



An
Bord
Pleanála

Inspector's Report ABP318461-23

Development	Construction of a house and all associated site works.
Location	Rear of 24 Saint Brigid's Terrace, Oldcastle, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	23536.
Applicant	Sarah Coyle.
Type of Application	Planning permission.
Planning Authority Decision	Permission.
Type of Appeal	Third Party
Appellants	1. Adam Bohan. 2. Geraldine Briody
Observer(s)	None.
Date of Site Inspection	11th March 2024.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located to the rear of 24 Saint Brigid's Terrace, in the village of Oldcastle, in County Meath. The site is to the rear of a two storied end of terrace dwelling in an established residential area.
- 1.2. The site is in effect a sub-division of the existing house site occupying the rear section of the site with access to the site provided along the side of the existing dwelling.
- 1.3. The site has pedestrian and vehicular accesses onto the public road which defines the site's eastern boundary. There is another row of two storied dwellings to the south of the site and open lands are located to the rear (west) of the site. There is a laneway to the rear of the site.

2.0 Description of Development

- 2.1. The proposed development is for the construction of a two storey house, to demolish the existing front boundary wall and create a new access and all associated site works.
- 2.2. The development as originally submitted on the 19th May 2023 provides for the following;
 - The construction of a two storey house with a stated floor area of 153.80m² on a stated site area of 0.05 hectares. The proposed dwelling which is of modern design and construction has height to the roof ridge of 8320mm.
 - With the sub-division of the site, it is proposed to provide off site parking for the current dwelling to the front of the dwelling. The proposed dwelling will have two parking spaces to the front of the proposed dwelling and a private open space to the rear with a depth of 12.137 metres and a stated area of 146m². The existing dwelling retains a private open space with a depth of 11.454 metres and a separation distance of 21,559 metres between both dwellings. Windows on the side elevations at first floor level have obscure glazing at the stairwell landing on the northern elevation and an en-suite on the southern elevations.

- A pedestrian access is proposed to the rear lane.
- It is proposed to connect to public water services mains water and sewerage with a soakway proposed for surface water in the rear garden area.
- Existing 1.2 metre walls along the side boundaries are proposed to be topped by a 1.0 metre timber panel fence and it is proposed to construct a 1.8 metre wall along the rear boundary. a new 1.8metre high concrete panel fence is proposed along the rear and southern side boundary of the retained rear garden area of the existing dwelling.

2.3. Further information was submitted on the 1st September 2023 with revised public notices on 2nd October 2023 which included a revised separation distance between dwelling of 22.018 metres, a rear garden depth of 10.983 metres, a swept path analysis and a revised boundary treatment comprising a 1.8 metre high solid concrete panel fence along the entire side and rear boundaries and a response to third party submissions.

3.0 Planning History

PA Ref. No. KA/20004

Permission granted on the 17th July 2002 for development consisting of the retention of an extension to the existing dwelling and change of use from a single dwelling to two apartments on the appeal site.

PA Ref. No. KA/EX2315

Permission granted on the 16th June 2023 for an exemption under the Section 97 provisions for the construction of one dwelling on the appeal site.

4.0 Local Planning Policy

4.1. Local Policy

The relevant plan is the Meath County Development Plan.

The site is located within the A1 Existing Residential for the settlement of Oldcastle.

Chapter 11 refers to development management standards and section 11.5.6 refers to Building Line In the context of urban development and that building lines should

be followed where appropriate. Section 11.5.7 refers to Separation Distances and DM OBJ 18: refers to a minimum of 22 metres separation between directly opposing rear windows at first floor level in the case of detached, semi- detached, terraced units shall generally be observed. 11.5.12 refers to Private Open Space and the minimum area of private open space to be provided are set out in Table 11.1.

Section 11.5.20b refers to Backland Sites in Urban Areas and that backland residential development relates to small scale development located to the rear of existing buildings in built-up areas. Having regard to the requirement to protect the residential amenity and character of existing A1 zoned residential areas backland site development shall satisfy the criteria for infill development and avoid undue overlooking and overshadowing of adjacent properties. DM OBJ 43 indicates that *backland development proposals shall avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development.*

5.0 Natural Heritage Designations

None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

6.0 Planning Authority Decision

6.1. The decision of the planning authority was to grant planning permission subject to eight conditions.

6.1.1. Condition no 3 refers to a revised site layout which shows a 2 metre wall along site boundaries.

6.2. Planning Authority Reports

6.2.1. Planning Report

The planning report dated the 11th July 2023 refers to the provisions of the current County Development Plan, refers to other reports of the planning authority and third party submissions received. The report recommended further information requiring a minimum separation distance of 22 metres details of landscaping and a swept path analysis.

The transportation Report dated the 11th July 2023 requested further information including a swept path analysis.

The planning report dated the 24th October 2023 refers to the further information submitted, to provisions of the current County Development Plan, refers to other reports of the planning authority and third party submissions received. The report recommended permission.

6.3. Other Reports

Uisce Éireann in a submission dated the 20th June 2023 indicated no objection subject to conditions.

7.0 Third Party Appeals

7.1. Grounds of Appeal

7.1.1. The appellant Adam Bohan main grounds of appeal can be summarised as follows:

- The appellant refers to
- The proposal will impact on his property giving rise to overlooking and impacting on the privacy of the rear garden.
- The proposal will block views currently enjoyed of neighbouring fields, trees and wildlife.
- Reference is made in relation to impacting on water services and references blockages occurring in the area.
- The proposal will devalue his property.
- Issues of traffic are raised in particular during the construction phase.
- Issues of noise pollution are raised arising from the development.
- The purpose of the development is questioned in the context of rental as the existing dwelling is a rental property.

7.1.2. The appellant Geraldine Briody main grounds of appeal can be summarised as follows:

- The appellant refers to the issue of backyard development and contravention of the CDP referring to SH POL10, SH POL11 and SH POL12, highlighting the issue of the access and an integrated and balanced approach to movement, energy efficiency, the haphazard nature of the development and high quality design.
- The appellant refers to the issue of contravention of the CDP referring to DM OBJ 6 and that the development will block light and sunlight, DM OBJ 43 in relation to piecemeal development and bears no relationship to the established pattern of development.
- The issue of current problems with the public sewerage and surface water system is raised.
- Reference is made to DM OBJ 42 and the issue of building lines.
- The grounds refer to separation distances and overlooking and loss of privacy to adjoining dwellings.

8.0 Appeal Responses

8.1. The Planning Authority in a response dated the 12th December 2023 in summary refers to;

- The issues raised in the grounds of appeal are addressed in the planning reports.
- The Board are requested to uphold the decision of the Planning Authority,

9.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, 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.

11.0 Assessment

11.1. The main issues in this appeal are those raised in the planning authority's decision to grant permission and the grounds of appeal. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The grounds of appeal.
- Services.

11.2. Principle of the development.

11.3. The proposal as submitted is for the construction of a two storey house, to demolish the existing front boundary wall and create a new access and all associated site works within an area zoned A1 Existing Residential and is acceptable in principle subject to compliance with other stated provisions of the County Development Plan.

11.4. Grounds of appeal

11.4.1. The grounds of appeal refer to the impact on the proposed development on adjoining and nearby properties specifying issues of backland and piecemeal development, overlooking, impact on privacy, devaluation of properties, impacting on views currently enjoyed, impacting on water services and references are made blockages occurring in the area, traffic and contravention of the CDP.

11.4.2. The proposed development will be located to the rear of existing properties and in considering the proposal I will address the proposal in the context of the revised site layout submitted by way of further information which increases the separation

distance between the exiting dwelling on the site and the proposed dwelling to comply with development management standards specified in this regard in the development plan.

11.4.3. The primary impact in relation to overlooking will be on the existing dwelling on the site. The design of the proposed dwelling largely eliminates direct overlooking of adjoining properties with windows on the side elevations at first floor level having obscure glazing at the stairwell landing on the northern elevation and an en-suite on the southern elevation. Any view from the other elevations which have windows on the first floor will be oblique rather than direct but will incur some level of overlooking of the rear areas of the adjoining sites.

11.4.4. Issues in relation to overshadowing do not I consider significantly arise given the separation distance to all immediate dwellings and on the rear gardens. I note the location of the dwelling within approximately 2 metres of the side boundaries and that some overshadowing on the adjoining properties gardens may arise but not of any habitable rooms.

11.4.1. In relation to issues of site coverage, plot ratio and private open space provision the proposed development complies with required standards.

11.4.2. The primary issue in relation to the development arises from whether the proposed development is appropriate to the site and its surroundings. Backland sites as do require an assessment on a site by case basis and that reference is made to another dwelling being sub-divided but in relation to this sub-division the dwelling retains a similar building line to adjoining dwellings and maintains a front building line in reasonable symmetry to existing building lines.

In this instance however the dwelling is at the rear of the property and would I consider be out character with existing development and presents a level of massing in close proximity to the party boundaries of the adjoining sites While it is desirable to accommodate increased housing provision and efficient use of services a dwelling as proposed in the rear garden of the appeal site would not, I consider, be appropriate and would be out of character with the area and contrary to DM OBJ 43 as it represents backland development which is piecemeal development that adversely impacts on the character of the area and the established pattern of development.

11.5. Services.

11.5.1. In relation to access and traffic related matters I would have no objections to the details submitted.

11.5.2. In relation to water services,

11.5.3. I note that issues are raised in relation to problems in the current provision of water services but I would note that the applicant did have a pre-application submission to Uisce Éireann who outlined requirements which would be have to adhered to in connecting to piped services and in a response to the planning authority in the course of the application indicated no objections subject to conditions.

12.0 Recommendation

12.1. I recommend that permission be refused.

13.0 Reasons and Considerations

The proposed development, by reason of its scale, mass, design, and location in the rear garden of an existing dwelling constitutes inappropriate piecemeal backland development which would seriously injure the amenities of property in the vicinity by reason of proximity and overlooking, would be out of character with the pattern of existing development and accordingly would be contrary to the proper planning and sustainable development of the area.

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.

Derek Daly
Planning Inspector

20th March 2024

