



An
Bord
Pleanála

Inspector's Report

ABP-321189-24

Development

Proposed single-storey detached dwelling at Rock Road, Blackrock, Co. Louth

Location

Rock Road, Blackrock, Co. Louth, A91 RY70

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

2460348

Applicant(s)

Clodagh McClean.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

1. Gerry Malone
2. Brendan Sharkey
3. Carol Ann Murphy

Observer(s)

None

Date of Site Inspection

12th March 2025.

Inspector

Robert Keran

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 4 |
| 2.0 Proposed Development | 4 |
| 3.0 Planning Authority Decision | 5 |
| 3.1. Decision | 5 |
| 3.2 Conditions | 5 |
| 3.3 Planning Authority Reports | 6 |
| 3.4 Prescribed Bodies..... | 8 |
| 3.5 Third Party Observations | 8 |
| 4.0 Planning History | 9 |
| 5.0 Policy Context..... | 9 |
| Development Plan | 9 |
| 5.2. Natural Heritage Designations | 12 |
| 6.0 EIA Screening..... | 12 |
| 7.0 The Appeal..... | 13 |
| 7.1. Grounds of Appeal..... | 13 |
| 7.2 Applicant Response..... | 14 |
| 7.3. Planning Authority Response..... | 15 |
| 7.4. Observations..... | 15 |
| 7.5. Further Responses | 15 |
| 8.0 Assessment..... | 15 |
| 9.0 AA Screening..... | 19 |
| 10.0 Recommendation | 19 |
| 11.0 Reasons and Considerations..... | 20 |

| | |
|----------------------------------|----|
| 12.0 Conditions | 20 |
| Appendix 1 - Form 1..... | 23 |
| EIA Pre-Screening | 24 |
| EIA Preliminary Examination..... | 26 |

Appendix 1 – Form 1 and Form 2: EIA Pre-Screening and Preliminary Screening

1.0 Site Location and Description

- 1.1 The appeal site is located to the south of Rock Road to the north of Blackrock, Co. Louth. The site is located relatively close to the coast, with Sea Road to the east separated from the subject site by a number of terraced two storey residential properties addressing Sea Road.
- 1.2 The appeal site is occupied by a single two storey dwelling situated towards the western portion of the site, with its garden forming the remainder of the plot. The dwelling itself is of somewhat distinctive character, with three oriel windows in the north elevation, a curved roof profile to the west and a distinctive chimney design being the more notable features.
- 1.3 The site is relatively flat. The site is accessed via a gated driveway from Rock Road. Boundary treatment is mature hedging with low stone walls to part. Rock Road is a two lane road in generally good condition. There are no footpaths or cycleways.
- 1.4 The dwellings immediately west on Rock Road are both single storey with front facing central dormers. There is a mix of two storey and single storey dwellings to the north on the opposite side of Rock Road. Dwelling design in the area is generally mixed with little noticeable repetition in design and footprints.

2.0 Proposed Development

- 3.1 Planning permission is being sought for a single storey dwelling of 122 sqm. It is proposed to locate the dwelling to the north-east corner of the plot, in part of the current garden to the existing house on the site. The dwelling will be a 2 bedroom plus study single storey dwelling with pitched roof. Proposed external materials will include blue/black slates/tiles to roof, smooth render finish to walls with aluminium rainwater goods and upvc window frames.
- 3.2 The design, as amended at further information stage, situates the house circa 5 metres from the northern boundary and circa 15 metres from the north-eastern corner of the site. Again, as amended at further information stage, the proposal includes for a new entrance from Rock Road, with 45 metre sightlines in both directions. To achieve these sightlines the existing boundary hedge will be removed and the boundary stone wall moved and rebuilt further south on the site. A grass verge will be provided outside the boundary wall to the road edge. A new hedgerow will be planted on the inside of the rebuilt boundary wall.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 A notification of decision to grant planning permission was issued by Louth County Council on the 10th October 2024. This followed the submission of significant further information received on 23rd September 2024 which included the provision of new site access.

3.2 Conditions

- 3.2.1 The notification of decision was subject to 7 no. conditions.

- Condition 1 requires the development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
- Condition 2 requires that the site shall be accessed by the entrance to the family home as detailed by the site layout plan (Drawing no. 2309-PP) submitted to the Planning Authority on the 25th June 2024. It further requires roadside boundary comprising of a ditch and mature hedge to be retained and details to be submitted for written agreement relating to the bell mouth at the entrance.
- Condition 3 requires that the materials and external finishes used for the new dwelling shall be in accordance with the plans and particulars submitted to the Planning Authority on the 25th June 2024 and as amended by further information submitted on the 23rd September 2024
- Condition 4 relates to details of landscaping.
- Condition 5 requires a Section 48 development contribution.
- Condition 6 requires the entrance and along the public road to be kept free from obstructions and that the developer be responsible for the full cost of repair in respect of any damage caused to the adjoining public road/footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand thereof being issued by the Council.

- Condition 7 requires a connection agreement with Irish Uisce Éireann prior to the commencement of the development.

3.3 Planning Authority Reports

3.3.1 Planning Reports

- The first Louth County Council Planners Report of the 15/08/2024 resulted in a request for further information relating to the following items in summary
 - Relocate the proposed dwelling on site at least five metres southwards from the roadside boundary to reflect the established building line to the west.
 - Relocate the proposed dwelling on site at least five metres southwards from the roadside boundary to reflect the established building line to the west.
 - Reconfigure the access arrangement to include within the red line boundary the existing parent's access to Rock Road Blackrock shown in blue.
 - Review entrance proposals and provide alternative entrance details as set out in Table 13.13 of the Louth County Development Plan 2021 – 2027 (as varied).
 - Supply a sightline visibility splay together with a legal agreement showing the extent of works across third party properties for assessment.
- The Planners Report referred to the 'A1 Existing Residential' zoning in the Louth County Development Plan 2021 – 2027 (as varied).
- The Planners Report identifies that the site is not identified as being vulnerable to flooding on OPW flood mapping.
- In terms of layout, the Report noted that the proposed house is located very close to the northern boundary of the site. There is approximately 1.8 metres to the northern roadside boundary which is to be retained. The Report noted that the position of the house should be relocated southwards on the subject site in accordance with the established building line of houses to the west.
- It is further stated that the existing bell-mouth entrance should be included within the red line boundary in order to carry out works as requested by Placemaking section of Louth County Council.
- In terms of open space, the Planners Report noted that Section 13.8.17 of the Louth County Development Plan 2021-2027 states that a dwelling of 1- 2 bedrooms should

have a minimum private open space of 50 m² in a suburban location and that there is a substantial garden curtilage associated with the existing dwelling on site and it is therefore considered that the private amenity space to the proposed dwelling could be improved significantly by the relocation of the dwelling on site.

- In terms of residential amenity, the Planners Report stated that the separation distance involved to properties on the opposite side of Rock Road is such that the loss of light will be minimal or negligible. I calculate the separation distance of the new house will be circa 34 metres in a south west direction. Relocating the property in line with the established building line of properties to the west should reduce any adverse impacts to this property considerably. The existing roadside boundary is to be retained as shown by the applicant. The photomontage illustrates the house located close to the roadside edge and creates a visually imposing perspective for adjoining properties.
- In a separate report by Louth County Council Placemaking Section dated 30th July 2024, further information was requested concerning proposed access arrangements. More specifically, the Placemaking Section requested improvements to the existing entrance in order to comply with the current standards in Louth County Development Plan 2021-2026. The Placemaking Section also queried the results submitted in the soak away design report.
- A second Planners Report dated 11th October 2024 followed the submission of further information by the applicant. The Planners Report considered that the further information submitted satisfactorily addressed the issues raised in the request for further information and concluded that “having regard to the foregoing, the Planning Authority considers that the development accords with the planning objectives and policies pertaining to this development as set out in the Louth County Development Plan 2021-2027, as varied, and is consistent with the pattern of development in the area, would not impinge on the amenities of any adjacent properties and would, therefore, be in accordance with the proper planning and sustainable development of the area”.
- A further report from the Placemaking Section dated 7th October 2024 also recommended a grant of permission subject to conditions.

3.4 Prescribed Bodies

3.4.1 A submission by Uisce Eireann dated 8th August 2024 noted no objection in principle and requested that any grant of permission be conditioned to require the applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. It further states that all development shall be carried out in compliance with Irish Water Standards codes and practices.

3.5 Third Party Observations

3.5.1 There were 4 no. submissions from the following:

- 1. Brendan Sharkey of 'Kincora'
- 2. Carol Ann Murphy of 'Anam Cara', Rock Road,
- 3. Gerard Malone of Tara, Rock Road
- 4. Una Malone of 2 Hamiton Lane, Blackrock

3.5.2 A summary of the issues raised are:

- Design:
 - All single storey houses delivered recently in the area have been built with low pitch roof design, and he provides some planning references for same.
 - The size and pitch of the proposed roof will block the view from his property of Dundalk Bay and seeks the height to be altered.
 - Concern about the pitched roof of the proposed dwelling, which is considered to be out of keeping with recent granted single storey dwellings in the vicinity.
 - Objection on grounds of loss of light to existing residential properties.
 - Negative impact on residential amenity generally
- Traffic safety.
 - The house is located too close to road as Rock Road and should be set back to allow for road improvements.

- Health and safety concerns relating to Rock Road will be exacerbated by the extra traffic generated by the proposed development,
- Ecology
 - Negative environmental impact arising from impact on bee colony in the observers front garden.

3.5.2 Four submissions, three of which were from observers referenced above and a submission from Gerry and Alison Quigley of Ferndale, Rock Road East, were received on the significant further information response. The submission generally reiterate concerns in relation to height, roof pitch and traffic safety. The submission from Carol Ann Murphy raises concerns about the accuracy of the drawings submitted. A number of these submissions raised concerns about the need for two entrances at this location and that the established building line has not adequately been reflected within the revised proposal.

4.0 Planning History

4.1 The existing house and associated garden were granted under P.D. Ref. No 99/848, for demolition of a previous house and construction of a new dwelling.

5.0 Policy Context

Development Plan

5.1 The operative Development Plan is the Louth County Development Plan for this area is the Louth County Development Plan 2021 – 2027 (as varied).

5.2 The following are the key provisions of the Development Plan relating to the appeal site and appeal:

- The appeal site is on lands zoned as 'A1 Existing Residential' in the Louth County Development Plan 2021 – 2027 (as varied) with a stated objective "To protect and enhance the amenity and character of existing residential communities", Residential is listed as a generally permitted use under this zoning objective.

- Policy Objective CS 2 seeks to achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
- Policy Objective HOU 13 is to promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.
- Policy Objective HOU 17 is to promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise
- Policy Objective HOU 25 is that all new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of the County Development Plan.
- Policy Objective HOU 32 is to encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.
- Policy Objective IU13 is to require that all development taking place within an area served by a public wastewater treatment system connects to that system.
- Policy Objective ENV 39 is to protect and preserve existing hedgerows particularly species rich roadside and townland boundary hedgerows where their removal is necessary during the course of road works or other works seek their replacement with new hedgerows of native species indigenous to the area
- Policy Objective NGB6 is to ensure a screening for Appropriate Assessment (AA) on all plans and/or projects and/or Stage 2 Appropriate Assessment (Natura Impact Report/ Natura Impact Assessment) where appropriate, is undertaken to make a determination. European Sites located outside of the County but within 15km of the proposed development site shall be included in such screenings as should those to which there are pathways, for example, hydrological links for potential effects.
- Section 13.8.32 of the County Development Plan provides development standards for infill and backland development in urban areas. Amongst the content of this section of

the County Development Plan is a statement to the effect that when developing such lands it is important to maintain a balance between preserving existing neighbourhood amenities character, and implementing a policy of compact development. This section goes on to state that where opportunities arise for infill or backland development, the following considerations shall be taken into account:

- The prevailing density and pattern of development in the immediate area including plot sizes, building heights, and the proportions of buildings;
 - The design of the building(s) shall be of a high quality and make a positive contribution to the local streetscape and character. Innovative and contemporary designs will be acceptable if it is demonstrated such designs would positively benefit the built environment;
 - Impact on the residential amenities of surrounding properties such as the potential loss of daylight new/increased overlooking;
 - Private open space for existing and proposed properties;
 - Car parking for existing and proposed residential units shall be in accordance with the car parking standards set out in Table 13.11.
 - Adequate circulation for the parking and turning of vehicles within the curtilage of sites should be provided; and
 - The location and orientation of any building(s) and windows in such building(s) shall take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands.
- Section 13.16.17 of the County Development Plan relates to 'Entrances and Sightlines', It is stated that a well-designed access is important for the safety and convenience of all road users and should have regard to the design speed, function, and traffic volumes on the public road in addition to pedestrians, cyclists, and vulnerable road users. It is further stated that all new entrances and junctions will require clear and unobstructed sight lines to be provided. These sight lines shall be selected using the applicable road design manual TII Design Manual for Roads and Bridges' or if the development is in towns and villages or where the speed limit is within the 60km/h zone the Design Manual for Urban Roads and Streets.

- Table 13.13 of the County Development Plan sets out the minimum visibility standards for new entrances onto streets and roads where the speed limit is in excess of 60km/h and the 'Design Manual for Urban Roads and Streets' is not applicable.

5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

5.1.1 The National Planning Policy Framework (NPF) is generally supportive of residential development in existing built up areas. The following from the NPF is noted in particular:

- National Policy Objective 3a is to *“Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements”*.
- National Policy Objective 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.1.2 Other relevant national policy includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which supports the more intensive use of sites in locations served by existing facilities and public transport. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.

5.2. Natural Heritage Designations

5.2.1 The appeal site is located at Rock Road, Blackrock, Co. Louth, A91 RY70, approximately 0.5 kilometers to the west of Dundalk Bay SPA and SAC. Carlingford Mountain SAC is approximately 8 kilometer distant and Stabannon and Braganstown SPA approximately 11 kilometre distant.

6.0 EIA Screening

6.1 Having regard to the nature, scale and location of the development and the criteria set out schedule 7 of the Planning and Development Regulations 2001, there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development and therefore no EIA is required in this instance. See completed EIA Pre-Screening and Preliminary Screening attached in Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 There are 3 no. third party appeal.

7.1.2 The third party appeal by Carol Ann Murphy received by An Bord Pleanala on the 6th November 2024 includes the following grounds of appeal, in summary:

- Additional conditions being sought from the applicant before development begins does not seem right
- Provision of a footpath has been disregarded.
- Supports disregarding of a second entrance
- Fails to see how there are clear sightlines on exit from the existing entrance/exit point.
- Believes the dwelling will be too close to the road.
- Roof pitch is too high, and allows for potential for occupation of the roof/attic space.

7.1.3 The third party appeal by Brendan Sharkey received by An Bord Pleanala on the 5th November 2024 includes the following grounds of appeal, in summary:

- Welcomes the proposed development in principle.
- Submits that the proposed dwelling should be set back from the road. A number of reasons for this are set out, including facilitating provision of a footpath to Rock Road, and for reasons relating to building line in the area.
- Refers to a Part 8 approval for road widening/upgrades on Rock Road.
- Points out that the Placemaking Section in Louth County Council had concerns in relation to sightlines to the west, affected by third party lands.
- Raises concern with Condition 2 of the notification of decision to grant permission in that the condition requires details to be agreed in relation to access post grant of planning.
- Requests that An Bord Pleanala grant permission with a condition that the proposed dwelling is set back a further 6 metres into the site from the inside / site edge of the new footpath.

7.1.4 The third party appeal by Gerry Malone received by An Bord Pleanala on the 5th November 2024 includes the following grounds of appeal, in summary:

- The proposed house will be a visual impairment for the appellant, due to high pitched roof and sunlight impact.
- Suggests that the siting of the proposed dwelling on another part of the site would have less impact.
- The size of the pitch roof could be lowered.
- Proposed house located too close to the road and would considerably impinge on the ability of a footpath to be delivered on Rock Road.
- Raises traffic safety concerns due to the proximity of the bend on Rock Road a short distance to the east.
- Points out that use of the existing entrance/exit will increase.
- Proposals for a second entrance/exit would be a serious danger to health and safety.

7.2 Applicant Response

7.2.1 The response of the applicant to the third party appeals was made on dated 28th November 2024. A summary of the response is as follows:

- No daylight impact is considered likely due to single storey nature of the proposed dwelling and distance of circa 18 metres to the nearest dwelling.
- The roof pitch proposed is characteristic of the local vernacular, with a pitched roof with triangular gable the dominant roof type in the area.
- The amendment to the proposed building line at further information stage would allow for the delivery of a 2 metre footpath to Rock Road at a later date.
- The proposed building line is considered appropriate when the wider context of the area is taken into account.
- The applicant's agent is of the view that Condition 3 of the notification of decision to grant permission implies that the local planning authority were content that one (the existing) access could be used to serve the existing and proposed house, subject to amendments to that access.

7.3. Planning Authority Response

7.3.1 The local planning authority confirmed on the 14th November 2024 that they have no further comment to make.

7.4. Observations

7.4.1 There are no observations on the appeals.

7.5. Further Responses

7.5.1 An observation was made by Ms. Carol Ann Murphy dated 20th November 2024 and provides support for the appeal by Mr. Brendan Sharkey. The observation reiterates concerns with the roof pitch, proximity of the proposed dwelling to Rock Road, and traffic safety.

8.0 Assessment

8.1 I consider the main issues in determining this appeal are as follows:

- Principle of development
- Traffic and Access
- Character, Design and Layout
- Impact on Residential Amenity

Principle of Development

8.2 The appeal site is on lands zoned as 'A1 Existing Residential' in the Louth County Development Plan 2021 – 2027 (as varied) with a stated objective "To protect and enhance the amenity and character of existing residential communities", Residential is listed as a generally permitted use under this zoning objective. I am satisfied that the principle of a new residential dwelling on a site with this zoning objective is acceptable in principle.

8.3 The County Development Plan also includes a number of policies and objectives which encourage infill development within settlement boundaries of settlements such as Blackrock.

Traffic and Access

- 8.4 I consider this to be the principal issue in the appeal. The appeal site is located in a built up area with many existing residential dwellings located off Rock Road, and accessed off Rock Road. Rock Road has a 50 kmph speed limit. The application was originally submitted on the basis of the use of the existing access/egress to the existing house. This was considered inappropriate by the Louth County Council Placemaking Section. Following a request for further information, an option for a second access to serve the proposed new dwelling was submitted, whilst maintaining the existing entrance also. This satisfied the Louth County Council Placemaking Section, who commented that "Sightline visibility of 45m x 2.4m over a height of 0.6-1.05m shall be provided and maintained as per Proposed Site Layout Plan, Drawing No. 2405 - PP03".
- 8.5 However, the planning authority were not satisfied with the second entrance for a number of reasons, including that removal of the ditch and mature hedge along the road frontage to facilitate the new access and associated sightlines would result in loss of biodiversity, loss of hedgerow and would impact on visual amenities of the area. Condition 2 of the notification of decision to grant requires that the site shall be accessed by the entrance to the family home as detailed by the site layout plan (Drawing no. 2309-PP) submitted to the Planning Authority on the 25th June 2024. It further requires roadside boundary comprising of a ditch and mature hedge to be retained and details to be submitted for written agreement relating to the bell mouth at the entrance.
- 8.6 It is my view that the existing egress from the site is unsatisfactory. Sightlines both west and east on exit are severely compromised. The Louth County Council Placemaking Department (in their report of the 7th October 2024) has set out a sightline requirement of 45m x 2.4m over a height of 0.6-1.05m. Based on observations at the site visit, this is not achieved at the existing entrance. The submitted drawings do not show the sightlines available at the existing entrance. Whilst the additional traffic associated with 1 no. additional dwelling using this access/egress would be marginal, any increase of usage of this substandard egress would be likely to cause further traffic hazard.
- 8.7 On the basis that the existing entrance/exit is substandard, I do not consider Condition 2 of the notification of decision to grant permission to be an appropriate solution, particularly in the absence of any information to demonstrate that sightlines to the west can be improved

at the existing entrance. Improvement of sightlines to the west appears to be outside the control of the applicant and would be subject to third party agreement.

- 8.8 On balance, the removal of the existing boundary hedge is not considered to be unwarranted in the event that it would materially improve traffic and pedestrian safety. The hedge appears largely domestic in nature and not of particular quality. I note that the hedge and associated stone wall would be replanted / reinstated further back (north) in to the site. It is important also to recognise Policy Objective ENV 39 of the County Development Plan which is to protect and preserve existing hedgerows particularly species rich roadside and townland boundary hedgerows where their removal is necessary during the course of road works or other works seek their replacement with new hedgerows of native species indigenous to the area. The Policy Objective recognises that removal of hedgerows may be necessary for road improvements.
- 8.9 The planning authority also considered it is difficult to see how a section of footpath in this area would improve connectivity given the pattern of development beyond. I do not agree with this statement. The appeal site has the ability to deliver a footpath along Rock Road for the full length of the site, including across the existing and proposed entrances to allow for pedestrian priority, and connect to an existing footpath further east, adjacent to the terraced houses on Sea Road. Whilst connectivity further west would be more challenging, the footpath provision along the site frontage would be beneficial.
- 8.10 Having regard to the above, the arrangement as detailed on Proposed Site Layout Plan, Drawing No. 2405 - PP03 as submitted at further information stage and comprising provision of a second entrance to the subject site is considered appropriate. The Louth County Council Placemaking Department (in their report of the 7th October 2024) has set out a sightline requirement of 45m x 2.4m over a height of 0.6-1.05m and this has been shown to be achievable on Proposed Site Layout Plan, Drawing No. 2405 - PP03. It is appropriate for a condition to be attached requiring the delivery of a footpath for the full length of the appeal site, to tie in with the existing footpath further east at the junction of Rock Road and Sea Road. It is not necessary for a condition to be attached to require the rebuilding on a like for like basis and using salvage material of the existing boundary wall and the replanting of the hedgerow using native species as this detail is already included on Proposed Site Layout Plan, Drawing No. 2405 - PP03.

Character, Design and Layout

- 8.11 The proposed dwelling is relatively modest in scale and height. It is a single storey pitched roof dwelling with a total height of 5.63 metres to ridge height (as amended at further information stage, refer to Dwg No. 2405 - PP04 Rev. A). This is substantially lower than other two storey buildings in the locality. The materials proposed are traditional in nature and reflect those used in the surrounding area. I have no concerns in relation to the design of the proposed development, which is compatible with the surrounding area. It is noted again for clarity that there is a variety of dwelling height, designs and configurations in the area.
- 8.12 In terms of the proposed positioning on site of the proposed dwelling, Proposed Site Layout Plan, Drawing No. 2405 - PP03 as submitted at further information stage shows the main (northern) façade of the house being located circa 6.7 metres from the road edge at Rock Road. There is a varying building line at this location, with the existing house on the site in particular being set further south (away from Rock Road) than others. The three closest dwellings to the west have a similar building line, which the proposed development would largely reflect. With the proposal being a single storey pitched roof dwelling, I have no concerns about the massing being overbearing or dominant in the streetscape. The positioning of the dwelling on the site is acceptable.
- 8.13 In addition to the above, I am of the view that the proposed development appropriately responds to and complies with the requirements for infill development at Section 13.8.32 of the County Development Plan.

Impact on Residential Amenity

- 8.13 Concern has been raised in relation to potential daylight and sunlight impact. Given the distance between existing dwellings and the proposed dwelling, including separation by way of Rock Road, and the height, scale and massing of the proposed dwelling, it is my view that there are no potential material impacts in terms of daylight and sunlight. Separation distance from the proposed dwelling to the nearest dwelling on the north side of Rock Road is likely in excess of 30 metres, which for comparison purposes is well in excess of the normally accepted and traditional 22 metre separation distance from first floor to first floor in two storey back to back dwellings. Such an arrangement is generally accepted as allowing for

appropriate access to internal daylight and external sunlight. It is further considered that the existing (retained) dwelling on the appeal site will maintain adequate levels of residential amenity and open space.

9.0 AA Screening

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

9.2 The subject site is located at Rock Road, Blackrock, Co. Louth, A91 RY70, approximately 0.5 kilometres to the west of Dundalk Bay SPA and SAC. Carlingford Mountain SAC is approximately 8 kilometre distant and Stabannon and Braganstown SPA approximately 11 kilometre distant.

- The development comprises permission for a single dwelling unit.
- No nature conservation concerns were raised in the planning appeal.
- Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
 - The small scale and minor nature of the development
 - The urban location in an existing residential area
 - The distance to the nearest European site and lack of pathways between the development and the European Site as a result of the connection to services. It is noted that the local planning authority was satisfied with the surface water soakaway design submitted with the application.
- Taking into account screening determination by Louth County Council.

9.3 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.4 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1 I recommend that permission be granted with conditions.

11.0 Reasons and Considerations

11.1 Having regard to the residential land use zoning of the site; the pattern and scale of development in the surrounding area, the nature, scale and location of the proposed development; the condition and nature of Rock Road including the need to ensure traffic safety associated with the proposed development, and the provisions of the Louth County Development Plan 2021 - 2027, it is considered that, subject to compliance with the conditions set out below the proposed development would not be out of character with existing development in the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would not give rise to traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 Conditions

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| 1 | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 25th June 2024 and further information submitted on the 23rd September 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 development shall include a footpath along Rock Road for the full frontage of the site, to tie in with the existing footpath to the east on the corner of Rock Road and Sea Road. 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> <p>Reason: In the interests of pedestrian and traffic safety.</p> |
| 3 | <p>The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: To prevent unauthorised development</p> |

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|---|--|
| 4 | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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 and to ensure an appropriate high standard of development.</p> |
| 5 | <p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p> |
| 6 | <p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of properties in the vicinity.</p> |
| 7 | <p>Site development and building works shall be carried out only between the hours of 7.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 8 | <p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p> |
| 9 | <p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p> |

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| 10 | <p>If, during the course of site works any archaeological material is discovered, the County Archaeologist/Planning Authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p> |
| 11 | <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 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 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.

Robert Keran

Robert Keran

12th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

Form 1

EIA Pre-Screening

| | | | |
|--|--|---------------------------------------|---|
| An Bord Pleanála Case Reference | ABP-321189-24 | | |
| Proposed Development Summary | Planning permission is being sought for a single storey dwelling of 122 sqm. | | |
| Development Address | Rock Road, Blackrock, Co. Louth, A91 RY70 | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | 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 | ✓ | Class 10(b)(i) – Part 2 of Schedule 5 | Proceed to Q3. |
| No | | | Tick if relevant. No further action required |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | |

| | | | |
|--|---|--|---|
| No | ✓ | | |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | ✓ | | Preliminary examination required (Form 2) |

| | | |
|---|---|--|
| 5. Has Schedule 7A information been submitted? | | |
| No | ✓ | |
| Yes | | |

Inspector: Robert Keran

Date: 12th March 2025

Form 2

EIA Preliminary Examination

| | |
|---|--|
| An Bord Pleanála Case Reference Number | ABP-321189-24 |
| Proposed Development Summary | Planning permission is being sought for a single storey dwelling of 122 sqm. |
| Development Address | Rock Road, Blackrock, Co. Louth, A91 RY70 |
| <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>The development has a modest footprint and is of modest scale. The project is a standalone project and does not require demolition works, does not require the 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> |

Location of development

(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).

The appeal site is located to the south of Rock Road to the north of Blackrock, Co. Louth. The site is located relatively close to the coast, with Sea Road to the east separated from the subject site by a number of terraced two storey residential properties addressing Sea Road.

The appeal site is occupied by a single two storey dwelling situated towards the western portion of the site, with its garden forming the remainder of the plot.

The site is relatively flat. The site is accessed via a gated driveway from Rock Road. Boundary treatment is mature hedging with low stone walls to part. Rock Road is a two lane road in generally good condition.

Whilst located adjacent to Dundalk Bay SPA and SAC, the proposed development will not have a pathway to same.

The proposed development is consistent with the existing land use in the area.

| | | |
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| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the modest nature of the proposed development, its location removed from and with no pathways to sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant 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. | No |

| | | |
|--|---|--|
| 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: Robert Keran

Date: 12th March 2025

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)