



An
Bord
Pleanála

Inspector's Report

ABP-318711-23

Development	Retention and completion of dwelling
Location	Dundalk Street/Old Church Road, Carlingford, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2360122
Applicant(s)	Visit Carlingford Ltd.
Type of Application	Retention and permission
Planning Authority Decision	Grant subject to 7 no. conditions
Type of Appeal	Third Party
Appellant(s)	Anne Deary
Observer(s)	None
Date of Site Inspection	11 th March 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Dundalk Street and Old Church Road in the centre of Carlingford. The site is located in an area where to the north there are mixed town centre uses and residential streets, to the south the area is primarily residential and to the east lies the Church of the Holy Trinity (Church of Ireland) which is now a Heritage Centre and its attendant graveyard.
- 1.2. The appeal site is occupied by a derelict and gutted two story, flat roofed structure where construction has commenced and then stopped on foot of enforcement action which is stayed pending the outcome of this appeal. To the east of the appeal site is a vehicular entrance and Rose Cottage (a rental) in the same ownership but not forming part of the current application. The applicant also owns a portion of the Trinity Mews building to the north of the appeal site which has ground floor retail use and upper floor residential use.

2.0 Proposed Development

- 2.1. The development for which retention permission is sought relates to the completion of an extension (49.2m²) and alterations to an existing dwellinghouse at ground and first floor levels. Permission for a new second floor level extension (103m²) and alterations to existing elevations and all associated site development works is also sought. The proposed development will provide for a 6-bedroom dwellinghouse with bin storage and cycle parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Retention permission and permission was granted on 17th November 2023 subject to 7 no. conditions. The application was the subject of a Further Information request relating to 7 no. items: description of development was inaccurate; clarification of use of the building as a single dwelling; redesign of the fenestration; quality of internal spaces and cycle and bin facilities; car parking proposals; incorrectly scaled drawings; and the necessity for revised statutory notices.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report on file, following the receipt of Further Information, in summary, had regard to the following planning issues:

- The proposed development having regard to the B1 zoning for the site is acceptable in principle.
- In relation to impact on residential amenity, the Planning Authority is satisfied that the proposed development will not impact on residential amenity by reason of overlooking, overshadowing or overbearing impact.
- The proposed development is advertised as a dwellinghouse and not as short-term let accommodation. The applicant has confirmed that the property is proposed to be a single dwellinghouse and in the event of a grant of permission, a condition will be attached in relation to the use of the premises.
- The revised fenestration design is considered to provide uniformity in design and appearance which is more appropriate in the interest of the visual amenities of the streetscape and the ACA within which the site is situated.
- Having regard to the Village Centre location of the site and the limited site size available, the Planning Authority is satisfied that the private amenity space provided at ground floor level to the rear of the property and the proposed balcony to the rear at first floor level provides for adequate private amenity space for the proposed development given the site constraints.
- It is considered that a condition should be attached to the permission to omit the 2nd floor accommodation to the rear return and the rear extension and to provide revised plans and particulars to demonstrate the provision of a pitched roof to the rear of the main dwelling to match the pitch to the front roof profile in the interest of the visual amenities of the streetscape and ACA.
- Having regard to the nature of the proposed development, as a single dwellinghouse and given the limited site size, the Planning Authority recognises that off-street car parking cannot be provided.

- Neither Appropriate Assessment nor EIA is required in relation to this application.

3.2.2. Other Technical Reports

- The Infrastructure Department required details on surface water disposal and car parking.

3.2.3. Prescribed Bodies

- Irish Water has no objection to the proposed development subject to conditions.

3.2.4. Observations

- Submissions were made by Niamh & Peter Louet Feisser, Anne Deary (current appellant) and Aideen McKeivitt, Paraic & Nathalie McKeivitt and the Trinity Mews Residents Association.

4.0 Planning History

4.1. On the Appeal Site

- Reg Ref 22/638: Retention and completion of extensions and alterations to an existing dwellinghouse at ground and first floor level; Permission for a new second floor level dormer style extension; Permission for the change of use of the dwelling house to Bed & Breakfast accommodation and all associated site works. The site included the current appeal site and a large section of the open space to the rear (east) which is not included in the current application and which appears to serve as an open space area for Rose Cottage. As no response was received to a Further Information request within the six month period, this application was deemed withdrawn.
- 21/306: Retention and Permission. Retention of works carried out relating to the increase in floor area at ground and first floor level, a connection of the front façade between the existing retail outlet to the residential accommodation at first floor level. Permission for the extension to an existing retail outlet by way of: The change of use of the ground floor of the current appeal site to retail use, the extension of the existing structure and change of

use of part side and rear domestic yard to retail use. The provision of an external stairs in rear yard to provide access to the first floor residential accommodation; extension in floor area of residential accommodation and associated site development works. Granted by Louth County Council; Refused by An Bord Pleanála following a third party appeal (ABP-310908-21) for the following reason:

The Board was not satisfied on the basis of the information on the file, that the established operation of a café/bistro within two amalgamated retail units within the adjacent Trinity Mews development is not unauthorised, and where this uncertainty exists the Board considered that it was not appropriate to facilitate the consolidation and expansion of this existing use by granting permission for a connection between both properties at ground level in conjunction with a change of use from residential to retail use of the ground floor unit. In these circumstances, the Board considered that the proposed development was not in accordance with the proper planning and sustainable development of the area.

This application site included the current appeal site and a part of the Trinity Mews building to the north of the current appeal site.

4.2. In the Vicinity of the Appeal Site

It should be noted that part of the Trinity Mews building to the north of the appeal site is in the same ownership as the present applicant as is Rose Cottage and the attendant grounds.

- Ref. 21/935: Permission for (i) a new domestic shed, (ii) a new 2.1m high site boundary wall to permit the self-catering unit to be leased or sold off separately from the main dwellinghouse in contravention of planning condition no. 2 of planning ref. no. 16/525 and (iii) associated site development works. Granted 11/10/2021. This application relates to the Rose Cottage building and open space lands to the rear (east) of the appeal site.
- Ref. 991468 – Planning permission granted by the PA on the 5th May 2000 for the development of 3 ground floor retail units and 5 duplex apartments

above at Dundalk Street, Carlingford to the north of the appeal site – Trinity Mews.

- Ref. 01493 – Planning permission granted by the PA on the 27th June 2001 to retain the subdivision of retail unit No. 1 within the Trinity Mews development to the north of the appeal site.

4.3. Policy and Context

4.3.1. Development Plan

The appeal site is located within the administrative boundary of Louth County Council. The operative Development Plan for the area is the Louth County Development Plan, (CDP), 2021-2027, which came into effect on the 30th September 2021.

Zoning & Designations:

The subject site is located within the town of Carlingford, which is identified as a Settlement Level 3 – Self-Sustaining Town.

The site is zoned objective B1 – Town or Village Centre – the objective of which is ‘To support the development, improvement and expansion of town or village centre activities’.

The purpose of the B1 zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. The appropriate reuse, adaptation and regeneration of buildings, backlands, vacant, derelict and underutilised lands for uses suitable to the location will be encouraged. Such uses may include residential development. The full use of upper floors in retail and commercial premises in the town centre for residential use is considered permissible.

The subject site is located within the boundary of the Carlingford Architectural Conservation Area, (ACA). The main objectives of the ACA include the following:

- To preserve the special character of the town, its medieval street pattern and its setting through positive management of changes to the built environment, in particular, by requiring that the height, scale, design and materials of any proposed development within the ACA and in the adjoining area should

complement the character of the town and not diminish its distinctiveness of place’.

- To require the preservation and reinstatement of traditional details and materials on existing buildings and in the streetscape where improvements or maintenance works are being carried out.
- To use appropriate materials, street furniture and lighting in any public development of the area.

The site is not listed on the Record of Protected Structures, (RPS), but is in proximity to a number of protected structures and recorded monuments, which are located to the rear of the site and within the graveyard. There is also a preserved view from the graveyard. The subject site lies within an area zoned as Archaeological Potential.

Section 13.8.34 – Town Centre Living is supported by the Development Plan. Proposals for the redevelopment of buildings will normally be required to comply with Development Plan standards and the Design Standards for New Apartments. However, in some cases this may be difficult to achieve for retrofitting buildings. These will be assessed on a case by case basis.

Section 13.14.7 – Town Centre Living – Support will be given to revitalising town centres and to uses that will allow town-centres to become multi-functional. Residential use in the upper floors of commercial properties will be encouraged.

13.16.12 - Car Parking Spaces – The site is located within Area 1 – Town centres & Settlements where the parking requirement is 1 no. space per residential unit.

Carlingford Town Settlement Plan - Policy Objectives:

- CAR 3 - To support and encourage residential development on under-utilised land and/or vacant lands including ‘infill’ and ‘brownfield’ sites, subject to a high standard of design and layout being achieved.
- CAR 5 - To ensure that the town centre is the priority location for new commercial, retail and mixed-use developments thereby creating opportunities to live, work, and shop within the town and reduce the need to travel by private car.

- CAR 6 - To encourage the return of vacant buildings in the town core to uses which complement the existing scale and character of the town.

4.4. Natural Heritage Designations

The following natural Heritage designation is located in the vicinity of the appeal site:

- Carlingford Lough SPA (004078).
- pNHA - Carlingford Lough (000452).
- Carlingford Shore SAC (002306).
- pNHA - Carlingford Mountain (000453).
- Carlingford Mountain SAC (000453).

4.5. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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.

5.0 The Appeal

5.1. Grounds of Appeal

The Appellant makes several points in her appeal regarding unauthorised works and enforcement proceedings but as the Board has no remit to assess these issues, I have not listed these points below.

The relevant planning issues raised by the Third Party are, in summary, as follows:

- The proposed development will probably not be used as a single family home given that 6 no. bedrooms are proposed and will instead be rented out by the applicant who runs a holiday letting company. With such a use there will be anti-social behaviour and a consequent negative impact on the residential amenity of the area.

- The additional floor will block sunlight and daylight currently enjoyed by the appellant due to its height and scale. The height of the adjoining Trinity Mews is not a good precedent to follow.
- The proposed development would be contrary to the conservation policies contained in the Development Plan and have an adverse impact on the integrity and character of the Architectural Conservation Area within which the site is situated.

5.2. Planning Authority Response

- The Planning Authority has responded that the issues raised in the appeal do have previously been assessed by the Planning Authority who do not intend to reassess this case.

5.3. Observations

- None.

6.0 **Assessment**

6.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

6.2. The assessment issues therefore are potential impact on the residential amenity of adjoining properties and the potential impact on the character of the Architectural Conservation Area (ACA) and compliance with Development Plan built heritage policy. The issue of development contributions is also addressed below.

6.2.1. The issue of AA Screening is also addressed in this assessment.

6.3. Residential Amenity

6.3.1. The appellant expresses concern that due to the additional storey proposed at the appeal site that the current daylight and sunlight enjoyed by the appellants property will be adversely impacted upon. The appellant comments that the daylight and sunlight are already compromised by the Trinity Mews building opposite her home and that the height of this building should not be used as a guideline for the height of the building proposed on the appeal site.

- 6.3.2. Having visited the site I can confirm to the Board that the context of the site is urban where a degree of development and overshadowing is to be expected. The context is that the appellant's home is directly opposite Trinity Mews which is approximately 2m higher than the ridge line of the proposed development following redesign on foot of a Further Information request.
- 6.3.3. The site is currently derelict and an eyesore within the ACA. It is unrealistic to expect the current status of the building occupying the appeal site to remain as it is in the belief that an additional storey will compromise the daylight and sunlight received by the appellant's property.
- 6.3.4. Should the Board grant permission for the proposed development then there would be some degree of loss of daylight and sunlight as the appeal site lies to the east of the appellant's property. The level of loss would in my opinion be minimal and well within acceptable parameters given the urban location of both properties.
- 6.3.5. I believe that the appellant's fears in this regard are largely perceptual and not based in fact and I would not recommend that the proposed development be refused on residential amenity grounds.
- 6.3.6. The appellant also has concerns regarding the potential anti-social behaviour that would occur if the rooms are rented out. I have drafted a condition to address this potential source of concern for the Board's consideration.

6.4. Heritage Impacts

- 6.4.1. Firstly, I note the policies of the Development Plan in relation to the protection of the character and special interest of an area which has been designated as an ACA and sections regarding the design requirements of new development within an ACA, which are relevant to the present appeal.
- 6.4.2. Clearly the present state of dereliction of this very prominent corner site within the ACA is undesirable and needs to be addressed. The design proposed by the applicant addresses the need to articulate this corner site with a strong design intervention.

6.4.3. The west façade facing onto Dundalk Street is appropriate to the streetscape context and the height which is lower than that of the existing Trinity Mews is acceptable in design terms. The west façade therefore will make a positive contribution to the restoration of the streetscape of Dundalk Street.

6.4.4. The south façade onto Old Church Road is however another matter. This façade presents as oversized, with the scale and massing out of proportion with the portion of the building fronting onto Dundalk Street. The Planning Authority has conditioned the removal of the second floor extension to the rear (onto Old Church Road) and the requirement to match the rear roof pitch with the roof pitch to the front. I fully concur with the Planning Authority view that this will bring a sense of balance and proportionality between the front and rear sections of the proposed structure and by so doing improve the streetscape in this sensitive corner site.

6.4.5. In terms of heritage and design therefore I believe that the proposed development is acceptable and will result in a positive contribution to the character of the ACA within which it is situated.

6.5. Development Contribution

6.5.1. I note that the Planning Authority have not imposed a development contribution condition as part of the grant of permission. I note that in section 10.2 of the Louth County Development Contribution Scheme (2023) that in *“Architectural Conservation Areas Development involving works to structures within Architectural Conservation Areas (ACA) as identified in the County Development Plan or any Local Area Plan will be subject to a 25% reduction on the applicable rate of contribution, where the works substantially contribute to the sensitive restoration or protection of the character of the structure for which the ACA has been designated”*.

6.5.2. I have therefore included a development contribution condition below and also a condition requiring a bond given the critical importance in terms of townscape and urban regeneration of making sure that the development is completed as proposed should the Board be minded to grant permission in this case.

6.6. AA Screening

6.6.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

I recommend that planning retention be granted for the retention and permission for the reasons and considerations set out below.

8.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, including those regarding the protection of architectural heritage, it is considered that the proposed development would not seriously injure the visual or historic character of the area, or of the ACA and additionally would not have an adverse impact on the residential amenity of neighbouring properties. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 30 th May 2023, as amended by further information received on 26 th 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.
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	Reason: In the interest of clarity.
2.	<p>Prior to commencement of development, the developer shall submit drawings for the agreement of the planning authority showing:</p> <p>a) The 2nd floor level of the proposed extension to the rear shall be omitted and the roof pitch to the rear of the dwelling shall match the front.</p> <p>Prior to commencement of development, revised drawings of the front elevation of each of the residential units is to be provided by way of compliance for the written agreement of the Planning Authority.</p> <p>Reason: In the interest of design quality ion an ACA.</p>
3.	<p>The property shall be used as a single family dwellinghouse only and shall not be used for any industrial or commercial purposes (including short-term letting) or individual room rental.</p> <p>Reason: To protect the integrity of the property as a single dwelling unit and in the interest of preserving the residential amenity of the area.</p>
4.	<p>Details of the materials, colours and textures of all 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>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority foul and surface water drainage plans for the proposed development showing the location of all drains, manholes, etc., located within the site boundary. The information</p>

	<p>shall include pipe sizes and gradients of pipes. (ii) The water supply and drainage infrastructure, including the disposal of surface water, shall comply with the technical requirements of the Planning Authority. (iii) There shall be complete separation of the foul and surface water drainage systems.</p> <p>Reason: In the interests of public health and in order to ensure adequate drainage provision</p>
7.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site. Reason: In the interest of visual amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>
10.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. Reason: To ensure the satisfactory</p>

	completion of the development.
11.	<p>The developer shall pay to the planning authority a financial contribution of 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition 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.</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>

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.

Bernard Dee
Planning Inspector

13th March 2024