



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321598-25

|                                     |   |
|-------------------------------------|---|
| <b>Development</b>                  | Construction of 8 houses and all associated site works. |
| <b>Location</b>                     | Rathbrist, Tallanstown, Co. Louth, A91 XF74             |
| <b>Planning Authority</b>           | Louth County Council                                    |
| <b>Planning Authority Reg. Ref.</b> | 24/60249  |
| <b>Applicant(s)</b>                 | Rainberry Limited                                       |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Grant   |
| <b>Type of Appeal</b>               | Third Party   |
| <b>Appellant(s)</b>                 | Dianne and Aidan Crosby                                 |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 3 <sup>rd</sup> April 2025                              |
| <b>Inspector</b>                    | Emma Gosnell  |

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located on the north side of the settlement of Tallanstown in the townland of Rathbrist, Co. Louth and on the west side of the R-171 regional road which connects Tallanstown and Louth town.
- 1.2. The site is adjoined by 2 no. single storey detached bungalows fronting the main road – one to the north/ north-east and another to the south-east. The site's western and south-western boundaries are undefined, and its northernmost corner adjoins the Glydevue residential estate.
- 1.3. The overgrown site, which is 0.492 hectares (ha) in area, has an L-shaped configuration and comprises part of a larger development landbank which adjoins the River Glyde which is located c. 200m to the west. The site has c. 40m of open road frontage onto the adjoining R-171 and it features an existing gated vehicular entrance from this road.
- 1.4. The applicant is the owner of the adjoining undeveloped/ partially developed lands to the north-west, west and south-west and also owns a number of properties in the neighbouring Glydevue residential estate.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of (i) construction of 8 no. two-storey, 3 bed dwellings (6 no. semi-detached dwellings and 2 no. detached dwellings); (ii) connection and extension to existing road and footpath network; (iii) provision of attenuation storage; (iv) connection to existing storm and foul drainage system and all associated site works.
- 2.2. Significant further information received on 08/11/2024 - amendment to site layout; boundary planting and landscaping; revised dwelling plans; and, amended drainage details to layout.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted on 02/12/2024 subject to 13 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority's (PA) assessment:

#### Planner's Report (20/06/2024) – Initial Application Stage

The report sets out the relevant planning history, policy context, issues raised in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Points of note raised in the report are as follows:

- Principle of development – acceptable due to zoning and site planning history.
- Site layout – acceptable response to site-specific constraints incl. site size, neighbouring site's zoning and pattern of development and, requirement to provide future access to larger development site to rear (as per P.A. Ref. 05/933 grant).
- Unit mix – 100% 3-bed units is acceptable and compliant with PO HOU26.
- Residential standards – all dwellings comply with 2007 Guidelines and will provide a good standard of accommodation.
- Unit No's 2-7 – design, materiality and relationship with adjoining properties is acceptable.
- Siting and orientation of Unit No. 8 – gable to road and front of dwelling looking over adjoining lands to rear not considered to be appropriate re: future residential and visual amenities and passive surveillance of public realm/ open space to north-west. **This matter formed part of the FI request.**
- Separation distances – proposed layout is compliant with Section 13.8.9.1 of LCDP and will not give rise to overshadowing or overbearance on adjoining properties.
- Height – compliant with Sections 3.11, 13.12 and PO HOU15 of LCDP.
- Public and private open space – 2023 Guidelines requirements exceeded.

- Landscaping – inadequate details provided on proposals and extent of shrubbery and tree planting along internal access road and site entrance considered inadequate to provide for a good standard of residential amenity. Proposals to provide new and/ or replacement hedgerow planting are unclear. **This matter formed part of the FI request.**
- Boundary treatments – no details provided on north boundary abutting Glydevue housing estate, 1.8m high closed board fence perimeter boundary treatment not acceptable. A 2m high block wall (plastered and capped) is considered a more appropriate proposal having regard to concerns raised by observers and policy guidance in Section 13.8.11 of the LCDP. 1.8m closed board fences between proposed dwellings also not acceptable. **This matter formed part of the FI request.**
- Car, bike parking and EV charging – compliant with Tables 13.11, 13.12 and Section 13.16.9 of LCDP.
- Traffic and Transport – access is acceptable and won't give rise to traffic hazard.
- Public lighting – proposal considered acceptable/ compliant with Section 13.9.22.
- Water and wastewater – proposed connection to public water supply and foul network at east site boundary acceptable having regard to evidence of pre-connection inquiry.
- Flood risk – site is not at risk of pluvial or fluvial flooding.
- Surface water management – proposals are acceptable.
- Overhead cables – proposals have not taken account of electrical power lines which traverse the site to the south-west and north-west. Cables to be undergrounded to facilitate development. **This matter formed part of the FI request.**
- Bond and development contributions – apply in case of a grant of permission.
- Drawing discrepancies – noted House Type A window positions on side elevation don't match floor plans. **This matter formed part of the FI request.**
- Impact on unit to south – observer concerned that height and siting and 1<sup>st</sup> floor windows on side elevation of proposed Unit No. 1 will give rise to overlooking/

privacy impacts. On basis of siting and separation distance between the units and the front elevation of Unit No. 1 being set further forward, PA were satisfied no negative impact would arise.

A request for FI issued on the 20/06/2024 in relation to 4 no. items:

1. Drawing discrepancies in relation to side windows in House Type A. To be clarified.
2. Unsuitable siting and orientation of Unit No. 8 relative to access road, open space and overground cables which traverse the site which need to be undergrounded. Redesign needed.
3. Insufficient landscaping details and details of new/ replacement hedgerows provided, and additional trees/ planting required at entrance, along internal road and at northern boundary of site adjoining the existing retaining wall. Proposed perimeter boundary treatment and internal property boundaries are not unacceptable and should be revised to comply with Section 13.8.11.
4. Revised statutory notices required where FI response deemed significant.

The applicant's response to the FI request was submitted on the 08/11/2024 and included revised plans for House Type A, a revised unit design and typology for Unit No. 8, clarification that overground cables will be undergrounded and, additional/ revised landscape and boundary proposals.

The FI response was deemed significant, and the applicant was instructed to re-advertise the proposal.

#### Planner's Report (02/12/2024) – Further Information Stage

This report provided an assessment of the FI received and took into consideration the issues raised in the 2 no. further submissions received in addition to a further report received from the P&PDS. Points of note include:

- Item 1 – drawing discrepancies re: House Type A's side window arrangements satisfactorily clarified.
- Item 2 – proposed replacement of House Type A with (new) House Type C on site of Unit No. 8 provides for a more appropriate layout and orientation and, applicant's proposal to underground overhead cables welcomed and will be conditioned.

- Item 3 – proposed amendments to landscaping and boundaries are acceptable.
- Other – access arrangements are as per PA. Ref. 05/933 scheme, scheme layout changes in response to reduced size/ site constraints and grant of permission would not set a precedent for developing lands to the rear on account of the adjoining lands zoning as a L1- Strategic Reserve. Glazing to Unit No's 1 and 2 will not give rise to undue overlooking of property to the south on account of unit positioning, relative orientation and setbacks provided for. Proposal does not have the potential to give rise to overlooking, overshadowing, overbearance of, or adverse visual impacts on, neighbouring properties. Locality is characterised by a variety of dwelling types/ designs/ heights and therefore Unit No. 1 is not out of character with area.

The planner's report concluded by recommending permission be granted subject to 13 no. conditions (as per Section 3.1 of this report).

### 3.2.2. Other Technical Reports

#### Initial Application Stage

- Placemaking and Physical Development Section (P&PDS) (07/06/2024) – no objection subject to conditions.

#### Further Information Stage

- P&PDS (19/11/2024) – no objection subject to conditions.

### 3.2.3. Conditions

Standard condition No. 1 attached to the PA's grant of permission included a requirement that the access road permitted facilitate the future development of adjoining lands (to rear) currently zoned as a strategic land reserve under the Louth County Development Plan 2021-2027 (LCDP). In the interests of the proper planning and sustainable development of the area, I consider this condition should also be attached where the Board are minded to grant permission for the proposal.

Bespoke conditions were also attached in respect to the estate entrance and pedestrian infrastructure in order to ensure traffic and pedestrian safety and, in respect to landscape and boundary treatments to safeguard neighbouring amenities and provide for biodiversity and a good standard of future residential amenity. I consider it

appropriate that conditions to this effect are attached where the Board are minded to grant permission for the scheme.

A further condition (No. 11) was also attached to ensure that the existing overhead cables which traverse the site were relocated/ undergrounded with a more general requirement to ensure that all services cables be run underground within the site. In the event of a grant of permission, I consider it prudent that this be made a pre-commencement condition.

### **3.3. Prescribed Bodies**

#### Initial Application Stage

None on file.

#### Further Information Stage

None on file.

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

#### Initial Application Stage

2 no. third party submissions were received on behalf of neighbouring property owners Gerald and Catherina Lynch (property 35m to south-east of appeal site) and Dianne and Aidan Crosby (the appellants – owners of adjoining property to south-east). They raised the following issues:

#### *Gerald and Catherina Lynch*

- Overlooking/ loss of privacy to neighbouring sites on account of height and siting.
- Concerns re: departure from scheme layout permitted under P.A. Ref. 05/933 where no properties were proposed on grassed area to front of site.
- Concerns re: planning precedent that would be established if scheme granted.
- Permitting the development as proposed would lead to a diminution in existing residential amenities and alternative location for development should be explored.

#### *Dianne and Aidan Crosby*

- Support principle of new housing on the site but have concerns re: proximity, height and windows to side and rear of proposed Unit No. 1 and to the rear of Unit No. 2 giving rise to overlooking of their property and to visual intrusion and overbearance.
- Concerns re: departure from scheme layout permitted under P.A. Ref. 05/933 where no properties were proposed on grassed area to front side of site.
- Stated that previous works on site in connection with commencement of P.A. Ref. 05/933 permission have led to damage to the garage of the property to south-west with concerns raised about impact of further building works on site.
- Proposed shared boundary to south-west should be 1.8m high blockwork wall with piers rather than a fence as proposed.

#### Further Information Stage

2 no. third party submissions were received in respect to the significant further information (SFI) on behalf of the same neighbouring property owners (incl. the appellants). They raised the following issues:

##### *Gerald and Catherina Lynch*

- Reiterates observations made at application stage and raises a new concern that design of Unit No. 1 is out of context with single storey houses in locality.

##### *Dianne and Aidan Crosby*

- Reiterates observations made at application stage, which it is stated have not been satisfactorily addressed by the PA and includes extracts from FI plans to illustrate their arguments re: potential for undue overlooking.
- Raises new concern that 2-storey height of Unit No. 1 is out of character with area.

## **4.0 Planning History**

### **4.1. Site**

P.A. Ref. 05/933 – Permission granted on 31/10/2005 for 50 no. dwellings comprising of the following: 8 no. 2 bedroom semi-detached dwellings, 16 no. 3 bedroom semi-detached dwellings, 2 no. blocks of 4 townhouses comprising of 4 no. 2 bedroom dwellings and 4 no. 3 bedroom dwellings, 7 no. 4 bedroom detached dwellings with garage, 3 no. 4 bedroom detached dwellings with conservatory and garage, 4 no. 6

bedroom detached dwellings with garage and 4 no. 6 bedroom detached dwellings with conservatory and garage. Development to include all necessary site development works incl. roadways and paving, foul and storm drainage incl. connection to public sewer, landscaping incl. boundary treatment, subject to 21 no. conditions. Permission commenced but was never progressed. It expired on the 30/10/2010.

#### **4.2. Neighbouring Sites**

##### *Site at Glydevue Residential Estate*

P.A. Ref. 23/60019 - Permission refused on 14/04/2023 for material change of use of lands to construct 6 No., two storey, 3 bed semi-detached dwellings, ii.) upgrading of open space to provide a football/play area, iii.) connection and extension to existing road and footpath network, iv.) provision of attenuation storage, v.) connection to existing storm and foul drainage system and all associated siteworks, for 1 no. reason: material contravention of conditions (re: public open space and standards of residential amenity) attached to parent permissions for the existing residential estate.

### **5.0 Policy Context**

#### **5.1. National Policy**

Project Ireland 2040 – National Planning Framework (2018)

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) – SPPR 1 (Separation Distances)

Climate Action Plan (2024) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

The Regulation of Commercial Institutional Investment in Housing Guidelines (DoHLGH, 2021)

Design Manual for Urban Roads and Streets (DoHLGH, 2019)

The Planning System and Flood Risk Management - Guidelines for Planning Authorities and Technical Appendices (DoHLGH, 2009) and Circular PL2/2014.

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)

## **5.2. Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

## **5.3. Development Plan**

The Louth County Development Plan 2021-2027 (LCDP), as varied, applies.

### **5.3.1. Tallanstown/ Urban Development**

Tallanstown is designated as a small town/ village under the Louth Settlement Hierarchy - Section 2.11.4 (Small Towns and Villages).

Policy TAL3: To support and encourage residential development on under-utilised and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

### **5.3.2. Zoning**

The site comes within the settlement boundary of Tallanstown.

The site is zoned 'A1 – Existing Residential' with the objective 'To protect and enhance the amenity and character of existing residential communities'.

The larger landbank to the rear (which adjoins the site but does not form part of it) is zoned 'L1 – Strategic Reserve'.

### **5.3.3. Residential Development**

Policies HOU8: promote sustainable development of vacant residential sites and HOUSS62: To encourage the re-use and rejuvenation of vacant and under-utilised lands in rural towns, villages and rural nodes for appropriate uses.

Policy HOU15: 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 HOU25: 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 this Plan.

Policy SS58: To require the design, scale, and layout of residential development to be proportionate to and respect the character of the settlement in which it is located and to avoid any layout that would result in a suburban style development alien to the local environment.

Section 3.16.1 (Infill, Corner and Backland Sites) and Policy HOU32: 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.

Policies HOU21 and HOU23: Compliance with 2007 Housing Guidelines and DMURS.  
Policy CS4 (Phasing of Residential Development).

Section 13.8.9.1 (Privacy) – separation of at least 16m between opposing rear/side windows serving habitable rooms above ground floor level.

Sections 13.8.10 (Daylight and Sunlight) and 13.8.11 (Boundary Treatment)

## **6.0 Natural Heritage Designations**

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- Approx. 6.5km to Stabannan-Braganstown SPA (Site Code 004091)
- Approx. 11km to Dundalk Bay SPA (Site Code 004026)
- Approx. 11.5km to Dundalk Bay SPA (Site Code 000455)

The site is also proximate to the following proposed Natural Heritage Areas:

- Approx. 11.5km to Dundalk Bay pNHA (Site Code 000455)
- Approx. 6.5km to Stabannan-Braganstown pNHA (Site Code 000456)
- Approx. 700m to Louth Hall and Ardee Woods pNHA (Site Code 001616)
- Approx. 4.9km to Darver Castle Woods pNHA (Site Code 001461)
- Approx. 6.2km to Stabannan-Braganstown pNHA (Site Code 000456)

- Approx. 5.8km to Louth Hall And Ardee Woods pNHA (Site Code 001616)
- Approx. 6.4km to Ardee Cutaway Bog pNHA (Site Code 001454)
- Approx 6.5km to Reaghstown Marsh pNHA (Site Code 001828)
- Approx. 7km to Corstown Loughs pNHA (Site Code 000552).

## 7.0 EIA Screening

Having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations (2001) as amended, there is no real likelihood of significant effects on the environment based on the characteristics and location of the proposed development and types and characteristics of potential impacts. No EIAR is required. Refer to Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) in the Appendices.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

A third party appeal was received on 06/01/2025 from Dianne and Aidan Crosby (owners of neighbouring property to the immediate south-east of the appeal site).

The grounds of appeal are largely the same as those raised in their observation on the application and are as follows:

#### 8.1.1. Negative Impact on Neighbouring Residential Amenities

- Concerns raised that appellants' property will be overlooked by proposed Units No's 1 and 2 which are located close to site entrance.
- Proposed Unit No. 1's first floor bedroom windows (to bedrooms 02 and 03 - south-west elevation) will directly overlook the appellants' property and will unacceptably impact their privacy.
- Proposed Unit No. 1's siting, proximity and height will also give rise to significant visual intrusion on the appellants' property.
- Proposed Unit No. 2's rear first floor windows would directly overlook the appellants' rear garden, with the height differential also giving rise to overbearance.

- Existing 1.5m high blockwork boundary wall between properties is insufficient to mitigate negative impacts to their residential amenity in terms of loss of privacy.
- Proposal is detrimental to existing residential amenities and requires revision.

#### 8.1.2. Siting/ Layout

- Concerns expressed in relation to departure from scheme layout permitted under P.A. Ref. 05/933 – specifically the locating of Unit No's 1 and 2 adjacent to the appellants' property and in an area that was previously devoid of units.

#### 8.1.3. Design

- 2-storey height of proposed Unit No. 1 froing R-171 is out of character with adjacent 1-storey properties.

The appeal is accompanied by various drawing extracts from the subject application and historic application permitted under P.A. Ref. 05/933 in addition to an aerial map and photographs showing the character of neighbouring properties along the R-171.

### 8.2. **Applicant Response**

None on file.

### 8.3. **Planning Authority Response**

The PA, in their response received 17/01/2025, note the grounds of the third party appeal and state that they consider that all key and pertinent planning issues were considered as per their reports (dated 20/06/2024 and 02/12/2024). They seek their decision be upheld.

### 8.4. **Observations**

None on file.

### 8.5. **Further Responses**

None received.

## 9.0 **Assessment**

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

- Principle of Development
- Neighbouring Amenity
- Design/ Visual Amenity

### 9.1. **Principle of Development**

- 9.1.1. The proposed development is located in an area zoned 'A1 – Existing Residential' where residential uses are permitted in principle. The principle of residential development on the site is therefore acceptable subject to the proposed development being satisfactory in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in subsequent sections of this report.
- 9.1.2. The appellants state that no dwellings were proposed along the boundaries adjoining their property as per the site layout previously permitted under P.A. Ref. 05/933 and they seek that the design of the current proposal respect this previous arrangement. Given the passage of time, with significant changes in national, regional and local policy guidance having taken place in the intervening period, I consider it reasonable that the applicant's proposal be considered on its own merits.
- 9.1.3. The grounds of appeal have raised matters relating to impacts on neighbouring residential and visual amenities only. Having reviewed the documentation on file, I am satisfied that there are no other issues that need to be raised or considered as part of my assessment.

### 9.2. **Neighbouring Amenity**

#### Overlooking

- 9.2.1. The appellants contend that their property will be overlooked by the proposed 2-storey housing Units (No's 1 and 2) which will be located on the eastern portion of the site

facing the R-171 and adjoining their property. In particular, they are concerned about the privacy impacts to their rear garden arising from direct overlooking from the first floor level windows to the rear of Unit No. 2 and overlooking of their side gable windows arising from first floor level windows to side of Unit No. 1.

9.2.2. The PA in their reports of 20/06/2024 and 02/12/2024 considered the issue of overlooking arising from Unit No.1 and Unit No. 2 and the potential for these units' side/ rear fenestration arrangements to unduly impact on the privacy of neighbouring properties and specifically, the appellants' property. In noting the relative siting/ positioning of Unit No. 1 within the site, together with its separation distance from the appellants' property, the PA determined that there was no potential for the proposed dwelling to adversely impact on neighbouring residential amenities by reason of overlooking. Similarly, having regard to the separation of Unit No. 2 from the site boundary together with the layout and orientation of that dwelling, the PA determined that it also did not have the potential to give rise to negative impacts on neighbouring residential amenity by reason of overlooking.

9.2.3. Having reviewed the information on file, I note that:

- The rear elevation of proposed Unit No. 1 is oriented north-west and away from the appellants' property.
- Unit No. 1's gable (side elevation) is positioned c. 3.8m-4m from the boundary (currently a c. 1.5m high blockwork boundary wall which would be upgraded to a 2m high boundary wall as per the applicant's FI proposal (Drawing No. PL08)) shared with the appellants' property and c. 15m (and at a slightly offset position) from the side gable of their bungalow.
- The floor plans for Unit No. 1 (House Type A) illustrate that no glazing is proposed at first floor level to the rear of this property with the glazing serving bedroom 02 (double) being primarily located to the front overlooking the main road with a smaller secondary window to the side facing the gable elevation of the appellants' property.
- Bedroom 03 (single) located to the rear of the dwelling is served only by an equisized window on the same side elevation, again facing the gable elevation of the appellants' bungalow. These first floor side windows would be separated from

the gable/ ground floor side windows of the appellants' property by c. 15m as per the Site Layout Plan.

- 9.2.4. I note that Section 13.8.9.1 (Privacy) of the LCDP requires that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground floor level shall be maintained. This guidance accords with SPPR1 (Separation Distances) of the 2024 Compact Settlement Guidelines which also states that there shall be no specified minimum separation distance at ground level. Therefore, having considered the c. 15m separation distance provided for, in addition to the revised 2m high boundary treatment proposed between the properties as detailed in paragraph 9.2.3 of this report, I consider the proposed built relationship to be acceptable and not likely to give rise to unacceptable impacts on the appellants' privacy.
- 9.2.5. In terms of the potential of the first floor rear windows to Unit No. 2 (1 no. bedroom window and 1 no. ensuite window) to give rise to overlooking of the appellants' private amenity space which is located generally to the south-west of same, I note that the proposed unit is setback c. 9m from the shared boundary with an offset or indirect line of sight and, that the appellants' own detached single-storey garage occupies an intermediate location between the rear garden and this shared boundary. Therefore, on the basis of the orientation and positioning of proposed Unit No. 2 relative to the appellants' property, together with the intervening as-built arrangements in the form of the detached garage, I am satisfied that there is no potential for the proposed dwelling to give rise to direct overlooking of the appellants' rear garden.

#### Overbearance/ Visual Intrusion

- 9.2.6. The appellants are concerned that the siting of proposed Unit No. 1 together with its proximity to, and 2-storey height relative to, their property will give rise to significant overbearance and visual intrusion on the bungalow.
- 9.2.7. In considering the likelihood of overbearance and visual intrusion on neighbouring properties, the PA considered that the proposed development would not give rise to an overbearing or adverse visual impact on existing neighbouring properties.
- 9.2.8. I note that Unit No. 1 is a 2-storey dwelling that would adjoin the appellants' single storey bungalow together with its detached single storey garage to the south-east. Unit No. 1's siting and orientation would see its relatively narrow plan gable (c. 6.4m wide)

facing the appellants' property and the bulk of its 3-bay form/ massing (c. 12.m wide front and rear elevations) being oriented north-west/ south-east and away from or perpendicular to their property. A revised 2m high boundary wall is proposed between the properties (as detailed in paragraph 9.2.3 of this report) and I consider that this increased height boundary would break the line of sight between Unit No. 1's first floor side windows and the bungalow's gable windows at ground floor level. Therefore, having regard to Unit No. 1's siting, orientation and the proposed intervening boundary treatment, I do not consider that the proposed dwelling would be likely to give rise to undue overbearance on the appellants' property. Furthermore, whilst the design and height differential between the existing and proposed properties would give rise to a change in the visual character and outlook from the appellants' property, it is my opinion that the proposed dwelling would not give rise to unacceptable visual intrusion on account of the siting and orientation of the properties relative to one another and the separation distances involved.

#### Impact on Sunlight/ Daylight

- 9.2.9. I note that no daylight or sunlight study was submitted in support of the application. Notwithstanding, having inspected the site and considered the aspect, orientation and proximity of the properties relative to one another, I am satisfied that no issues re: overshadowing or daylighting would arise from the proposal on account of these specific factors coupled with the separation from neighbouring properties.

#### **9.3. Design/ Visual Amenity**

- 9.3.1. The grounds of appeal state that the 2-storey height of Unit No. 1 is not in-keeping with that of other existing dwellings fronting the R-171 and therefore, it is out of character with housing in the locality.
- 9.3.2. The PA in their FI report of 02/12/2024 considered the issue of the height and design of Unit No. 1 relative to that of adjoining properties. It was determined that whilst the 2-storey height differed to that of the single-storey adjoining properties along the R-171, the unit was not unacceptable or out of character with the area given the variety of dwelling types and housing developments evident in the vicinity of the site.
- 9.3.3. Having visited the site and observed the design of the housing fronting both sides of the R-171 at this location – i.e. which ranges in height from 1-2 storeys and in typology

from detached to terraced – I am satisfied that the design and height of Unit No. 1 is in keeping with this general character and therefore, not out of character with the area.

## **10.0 AA Screening**

- 10.1. I have considered the proposal for permission for construction of 8 no. houses at Rathbrist, Tallanstown, Co. Louth in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 10.2. The subject site is located within the settlement boundary of Tallanstown in Co. Louth.
- 10.3. The proposed development comprises of the construction of 8 no. residential units and all ancillary site works.
- 10.4. The subject land is not directly adjacent to a European site. It is located c. 6.5km from Stabannan-Braganstown SPA (Site Code 004091), c. 11km from Dundalk Bay SPA (Site Code 004026) and, c. 11.5km to Dundalk Bay SPA (Site Code 000455).
- 10.5. No nature conservation concerns were raised in the planning appeal.
- 10.6. 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 minor/ de minimus nature of the proposed development.
  - The location-distance from the nearest European Site and lack of connections.
  - Taking into account the findings of the AA screening assessment by the PA.
- 10.7. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 10.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **11.0 Recommendation**

I recommend a GRANT of permission subject to the following conditions.

## 12.0 Reasons and Considerations

Having regard to the A1 – Existing Residential’ zoning objective of the site, the objective for which is ‘To protect and enhance the amenity and character of existing residential communities’ and to the planning policies, objectives and development standards of the Louth County Development Plan 2021-2027 and to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

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| 1. | <p>(a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8<sup>th</sup> November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>(b) The access road hereby permitted shall facilitate any future development of lands currently zoned Strategic Land Reserve in the Louth County Development Plan 2021-2027(as varied) to the north and west of the site as illustrated by Road Layout Plan (Drg. N. A2315-012).</p> <p><b>Reason:</b> In the interest of clarity and to cater for sustainable development.</p> |
| 2. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>  |

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|           | <b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.   |
| <b>3.</b> | <p>(a) The developer shall retain the services of a suitably qualified Landscape Architect thorough the life of the site development works. The approved hard and soft landscaping and boundary treatments submitted on the revised Landscaping Plan, Site Layout Plan and Boundary Treatment Plan received by the Planning Authority on the 8<sup>th</sup> November 2024 shall be carried out in the first planting season following the commencement of development and permanently retained thereafter or as otherwise agreed in writing with the Planning Authority. Any planting which fails in the first five planting seasons shall be replaced.</p> <p>(b) The open spaces and rear gardens in the development shall be laid out, seeded and landscaped prior to the occupation of any units in the development.</p> <p><b>Reason:</b> In the interest of biodiversity and the visual amenities of the area</p> |
| <b>4.</b> | <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/ or wastewater collection network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>  |
| <b>5.</b> | <p>The attenuation and 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><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>   |
| <b>6.</b> | <p>(a) The existing overhead electrical cables shall be relocated underground, as illustrated on the Site Layout Plan received by the Planning Authority on the 8<sup>th</sup> November 2024, at the developer's expense and to the requirements of the relevant utility companies.</p> <p>(b) All service cables associated with the proposed development (such as electrical, public lighting, telecommunications and communal television) shall</p>  |

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|    | <p>be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>   |
| 7. | <p>The following infrastructure requirements shall be adhered to:</p> <p>(a) No works shall commence on site until visibility splays of 2.4m x 49m over a height of 0.6-1.05m above ground level as detailed on the Site Layout Plan (Drawing No. MGA-20-0111-S2-PL102) have been provided.</p> <p>(b) Footpaths at vehicular entrances shall be dished with appropriate gradients/crossfalls applied longitudinally and transversely. Design Manual for Urban Roads and Streets (DMURS)/Building Regulations (Part M) standards shall be applied.</p> <p>(c) Tactile paving shall be installed as per Section 13.3 of the Traffic Management Guidelines (2003) and the UK Guidance on the use of Tactile Paving Surfaces (2005). Tactile paving for uncontrolled crossing shall be specifically installed at the cross over points at the proposed entrance to the development. Roadside kerbing and footpath sections at crossover points shall be suitably lowered and dished as follows: Footpaths at vehicular entrances and pedestrian crossover points shall be dished with a maximum gradient of 8% longitudinally and transversely. A drop kerb of 6mm minimum shall be provided to all vehicular entrances and a drop kerb of 6mm maximum (preferably flush) shall be provided to all pedestrian crossover points.</p> <p>(d) lighting shall be to Class P4 and shall be installed as per the Outdoor Lighting Report prepared by Veelite Lighting Ltd Public Lighting Report. Prior to the occupation of any unit within the development, the public lighting shall be operational.</p> <p>(e) All traffic signs and road markings shall be in accordance with the 'Traffic Signs Manual' published by the Department of Transport.</p> <p>(f) All necessary measures, as may be determined by the Planning Authority, shall be taken by the developer/contractor/servants/agents to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or</p> |

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|    | <p>footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition; immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning work.</p> <p>(g) The developer shall 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.</p> <p>(h) Prior to the occupation of the first dwelling on site, all EV charging facilities shall be installed and operational.</p> <p><b>Reason:</b> In the interests of traffic and pedestrian safety.</p> |
| 8. | <p>Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>   |
| 9. | <p>Good site management practices shall be employed by the developer during the site construction and development to prevent discharge of contaminated waters. Measures shall be put in place during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road. Silt traps and/or inceptors shall be maintained at regular intervals during the course of construction work. During construction all site vehicles shall be parked within the boundary of the development.</p> <p><b>Reason:</b> In the interests of orderly development and environmental protection.</p>  |

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| 10. | <p>Proposals for an estate name/ house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of orderly development and urban legibility.</p>  |
| 11. | <p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>   |
| 12. | <p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p> |
| 13. | <p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of</p>  |

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|     | <p>the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> |
| 14. | <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</p>  |

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|     | <p>An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>   |
| 15. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p> |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Emma Gosnell  
Planning Inspector

16<sup>th</sup> April 2025

# Form 1

## EIA Pre-Screening

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|--|---|---|---|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>   | ABP-321598-25   |   |   |
| <b>Proposed Development Summary</b>  | Construction of 8 no. houses and all associated site works. |   |   |
| <b>Development Address</b>   | Rathbrist, Tallanstown, Co. Louth, A91 XF74                 |   |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |   | <b>Yes</b>  | ✓   |
|  |   | <b>No</b>   |   |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |   |   |   |
| <b>Yes</b>   | ✓   | Part 2, Class 10(b)(i) Infrastructure – dwelling units<br>Part 2, Class 10(b)(i) Infrastructure – urban development | Proceed to Q3.                                  |
| <b>No</b>  |   |   | Tick if relevant.<br>No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>  |   |   |   |
| <b>Yes</b>   |   |   | EIA Mandatory<br>EIAR required                  |
| <b>No</b>  | ✓   |   | Proceed to Q4                                   |

| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b> |   |   |   |
|--|---|---|---|
| <b>Yes</b>   | ✓ | 500 units – proposal is for 8 no. units<br>100 hectares – site is 0.492hectares | Preliminary examination required (Form 2) |

| <b>5. Has Schedule 7A information been submitted?</b> |   |   |
|---|---|---|
| <b>No</b>   | ✓ | <b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b> |
| <b>Yes</b>  |   | <b>Screening Determination required</b>                                   |

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

## Form 2

### EIA Preliminary Examination

|   |   |
|---|---|
| <b>An Bord Pleanála Case Reference</b>  | <b>ABP-321598-25</b>  |
| <b>Proposed Development Summary</b>   | Construction of 8 no. houses and all associated site works.   |
| <b>Development Address</b>  | Rathbrist, Tallanstown, Co. Louth, A91 XF74   |
| <p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |   |
| <p><b>Characteristics of proposed development</b></p> <p>(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 proposed development seeks the construction of 8 no. residential units together with all ancillary site works.</p> <p>This development will result in physical changes to the built environment at the site, involving the provision of houses in different residential formats (conventional semi-detached buildings etc.) and a series of supporting internal site roads/ footpaths and open spaces. These physical changes are consistent with the character of the existing village area (mid-scaled, low/ mid-density built forms).</p> <p>The development does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to</p> |

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|  | climate change. It presents no risks to human health.   |
| <p><b>Location of development</b></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 development is located within the settlement boundary of Tallanstown in Co. Louth. The site forms part of a much larger development landbank which features some partially constructed dwellings (rising walls) commenced in connection with the implementation of an expired residential permission.</p> <p>The River Glyde flows along the western boundary of the landbank c. 200m from the appeal site.</p> <p>The site is also situated approx. 11km from the following EU sites: and to Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SPA (Site Code 000455) and approx. 6.5km from Stabannan-Braganstown SPA (Site Code 004091).</p> |
| <p><b>Types and characteristics of potential impacts</b></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 relative 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.</p>  |
| <b>Conclusion</b>  |   |

| <b>Likelihood of Significant Effects</b>   | <b>Conclusion in respect of EIA</b>   | <b>Yes or No</b> |
|--|---|------------------|
| There is no real likelihood of significant effects on the environment.                                       | EIA is not required.  | ✓                |
| 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:**

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)