework provided by the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020 and, the guidance provided by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), it is considered, subject to compliance with the attached conditions, that the proposed development would provide a reasonable level of residential amenity on site, would not have an adverse impact on existing residential amenities and would be consistent with the proper planning and sustainable development of the area.

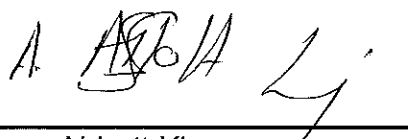
10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 9th day of October, 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 and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings providing for the following modifications:</p> <p>(i) The first-floor window openings in the north gable elevation of Unit 3 shall be omitted and the voids shall be replaced with a</p>

	<p>render finish to match the overall material finish of the gable elevation of the subject dwelling.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
7.	<p>The developer shall adhere to the recommendations of the Road Engineering Section of the Planning Authority. The developer shall also make the following modification to the car parking layout shown on Site Layout Drawing, Ref 4116.30 – P-4 dated 5th October, 2023 – Car Movements and Car Paring Site Layout – submitted to an Bord Pleanála on the 9th October, 2023:</p> <p>(i) the maximum provision of one car parking space per residential unit.</p>

	<p>Reason: In the interest of road safety and in the interest of sustainable transport mode shift.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board 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 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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



Anthony Abbott King
Planning Inspector

08 March 2024