



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500183-LH

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<b>Development</b>	Retention permission for demolition of part of eastern boundary wall and addition of office extension
<b>Location</b>	Defender's Row , Dundalk , Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	2560518
<b>Applicant(s)</b>	Declan Flood
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse Retention
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Declan Flood
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12/02/2026
<b>Inspector</b>	Darragh Ryan

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Defenders Row within Dundalk Town Centre. Defenders Row comprises of short sections of single storey and two storey dwellings facing each other. The site runs parallel to Defenders Row and is also located to the rear of 'the Townhouse' which fronts onto Crowe Street and also to the rear of two semi-detached dwellings that front onto Defenders Row. To the northern end of the site is a currently vacant single storey building that fronts directly onto Defenders Row. There are some vacant commercial properties along the street in addition to public car parking along the street.
- 1.2. The application site falls outside the northern boundary of Architectural Conservation Area (ACA) No. 2 Roden Place. There are a number of protected structures located to the south of the application site which front onto Crowe Street and Roden Place.
- 1.3. The existing site is vacant and has a partially constructed two storey structure on site. The existing structure on site is part of a parent permission for an office building granted permission in September 2021.
- 1.4. The site area is stated at 0.026ha

## 2.0 Proposed Development

- 2.1. Retention is being sought for the demolition of part of the eastern boundary wall.
- 2.2. Permission is being sought to add a second floor to the two-storey office building previously approved under Appeal Ref. No. ABP-310087-21 and modified under P.A. 23/472 in lieu of the basement previously approved under P.A. Ref. No. 22/965. The proposed extension will be positioned to the northern most section of the approved office building taking up less than half (47.1%) of its roof area.

### 3.0 Planning Authority Decision

#### 3.1. The planning authority issued Decision to refuse permission for the following reasons:

1. It is the policy objective (SS 22) of the Louth County Development Plan 2021-2027 (as varied) to 'support increased building heights at appropriate locations in Dundalk, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape'. Having regard to the height, bulk and scale of the proposed development in the site's context immediately surrounding residential properties, the proposed development would result in an unacceptable overbearing impact upon the residential amenities of neighbouring properties by way of overshadowing and overbearance which is contrary to proper planning and sustainable development .
2. It is the policy objective (NBG 24) 'To ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types including the retention of important features or characteristics, taking into account the various elements, which contribute to their distinctiveness such as scenic quality, habitats, settlement pattern, historic heritage and land use'. The submitted plans detail the demolition of the eastern boundary wall separating the office building and the private amenity area of No.8 Defender's Row with no compensatory measures included as part of this proposal which is deemed unacceptable and contrary to proper planning and sustainable development. Notwithstanding the assertion that the walls are not of historic significance, it is considered that the stone wall boundaries contribute towards the traditional fabric and historic heritage of Dundalk and warrant restoration and preservation.

## 3.2. Planning Authority Reports

3.2.1. There is a single Planning Report on file. The planning authority assessment reflects the reasons for refusal. The planners report can be summarised as follows:

- Principle of Development considered acceptable
- Layout/ Design and Height - The proposal will sit across half of the existing office building's flat roof and measures 26.4m long x 7.7m wide x 3.0m high. The height of the building when constructed will have a maximum ridge height of 8.69 metres. Whilst it is acknowledged that a three storey office block would not typically be excessive in height in a town centre setting, the overall structure in this particular context would result in an overbearing addition to the immediately surrounding properties and would be an overbearing addition to the already dominant office block.
- Retention of wall - retention of the part demolition of the eastern boundary wall which separates the private amenity area of no.8 Defender's Row with the approved office building. The supporting planning statement has referred to the fact the applicant has subsequently purchased the residential unit and therefore no objection is envisaged in respect of that property. However, whilst the owner of the property may not raise an objection, the demolition of a boundary wall separating an office building with a private amenity area for a dwelling with no compensatory measures included as part of this proposal is deemed unacceptable and contrary to proper planning and sustainable development.
- Residential Amenity - Furthermore, the applicant has also submitted shadow projection diagrams illustrating the projected shadows that will be created by the approved two storey, flat roofed office building against what would be produced with the proposed additional floor within this application. The diagrams show an increase in shadowing over No.1 and No.2 Defender's Row on the 21st September at 4pm and in increase for residents on Market Street on the 21st December. Whilst it is noted that the submitted plans fail to show the full extent of the level of shadowing, the proposed development will result in an increase in the level of shadowing for neighbouring properties. Furthermore, it is considered that an additional storey beyond that granted

planning permission under PL. Ref. 23472 and ABP 310087-21 would result in unacceptable level of overbearing impact upon neighbouring properties

### 3.2.2. Other Technical Reports

- Placemaking – no objection to the proposal

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

Two submissions were received during the course of the application. The issues raised can be summarised as follows:

- Impact of the excessive height bulk, scale and overdevelopment of the proposal in terms of daylight/sunlight, overbearance and visual intrusion
- Concerns relating to the feasibility of another floor being proposed if the ground conditions for a basement were deemed unsuitable.
- Concerns relating to the structural stability of the western boundary wall
- the proposed development constitutes overdevelopment of the subject site and would overbear the original two storey dwelling houses and raises concerns of loss of light.

## 4.0 Planning History

The appeal site has been subject to several previous applications. The applications of relevance to this appeal are as follows:

- 4.1.1. Reg.Ref.20/329 – Permission refused on 17/07/2020 by the Council for the demolition of single storey building to provide pedestrian access, construction of 1no. three storey apartment block comprising of 3no. two bedroom units, 2no. one bed units and associated site development works including partial demolition and rebuilding of boundary walls.

This was refused for 3no. reasons including in summary: overdevelopment of the site and adverse impact on neighbouring properties to the east in Defender's Row; sub-standard development with lack of amenity space for future residents and being contrary to the provisions of the Apartment Guidelines for Planning Authorities 2018; deficient in technical information submitted to properly assess surface water disposal on site.

- 4.1.2. Pa reg ref: 20/1133 – Granted under Appeal 310087-21 on 03/09 /2021 - Permission for the demolition of existing single storey dwelling nui;lding to provide pedestrian access, construction of 2 storey office development and associated works.
- 4.1.3. PA reg ref: 22/965 – Permission granted on 13/03/2023 for a basement for storage purposes to office development granted under ABP – 310087-21
- 4.1.4. PA reg ref: 23/388 – Permission refused on 26/10/2023 for alterations to office development granted under ABP 310087-21 and Planning Reg ref 22/965 to include demolition of existing boundary wall to west, increase in approved office floor space from 407sqm to 480.5 sqm., elevational changes and associated site development works.
- 4.1.5. PA reg ref: 23/472 – Permission granted on 26/02/2024 for alterations to office development granted under ABP 310087-21 and Planning Reg ref 22/965 to include demolition of existing boundary wall to west, increase in approved office floor space from 407sqm to 471sqm, elevational changes and associated site development works.

## **5.0 Policy Context**

### **5.1. Louth County Development Plan 2021 – 2027**

- 5.1.1. Policy SS 20: To continue to support and promote the economic role of Dundalk as a regional centre of employment in the border area and to facilitate any infrastructural investment or employment generating development that will strengthen the role of the town and maintain its competitiveness.

- 5.1.2. SS 22: To support increased building heights at appropriate locations in Dundalk, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape.
- 5.1.3. Policy BHC 35: To require that any development on the periphery of an Architectural Conservation Area does not detract from the existing character of the designated Architectural Conservation Area.
- 5.1.4. BHC 6: To ensure any development, either above or below ground, adjacent to or in the immediate vicinity of a recorded monument or a Zone of Archaeological Potential (including formerly walled towns) shall not be detrimental to or detract from the character of the archaeological site or its setting and be sited and designed to protect the monument and its setting. Where upstanding remains exist, a visual impact assessment may be required. Policy Objective
- 5.1.5. BHC 7: To require applicants seeking permission for development within Zones of Archaeological Potential and other sites as listed in the Record of Monuments and Places to include an assessment of the likely archaeological potential as part of the planning application and the Council may require that an on-site archaeological assessment is carried out by trial work, prior to a decision on a planning application being taken
- 5.1.6. NBG 24: To ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types including the retention of important features or characteristics, taking into account the various elements, which contribute to their distinctiveness such as scenic quality, habitats, settlement pattern, historic heritage and land use

5.2. Dundalk Local Area Plan 2025 – 2031

The plan was adopted on the 6<sup>th</sup> of March 2025

B1 'Town or Village Centre' where the zoning objective is 'To support the development, improvement and expansion of town or village centre activities'.

Offices are listed as 'generally permitted uses' within this area.

### 5.2.1. Section 5.6.1 Building Heights in Dundalk

More recently, there has been a trend towards higher densities and increased building heights in Dundalk. Planning permission has been granted for taller buildings at Ramparts Lane(5-storey), Francis Street (5-storey) and to the south of the Fairways Hotel along the Dublin Road(2-5 storeys), the latter of which will provide a strong urban edge as you enter the town from the south. A 4-6 storey residential development is currently under construction at 'Connolly's Field'. The mixture of building heights and typologies contributes to a dynamic and varied streetscape. For the purposes of this Plan, a building of height is considered to be a building that is 4 storeys or higher. Table 5.1 identifies the areas in Dundalk considered to be most suitable for buildings of height. Proposals outside of these locations will be considered on a case-by-case basis

A responsive approach will be taken to the assessment of proposals for buildings of height with each application considered on a case by case basis. Any application for a building(s) of height will be required to include a design statement that sets out the overall architectural design concept of the proposal and how it responds to its surrounding context

### 5.3. Natural Heritage Designations

Dundalk Bay SPA – 000455 - .747km to the northeast

Dundalk Bay SAC – 004026- .747km to the northeast

### 5.4. EIA Screening

See completed form 2 on file. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning & Development Regulations there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. This a first party appeal against the decision of Louth County Council to grant permission. The Grounds of Appeal can be summarised as follows:

- 6.2. The applicant is not satisfied with regard to the accuracy and relevance of the County Council assessment in this instance, particular with regard to shadow cast analysis submitted. The shadow cast analysis demonstrates a negligible effect on neighbouring boundaries as a result of the proposed development.
- 6.3. Refusal Reason 1 – There can be no objection to the principle of development. The proposal aligns with site zoning as set out within Dundalk Local area Plan and local policies namely Section 5.6.1 of Dundalk Local area plan. There is a presumption in favour of increased building heights and densities in the local area as supported by Development Plan and Local Area Plan policies.
- 6.4. While the proposal will introduce a new floor to the office building already under construction the addition will not be of an excessive or impactful size, scale, mass or bulk that would materially harm or substantially diminish the residential amenities of neighbouring Defenders Row or Market Street dwellings by virtue of overbearing. Planning policy supports increased building heights in appropriate locations and subject to compliance with the assessment criteria of Section 5.6.1. The supporting Planning Statement submitted with 25/60518.
- 6.5. In demonstrating through the provision of detailed plans, elevational drawings and shadow projection diagrams that the proposed development will not cause significant overbearing and/or overshadowing to the amenities of neighbouring residential properties the Appellant would argue the Policy Objectives SS 22 is not relevant. The proposed extensions will be set against the backdrop of the 2 & 3 storey rear extension of the Roden Place properties to the south and the higher Roden Place buildings. The photomontages show the proposed extension will be imperceptible when viewed from north and south of Defenders row and imperceptible in the context of the wider area.
- 6.6. Any view of the proposed development from the rear facing windows and/or gardens of Market Street dwellings will be profiled against the pre-existing high ridgeline and solid building line/ elevational expanse created by Roden Place properties to the

south. The County Council's assessment of the proposal's potential impact upon receiving town centre environs was conspicuously limited to just the two storey dwellings along the Defenders Row and Market Street. The entirety of the surrounding urban setting should also have included the large 3 & 4 storey commercial properties immediately to the south of the appeal site.

- 6.7. The County Council assessment also disregards the former (and still vacant) Dundalk Fire Station building which sits between the appeal site/proposed development and the rear gardens of opposing Market Street dwellings. The site layout plan shows a separation distance of 20.9m between the north elevation of the proposed extension and the rear (south facing) windows of the nearest Market Street neighbour. The extension will not present a visually monotonous or uninteresting elevation treatment. The resulting structure's northern (side) elevation will be horizontally articulated through differentiated materials, finishes and fenestration detailing thereby a variety and interest to the Defenders Row streetscape.
- 6.8. Regarding number 7 & 8 Defenders Row the proposed development has been expressly positioned to avoid directly opposing rear facing first floor windows of Nos 7 & 8. The proposed development will increase the building height from 5.695m to 8.695m over No 8's side (northern) yard. The yards of numbers 7 & 8 are screened behind 2m + brick walls fronting onto Defenders Row and before alterations were carried out to the rear walls of both dwellings; the 3.67m high stone wall that is subject to the council's second refusal reason. Owing to the restricted nature of the site, a degree of overbearance on these units is expected.
- 6.9. Neither resident of Nos 7 & 8 Defenders Row voiced concern over any perceived impact or loss to their residential amenities through overshadowing or overbearing. The existing shadow projection diagrams when compared to the proposed shadow projection diagrams do not, as contended, show a demonstrable, persistent or detrimentally harmful increase in overshadowing. The analysis demonstrates on 21<sup>st</sup> September at 4pm some overshadowing. A significant portion of these shadows are already created by the four storey heights and unbroken massing of Condil House/ Mc Geough's Bar & Restaurant. The applicant sets out that the level of overshadowing is sporadic and transitory in a modified environment where there is already a degree of overshadowing. The proposal does not affect residential amenity

to be deemed an improper form of development that contravenes policy Objective SS22 of the LCDP.

6.10. Refusal Reason 2- The applicant has supplied details of planning statement and letter form Archaeological Consultancy Services indicating that the boundary wall was structurally poor and in a dangerous condition. It is stated that the old stone wall was not of historical significance nor part of a protected structure or Architectural Conservation Area. The same wall of number7 Defenders Row was reduced in height by the council without any concerns in relation to the historical significance of the wall. Furthermore, the wall cannot be seen beyond the boundary of the site, it does not have any significance for the streetscape. Where the walls considered of significant cultural and historic significance it should have been protected by measures and policy within the drafting of the Dundalk Local Area Plan

#### **6.11. Planning Authority Response**

- None

#### **6.12. Observations**

- None

#### **6.13. Further Responses**

- None

### **7.0 Assessment**

Having examined the application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Principle of Development
- Visual Amenity
- Impact on Residential Amenity/Overshadowing

- Boundary Wall
- Appropriate Assessment

## 7.1. Principle of Development

- 7.1.1. The subject site is located within lands zoned B1 'Town or Village Centre', where the zoning objective is "to support the development, improvement and expansion of town or village centre activities." Office development is identified as a generally permitted use within this zoning. The principle of an office building at this location has previously been established under parent permission granted by An Coimisiun Pleanála (Coimisiún) Ref. 310087-21, and subsequent permissions on the site. Planning History is set out in Section 4 of this report.
- 7.1.2. The proposed development comprises an extension to the permitted office building, resulting in a partial third-storey element over the northern section of the structure. The additional floor is proposed as a storage area ancillary to the primary office use and will occupy approximately 47% of the existing roof area. This storage accommodation had originally been proposed within a basement; however, due to site and soil constraints, basement construction was not considered feasible. The proposal increases the overall building height from 5.695m to 8.695m.
- 7.1.3. The principle of increasing height to three storeys must be considered in the context of local policy. Section 5.6.1 of the Dundalk Local Area Plan 2025 - 2031 (LAP) supports urban consolidation and recognises the role of the town centre in accommodating increased building height and density, subject to appropriate design and protection of residential amenity. The LAP also acknowledges that parts of the historic core, including areas around Clanbrassil Street, have an established pattern of three- to four-storey development, thereby providing precedent for vertical intensification. Furthermore, Table 5.1 of the Dundalk LAP identifies the town centre as a location where increased building heights may be appropriate, reflecting national and local policy objectives relating to compact growth, efficient land use and the consolidation of brownfield sites. The proposed partial third-storey element is consistent with these objectives, representing a modest vertical extension to an already permitted urban building rather than a stand-alone intensification.

- 7.1.4. I note the most recent planning application on the site (Planning Reg. Ref. 23/472, granted on 26/02/2024) permitted alterations to the office development approved under ABP Ref. 310087-21 and Reg. Ref. 22/965, including demolition of a boundary wall to the west, an increase in office floor space from 407sqm to 471sqm, elevational changes and associated site works. The current proposal would increase the floor area by a further 99.4sqm at third-floor level.
- 7.1.5. Having regard to the established principle of office use, the zoning objective, and policy support within the Dundalk LAP for increased height within the town centre, the provision of a partial third storey is considered acceptable in principle, subject to detailed assessment of design, visual impact and residential amenity.

## 7.2. Visual Amenity

The planning authority's primary reason for refusal relates to the contention that the proposal, by reason of its size, scale and bulk, would result in an unacceptable overbearing impact on the residential amenities of adjoining properties. While the issue of overshadowing is referenced, the matter of overbearance must be considered separately, taking account of the existing built context. In this context, the planning authority considered that the proposed development is not in accordance with policy objective (SS 22) of the Louth County Development Plan 2021-2027

The applicant notes that a warehouse previously occupied the site at a comparable scale and that the LAP promotes increased building height within the town centre under Section 5.6.1 and Table 5.1. These policy provisions support urban consolidation and the efficient reuse of centrally located sites. Section 5.6.1 of the LAP recognises that Dundalk town center historically contains three- and four-storey buildings and additional height may be appropriate within the town center. It is set out that increased height is necessary to achieve compact growth and height should be assessed based on context rather than fixed limits. Importantly, the LAP frames height as a design and amenity issue rather than a prohibition.

- 7.2.1. The proposed development introduces height only over part of the building (47%) of roof space. The proposed third-floor element is limited in extent, covering less than half of the roof area, and is positioned on the northern portion of the building. Visibility of this element will be largely confined to Defenders Row and to limited rear

aspects of residential properties along Market Street. In assessing overbearing impact, I note the surrounding area is characterised by a varied and modified urban grain, including rear extensions to dwellings along Defenders Row and Market Street and commercial development to the west (rear of Roden Steet/ Crowe Steet). The overall footprint and general scale of the office building has already been accepted through previous permissions. The additional floor area of approximately 100sqm does not materially alter the established massing of the development.

7.2.2. In terms of separation distances, there is approximately 20.9m between the northern elevation of the proposed extension and the rear south-facing windows of the nearest Market Street dwelling. I also note the presence of the former Dundalk Fire Station between the site and the rear gardens of Market Street properties, which provides an additional spatial buffer. To the west lies an existing car park and the rear areas of commercial properties on Crowe Street, some of which extend to three storeys. Immediately to the east are Nos. 7 and 8 Defenders Row; the proposed extension does not project beyond the rear elevation of these properties nor obstruct their rear windows. I consider the impact to number 7 & 8 Defenders Row to be the greatest level of impact, however I do not consider the proposed extension to be overbearing in the context of previously permitted development.

7.2.3. The applicant proposes materials and finishes consistent with those previously approved. Photomontages and viewpoint analysis submitted demonstrate that the third-floor element will have limited public visibility and its visual impact will be localised primarily to the immediate rear environment. In this regard, I do not consider the proposed development runs contrary to Objective SS 22 of the Louth County Development Plan 2021 – 2027. The development as set out achieves the aims and objectives of compact growth without detriment to the character of the area. The extension is limited and will not encroach upon private rear amenity space of neighbouring residential properties. In this regard, I am satisfied that the proposed development accords with Section 5.6.1 of the Dundalk Local Area Plan and Table 5.1 in relation to increased heights and compacted growth.

7.2.4. While the planning authority raises concerns that the proposed extension would, by reason of its size, scale and bulk, give rise to an overbearing impact on adjoining residential properties (7 & 8 Defenders Row), I do not find that this conclusion is substantiated when the proposal is assessed in its full urban context. The additional

floor is limited in extent, occupying less than half of the roof area and positioned to the northern section of an already permitted building, thereby moderating its perceived massing. The footprint and general scale of the office development have previously been accepted in principle, and the proposal represents a modest vertical intensification rather than a material enlargement of the building envelope. Separation distances in excess of 20m are maintained to the nearest opposing residential windows, with intervening built form and the former fire station site providing further spatial buffering. The surrounding area is characterised by a varied urban grain, including rear extensions and commercial buildings of comparable height, and Section 5.6.1 of Local Area Plan explicitly anticipates increased building height within the town centre as part of consolidation objectives. In this context, the degree of additional enclosure arising from the partial third storey is limited and consistent with expectations for a centrally located site. I am therefore satisfied that the proposal would not result in an unacceptable overbearing effect on neighbouring residential properties.

### 7.3. Impact on Residential Amenity/Overshadowing

- 7.3.1. Louth County Council states that the proposed development would have an unacceptable impact on residential amenity by reason of potential overshadowing. As set out at Section 7.2 above, the scale and bulk of the proposal are not considered excessive or overbearing within the established urban streetscape of Defenders Row and Market Place. In this context, the prevailing pattern of development already includes buildings of greater height and mass which influence the amenity of adjacent properties, including Units 7 and 8 Defenders Row.
- 7.3.2. In respect of overshadowing, the applicant submitted a daylight and sunlight shadow-cast analysis comparing the existing building as constructed with the proposed extension. Section 10.11.2 of the Louth County Development Plan states that overshadowing should be avoided where possible but does not prescribe a specific assessment methodology. Chapter 13 (Development Management Standards), including Section 13.8.10 relating to daylight and sunlight for residential development, primarily addresses the internal amenity standards expected within new residential units rather than the assessment of overshadowing effects on neighbouring properties. In the absence of a prescribed tool, shadow-projection

drawings are considered an appropriate and accepted method for evaluating potential overshadowing impacts.

- 7.3.3. The applicant provided shadow-cast studies for both the existing development and the proposed extension across four representative dates in the year — 21 March, 21 June, 21 September and 21 December — which is considered a robust and proportionate assessment. The analysis demonstrates that the site and surrounding properties are already subject to a degree of overshadowing arising from existing taller structures to the south along Roden Street, most notably the five-storey building known as McGeough’s Pub and the four-storey Cathedral Restaurant. The shadow cast from these buildings extends across portions of the subject site and into rear garden areas of properties along Market Street, indicating that overshadowing forms part of the established urban context.
- 7.3.4. The proposed extension would result in only a limited additional impact. Properties at Nos. 1 and 2 Defenders Row experience some additional shadowing during the equinox periods (March and September); however, this effect is confined primarily to the front portion of the dwellings and occurs at specific times of the afternoon, generally between approximately 15:00 and 17:00. No additional overshadowing impacts are identified in respect of Nos. 7 and 8 Defenders Row.
- 7.3.5. Policy Objective SS22 seeks to ensure that new development integrates appropriately with its surroundings and protects residential amenity. Having regard to the submitted shadow analysis, the established pattern of overshadowing within this urban environment, and the limited and time-specific nature of the additional shadow cast, the proposal is considered to remain within acceptable parameters. The level of additional overshadowing arising from the extension is modest, affects a limited number of properties, and does not give rise to a material deterioration in residential amenity.

Accordingly, it is considered that the proposal would not result in an unacceptable impact on neighbouring residential amenity and that overshadowing, in this instance, does not constitute a substantive basis for refusal.

#### 7.4. Boundary Wall

- 7.4.1. The second reason for refusal states that the retention of demolition of the boundary wall to the rear of No. 8 Defenders Row is unacceptable and contrary to the proper

planning and sustainable development of the area. While acknowledging that the wall is not formally identified as being of historic significance, the planning authority considers that stone boundary walls contribute to the traditional fabric and historic character of Dundalk and therefore warrant retention, restoration and preservation. The wall has been demolished by the applicant and “retention” permission is sought for its demolition.

- 7.4.2. The demolished wall comprised of stone was approximately 3.6 metres in height. The applicant refers to documentation submitted under planning reference 22/965, including a report prepared by McDowell Architects, which concluded that the wall was of poor structural integrity. The appeal documentation further includes correspondence arising from engagement between the applicant’s archaeologist (ACS Consulting) and the National Monuments Service undertaken as part of the conditions attached to the permitted development (ref. 22/965). This correspondence indicates that the existing boundary walls to the rear of Nos. 7 and 8 Defenders Row were not considered to be of archaeological or historic significance. The letter is included at Appendix 5 of the appeal.
- 7.4.3. It is also noted that the adjoining property at No. 7 Defenders Row, which is in the ownership of the local authority, has undergone alteration whereby the height of the stone boundary wall was reduced and a timber fence erected above same. These works demonstrate that the boundary treatment along this rear interface has already been modified.
- 7.4.4. The planning authority cites Objective NBG24 of the Louth County Development Plan, which seeks to ensure that development reflects and reinforces landscape distinctiveness, including the retention of features contributing to historic heritage and settlement character. The policy intent supports the retention of important features where these materially contribute to character. However, its application requires an assessment of the significance, visibility and contribution of the specific feature concerned within its context.

The subject site is located within a built-up urban environment that has experienced significant alteration over time. The boundary condition to the rear of Defenders Row is not uniform and includes previously modified walls and supplementary fencing namely 7 Defenders Row.

- 7.4.5. Having regard to the evidence submitted, including professional assessment of structural condition and archaeological consultation indicating no identified historic significance, the wall cannot be reasonably characterised as a heritage asset requiring mandatory retention. The site is not located within a Zone of Archaeological Potential nor within the curtilage of a Protected Structure. The proposal includes the construction of a replacement boundary treatment in the form of a 2-metre-high wall. Given the limited visibility of this boundary, primarily confined to the immediate adjoining properties the replacement wall would not form a prominent element within the wider streetscape or materially affect the character of the area. Furthermore, the adjoining boundary at No. 7 has already been altered, reducing the consistency of the original stone boundary treatment.
- 7.4.6. While the Development Plan and Dundalk Local Area Plan seek to retain features of character where appropriate, the extent of modification of adjacent boundary wall, the absence of heritage designation and the limited visual prominence of the wall collectively reduce the weight that can reasonably be attributed to its rebuilding. Having regard to the submitted evidence, the policy context including Objective NBG24, and the established pattern of modification along this boundary, the demolition of the existing wall and its replacement with a 2-metre boundary wall is considered acceptable. The loss of the stone wall does not materially diminish the historic character of the area nor result in a significant adverse impact on visual amenity. On this basis, I do not consider the reason for refusal relating to the boundary wall to be a substantive reason for refusal in this instance.

## 8.0 AA Screening

- 8.1.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject development is not located or adjacent to any European sites. The nearest European Site is .747km to the northeast.
- 8.1.2. The subject development comprises an extension to an existing office building on a brownfield site. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development;
- The distance to the nearest European site and the lack of direct connections; and,
- Taking into account the screening determination of the Planning Authority.

8.1.3. I conclude 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. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## 8.2. Water Framework Directive

I have assessed the proposed development for the construction of an extension to office unit and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 a surface water

The reason for this conclusion is as follows:

- The best practice standard measures that will be employed to prevent groundwater and surface water pollution from the site.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the following reasons and considerations.

## 10.0 Reasons and Considerations

It is considered, subject to compliance with the conditions set out below, the proposed extension to existing office building would be consistent with the applicable B1 town centre zoning objectives as set out in the Dundalk Local Area Plan 2025 to 2031. It is considered the proposed development aligns with policy objective (SS 22) of the Louth County Development Plan 2021-2027. The proposed extension to existing office development is not considered to be of an excessive scale or height to be considered overbearing in the context of existing built environment. It is considered the proposed third storey element does not give rise to undue overshadowing. The proposal would appropriately intensify the office use at the site as per B1 Town Centre zoning objective and would constitute an acceptable mix and quantum of development as per the Development Management Standards of Louth County Development Plan 2021 -2027, would not seriously injure the residential or visual amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by An Coimisiun Pleanála on the 29<sup>th</sup> of October 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.

Reason: In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0700 to 1900 on Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

3. Prior to the commencement of development, a final Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the planning authority for written agreement. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

b) A detailed construction traffic management plan shall be submitted for the written approval of the planning authority prior to commencement of the development.

Reason: In the interest of residential amenities, public health and safety.

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme

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.

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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Darragh Ryan  
Planning Inspector  
23rd of February 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Coimisiún Pleanála Case Reference</b>	500183-LH		
<b>Proposed Development Summary</b>	Extension to existing office building		
<b>Development Address</b>	Defenders Row, Dundalk, Co. Louth		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	X		
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>			
<b>Yes</b>	<b>Schedule 5, Part 2, Class 10 (b) of the Planning and Development Regulations 2001 (as amended) Business District Greater than 2 hectares</b>		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	<input checked="" type="checkbox"/>	<b>Preliminary Examination required</b>
<b>Yes</b>	<input type="checkbox"/>	<b>Screening Determination required</b>

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ACP – 500183- LH</b>
<b>Proposed Development Summary</b>	Extension to existing office building
<b>Development Address</b>	Defender's Row , Dundalk , Co. Louth
<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>Extension of 99m<sup>2</sup>. 8.6m height. Extension to existing office building within B1 zoned lands.. Use of building associated with office use, no perceived risk of waste, run-off or pollution.</p> <p>No demolition, however groundworks on site will be required. A construction and demolition plan shall be submitted under condition of planning. The development is not exceptional in the context of its urban environment.</p>
<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</p>	<p>The development located within existing brownfield site adjacent to existing residential property. There is capacity on the site to absorb the proposed development. Land is zoned B1 Town Centre at a distance of .74km from nearest European Site. There are no watercourses on site</p>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
<p><b>Types and characteristics of potential impacts</b> (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>The potential for impacts are confined to the site area which is stated at .026 hectares. There is no transboundary effects all development in the surrounding area is existing. The potential for cumulative impacts are not significant. The red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development.</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>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.	
There is a real likelihood of significant effects on the environment.	

**Inspector:** \_\_\_\_\_

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

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

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

(only where Schedule 7A information or EIAR required)