



An
Bord
Pleanála

Inspector's Report ABP-320495-24

Development	Demolition of dwelling and garage, construction of dwelling with all associated site works
Location	Strand Street, Clogherhead, Co. Louth, A92 PN26
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2360296
Applicants	Vincent & Phillomena Matthews
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Cecil Sharkey
Observers	None
Date of Site Inspection	6 th November 2024
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1.** The application site is located on the southeastern end of Strand Street in the coastal town of Clogherhead, about 13 kilometres to the northeast of Drogheda in County Louth.
- 1.2.** Strand Street runs southeast from Main Street / R166 and terminates at Clogherhead Beach south of the appeal site. The immediate vicinity of the site comprises detached dwellings to the west and south, a pair of storey and half thatched cottages (Protected Structures) to the east and agricultural land to the north and north-east.
- 1.3.** The site, with a stated area of 0.054 ha, is located on the inside of a 90 degree bend on Strand Street, making it more akin to a corner site, and comprises a single storey detached dwelling and detached garage.

2.0 Proposed Development

- 2.1.** Planning permission is sought for the demolition of the existing single storey dwelling and garage and construction of a two-storey, four-bedroom, flat-roofed detached dwelling with an attached single-storey flat-roofed domestic garage. The total floor area is c. 285sq.m. Revised boundary treatments, new pedestrian gate on the eastern side boundary, and all associated site works are also proposed.
- 2.2.** Further information, submitted on the 19th April 2024, comprised modifications to the design of the proposed dwelling, including a change from two-storey to part-single, part two-storey, reduction in the number of bedrooms from 4no. to 3no., and a reduction in the floor area from c. 285sq.m to c. 215.9sq.m.
- 2.3.** Clarification of further information, submitted on the 25th June 2024, comprised further modifications, with the number of bedrooms remaining at 3no, but overall floor area reduced to c. 209.9sq.m.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to 6no. conditions. Condition No. 1 specifies that the development shall be carried out in accordance with plans and particulars received, as amended by further information and subsequently clarification of further information. Condition 3 relates to landscaping and Condition 4 requires a Resource and Waste Management Plan (RWMP) to be agreed with the Planning Authority prior to development commencing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are three Planner's Reports on file, the first one dated 6th October 2023, the second, following the receipt of Further Information, dated 9th May 2024, and the third, following the receipt of Clarification of Further Information, dated 11th July 2024.

The following main points were made in the first Planner's Report:

- The proposed development is acceptable in principle.
- Proposal may comprise views/ vistas towards 2no. thatched cottages (protected structures) located immediately east of the site.
- Provision of private amenity space is unclear.
- Proposal, by reason of upper floor windows and balcony, may adversely impact amenity of adjoining dwellings.
- Refers to report received from the Placemaking and Physical Development Section of the Council in terms of the potential opportunity to improve sightlines at the vehicular entrance.
- Surface water run-off required to be managed within site boundaries.
- Identifies inaccuracies in submitted Appropriate Assessment (AA) Screening Report.

Further Information was requested on the 6th October 2023 in relation to the following:

- Revised plans to be submitted to have regard to the adjacent thatched cottages (protected structures), with revisions to be informed by a Heritage Impact Assessment. Revisions also to address concerns with regards potential adverse impact on the amenity of adjoining dwellings,
- Revised plans to demonstrate improved sightlines, make provision for footpath along front boundary, to include dimensions for garage and to provide clarity on any alterations proposed to existing wall on southern boundary,
- Address inaccuracies within AA Screening Report,
- Revised surface water drainage proposal to be submitted.

The second Planner's Report made the following points in respect of the FI received on the 19th April 2024:

- Revised proposal has addressed the concern with respect to loss of privacy to adjoining dwellings, however revised design may still comprise views of the thatched cottages by reason of the front / northern building line.
- Proposal in respect of sightlines and provision of footpath on northern boundary is acceptable.
- Clarity provided on private open space provision, garage and boundary wall dimensions. Planning Authority satisfied with same.
- Clarity required around surface water disposal. SuDS Design Report submitted refers to soak pit while and revised site plans suggests an attenuation tank would be used.

Clarification of Further Information was requested on the 9th May 2024 in relation to the following:

- Revised plans and photomontages to be submitted to ensure vistas of the thatched cottages are protected.
- Clarity to be provided on surface water management.

The third Planner's Report made the following points in respect of the CFI received on the 25th June 2024:

- Revised plans received have addressed the concern with regards the thatched cottages.
- Clarify provided around surface water attenuation is satisfactory.
- No appropriate assessment issues arise.
- Recommends a grant of permission.

3.2.2. Other Technical Reports

- *Placemaking & Physical Development Section* – recommended a request for further information in respect of sightlines and surface water management.

In response to further information received on the 19th April 2024, the Placemaking & Physical Development Section had no further objection, subject to the inclusion of standard conditions with respect to surface water drainage, sightlines and post-construction road repairs.

3.3. Prescribed Bodies

Uisce Éireann – No objection.

3.4. Third Party Observations

- 3.4.1. 1no. submission received from Cecil Sharkey, Strand Street, Clogherhead, Co. Louth, the owner of the dwelling which adjoins the appeal site to the south and current appellant.

While a number of issues were raised in the submission, the substantive issues are broadly the same as the grounds of appeal. The Board is referred to Section 6 where the appeal is dealt with in more detail.

- 3.4.2. Significant further information, including revised public notices, was received by the Planning Authority on the 19th April 2024. No submissions were received during the public notice period relating to the significant further information.

4.0 Planning History

- 4.1. **Appeal Site:** None recent / relevant.

4.2. Surrounding Area

Adjoining Site to the South (appellant's property)

- **P.A. Ref. 06860 / ABP Ref. PL15.222751** – refers to a 2007 grant of permission for demolition of a detached dwelling and construction of new two-storey detached dwelling. The dwelling was subsequently constructed.

5.0 Policy Context

5.1. Development Plan

Louth County Development Plan 2021-2027, as varied.

The following policies and objectives are relevant to the proposal:

- The site is located in Clogherhead, a 'Self-Sustaining Town' under the Louth settlement hierarchy.
- The site is zoned 'A1' – *Existing Residential*, the objective of which is '*To protect and enhance the amenity and character of existing residential communities*'.
- Policy Objective CLOG 26 – To protect and enhance the character of the town by requiring that the height, scale, design and materials of any proposed development has regard to the architectural heritage of the town and does not diminish its distinctive sense of place.
- Policy Objective BHC 21 - The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

Volume 4 - Record of Protected Structures

- 2no. thatched houses located east of the appeal site (Refs Lhs022-018 and Lhs022-019)

5.2. National Guidance

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024

5.3. Natural Heritage Designations

The site is not located within or immediately adjacent to any designated sites. The closest designated sites are the North-West Irish Sea SPA (Site Code: 004236), Clogher Head SAC (Site Code: 001459) and the Clogher Head pNHA (Site Code: 001459), all generally associated with the coast and located c. 20 metres south / south-east of the site.

5.4. EIA Screening

Refer to Form 1 in Appendix 1. Class 12(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings.

Refer to Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party appeal has been submitted by Cecil Sharkey against the Planning Authority's decision to grant permission. The appeal includes a written statement and drawings which seek to depict the proposal from the viewpoint of the side garden to the appellant's dwelling. The main points of the appeal can be summarised as follows:

- The dwelling, by virtue of the finished floor level, which appears to be c. 120mm higher than the height of the shared boundary wall, and by virtue of south facing ground and first floor habitable room windows, would cause loss of privacy to

the garden, living room and bedroom windows of the appellant's dwelling. Queries if levels are incorrectly shown, and if so, this is to be addressed.

- Submits that a single-storey dwelling would be more suitable for the site.
- Finished floor level of the dwelling may need to rise to allow suitable gradient to access car port.
- Flat roof could be used as a balcony, accessed from landing window.

6.2. Applicant Response

The Board received a response from the applicant to the third-party appeal. The response does not amend the proposal however the applicant seeks to address the issues raised in the appeal by way of a written report, two additional photomontages / perspectives, an updated Site Plan and a new site section drawing. The two drawings, which form part of my assessment, and for clarity, are identified as follows:

- Dwg. No. 2323-ABP-102-A (Site Plan)
- Dwg. No. 2323-ABP-400-A (Existing and Proposed Site Section)

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

- In response to the initial assessment by the Planning Authority and objection by the appellant, the proposed dwelling was radically redesigned by further information.
- Section drawing submitted with the appeal provides accurate details of the existing and proposed floor levels in the context of the appeal site and appellant's property.
- Submits that the majority of area on the western side of the appellant's dwelling comprises concreted parking and vehicular circulation area along with a small area of lawn.
- Appellant's dwelling is already exposed to overlooking from the existing dwelling on the appeal site, from first floor windows and balcony of an existing dwelling to the north west and from the beach.

- The existing boundary wall between the appeal site and appellant's property is 1.2m high, measured on the appeal site side. The wall provides little by way of screening over the appellant's property.
- The proposal includes the planting of a 1.8m high hedge along the southern boundary to provide screening.
- Submits that by reason of the angled orientation of the proposed dwelling and use of a zinc surround to the bedroom window on the southern elevation at first floor level, the proposal will not result in a loss of privacy to the amenity space or habitable rooms of the appellant's dwelling.
- Refers to SSPR 1 of the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*, which allows consideration of lesser separation between opposing upper floor windows.
- Refers to Sections 13.8.9.1 and 13.8.32 of the Louth County Development Plan, which recognise potential for some degree of amenity impact from development in urban areas.
- The revised dwelling design, as submitted as further information, does not include a car port. Cars will be parked to the front / north side of the dwelling. Referring to the section drawing submitted with the appeal, the applicant submits that ground levels to the front of the dwelling will remain largely unaffected, thus no steep gradient proposed.
- The use of the flat roof as a balcony is not covered by the permission.
- Requests the Board to uphold the decision of the Planning Authority.

6.3. Planning Authority's Response

No response received.

6.4. Further Responses

- 6.4.1. Response by Planning Authority, received on 8th October 2024, to first party appeal response to grounds of appeal, advising that it has no further comment.
- 6.4.2. Response by Appellant, received on 10th October 2024, to first party appeal response to grounds of appeal, broadly reiterates grounds of appeal. Points to note include:

- Respects that some alterations have been made but remains concerned that proposal would cause a loss of privacy to the rear garden and to the living room and bedrooms of his dwelling.
- The proposal will be overpowering on the corner location, detracting from visual prominence of thatched cottages, protected structures.
- Proposal, in terms of its relationship with appellant's property, must be judged on its own merits, notwithstanding Section 13.8.9.1 and 13.8.32 of the County Development Plan or provisions the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*
- Uncertainty remains as to the level of the top of the wall that divides the appeal site from the appellant's property. The site section drawing submitted with the appeal continues to show conflicting levels.
- Area to the west side of the appellant's dwelling comprises permeable gravel for parking and lawned amenity space. Notwithstanding this, the area constitutes the private rear garden to the dwelling.
- Hedge to the shared boundary is reasonable however the viability of same is questioned in terms of the impact from salt driven sea winds.
- Reiterates concern with respect to possible use of the flat roof as a balcony and concern with respect to use of car port in the context of the driveway gradient and finished floor level.

7.0 Assessment

Having examined the application details and all other documentation on file, including submissions received in relation to the appeal, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Residential Amenity
- Scale and Design
- Access / Parking
- Appropriate Assessment

7.1. Residential Amenity

- 7.1.1. A third-party appeal has been received from owner of the dwelling that adjoins the appeal site to the south against the Planning Authority's decision to grant permission. The principal concern raised is that notwithstanding the alterations made at further information stage, by reason of proximity of the two storey element to the shared boundary and uncertainty with regards the finished floor level in the context of the shared boundary wall height, the proposal would result in overlooking from a first-floor bedroom window and potentially overlooking from ground floor windows, and thus a loss of privacy to the garden and habitable rooms of the appellant's dwelling.
- 7.1.2. A response received from the applicant seeks to clarify building levels through the submission of a site section drawing. The response also submits that the design of the dwelling as amended through further information to the Planning Authority sought to respond to concerns raised by the Planning Authority and the appellant.
- 7.1.3. The site is zoned 'A1' - Existing Residential, as per the Louth County Development Plan. The guidance provided for the A1 zoning includes that infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.
- 7.1.4. The finished floor level of the existing and proposed dwelling on the site in the context of the height of the boundary wall between the appeal site and the appellant's property is a core area of contention between the parties.

Firstly, in terms of the boundary wall, the submitted Site Plan indicates that the ground level immediately adjacent to the boundary wall ranges between +5.98m on the western end to +6.06m on the eastern end, dipping slightly to +5.84m towards the middle, with this mid-level coinciding with the level shown on the site section submitted with the appeal response.

The drawings submitted indicate that the existing dwelling on the appeal site has a finished floor level of +6.130m, while the proposed dwelling would have a finished floor level of +6.200, equating to a difference of 70mm. I have reviewed the drawings and I consider them to be sufficiently accurate for the purposes of assessment, and furthermore I consider the finished floor level to be acceptable in so far that it is

marginally greater than the finished floor level of the existing dwelling on the appeal site.

- 7.1.5. In terms of amenity impact, the wall on the southern boundary of the appeal site has a height of 1.2m above ground level. While the wall at its current height constitutes an existing situation, in my opinion the wall, by reason of height, is not conducive to providing a reasonable degree of privacy to the adjoining property and, furthermore, is not a suitable height for a boundary given the level difference between the properties. The applicant is proposing a 1.8m high hedge along the southern boundary to prevent overlooking of the side garden of the adjoining dwelling from the ground floor level and rear garden of the proposed dwelling. While this may provide sufficient screening once established, in my opinion, a more permeant boundary treatment is required. If the Board is minded to grant permission, I recommend that a condition is included that requires that either the existing wall on the southern boundary is raised by 600mm to bring the height to 1.8m above the ground level as measured on the appeal site, or alternatively the construction of a new 1.8m high concrete block wall within the appeal site adjacent to the southern boundary. I do not consider that this measure would negatively impact on the visual amenity or outlook of the appellant's property, noting that the appellant's dwelling is laid out for a southern outlook with no habitable windows facing north.
- 7.1.6. Condition No. 3 on the Planning Authority's decision required landscaping to be carried out in accordance with submitted drawings, which included the provision of a 1.8m high hedge on the southern boundary. On the basis of the above recommendation in respect of the boundary wall, I recommend a condition is included on a grant of permission which requires a revised landscape plan for the site.
- 7.1.7. The proposed dwelling, as amended at further information stage and again by clarification of further information, is part single, part two-storey. The rear elevation facing south towards the appellant's property comprises a building width of c. 15.4m, of which c. 5.9m is two-storey with the remaining being single storey. Having regard to the commentary above in respect of the finished floor level and southern boundary treatment, I consider that the ground floor level would not result in any loss of privacy to the appellant's property.

- 7.1.8. The two-storey element of the proposed dwelling is located on the western side of the site. It would have a width of c. 5.2m, setback c. 1.5m from the western boundary and due to the angled nature of the proposed dwelling relative to the southern boundary, would be built between c. 3.2m and 4.2m of the southern boundary. The window on the first-floor level, serving a bedroom, is c. 1.7m wide and c. 2.2m high, and would be positioned on the western half of the southern elevation of the two-storey element. As a design measure to reduce overlooking the applicant has incorporated a zinc clad surround on the eastern side of the window, projecting by c. 450mm from the external façade, the purpose of which is to limit views from the first-floor bedroom window towards the south / southeast across the appellant's property, and instead channel views in a south-westerly direction.
- 7.1.9. The submitted Site Plan shows the proposed dwelling in the context of the appeal site itself and in the context of surrounding properties including the appellant's property to the south. Following a site inspection, I note a discrepancy between the western boundary of the appellant's property as depicted on the applicant's Site Plan and the actual as-built boundary. The as-built boundary comprises a concrete block wall, c. 2m in height, extending to the south-west corner of the appeal site, whereas the Site Plan would suggest that the boundary is aligned further west. It is common sense in my view to base the assessment on the as-built boundary. I consider that the outlook from the proposed bedroom window at first floor level, by reason of its positioning on the western side of the elevation together with the angled footprint of the dwelling and use of a zinc clad projecting edge, would be towards to the sea with views of the side garden of the appellant's dwelling limited to the north-west corner. On this basis, I do not consider that the first-floor bedroom window would result in overlooking of habitable room windows on the western side of the appellant's dwelling.
- 7.1.10. However, by reason of the size of the window proposed, c. 1.7m wide by c. 2.2m high, and proximity of the window to the southern boundary, I consider that there would be a perception of overlooking of the side garden to the south, that being the primary amenity space of the appellant's dwelling. For that I reason, if the Board is minded to grant permission, I recommend that a condition is included that requires the window on the southern elevation at first floor level to be no greater than 1m wide, positioned no greater than 900mm from the western end wall of the dwelling and to retain the use of the zinc clad projection on the eastern edge of the window. In my view, this

alteration will further reduce any potential for overlooking of the appellant's side garden while ensuring sufficient light to the bedroom.

- 7.1.11. The appellant submits that the flat roof, by reason of potential access from the landing window, is conducive to use as a balcony. The drawings do not indicate that the flat roof would be accessible or used as a terrace. However, if the Board is minded to grant permission, I recommend that a condition is included that prohibits the use of the flat roof as a balcony / terrace without a prior grant of planning permission.
- 7.1.12. Furthermore, by reason of site context and design, I consider that the proposal would not cause undue loss of privacy or outlook to the adjoining dwelling to the west or thatched cottages to the east.

7.2. Scale and Design

- 7.2.1. The third-party appeal received does not raise the issue of scale and design in the context of its impact on streetscape or setting of the adjacent protected structures, however this issue is raised in the submission received from the appellant made in respect of applicant's appeal response. The appellant contends that the dwelling would overpower the adjoining thatched cottages, protected structures.
- 7.2.2. On its assessment of clarification of further information received, the Planning Authority concluded that the revised plans addressed concerns regarding views on the approach to the two adjacent thatched cottages.
- 7.2.3. Policy Objective CLOG 26 of the Louth County Development Plan requires any proposed development in Clogherhead to have regard to the architectural heritage of the town, whilst Policy Objective BHC 21 requires that any designed views or vistas from or to a protected structure shall be protected.
- 7.2.4. Policy Objective BHC 21 refers to 'designed' views or vistas from or to a protected structure. There is no evidence that views from or to the thatched cottages formed part of the siting or design rationale at the time of construction. The Conservation Report, prepared by a Grade 1 Conservation Architect, submitted by the applicant at Further Information stage makes reference to the cottages in terms of their original function to provide accommodation to those people involved in fishing. Notwithstanding the above, Policy Objective CLOG 26 requires any proposed development in Clogherhead to have regard to the architectural heritage of the town. I consider that the cottages

contribute positively to the heritage of the town and the visual amenity of Strand Street and its interface with the sea. From visiting the site and surrounding area, I observed that due to local topography and built environment, views of the cottages are limited to the immediate environs, with partial views of the thatched roofs on the approach along Strand Street to the north-west and Barrackfield to the north.

7.2.5. The applicant's Conservation Report concluded that the proposed dwelling respects the architectural heritage of the protected structures, the immediate locality and the village. This conclusion was based on the modified design submitted at further information stage in which the single storey mono-pitched element on the eastern end of the site extended north of the existing building line by c. 3.6m. The amended design submitted at clarification of the further information stage, and on which the Planning Authority's decision was based, shows the single storey element conforming to the existing front building line. The massing of the dwelling comprises the two-storey element on the western end, with a graduated reduction in height through a mono-pitch roof to an eaves height of c. 2.8m on the eastern side elevation.

7.2.6. On the basis of the above, I consider that by reason of design, including massing, roof profile and building lines, the proposed dwelling has due regard to the thatched cottages as protected structures, and thus consistent with Policy Objective CLOG 26 of the current Louth County Development Plan.

7.3. Access and Parking

7.3.1. The appellant refers to location of a car port integrated within the ground floor of the dwelling and contends that a suitable graded access to the car port would not be possible without raising the finished floor level of the dwelling. In response, the applicant submits that the revised dwelling design does not include a car port and that cars will be parked to the front / north side of the dwelling.

7.3.2. The revised plans submitted under clarification of further information show a car port integrated within the ground floor of the two-storey element. I consider the integrated design, location and function of the car port acceptable. Referring to the Site Plan, the ground level at the site entrance is c. +6.93m, compared to the proposed finished floor level of the dwelling (and integrated car port) at +6.20m. I do not consider this to be an excessive downwards slope and I am satisfied that a suitable gradient can be engineered to allow viable use of the car port.

7.4. Other Matters

Condition No. 3 on the Planning Authority's decision requires that the roadside boundary wall shall not exceed 900mm in height. The Contiguous Front Elevation drawing submitted at further information stage indicates that the roadside boundary wall would transition in height to align with the natural contours, ranging in height from c. 900mm to c. 1.3m, in a similar fashion to that of the boundary wall which currently exists. I consider that the roadside boundary wall as proposed is acceptable from a visual amenity perspective, and, by reason of the proposal to provide a footpath along the northern road frontage, the new boundary wall would not impact on sightlines.

7.5. AA Screening

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission be granted in accordance with the submitted plans and particulars, including revised plans and particulars received by the Planning Authority on the 19th April 2024 and 25th June 2024, and further revised drawings received by An Bord Pleanála on the 6th August 2024, and based on the reasons and considerations below, and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, as varied, and the nature, scale and design of the proposed dwelling, it is considered that, subject to compliance with the conditions below, the development would not seriously injure the amenities of the area or the amenities of adjoining properties and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions:

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information lodged with the Planning Authority on the 19th day of April 2024 and 25th day of June 2024, and as further amended by plans received by An Bord Pleanála on the 6th day of August 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>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>a) The existing wall on the southern boundary shall be raised by 600mm. The wall shall be plastered on both sides and capped to match the existing.</p> <p>or</p> <p>A new 1.8m high concrete block wall shall be constructed adjacent to the southern site boundary. The wall shall be plastered on both sides and capped.</p> <p>b) The window on the southern elevation at first floor level is to be no greater than 1m wide and the western edge of the window is to be positioned no greater than 900mm from the western end wall of the dwelling. The zinc clad projection on the eastern edge of the window shall be retained and repositioned accordingly.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interests of residential amenity.
3.	<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>
4.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed landscape plan shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>The flat roofs of the dwelling shall not be used as a balcony / terrace or other form of amenity space, without a prior grant of planning permission.</p> <p>Reason: In the interests of residential amenity.</p>
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan,</p>

	<p>which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise, dust and surface water run-off management measures.</p> <p>Reason: In the interest of public safety and amenity.</p>
9.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of reducing waste and encouraging recycling.</p>
10.	<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>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with</p>

	the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Jim Egan
Planning Inspector

28th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320495-24		
Proposed Development Summary	Demolition of dwelling and garage, construction of dwelling with all associated site works		
Development Address	Strand Street, Clogherhead, Co. Louth, A92 PN26		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	√	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320495-24
Proposed Development Summary	Demolition of dwelling and garage, construction of dwelling with all associated site works
Development Address	Strand Street, Clogherhead, Co. Louth, A92 PN26
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Site measuring 0.054 ha.</p> <p>There are no other developments under construction in the proximity of the site. Proposal comprises the demolition of a dwelling and construction of 1no. replacement dwelling generally within the same footprint. The proposal would be connected to all public services and utilities.</p> <p>The development has a modest footprint, comes forward as a standalone project, does not require the</p>

	<p>use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within or immediately adjacent to any European Site. The closest European Sites are the North-West Irish Sea SPA (Site Code: 004236) and Clogher Head SAC (Site Code: 001459), located within c. 20m of the site to the south / south-east.</p> <p>It is considered 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.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant</p>

		effects on the environmental factors listed in section 171A of the Act
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network, are the North-West Irish Sea SPA (Site Code: 004236), and Clogher Head SAC (Site Code: 001459), both c. 20m to the south / south-east of the site.

The proposed development is located in a coastal area on the edge of an urban settlement and comprises the demolition of a detached dwelling and garage and construction of a replacement detached dwelling. The development would be connected to public services including water and sewer. Surface water would be attenuated within the site.

An Appropriate Assessment Screening Report submitted by the Applicant concluded that the proposed development will not likely have a significant effect, individually or in combination with other plans or projects, upon any European site comprising the Natura 2000 site network. In reaching that conclusion, the AA Screening Report considered that the extent of noise and light pollution, traffic, dust and dirt that may be created as a result of the planned demolition of the existing dwelling, on-site excavation and the construction of the new dwelling can be moderated further with the provision of a Construction and Waste Management Plan, conditioned for agreement with the Planning Authority prior to commencement of development. I note a Preliminary Waste Management Plan was submitted with the application, and the Planning Authority included a condition on the notification of decision to grant permission requiring the submission of a Resource and Waste Management Plan for agreement prior to commencement of development.

The Planning Authority identified a direct physical connection between the site and the Natura network by reason, particularly by reason of the downward gradient of Strand Street between the site and the beach. And concluded that the potential impacts on the North-West Irish Sea SPA in relation to noise, dust and light at all stages of this development have not been given due consideration. The Planning Authority also

considered that the AA screening could not be completed in the absence of a surface water management proposal that adhered to development plan policy.

Following the submission of further information and clarification of further information, including clarity on how surface water would be fully attenuated on site, the Planning Authority concluded that having regard to the nature and scale of the proposed development and the nature of the receiving environment and the sites location in a fully serviced urban environment with sufficient means of waste and surface water disposal, no appropriate assessment issues arise.

European Sites

Two European sites are identified as being located within a potential zone of influence of the development. The North-West Irish Sea SPA (Site Code: 004236) and the Clogher Head SAC (Site Code: 001459), both located c. 20m east / south-east of the site.

European Site	Qualifying Interests	Distance	Connections
Clogher Head SAC (Site Code: 001459),	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030] https://www.npws.ie/protected-sites/sac/001459	20m	Yes, proximity
North-West Irish Sea SPA (Site Code: 004236)	Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Little Gull (<i>Larus minutus</i>) [A177]	20m	Yes, proximity

	<p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>https://www.npws.ie/protected-sites/spa/004236</p>		
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Likely impacts of the project

The site is located c. 20m from Clogherhead Beach and is connected to the beach by its proximity and by Strand Street which abuts the site before terminating at the beach. The site is elevated relative to the beach and the adjoining dwelling to the south, noting that Strand Street falls steadily between the site boundary and the beach.

The proposal comprises the demolition of an existing dwelling and construction of a replacement dwelling generally within the same footprint and noting that the finished floor level will be marginally higher than that of the existing dwelling. The immediate environs comprises existing dwellings, including a row of three dwellings to the east on the opposite side of Strand Street, a relatively new dwelling adjoining to the south,

located between the appeal site and the beach, and dwellings running west on Strand Street back towards the town centre.

The Clogher Head SAC relates to the vegetated cliffs and European dry heath along the coast between Clogherhead town and Clogherhead Harbour to the north. The conservation objectives for the SAC are to maintain the favourable conservation condition of the vegetated sea cliffs and European dry heaths. According to the National Parks & Wildlife Service notes for the Clogher Head SAC, dry heath is known to occur on thin soils covering rocks. The cliffs and rock outcrops associated with the SAC generally commence to the rear / east and south of the thatched cottages on Strand Street. Having regard to the location of the site in the context of the cliffs, intervening land use and built environment, and the nature of works to replace an existing dwelling, I consider it unlikely that the proposal, either during construction or operation / use, would cause any significant negative impact on the qualifying interests in the Clogher Head SAC.

The North-west Irish Sea SPA extends offshore along the coasts of Louth, Meath and Dublin. The Site Synopsis states that the SPA constitutes an important resource for marine birds and that the estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. The conservation objectives include to both maintain and restore the favourable condition of the qualifying interests.

In terms of likely impacts from the demolition and construction phase, I do not consider the proposal would cause any significant negative impact on the qualifying interest in the North-West Irish Sea SPA. From an operational perspective, the use of the site will remain unchanged, being a single dwelling. The proposal includes for all surface water to be attenuated on-site, which would replace the current system of surface water being directed to the combined sewer. On the basis of the above, I do not consider the proposal would cause any significant negative impact on the qualifying interests in the North-West Irish Sea SPA.

In terms of cumulative impact, notable planning permissions within the vicinity of the appeal site are P.A. Ref. 18615 and P.A. Ref. 2360555, the former a 2018 permission comprising works including a new concrete apron at the RNLI station c. 135m

southwest of the appeal site, under which construction has been completed, and the latter a 2024 permission comprising renovation and extension of a single storey dwelling on a large site with beach frontage, located directly south-west of the appeal site. At the time of inspection, I observed that works had not commenced.

On the basis of the above, 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.