



An  
Bord  
Pleanála

## Inspector's Report ABP-320169-24

<b>Development</b>	Demolition of extension and construction of extensions with all associated site works.
<b>Location</b>	73 Trinity Street, Drogheda, Co. Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	2487.
<b>Applicant(s)</b>	Sarah Judge.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission (5 no. conditions).
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Sheila and Seamus Fagan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> September 2024.
<b>Inspector</b>	C Daly.

## **1.0 Site Location and Description**

- 1.1. The subject site consists of a two storey end of terrace red brick dwelling with hipped roof profile and single storey mono-pitched roof extension to rear. The dwelling fronts directly onto the street and there is on-street parking along both sides of the street. There is a side passage located adjacent to the east of the dwelling which leads to the rear of the site which narrows by comparison with the front and which leads uphill through a garden to a single storey flat roof mews type building. Adjacent to the rear of the site is the Fair Green car parking and road area that serves some mews type buildings to the rear of Trinity Street as well as some small warehouses and commercial premises.
- 1.2. Trinity Street, in the vicinity of the subject site, is predominantly residential with some retail/commercial premises scattered along this section of the street. The adjacent building to the east includes a commercial premises on the ground floor. There is a greater preponderance of retail/commercial premises further east along the street closer to the retail core of Drogheda.

## **2.0 Proposed Development**

- 2.1. The proposed development seeks planning consent for the demolition of a rear/side single storey extension and for a two storey extension to the rear with a single storey extension to the side of the dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Louth County Council granted permission for the proposed development subject to 5 no. conditions including the following:
- Condition no. 2 – a prior to commencement condition for design details for drainage.
  - Condition no. 3 – a prior to commencement condition in relation to the requirement for a Construction Management Plan.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report of the Planning Authority recommended that permission be granted for the proposal and noted the following in its assessment:

- The site is zoned under objective 'B1 Town or Village Centre' in the Louth County Development Plan 2021 – 2027 as varied.
- The acceptability of the design given its minimal streetscape impact, that it would be subordinate to the dwelling and would not negatively impact on the character of the area.
- The absence of a reduction in open space.
- The absence of direct overlooking.
- The small scale will not impact upon residential amenity.
- No requirement for additional car parking given the town centre location.

#### **3.2.2. Other Technical Reports**

- None.

### **3.3. Prescribed Bodies**

- None.

### **3.4. Third Party Observations**

- 3.4.1. A single third party observation was received. The issues raised within the observation are covered in the grounds of appeal.

## **4.0 Planning History**

None located.

## 5.0 Policy Context

### 5.1. Local Policy

#### Louth County Development Plan 2021-2027 (as varied)

- 5.1.1. The appeal site is located within the area covered by the Louth County Development Plan 2021-2027 (as varied), the CDP. Variation no. 2 updated the Plan to take account of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (the Compact Settlement Guidelines). Chapter 3 (Housing) of the CDP encourages sensitively designed house extensions. Chapter 10 (Utilities) provides for policy in relation to surface water drainage including the required use of SUDS measures. Chapter 13 (Development Management Guidelines) includes specific policy on Residential Amenity (Section 13.8.9), Section 13.8.10 (Daylight and Sunlight) and House Extensions in Section 13.8.35 (House Extensions). Section 13.21.8 provides the policy for the B1 Town or Village Centre areas and this seeks to *'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. It will promote the consolidation of development on town and village centre lands, allowing for a broad range of compatible and complementary uses, which will be encouraged to locate in this area in order to create an attractive environment to reside, shop, work, visit and in which to invest'*.
- 5.1.2. Under the CDP, the front part of site is zoned 'B1 – Town or Village Centre' which is to *'To support the development, improvement and expansion of town or village centre activities'*. The area to the rear of the site is shown in white which would suggest that it is not zoned. Under the B1 zoning 'residential' and 'open space' are listed as 'generally permitted uses'.
- 5.1.3. Louth and Meath County Council's have commenced the preparation of a Joint Local Area Plan for Drogheda and have issued a pre-draft issues paper to date.

### 5.2. Natural Heritage Designations

- 5.2.1. The site is located c.76m from the River Boyne and River Blackwater Special Area of Conservation (SAC) (site code 002299), c.1.97km from the Boyne River Islands

Proposed Natural Heritage Area (PNHA) (site code 001862), c.2.28km from the Boyne Estuary Special Protection Area (SPA) (site code 004080), c.3.49km from the Boyne Coast and Estuary PNHA (site code 001957), c.3.9km from King William's Glen PNHA, c.4km from Dowth Wetlands PNHA (site code 001861), c.6.8km from Duleek Commons PNHA, c.6.9km from Laytown Dunes/Nanny Estuary PNHA.c.7.5km from the North-West Irish Sea SPA (site code 004236), c.7.5km from North-West Irish Sea SPA and c. 7.6km from River Nanny Estuary and Shore SPA.

### **5.3. EIA Screening**

- 5.3.1. See Form 1 appended to this report. Having regard to the nature, size and location of the proposed development which is not a class of development specified in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, screening for EIA is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One appeal was received from Sheila and Seamus Fagan. The grounds of appeal can be summarised as follows:

- The close proximity to the boundary affects privacy and enjoyment of adjacent properties, creates overlooking and accessibility issue in relation to maintenance, breach of fire safety issues, devaluation of neighbouring properties and loss of development potential.
- Inadequate private open space which does not follow requirements. Absence of landscaping details.
- Overdevelopment of the site due to small size, excess bulk and outdated design which detracts from the character of the area and puts additional strain and local infrastructure which is inconsistent with local policy.
- Issues raised in relation to site notice placement and conflicting red lines.

- Issues raised in relation to structural issues such as lack of detail and foundations.
- Substandard living conditions will result due to poor natural light.
- There is a potential for flooding from the raised rear ground.
- There is an absence of detail in relation to adjacent properties making assessment difficult and photos submitted.
- There is no car parking or bin storage provision.
- There are significant concerns in relation to traffic and pedestrian disruption from the construction period.
- There will be non-compliance with building regulations.
- Given the proximity to SACs, an ecological assessment should be mandatory and lack of screening should invalidate the application.
- Concerns raised in relation to the archaeological significant of the area.

## 6.2. **Applicant Response**

The applicant has furnished a response to the grounds of appeal prepared by Stephen Ward Town Planning and Development Consultants Ltd. This response can be summarised as follows:

- The appeal is vexatious, frivolous and without foundation and should be dismissed per Section 138 of the 2000 Act as amended due to the distance of the appellant's property from the site, lack of interest of the appellants' in any adjacent sites and it is suggested that the appeal relates to a family connection of the applicant who appealed a grant of permission at 29-32 Trinity Street (ABP ref. PL15.315784), the appellant's property.
- The claims in relation to character, overdevelopment and additional strain are unsubstantiated and frivolous for an extension that is subordinate to the dwelling and which is a common form of development encouraged by policy.

- The extension is to be located within the footprint of the existing extension with no substantial change to the private open space and no landscaping proposal is required for a private garden.
- No detail is provided as to why the positioning of the extension is “unacceptably close” to the boundary and the ground floor of the property to the east is in commercial use.
- The issue in relation to foundations has no basis and is not a planning matter.
- The windows proposed do not look directly into any opposing habitable rooms and no overlooking issues arise. The commercial Fair Green is to the rear.
- The location of the extension to the rear is substantially screened and will be located on the footprint of the current extension and render is acceptable.
- The extension would be modest, inoffensive and would have no impact on the character of Trinity Street.
- No change to car parking is required given the town centre location with available public transport and national policy to reduce car parking provision.
- Bin storage will be improved through the extension to the street.
- The extension to the existing house will not affect the Trinity St footpaths.
- Issues in relation to construction can be addressed via other codes.
- There were no significant issues with the public/site notices and red lines.
- In relation to the drawings the appellants fail to specify any omitted detail.
- SUDS drainage requirements can be dealt with by condition.
- Fire safety concerns are outside the remit of the Planning Authority.
- The EIA screening and AA were wholly adequate.
- In relation to archaeology, following consultation, no issues arose.
- The response quotes County Development Plan policy on zoning and house extensions and refers to national and regional policy in relation to compact growth in Drogheda and the Compact Settlement Guidelines in relation to new housing development.

### 6.3. Planning Authority Response

- The Planning Authority advised that the issues raised are the same as those previously raised in the third party observation and referred the Board to the Planner's Report in relation to same.

### 6.4. Observations

None.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Nature of the Appeal
- Residential Amenity
- Visual Impact
- Design
- Miscellaneous

#### Nature of the Appeal

7.2. Having regard to the totality of the appeal in relation to the issues raised in relation to impacts on residential amenity, visual impact, design and construction impacts, and having considered the response of the Applicant to this, I do not consider the totality of the appeal to be frivolous or vexatious noting the planning issues raised which will be assessed below.

#### Residential Amenity

7.3. In terms of residential amenity, I note the issues raised in relation to proximity to boundaries and design of the extension. Having regard to Section 13.8.9 (Residential Amenity) of the CDP, it should be noted that the commercial Fair Green



area is located to the rear of the subject site and that separation distances to the rear are more than adequate with no rear or side extension windows facing directly opposing habitable room windows in any event. I consider that due to the relatively modest scale of the proposed rear two storey extension, on a similar footprint to the existing extension, it would not give rise to any undue negative impacts on adjacent residential amenity in terms of overlooking/privacy, overbearing and overshadowing and no devaluation of property issues arise. Having regard to Section 13.8.10 (Daylight and Sunlight), the internal spaces would be expanded and enhanced and no significant concerns arise given that the rooms would be adequately served by windows. Accordingly, I find that no impact on residential amenity arises.

#### Visual Impact

- 7.4. The Appellant raised issues in relation to the design of the dwelling and its impact on the character of the area. Having regard to Section 13.8.35 (House Extensions) of the CDP, I agree with the Applicant's appeal response, that views from the street or public areas, would be limited and that there would be no significant visual impact on the dwelling or the street having regard to the subservient scale of the extension in comparison to the larger dwelling and its position to the rear and side. The rear and side extensions would be of similar design form to the dwelling, would integrate with same and I consider that there would be no significant impact on the character of the dwelling or the street as a result and I find visual impacts to be acceptable.

#### Design

- 7.5. Noting the layout of the subject site, the position of the extension substantially on the existing footprint and that there would be private open space to the rear of significant depth, c. 7m, which would not be meaningfully altered, I do not consider that overdevelopment of the site is an issue having regard to Section 13.8.35 (House Extensions) of the CDP. Nor do I consider that a landscaping plan is required for such a modest domestic garden. The design and scale of the extension is subservient to the dwelling and is typical of such a residential extension with a hipped roof at a lower level to the main ridge and a regular rectangular form and no issues noted in relation to excess bulk or massing due to the limited width (c.4.8m) and depth (c.2.1m) of the extension.

### Miscellaneous

- 7.6. In relation to drainage issues and potential flooding due to the sloped nature of the site, having regard to Policy IU19 of the CDP, I agree with the Planning Authority that a compliance condition to require soil testing and soakaway provision on the site can be applied should permission be granted.
- 7.7. In relation to required car parking for the development, noting CDP Section 13.8.18 and the Compact Settlement Guidelines whereby car parking ratios should be minimised in such urban locations, the central location of the site within the town and its proximity to bus services, I do not consider that any additional car parking provision is required and I note from my site visit, the availability of on-street car parking in the vicinity.
- 7.8. The Planning Authority, in its decision, included a condition in relation to Construction Management together with a standard condition on construction hours, in relation to the management of construction and traffic impacts which I consider to be sufficient for a relatively small scale development of this nature and I have no significant concerns in relation to same and I recommend that a condition be added, should permission be granted, in relation to construction and traffic management.
- 7.9. In terms of archaeology, the application was referred to the Department of Culture, Heritage and the Gaeltacht, with no response received. It is noted that the proposed extension would be built on substantially the same footprint as the existing extension and that the Applicant is required to comply with the law in relation to national monuments and archaeology which prohibits interference or destruction of same. The subject site is not located close to any national monuments and I have no significant concerns in relation to this issue.
- 7.10. In relation to bin storage, I consider that the nature and layout of the development is such that bin storage can be catered for at the rear of the extension and no additional requirements arise.
- 7.11. In terms of procedural matters and the alleged irregularities in terms of the placement of site notices and the positions of red lines on the drawings, I note that both matters were considered acceptable by the planning authority. I consider that the requirements of the Regulations were met in this regard. I am satisfied that this did not prevent the concerned party from making representations. This, and the

adequacy of the drawings in allowing a full consideration of the planning impacts of the proposed development, mean that no substantive planning issues have been raised. The above and below assessment represents my de novo consideration of all planning issues material to the proposed development.

- 7.12. I note the ensuite bathroom to serve the dwelling and I am satisfied that adequate sanitary facilities can be provided. The issues raised in the appeal in relation to fire safety issues, maintenance access, structural issues and potential non-compliance with building regulations relate to matters outside the planning system or issues where no significant planning impact arises and which are regulated under different legal codes. For example, the issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal. Per Section 34(13) of the Planning and Development Act, 2000, should permission be granted, it would not confer automatic legal authority to carry out the development.

## **8.0 AA Screening**

- 8.1. I have considered the proposed residential extension in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.76m from the River Boyne and River Blackwater Special Area of Conservation (SAC) (site code 002299).
- 8.2. The proposed development comprises the demolition of a rear/side single storey extension and for a two storey extension to the rear with a single storey extension to the side of the dwelling.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The small scale and domestic nature of the development.
  - The location of the development in a serviced urban area and the urban nature of intervening habitats.
  - Taking into account the screening determination carried out by the Planning Authority.

8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

I recommend that permission be granted.

## 10.0 Reasons and Considerations

Having regard to:

- i. The policies and objectives of the Louth County Development Plan 2021-2027 (as varied),
- ii. The nature, scale and design of the proposed development and the relationship with adjacent properties,
- iii. The location and specific characteristics of the site, receiving environment and the pattern of development in the surrounding area,
- iv. And the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) as incorporated into the above County Development Plan,

it is considered that, subject to compliance with the various conditions set out below, the proposed development would not adversely impact or erode the character of the site and surrounding area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would comprise an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

3. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

4. Site development and building works shall be carried out between the hours of 07.00 to 19.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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.

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C Daly  
Planning Inspector

30<sup>th</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	Demolition of extension and construction of extensions with all associated site works.		
<b>Development Address</b>	73 Trinity Street, Drogheda, Co. Louth		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>		X	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		X	No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_