



An
Bord
Pleanála

Inspector's Report

ABP-321402-24

Development

Retention permission for amendment to previously approved permission (Reg. Ref. DA60141) to include a single storey lean to roof storage shed at rear ground floor level. Permission is sought for the demolition of existing single storey pitched roof conservatory structure at rear and construction of two storey pitched roof extension to rear, single storey lean to roof kitchen extension to the rear and detached single storey flat roof office structure in rear garden, including all internal refurbishment and alterations to existing dwelling and all ancillary site works.

Location

39 Clonkeen, Ratoath, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

24/60762

Applicant(s)

Mary Comerford

Type of Application

Permission and Retention Permission

Planning Authority Decision	Grant permission and grant retention
Type of Appeal	Third Party
Appellant(s)	Margaret McNerney Rafal Stachura
Observer(s)	Loretta Fox
Date of Site Inspection	31 st January 2025
Inspector	Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site, which is rectangular in shape, has a stated site area of 0.64ha and is located in the town centre of Ratoath. The site forms part of a residential development known as 'Clonkeen', with the existing surrounding dwellings comprising both two-storey and dormer style dwellings.
- 1.2. The existing dwelling on site comprises a detached dwelling. The front garden comprises a gravelled area with off street parking and an existing single storey shed. There is an existing single storey porch to the front elevation and an extension to the side.
- 1.3. To the rear, the site adjoins the side gable of No. 38 Clonkeen, with the site boundaries defined by a boundary wall.

2.0 Proposed Development

- 2.1. The proposed development consists of both retention permission and permission as follows:
 - Retain a single storey attached shed to the rear,
 - Permission to demolish an existing conservatory and replace it with a two-storey rear extension and further side extension to same with mono pitched roof.
 - Permission for a detached flat roof office structure in the rear garden.
 - Associated works within the site.
- 2.2. The proposed development will be connected into the existing public infrastructure.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission, on 11th November 2024, subject to 7 conditions, which included the following:

- Condition 2 related to Construction and Environmental Management Plan (CEMP) for the written agreement of the Planning Authority.
- Condition 3 related to occupancy as a single residential unit.
- Condition 7 related to the shed and office building to be ancillary to the main residence.

I note to the Board that this grant of permission is accompanied by several advisory notes including but not limited to no oversailing, overhanging or other physical impingement upon adjoining properties without consent of adjoining property owner (Note: Advisory Note 4), construction works, and condition of adjoining roadway (Note: Advisory Notes 5, 6, 7 and 8).

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated 6th November 2024 has been provided.
- 3.2.2. This planning application was assessed under the Meath County Development Plan, 2021 – 2027, as varied.
- 3.2.3. The planners report concluded that the development is in accordance with the Meath County Development Plan, 2021 – 2027, as varied, subject to 7 no. conditions, noted in Section 3.1.1 above.

3.2.4. Other Technical Reports

Enforcement Section: Noted that the referral no longer required as the UD reference dates back to 2006.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. Two third party submissions were received, the main issues raised within which can be summarised as follows:
 - Loss of privacy and negative impact on the existing residential amenities.

- Out of character development within the existing.
- Traffic and overdevelopment of site.
- Alleged Inaccurate information submitted in the drawing plans.
- Loss of privacy and impact on existing amenities.
- The height of the proposed office structure will be higher than as presented above c120cm above the boundary wall.
- Increase in House occupancy and Traffic increase.
- Scale, design and bulk is out of character with area.

4.0 Planning History

- 4.1. DA60141: Permission granted by the local authority, following further information request on 14th July 2006 for first floor side extension with pitched roof over, over existing ground floor side extension and single storey 1-bedroom granny flat with pitched roof over to side of existing dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan 2021-2027, as varied, is the relevant development plan, under which the site is zoned for 'A1' 'Existing Residential', with a stated objective *"To protect and enhance the amenity and character of existing residential communities"*.
- 5.1.2. Under this zoning objective, the Plan states that *"Lands identified as 'Existing Residential' are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area"*.
- 5.1.3. Chapter 11 Development Management Standards and Land Use Zoning Objectives.

- 5.1.4. Section 11.5.25 Extensions in Urban and Rural Area –
- DM OBJ 50 – which includes criteria for extensions.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within a designated European Site.

5.3. EIA Screening

- 5.3.1. I refer the Board to the completed Form 1 in Appendix 1.
- 5.3.2. 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

- 6.1.1. Two separate third-party appeals have been received. The grounds of both appeals are summarised as follows: -
- Inaccurate information - Application invalid on technical grounds. Inaccurate information submitted in the drawing plans in relation to adjoining sites. The plan does not reflect the actual height difference between 2 properties.
 - Water soaking through boundary wall impacting neighbour.
 - Privacy concerns – the height of the office building above the boundary wall will lead to privacy issues, the driveway and rear garden of appellants sites will be fully visible from the office building.
 - Construction Impacts – Access to the site is limited to the side entrance. HGV's will cause damage to sidewalk and existing trees.
 - Parking/Transportation/Safety – there is a minimum of 5 no. cars at the property and further development will lead to more cars on the property

impacting traffic and compromising safety and safety of children on this busy road.

- Character, appearance, and overdevelopment – the dwelling has already been extended, further development is out of character with existing dwellings and the scale of extension too large.
- Overshadowing and ventilation - Location of the office will significantly decrease an access to light (over shading) on the east side of adjoining property.
- Due to the height of the office building air circulation will be impacted.
- It is unknown how tall the office building will be against the level of property at 38 Clonkeen as the measurements in the plan are not included, therefore the impact on overshadowing will be significantly higher.
- Increased heating will be required.
- Inspector report has not included the level of the sites therefore this should be considered during appeal.
- Security concerns – the flat roof will compromise security, and the adjoining site will be accessible from the flat roof.
- Purpose of office building – is the building designated for commercial or residential purposes.

6.2. Applicant Response

6.2.1. A response was received dated 13th January 2025 by the applicant's agent including revised drawing title: Site Plan Proposed drawing no. 101, and drawing title Contiguous elevations – proposed, drawing no. 109, in respect to the issues raised in the third party appeals and can be summarised as follows:

- Application invalid – updated drawings have been enclosed which demonstrates the various roof levels of both existing and adjoining dwellings together with the proposed extensions to the rear of the dwelling. The applicant acknowledges that the levels on the drawings vary from those

submitted to Meath County Council, it is contended that they do not materially alter the proposal or impact on the adjoining properties.

- Overshadowing and Ventilation due to location of the proposed office – no evidence is proposed to support the claims, and the side passageway of No. 38 Clonkeen is approximately 2 metres wide. Reference is made to the planners' report. Additionally, rainwater will be directly away from the rear boundary.
- Privacy Concerns – the proposed home office is orientated towards the rear garden of No. 39 Clonkeen. Any window heights will be approximately 2 metres and given the boundary wall overlooking is unlikely.
- Construction Impact – all measures will form part of a Construction Management Plan (CEMP) stipulated by Meath County Council in Condition No. 2 of the grant of permission.
- Parking/Transportation/Safety – all vehicles were parked in the front driveway on date of inspection. There is sufficient space in the front of No. 39 to cater for a minimum of 5 no. vehicles. The development will not lead to an increased parking requirement.
- Security Concerns – the proposed office is located on the internal boundaries between properties and does not create any security risk. Both No. 37 and 38 Clonkeen back onto an internal estate road with ESB substations, which poses a greater risk.
- Character, appearance and overdevelopment – the proposed development was designed to ensure integration into the site without negatively impacting the residential amenities, the applicant refutes the contention to contrary.
- Office building purpose – the proposed rear garden structure is a home office/study and will be ancillary to the main use.

6.3. Planning Authority Response

6.3.1. A response was received from the planning authority dated 7th February 2024. The submission responds to the third party appeals as follows:

- (i) The Planning Authority is satisfied that all matters outlined in the submissions were considered in the course of the assessment of the planning application as detailed in the Planning Officers Report dated 06/11/2025.

6.3.2. The planning authority respectfully requests that An Bord Pleanála uphold the decision of the planning authority to grant permission subject to conditions.

6.4. Observations

6.4.1. One observation was received which highlighted the following:

- The proposed layout not deemed acceptable due to nature and size.
- Adequate amenity space would not remain.
- The height of the proposal.
- Overlooking and loss of privacy.
- The single storey detached office structure, due to its height and layout of the development will give rise to significant overshadowing and overbearing.
- Multiple vehicles parked on site. This in addition to construction vehicles may impact on residential amenities unless suitable measures are implemented.
- Ongoing issues in terms of safety due to the unavailability of parking on site and the proposed increase in inhabitants.

6.5. Further Responses

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the third party appeals (the subject matter of this appeal), the observation and the applicants response, the site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal and observation, and I am satisfied that no other substantive issues arise. The main issues in determining this appeal are as follows:

- I. Principle of Development and Policy Compliance
- II. Procedural Matters
- III. Impact on adjoining residential and visual amenity
- IV. Parking/Transportation – including Construction Impacts
- V. Proposed Use
- VI. Appropriate Assessment, and
- VII. Other Matters.

7.2. Principle of Development

- 7.2.1. The appeal site is located within the development boundary of Ratoath on lands zoned as 'A1 – Existing Residential/Infill' with the stated land use zoning objective "To protect and enhance the amenity and character of existing residential communities". The guidance pertaining to this zoning objective states that "Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties...". As such the construction of an extension to the existing dwelling and within the existing site is generally considered appropriate, subject to the protection of existing residential amenity and the use, scale, character, and design of any development respecting the character of the area.
- 7.2.2. In respect to the scale of the development, the appeal site is a large corner site with a stated area of 0.64 ha. with the floor area of the existing dwelling stated at 220 sq. m. The proposed works comprising some 68 sq. m. in floor area, in the form of a two-storey rear extension, with a single storey office room and the retention of a

single storey shed adjacent to a previously approved 'family flat' on site. I also note that a rear garden area of 189 sq. m. will be retained to serve the existing dwelling.

- 7.2.3. Therefore, I am generally satisfied that the overall principle of the proposed development is acceptable, and having regard to the layout of the development, and the remaining open space, that the development would not represent overdevelopment of this site, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. Procedural Matters

- 7.3.1. In terms of procedural matters and the alleged irregularities in terms of the site levels submitted as part of the planning application, I reference Article 26 of the Planning and Development Regulations as amended, which sets out the procedure to be followed when validating a planning application and indicates that the application must comply with Articles 18, 19(1)(a) 22 and, as may be appropriate, Article 24 or 25. I note that all matters were considered acceptable by the planning authority.

- 7.3.2. Notwithstanding, revised plans were submitted by the applicant as part of the response to the third-party appeal:

- drawing title: Site Plan Proposed drawing no. 101 (dated 08/01/2025), and
- drawing title Contiguous elevations – proposed, drawing no. 109 (dated 08/01/2025).

- 7.3.3. The revised plans indicate the ground levels within the application site and the ridge level of the proposed dwelling, and proposed extension relative to the adjoining dwelling No. 38 Clonkeen and do not in my view constitute a material alteration in the development as proposed.

- 7.3.4. The above assessment represents my de novo consideration of all planning issues material to the proposed development, having reviewed all of the information on file and carrying out a site visit.

7.4. Impact on adjoining residential and visual amenity

- 7.4.1. The third-party appellants and observer express several concerns regarding overshadowing, overlooking, loss of privacy, overbearance and impact on ventilation

on adjoining sites. Concerns were also raised in respect to the character and appearance of the development.

- 7.4.2. In terms of overshadowing, while no shadow survey was undertaken by the applicants, however, having carried out a site visit, reviewed the planning application drawings and documentation and noting the scale, height, and location of the proposed development, I do not consider that the proposed development would contribute to significant overshadowing of the adjoining properties to the north, and west of the site. In addition, the proposed office structure is single storey in nature and will adjoin the rear (west) and side (north) to a height of 2.9 metres, therefore this structure will not result in overshadowing of adjoining sites.
- 7.4.3. In terms of overlooking, no first-floor windows are proposed to the northern elevation in particular of the two-storey extension, the first-floor window to the rear elevation is orientated to the rear (west) and will front the side gable of No. 38 Clonkeen at a distance of some 17 metres. The proposed window serving the single storey office is orientated south towards the applicants rear garden, and I note the presence of the existing rear block boundary wall and the layout of the adjoining site at No. 38 Clonkeen. As such, I consider that overlooking issues to the north or west do not arise.
- 7.4.4. Given the scale and extent of the proposed office, along the rear boundary wall relative to the adjoining site to the west (No. 38 Clonkeen), I do not envisage that the development would negatively impact on the appellants ventilation or access to light and is acceptable.
- 7.4.5. With respect to visual impact, I note that the proposed two-storey extension has a lower ridge height to that of the existing dwelling, with a pitched roof element to the ground floor extension, the office building has a flat roof. I consider that the scale, height, and design of the proposal to be acceptable, and will assimilate successfully into the streetscape at this location and will not appear visually overbearing.
- 7.4.6. In addition, the existing shed subject to retention is also acceptable and does not impact negatively on adjoining visual and residential amenities.

7.5. Parking/Transportation – including Construction Impacts

- 7.5.1. The appeals highlight concerns with respect to the number of vehicles parking on site and the potential impact additional traffic will have on the area.
- 7.5.2. I note that no alterations to the existing site entrance or parking arrangement on site are proposed as part of the application. Additionally, the proposal relates to extensions and alterations to the existing residential dwelling on site. Therefore, I am satisfied, having inspected the site that the existing parking arrangement and internal road network serving Clonkeen is adequate to cater for the likely additional traffic and vehicular movements generated as a result of the proposed development and would not impact on traffic safety.
- 7.5.3. I consider that the matters pertaining to parking within the Clonkeen estate to be evaluated under a separate legal code and thus not concern the Board for the purposes of this appeal.

Construction Impacts

- 7.5.4. Potential impacts on amenities and safety during construction, etc. are raised by the appellants. Given the nature, scale, and location of the proposed development, I am satisfied that matters pertaining to construction management can be appropriately dealt with prior to construction by way of condition should the Board be inclined to grant planning permission in this instance and requesting the Applicant to prepare/submit a Construction Management Plan. I also note Condition No. 2 of the local authority decision to grant permission in this regard.

7.6. Proposed Use

- 7.6.1. The appellants express concerns regarding the use of the office building for commercial activity in a residential area. I note that the instant application is for the retention of a shed to rear and the construction of an extension and office in rear garden of the existing dwelling. The applicant has clarified that the office will be ancillary to the main dwelling. In this regard, I recommend that a condition be attached to any grant of permission that the office be ancillary to the main dwelling. I note condition 7 of the local authority decision to grant permission in this regard.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the development proposed and to be retained and the nature of the receiving environment and the distance to the nearest

European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.8. Other Matters

7.8.1. Conditions:

As noted in Section 3.1.1 above, the local authority recommended a grant of permission subject to 7 no. standard conditions. Given the nature and scale of the development, I concur with the local authority and recommend the inclusion of standard conditions in this instance.

7.8.2. Miscellaneous Issues:

Issues raised in respect to security concerns and boundary wall issues are civil matters, which fall outside of the Board's remit in deciding this application.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Meath County Development Plan 2021-2027, as varied, the nature and scale of the development to be retained and the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would be appropriate in terms of scale, form and layout, would not adversely impact on the residential amenity of neighbouring properties by reasons of overlooking, overshadowing, overbearing, nor impact on the character or visual amenity of the existing residential estate and would be acceptable in terms of parking provision, traffic movements and pedestrian safety. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, received by the planning authority on the 19th day of September 2024, and particulars received by An Bord Pleanála on the 13th day of January 2025, 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 dwelling and the extension shall be jointly occupied as a single residential unit and shall not be used for any other purpose, including short-term letting, unless authorised by a prior grant of planning permission. The extension shall not be let, sold, or otherwise transferred or conveyed save as part of the dwelling. The principal use of the application site shall remain in private residential use.</p> <p>Reason: In the interests of the proper planning and development of the area</p>
3.	<p>The shed and office building shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.</p> <p>Reason: In the interest of development control</p>
4.	<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: In the interests of sustainable drainage.</p>

5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of residential amenities.</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.

Emma Nevin
Planning Inspector

4th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321402-24		
Proposed Development Summary	Retention permission for a single storey lean to roof storage shed at rear ground floor level. Permission for the demolition of existing single storey pitched roof conservatory structure at rear and construction of two storey pitched roof extension to rear, single storey lean to roof kitchen extension to the rear and detached single storey flat roof office structure in rear garden, including all internal refurbishment and alterations to existing dwelling and all ancillary site work.		
Development Address	39 Clonkeen, Ratoath, Co. Meath		
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	X
		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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	Development is not a project of type listed in Schedule 5, Part 2
			Conclusion
			No EIAR or Preliminary Examination required

Yes				
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required