



An
Bord
Pleanála

Inspector's Report ABP-318697-23

Development	Construction of 2 no. semi-detached dwelling houses as a single block, connection to public services and all associated site works.		
Location	Auburn, Dublin Road, Athlone, Co. Westmeath.		
Planning Authority Ref.	2360330.		
Applicant(s)	Michael Goode.		
Type of Application	Permission	PA Decision	Refuse permission.
Type of Appeal	First Party	Appellant	Michael Goode
Observer(s)	None		
Date of Site Inspection	11 th May 2024.	Inspector	Des Johnson

Context

1. Site Location/ and Description.

1.1 The appeal site is located towards the end of a short cul de sac, to the north side of the R446, in the south eastern outskirts of Athlone. The cul de sac has a mixture of single storey and two storey housing. The appeal site lies between two single storey detached houses on large plots, and appears to have previously formed the side garden of the adjoining dwelling to the north. The TUS campus is to the east.

1.2 The appeal site slopes down from north to south. There is a modern concrete panel boundary with the property to the north, a mature boundary of hedging and trees to the south, and a high stone wall to the east.

1.3 The adjoining dwelling to the north appeared unoccupied at the time of inspection. It has several windows facing south on to the appeal site. There is a narrow gravel passageway between this dwelling and the boundary with the appeal site.

2. Description of development.

2.1 The proposal is for 2 no. three bed, two-storey, semi-detached dwelling houses as a single block. The gross floor area of the proposed development is stated to be 266 sqm, and the site area is 0.050ha.

2.2 Four car parking spaces are proposed.

3. Planning History.

3.1 None on file..

4. National/Regional/Local Planning Policy

4.1 The Westmeath County Development Plan 2021-2027 came into effect on 3rd May 2021.

Policy Objective CPO 3.7 – Apply higher densities to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centre and Key Town, subject to good design and development management standards being met.

Policy Objective CPO 15.1 – Support high quality and sustainable intensification at appropriate locations in a manner that does not impact negatively on the amenities or character of the area.

4.2 The Athlone Town Development Plan 2014-2020 zones the site ‘Existing Residential’.

5. Natural Heritage Designations

- Crosswood Bog SAC & pNHA – c. 1.7km to the south east. Qualifying interests – Active Raised Bogs and Degraded Raised Bogs.

- River Shannon Callows SAC, SPA & pNHA – c. 1.7km to the west south west. Qualifying interest – (SAC) - Meadows, Fens, limestone pavement, Alluvial Forests, Otter. (SPA) - Wetlands and Waterbirds.
- Lough Ree SAC, SPA & pNHA – c. 3.5km to the north west. Qualifying Interests (SAC) - Eutrophic Lakes, Grasslands, Raised Bogs, Fens, Limestone Pavement, Bog Woodland, Alluvial Forests, Otter. (SPA) - Wetlands and Waterbirds.
- Carn Park Bog SAC & pNHA – c. 4.345km to the east. Qualifying Interests – Active Raised Bogs & Degraded Raised Bogs.

Development, Decision and Grounds of Appeal

6. PA Decision.

6.1 The planning authority decided to refuse permission for reason that the proposed development represents overdevelopment of the site, fails to assimilate within its context, would adversely impact upon the streetscape character of Auburn residential cul de sac, and would adversely impact upon adjoining residential amenity by reason of overshadowing and visual dominance.

6.2 The Planner's Report states that the application site relates to the side garden of a detached dwelling in a cul de sac of mixed design styles. During pre-application consultations concern was raised regarding the scale and design of development. Two objections/submissions were submitted and taken into consideration. The site is zoned 'Established Residential' and the principle of development is acceptable. The proposed density equates to 40 dwellings/ha and, notwithstanding the sites central location and proximity to public transport links and amenities, this is not appropriate having regard to the context of the site and the established character of the area. By reason of its height, scale and overall bulk, the proposed development would be visually prominent and dominant, and have an adverse impact on the residential amenities of adjoining residential property due to overshadowing, loss of daylight and overbearing appearance.

• 7. First Party Appeal.

7.1 The grounds of appeal may be summarised as follows:

- Auburn Road is approximately 190m long and has no specific character or design to existing dwellings. There are detached bungalows, dormers and two storey dwellings on the road. It is a mismatch of eras and styles, with greatly varied facades
- The appeal site is bounded to the east by a 2m high stone wall behind which lies the TUS Athlone campus. The site is associated with a single storey dwelling to the north, which the 1st party owns.
- A contiguous elevation drawing is submitted, showing the relative levels of the appeal site and adjoining properties. Given the levels of these sites, and the fact that the appeal site can comfortably accommodate a generous rear garden for both dwellings, side access and car parking to the front, the proposed development cannot be considered inappropriate for an edge of centre infill site where increased densities are encouraged.
- Policies P-CS7, P-SR2, P-RD2, P-RLD7 and P-POS1 (of the ATDP) relate and are all supportive of the principle of the proposed development.
- The proposed development takes into account the existing building line, but does not form part of the streetscape.
- Third parties do not live adjacent to the appeal site. The proposed development will likely give rise to the loss of some south-facing winter sun in the house to the north (owned by the applicant) when the sun is low in the sky, but is unlikely to give rise to significant overshadowing. The dwelling to the south is unlikely to be affected by loss of sunlight or overshadowing.
- The Urban Development and Building Heights Guidelines for Planning Authorities (2018) SPPR1 is supportive of increased height and densities in locations where public transport in towns and cities facilitates ease of access, in particular for redevelopment, regeneration and infill sites. ABP ref: 301524 relates to a permission for 2 no. dwellings at a density of approximately 35 units/ha.
- Proposed first floor gable windows will have oblique glass and will not give rise to overlooking. The existing established boundary and

proposed supplementary fence between the dwelling to the south will ensure no overlooking. There are no directly facing ground or first floor windows. This matter can be addressed through conditions.

- Given the construction of significant buildings on the adjacent university site, building heights in the area are increasing. The proposed development cannot be considered as overbearing in the context of the scale of the university campus. The proposal reflects contemporary design on a scale responding to policy for increased densities in urban areas.
- A revised layout is submitted facilitating 1 vehicle parking space per house and reversing manoeuvres in accordance with Table 12.11 of the ATDP. The site is less than 368m from the nearest bus stop and is also served at the university campus by national bus services.
- A management plan can be conditioned and put in place for the construction period. The proposed development can cater for a footpath outside the development boundary if this is considered necessary. The cul de sac is lightly trafficked and the proposed development is close to the termination point. The proposed development would not give rise to traffic hazard.
- A Pre-connection Enquiry has been made with Uisce Eireann.

8. PA Response

8.1 None on file.

Environmental Screening

9. 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 likely to be impacted by the proposed development, 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. AA Screening

Having regard to the modest nature and scale of development on an infill site in an established residential cul de sac, connection to existing services and absence of connectivity to European sites in the wider area and the qualifying interests and associated conservation objectives for those 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 any European site.

2.0 Assessment

- 2.1. The proposal is for 2 no. three-bed, two-storey, semi-detached dwelling houses in a single block. The gross floor area proposed is stated to be 266 sqm, and the site area is 0.050ha. It is proposed to connect to existing public services.
- 2.2. The site is an infill site which formerly formed the side garden of a single-storey, detached dwelling to the north. The appeal site slopes from north to south. It lies between two existing single-storey dwellings. The property adjoining to the south is stated in an objection to the planning authority to be a care facility. It is stated that the dwelling adjoining to the north of the appeal site is owned by the 1st Party, and appears to have been recently refurbished. The appeal site is in an area zoned 'Existing Residential'.
- 2.3. The Planning Authority has refused permission for reason relating to overdevelopment of the site, failure to assimilate with the context of the site, adverse impact on the streetscape character of the Auburn cul de sac, and adverse impact on adjoining residential property by overshadowing and visual dominance.
- 2.4. I consider that the key matters to be addressed in this case fall under the following general headings:
 - Policy considerations
 - Impact on the character of Auburn
 - Impact on residential amenities of existing property
 - Environmental assessments.

Policy considerations

- 2.5. This is a residential infill site in an area zoned 'Existing Residential'. The proposed provision of residential development on the site is acceptable in principle within this zoning category.
- 2.6. Policy objectives contained in the existing Westmeath County Development Plan 2021-2027 seek to apply higher densities to higher order settlements such as Athlone, subject to good design and development management standards, and to support high quality and sustainable intensification at appropriate locations in a manner that does not impact negatively on the amenities and character of the area. These objectives are consistent with national policy, as expressed through the National Planning Framework, which seeks to increase residential density in settlements, through a range of measures including infill development and increased building heights.
- 2.7. The proposed development of two houses in a single block with gross floor area of 266sqm, on a stated site area of 0.050ha, would represent an increase in density relative to existing development on Auburn. This is consistent with national and local policy, which allows for increased densities, but subject to development management standards being met, and the absence of detrimental impacts on the existing character of the area, or the amenities of existing residential property.

Character of the area

- 2.8. Auburn cul de sac comprises a mixture of large single storey and two storey detached dwellings on sizeable plots. Adjoining dwellings both sides of the appeal site are single storey, whereas the dwellings on the opposite side of the cul de sac at its northern end are two-storey. The existing dwellings are on large plots with generous provision of private amenity space compared to the proposed development which provides for a depth of 8.7m of rear garden space.
- 2.9. I consider that the proposed provision of private amenity space is acceptable in this case as the site is bounded to the rear by a high stone wall, and the TUS Athlone campus.
- 2.10. The appeal site slopes from north to south, and the ridge height of the proposed development is marginally lower than the ridge height of the adjoining property to the north, and 2.06m higher than the ridge height of the adjoining dwelling to the south.

Having regard to the existing pattern of development in the area, I conclude that the proposed two-storey development would not negatively impact on the character of the Auburn cul de sac.

Residential amenities

- 2.11. The FFL of the proposed development is 49.10, compared with a FFL of 51.22 for the adjoining dwelling to the north, and a FFL of 48.664 for the adjoining dwelling to the south. The proposed development is shown as set back 1.9m from the northern site boundary, and approximately 3m from the southern elevation of the adjoining property to the north. It is approximately 6.3m from the adjoining dwelling to the south at the nearest point. The proposed layout indicates a single small window at first floor level in both the northern and southern elevations of the proposed development. In these circumstances, I conclude that the proposed development would not give rise to overlooking of existing residential property in the vicinity.
- 2.12. The existing adjoining dwelling to the north appeared to be unoccupied at the time of inspection. It has windows in its southern elevation facing the appeal site. It is stated to be in the ownership of the 1st Party. Having regard to the orientation of the proposed development relative to this adjoining property to the north, I conclude that there will be a degree of overshadowing of that property, particularly during periods of winter sunshine. On balance, I consider that in the circumstances outlined, the extent of overshadowing caused would be limited, and not a reasonable ground for refusal.

Environmental assessments

- 2.12.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site likely to be impacted by the proposed development, 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.
- 2.13. Having regard to the modest nature and scale of development on an infill site in an established residential cul de sac, connection to existing public services and the absence of connectivity to European sites in the wider area and the qualifying interests and associated conservation objectives for those 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 any European site.

3.0 Recommendation

3.1. I recommend that planning permission be granted.

4.0 Reasons & Considerations

Having regard to the infill nature and residential zoning for the site, national policy and the provisions of the Westmeath County Development Plan 2021-2027 relating to infill residential development, the elevation of the site relative to adjoining residential properties, and to the existing pattern of development in the area, it is considered that, subject to compliance with the following conditions, the proposed development would provide for an acceptable type and density of residential development, would not be injurious to the existing character of the area or unduly injurious to the residential amenities of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area..

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th day of September, 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 written agreed particulars.

Reason: In the interest of clarity.

2. Details of the external finishes of the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

4. Surface water drainage arrangements associated with the proposed development shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health and orderly development.

5. A footpath shall be constructed along the site frontage for its full width to the requirements of the planning authority.

Reason: In the interest of public safety and the proper planning and sustainable development of the area.

6. All service cables associated with the proposed development shall be laid underground within the site, to the satisfaction of the planning authority.

Reason: In the interests of orderly development and visual amenity.

7. Prior to the commencement of development, a Construction Management and Delivery Plan for the development shall be agreed in writing with the planning authority. This shall address noise, dust, vibration, construction hours, and specific waste management provisions relating to all site preparation and construction activities.

Reason: In the interests of public safety, residential amenity, and sustainable waste management.

8. 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.

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.

Des Johnson

Planning Inspector

7th June 2024.

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.

