



An  
Bord  
Pleanála

## Inspector's Report

**ABP-320188-24**

### Development

Construction of extension to rear & side of house and dormer annex alteration to rear roof & gable wall to increase storage area to attic with all ancillary site works.

### Location

3 Dunloe Park, Windtown, Navan, Co. Meath.

### Planning Authority

Meath County Council

### Planning Authority Reg. Ref.

2493

### Applicant(s)

Alekseis & Julia Gasperovics

### Type of Application

Permission.

### Planning Authority Decision

Grant

### Type of Appeal

Third Party v. Decision

### Appellant(s)

Jurgita Taukeviciute and Jurij Bardiukov

### Observer(s)

None

### Date of Site Inspection

10<sup>th</sup> October 2024

**Inspector**

Catherine Hanly

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## **1.0 Site Location and Description**

- 1.1. The subject site is located at no. 3 Dunloe Park, Windtown Td., Navan, County Meath and is positioned on the eastern side of the Dunloe Park Road. Dunloe Park contains two-storey, semi-detached dwellings with in-curtilage parking to the front and private amenity space to the rear. The dwellings at Dunloe Park are arranged at an angle along the eastern side of an oval shaped area of open space and unallocated parking spaces. Two storey, semi-detached dwellings at Dunloe Drive are located on the western side of the oval area of open space and oppose Dunloe Park.
- 1.2. The subject site has a stated area of 334 m<sup>2</sup> and accommodates a 2-storey, semi-detached dwelling with in-curtilage parking to the front. Side access to the rear is provided along the eastern side of the house. The rear garden extends to a depth of approximately 20.1m and has a maximum width of 10.4m. A single storey detached structure which is identified as a domestic store/ studio is located at the southeastern rear boundary of the site, adjacent to the shared boundary with no. 4 Dunloe Park.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the following:
- A 2-storey extension to the rear and side of the house
  - An extension to the attic roof to the rear with a dormer window
  - All ancillary site works
- 2.2. The 2-storey rear extension extends for a depth of 6m with a maximum height of 5.87m and a lean-to roof. The extension is set off the southwestern boundary with no. 2 Dunloe Park by 0.25m. It is proposed to provide a new living area and an extension to the kitchen at ground floor and 2no. new bedrooms and a new bathroom at first floor level. The application also proposes to extend the attic to the rear with a dormer window. The attic is accessed by the existing stairs and is proposed to be used for storage space. The proposed works have a stated floor area of 68.66 m<sup>2</sup>.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. A notification of the Decision to Grant Permission subject to 4 no. conditions issued on 26<sup>th</sup> June 2024.
- 3.1.2. Condition no. 3 requires that the dwelling and extension shall be jointly occupied as single residential unit.
- 3.1.3. All other conditions are standard in nature.

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

##### **3.2.1. Basis of Planning Authority's decision:**

- Meath County Council's Planning Officer considered that the use of the space in the attic for storage was acceptable.
- The Planning Officer requested Further Information in relation to the potential overshadowing and or loss of sunlight impact of the extension on the immediate neighbours at nos. 2 and 4. The applicant was requested to submit a daylight/ sunlight shadow analysis report which detailed the impact of the development on March 22<sup>nd</sup> at 10 am, 12 noon and 2 pm.
- The applicant submitted a shadow analysis in response to the Further Information request and the Planning Officer considered the analysis acceptable.

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

- None.

#### **3.3. Prescribed Bodies**

- 3.3.1. None.

### 3.4. Third Party Observations

3.4.1. 2 no. observations were received by Meath County Council in relation to the planning application. The issues raised are as follows:

- Impact on privacy on adjacent property at no. 4 Dunloe Park
- Overshadowing of adjacent properties at nos. 2 and 4 Dunloe Park
- The scale and bulk of the development is visually obtrusive
- Overdevelopment
- The design of the development is considered basic and not in accordance with standards
- The attic space is not in compliance with building regulations

### 4.0 Planning History

4.1. **Planning Authority Reg. Ref. NA171200**: Planning permission granted on 24<sup>th</sup> January 2018 for a detached domestic store to the rear of the house at no. 3 Dunloe Park, Windtown Td., Navan, Co. Meath.

### 5.0 Policy Context

#### 5.1. Meath County Development Plan 2021 – 2027

#### 5.2. Land Use Zoning

5.2.1. The site is subject to land use zoning “A1” (Existing Residential) which has the objective “*to protect and enhance the amenity and character of existing residential communities*” in the *Meath County Development Plan* (herein referred to as the *Meath CDP*).

#### 5.3. Alterations and Extensions

5.3.1. The policy regarding extensions and alterations to dwellings is set out in Section 11.5.25 of the *Meath CDP*.

5.3.2. Objective DM OBJ 50 sets out that all applications for residential extensions in urban and rural areas shall comply with the following criteria:

- *High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc;*
- *The quantity and quality of private open space that would remain to serve the house.*
- *Flat roof extensions, in a contemporary design context, will be considered on their individual merits;*
- *Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy;*
- *Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted;*
- *Dormer extensions shall not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof;*
- *Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.*
- *Ability to provide adequate car parking within the curtilage of the dwelling house.*
- *In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.*

#### **5.4. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)**

5.4.1. Section 5.3.7 relates to daylight and states the following:



*“a) The potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard.*

*(b) In cases where a technical assessment of daylight performance is considered by the planning authority to be necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context.”*

5.4.2. Section 5.3.7 further states that:

*“In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.”*

## **5.5. Natural Heritage Designations**

5.5.1. The site is located approximately 1.4 km to the east of the River Boyne and River Blackwater Special Area of Conservation and River Boyne and River Blackwater Special Protection Area.

## **5.6. EIA Screening**

- 5.6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

## **6.0 The Appeal**

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

- 6.1.1. 2 no. third party appeals have been lodged by Jurij Bardiukov of no. 4 Dunloe Park which is located to the east of the site and Jurgita Taukeviciute of no. 2 Dunloe Park who is living at the adjoining semi-detached dwelling to the west of the appeal site. The grounds of appeal can be summarised as follows:

#### Impact on Residential and Visual Amenities

- Overshadowing to neighbouring properties.
- Overbearing to neighbouring properties.
- Overlooking and perceived overlooking to neighbouring properties from windows on the rear and side elevations.
- Additional sunlight shadow analysis required. There were inaccuracies in the original analysis which not include the extension on no. 4 Dunloe Park.
- The development will result in the loss natural light in the early morning hours of no. 2 Dunloe Park and will lead to an increase in electricity bills.
- The development will have an adverse impact on the aesthetic appeal of no. 2 Dunloe Park and the estate.

#### Design

- The development will create a negative visual impact as it fails to integrate with the existing dwelling due to the flat roof design and proposed window alignment on the rear elevation.

- The development will be visible from all of the rear windows of no. 2 Dunloe Park and will also be visible from the Dunloe Avenue street.
- Health and safety due to the proximity of the building to the boundary with no. 2 to the west and concerns regarding the provision of drainage from the roof.
- The development is contrary to the zoning of the site.
- The development is contrary to Section 11.5.25 and objective DM OBJ50 of the Meath County Development Plan.
- The development will result in the devaluation of neighbouring property.
- The development is considered to be piecemeal development.
- The development would set a negative precedent for residential developments.
- The development is considered to be overdevelopment, as 3 storeys is excessive. The notices are misleading as they do not refer to the development as 3 storeys.
- There are concerns regarding the overall design of the proposed development including its scale, bulk and excessive height.
- The dormer window breaks the ridge line and obscures the main features of the roof.
- No rationale has been provided for the side glass door.
- Concerns that the dwelling will not remain in single occupancy.
- Concern as to why additional storage is required in the attic in addition to the detached garden store area.
- The development is contrary to the Sustainable Residential Development Guidelines (2024).
- The zoning of the site protects adjacent properties and this has not been addressed by Meath County Council.
- The proposed materials are not acceptable.

## Planning Process

- Inability to comment at Further Information stage.
- There was no pre-planning consultation or discussions with Meath County Council or no. 4 Dunloe Park.
- Inaccuracies in the application form with regards to house size and that there was no reference to reference number NA171200 which was a previous planning application on the site.

## Construction

- Quality of the construction work and the construction impact on neighbouring properties.
- A construction timetable should be agreed with neighbouring properties.
- Request that if permission is granted that working hours are conditioned to be from 8am to 6pm Monday to Friday, and 9am to 2pm on Saturdays.

## **6.2. Applicant Response**

6.2.1. The applicant's response to the grounds of appeal can be summarised as follows:

- The existing house is 97 m<sup>2</sup> and the applicant has outlined that the extension is proposed to provide more space for their family.
- The attic space is proposed to be used as storage space.
- The shadow analysis was conducted by a qualified architect.
- The proposed development is in compliance with the zoning objective, A1 for the site and does not constitute overdevelopment.
- Policy Objective DM OBJ 43 from the County Development Plan in relation to piecemeal development is not relevant to a house extension.
- There is no overlooking to the east side of the extension as the new first floor window proposed for the existing bedroom is to be obscured with opaque glass and the opening of the window will be hinged to the right of the proposed ope. The applicant suggests that this window could be constructed as an angled box window towards the front elevation.

- The glass door proposed on the side elevation serving the dining area is proposed to provide extra light.
- The development is in accordance with The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- The scale of the development is appropriate and the flat roof design has been proposed to help avoid overshadowing of neighbouring properties and it is in keeping with the flat roof on the front elevation of the dwelling.
- The proposed development is 2no. storeys with an annex in the attic. The applicant suggests that the annex is omitted by An Bord Pleanala if it is considered to be out of keeping with the dwelling.
- The application does not propose to raise the roof of the dwelling.
- The private area of open space remaining measures 112m<sup>2</sup>.
- The garden room/ store is ancillary to the house and is used as storage.
- Breaking the rear building line to provide a rear extension is normal.
- The extension is set off the boundary line with no. 4 Dunloe Park by a minimum of 1.25m.
- There is no statutory requirement to have a pre planning consultation with the Planning Authority.
- There were no discussions prior to lodgement with the neighbours residing in no. 4 Dunloe Park. There were discussions with the residents of no. 2 Dunloe Park prior to the lodgement of the application who requested that the extension was set off the boundary with no. 2.
- All drainage that would be done on site would be done in accordance with building regulations.
- The size of the existing house stated in ref. 2493 is accurate. The house size stated in application reference no. NA171200 was inaccurate and stated larger than it is.
- The rear extension extends 5.65m from the rear wall.
- The proposed dormer roof annex extension is in line with the rear wall.

- An open plan is not proposed in the ground floor extension as the clients do not want to be looking at the kitchen area while in the living area.
- The floor level and ceiling heights are the same as the existing house.
- The references to the Sustainable Residential Development Guidelines (2024) are more relevant to new full scale residential developments.
- In advance of construction, a design stage and construction stage Safety and Health Plan will be prepared and implemented in accordance with HAS Regulations.

### **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority had no further comments in respect of the appeal and requests that An Bord Pleanála uphold the decision to grant permission for the development.

### **6.4. Observations**

- 6.4.1. None received.

## **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:

- Principle of Development
- Residential Amenity
- Design
- Other Matters
- Appropriate Assessment

- 7.2. Each of these issues is addressed in turn below.

### 7.3. Principle of Development

- 7.3.1. The subject site is zoned A1” (Existing Residential) which has the objective “to protect and enhance the amenity and character of existing residential communities” in the Meath CDP. Residential development is permitted in principle under this zoning objective. Regard is also had to one of the third-party grounds of appeal which highlights that this zoning objective also affords protection to adjacent properties. Whilst I am satisfied that the principle of extending the existing dwelling on the site is acceptable, this is on the basis of a number of other considerations, which are addressed below.

### 7.4. Residential Amenity

- 7.4.1. The appellants submit that the proposed development will have an unacceptable impact on the residential amenities of their properties, by way of overbearing, overshadowing and overlooking impacts and reduced access to sunlight and daylight.
- 7.4.2. In considering the issues which have been raised, I note that the proposed extension to the rear and eastern side is two-storeys in height and extends for a maximum depth of 6m. I further note that the two-storey extension is set off the boundaries to the east with no. 4 by a minimum of 1.2m and to the west with no. 2 by 0.2m. Whilst the applicant refers to the roof of the extension as a flat roof, noting the pitch proposed, I consider the roof to be designed as a lean-to roof. Having regard to the roof design, separation distances to the boundaries, the positioning of the dwellings at Dunloe Park at an angle and the proposed materials which are considered to be in keeping with the existing house, I do not consider that the proposed development would be unduly overbearing to the properties at nos. 2 and 4 Dunloe Park.
- 7.4.3. In relation to overshadowing impacts and reduced access to sunlight and daylight, regard is had to the *Sustainable Residential Development and Compact Settlements Guidelines* which under section 5.3.7 deals with daylight. The Guidelines state that in instances where technical assessment is required, regard should be had to *A New European Standard for Daylighting in Buildings IS EN17037:2018*, *UK National Annex BS EN17037:2019* and the associated *BRE Guide 209 2022 Edition (June 2022)*. The Guidelines further state that “in drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and

*layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.”*

- 7.4.4. The *BRE Guide 209 2022 Edition* states that when examining the impact of a development and its associated shadow, the level of sunlight in an open space should be examined. It is recommended that at least half of the amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. I note that the 21<sup>st</sup> March is used as the assessment date, as it is the March equinox and gives an average level of shadowing.
- 7.4.5. As noted above, Meath County Council requested by way of Further Information that the applicant submit a daylight/ sunlight shadow analysis report which detailed the impact of the development on March 22<sup>nd</sup> at 10 am, 12 noon and 2 pm. In response to the Further Information request, the applicant submitted a Sunlight Shadow Analysis. The Sunlight Shadow Analysis examines the potential impact on nos. 2 and 4 Dunloe Park on March 22<sup>nd</sup> at 10am, 12 noon and 2pm on both the existing and proposed situations. Whilst the *BRE Guide 209* recommends that the level of sunlight is assessed on the 21<sup>st</sup> March, I consider that the difference of 1no. day, with the assessment being conducted on the 22<sup>nd</sup> March is acceptable. In particular I note that the date of the 22<sup>nd</sup> March was requested by the Planning Authority in this instance.
- 7.4.6. Regard is also had to the grounds of appeal raised by the 2no. appellants which raise concern regarding the loss of natural light to no. 2 in the mornings and the overshadowing impact on no. 4 as demonstrated by images from the website, [suncalc.org](http://suncalc.org).
- 7.4.7. From analysis of the Sunlight Shadow Analysis, I note that there is no overshadowing impact on no. 2 in the morning. I also note that there is a proposed impact from the development on no. 4 to the east, in particular at 2pm on the 22<sup>nd</sup> March. I further note that the Sunlight Shadow Analysis does not identify the rear extension on no. 4 Dunloe Park. However, from examination of the Sunlight Shadow Analysis, I note that more than half of the amenity areas of nos. 2 and 4 will receive at least two hours of sunlight on 21<sup>st</sup> March. As such, I consider that the private rear amenity areas of nos. 2 and 4 Dunloe Park will continue to appear adequately sunlit



throughout the year, in accordance with the examination criteria set out in BRE Guide 209 2022 Edition.

- 7.4.8. As noted above, one of the appellants has submitted details of proposed overshadowing impacts on no. 4 from the website [suncalc.org](http://suncalc.org). The alleged overshadowing impacts are noted. However, in accordance with *BRE Guide 209 2022 Edition*, in order to assess the impacts of shadow on an amenity area, it is recommended that at least half of the amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. The alleged shadow lengths generated by the proposed development as shown by the appellant at no. 4 do not identify on plan the impact of the development on the amenity areas of existing properties. As such, I consider that the images from the website [suncalc.org](http://suncalc.org) do not contain the appropriate level of information in order to examine the shadow impact on existing amenity areas.
- 7.4.9. Noting the size of the rear gardens at nos. 2 and 4, the location of windows on the rear elevation of nos. 2 and 4, the orientation of the site, the scale of the proposed extension and its relationship to nos. 2 and 4 and the results of the Sunlight Shadow Analysis, I consider that no undue loss of light would occur to nos. 2 and 4 Dunloe Park. As such, I consider that the submission of the Sunlight Shadow Analysis document by the applicant at Further Information stage to provide an acceptable level of information with regards to the sun path movements that would arise in this context. The appellants have raised concern that they were not offered an opportunity to comment on the Sunlight Shadow Analysis that was submitted in response to the Further Information Request. The determination of whether or not a further information response is significant is determined by the Planning Authority. In this instance the Meath County Council's Planning Officer determined that the response to the Further Information request was not significant and as such there was not an opportunity for submissions by third parties.
- 7.4.10. The appellants have raised concern that the proposed development will result in overlooking and perceived overlooking to nos. 2 and 4 from the proposed windows on the rear and side elevations. I acknowledge that there would be an additional window on the rear elevation at attic level in the dormer window, in comparison to the existing scenario. However, in my opinion, the proposed development comprises a reasonable approach to the provision of an improved standard of residential accommodation on the site and I do not consider that the overlooking would be

substantially different from that which already exists. In any urban and residential area, indirect overlooking of the type proposed on the rear elevation is essentially inevitable. As such, I do not consider that the proposed works on the rear elevation will result in excessive overlooking to nos. 2 and 4.

- 7.4.11. One of the appellants notes that the proposed window on the first-floor eastern side elevation to an existing bedroom will result in perceived overlooking. While I note that the window is proposed to be fitted with obscure glass, I do agree with the appellant that the window will result in perceived overlooking. The applicant in response to the third-party appeals has stated that the window will be hinged to the right of the proposed opening to prevent overlooking to the rear of no. 4. The applicant further suggests that they could construct an angled box window facing towards the front elevation. I note that the existing bedroom in question would not be served by any other window and as such would have no outlook. I do not consider that this would provide an acceptable level of amenity for a habitable room. Noting the positioning of the window on the side elevation of the dwelling opposite the blank side elevation of no. 4 and the width of the side passage, I consider that the construction of angled box window facing towards the front elevation would be a suitable solution. Should the Board consider granting planning permission, I recommend that this is addressed by way of condition.
- 7.4.12. One of the appellants raises concern that no rationale has been provided for the provision of the glass door on the eastern side elevation of the dwelling at ground floor. In response to the third-party appeals, the applicant has stated that the door is proposed to provide extra light to the room. From analysis of the drawings, I consider the proposed glazed door will not impact the residential amenities of adjacent properties and is an acceptable design approach.
- 7.4.13. I note the concerns raised in the grounds of appeal in respect to the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.4.14. In conclusion, while I acknowledge that the proposed development would have an impact on the existing residential amenity enjoyed by the appellants and other local

residents, I consider that the proposed development consists of a modest extension within the built-up area. Furthermore, I am satisfied that the proposed development would not have an adverse impact on the residential amenities of the adjacent properties at nos. 2 and 4 in terms of privacy and overlooking, sunlight, overshadowing and overbearing.

## **7.5. Design**

- 7.5.1. The appellants state that the development will have a negative impact on the visual amenities of the area as the development does not integrate successfully with the existing dwelling. The appellants further note that the development constitutes overdevelopment of the site. I note that the Meath County Council's Planning Officer had no concerns in this regard. With regards to the two-storey rear and side extension, I consider that the low level, lean-to pitched roof is in keeping with the existing dwelling, in particular noting the flat roof design on the front of the dwelling.
- 7.5.2. In relation to the dormer window, the appellants raise concerns regarding the proposed design, which they state results in the dwelling appearing as a three-storey dwelling. Regard is had to Objective DM OBJ 50 in the *Meath CDP* which states that '*dormer extensions shall not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof.*' I note that the roof of the dormer extension is in line with the existing ridge line of the house. I further note that the dormer is set back from the existing eaves adjacent to no. 2. However, given the size of the dormer window which extends to the gable wall of the house, in addition to the design of the roof on the proposed two-storey extension which runs into the dormer window, a number of the main features on the existing roof are obscured. As such, in my opinion the dormer window appears as a third storey on the rear elevation and fails to integrate with the existing dwelling. I therefore consider that the dormer window would negatively impact the visual amenities of adjacent properties. In considering the foregoing, in my opinion the dormer window fails to accord with Objective DM OBJ 50 in the *Meath CDP* as it obscures a number of the main features of the existing roof. If the Board is minded to grant permission, I recommend that the dormer window is omitted by way of condition.
- 7.5.3. The appellants further state that the application proposed is piecemeal. As noted above under section 4.1, there was a previous planning application on the site under

reference number NA171200 where planning permission was obtained for a domestic store. As this is the second planning application on the site and noting the extent of works proposed, in my opinion the approach to extending the house is not considered piecemeal.

## **7.6. Other Matters**

- 7.6.1. The appellants have outlined concerns regarding the construction of the proposed development and associated impacts on noise and construction safety. Noting the quantity of development proposed, I consider that the associated impacts are acceptable for a residential extension in an urban context.
- 7.6.2. One of the appellants has also raised concerns regarding the proposed drainage of the development and its associated compliance with Building Regulations. I note that no concerns have been raised by the Planning Authority and that the drainage details are identified on the proposed drawings. In this context Section 7.8 of the *Development Management Guidelines for Planning Authorities (2007)* titled “*Conditions relating to other codes*”, notes that it is inappropriate in development management to deal with other matters which are the subject of other controls unless there are good reasons for doing so, e.g., there is good reason to believe the matter cannot be effectively dealt with by other means. Notwithstanding any grant of permission, it is the case that there is an onus on the applicant to comply with all relevant codes including building regulations. Furthermore, I do not consider that there would be any significant disturbance to the appellant’s property as a result of the proposal.
- 7.6.3. Concerns have also been raised by the appellants in relation to working hours. If the Board is minded to grant permission, I recommend the inclusion of a condition restricting the hours of construction.
- 7.6.4. One of the appellants further raises concerns regarding who will construct the extension. I consider that this is beyond the realms of the Planning Application process.
- 7.6.5. I note the concerns raised in the grounds of appeal that the applicant did not engage in pre-planning discussions with adjacent properties or Meath County Council. However, there is no requirement for an applicant to engage in pre-planning discussions.

- 7.6.6. The appellants have stated that the development will set a negative precedent for development in the area. I consider that the proposed development, subject to conditions, comprises a reasonable and sympathetic approach for the provision of an improved standard of residential accommodation on the site. As such, I consider that the proposed development would not set a negative precedent for residential extensions.
- 7.6.7. One of the appellants has stated that they are concerned that the dwelling will be used by multiple households. Based on the information provided, the proposal does not appear to represent a subdivision of the dwelling. However, it is noted that in the Notification of Decision to Grant Permission, condition no. 3 requires that the dwelling and extension shall be jointly occupied as single residential unit. Having regard to the size of the proposed development, I recommend that if the Board is minded to grant permission, that a similar condition is included restricting the dwelling to a single residential unit.
- 7.6.8. One of the appellants has outlined that the size of the house identified in the application form at 97sqm differs to that quoted in the previous application, reference number NA171200 at 108sqm. In the applicant's response, they have stated that the house measures 97sqm. From an examination of the floor plans, I am satisfied that the existing house measures 97sqm. Concerns have also been raised by the appellant that the Planning Authority's Application Form did not include reference to a previous application on the site under reference number NA171200. I note that under section 18 in the Application Form that the applicant disclosed details of reference number NA171200. As such, no concerns are raised in this regard.
- 7.6.9. One of the appellants states that the development is contrary to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). In particular, the appellant references sections focusing on the key priorities for city and metropolitan growth, refining density considerations of character, amenity and the natural environment and daylight. In my opinion these Guidelines are intended for the assessment of housing schemes, rather than domestic extensions. Furthermore, I consider that the proposed development comprises a reasonable and sympathetic approach to the provision of an improved standard of residential accommodation on the site, subject to conditions. As such, I

consider that the proposed development is not contrary to the Sustainable Residential Development Guidelines (2024).

7.6.10. As noted above, the applicant has constructed a detached store in the rear garden which measures 44m<sup>2</sup>. The application form identifies that the proposed two storey extension measures 59.76m<sup>2</sup> and the attic storage space measures 8.9m<sup>2</sup>. I note in the *Meath County Council Development Contribution Scheme 2024 – 2029* that domestic extensions less than 100m<sup>2</sup> are exempt and that this exemption is cumulative and limited to 100m<sup>2</sup> in total per dwelling. The proposed development, not including the attic storage space, would amount to the construction of 103.76m<sup>2</sup>. The development therefore comes within the *Meath County Council Development Contribution Scheme 2024 – 2029* and would result in a contribution of €3,250. I note however that Meath County Council did not include a financial contribution and that this is a new issue in the context of the appeal. As this is a new issue, the Board may wish to seek the views of the parties. However, it may not be considered necessary to pursue this matter. As such, if the Board is minded to grant planning permission, I recommend that a condition is included regarding the payment of a Section 48 financial contribution.

## **7.7. Appropriate Assessment**

7.7.1. Having regard to the development proposed being an extension to an existing dwelling in a serviced urban area, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

9.1. Having regard to the existing residential land use zoning on the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the

residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 06/06/2024, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed attic roof extension on the rear elevation of the dwelling shall be omitted.</p> <p>(b) An angled box-window facing the front elevation of the dwelling shall be constructed on the first-floor eastern side elevation of the existing bedroom in place of the window with obscure glass. Details of the angled box-window shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In order to protect the residential and visual amenities of property in the vicinity of the site.</p>
3.	<p>The dwelling shall be occupied as a single residential unit. The proposed extension shall not be let, sold or otherwise transferred or conveyed save as part of the dwelling.</p> <p><b>Reason:</b> In the interest of development control.</p>

4.	<p>The materials of the proposed development shall accord with the plans submitted on 05/03/2024 and 06/06/2024, unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 08:00 to 18:00 Mondays to Friday inclusive, between 08:00 to 14:00 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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<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, 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.

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Catherine Hanly

Planning Inspector

4<sup>th</sup> November 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála</b>	<b>ABP-320188-24</b>		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Construction of an extension to the rear & side of the house and dormer annex alteration to rear roof & gable wall to increase storage area to attic with all ancillary site works.		
<b>Development Address</b>	3 Dunloe Park, Windtown, Navan, Co. Meath.		
<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>	
<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</b>	<b>Conclusion</b>

			(if relevant)	
<b>No</b>	x	N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
<b>No</b>	x	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: Catherine Hanly Date: 4/11/2024