



Inspector's Report

PL-500559-MH-26

Development	Construction of a single storey, semi-independent living unit to the side of the existing house and all associated site works.
Location	Carrick Lodge, Moynalty Road, Kells, Co. Meath, A82 D8Y1.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2560300
Applicant(s)	David and Mella Diaz Sanchez
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	David and Mella Diaz Sanchez
Observer(s)	None
Date of Site Inspection	30/03/2026
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The subject site measures 0.11ha and is located within the settlement of Kells. The subject site currently comprises of an existing dwelling detached two storey dwelling house. Vehicular access to the site is formed off the Regional Road (R-164) that is locally known as the Moynalty Road (Oliver Plunkett Road). The regional road is located to the front (east) of the subject site, a single storey dwelling is located to the side (north) that is semi-detached, an existing gym is located to the south with an existing dwelling located to the rear (west) that has an existing entrance through 'Carraig Dun'. The subject site is located approximately 100m to the north of SuperValu in Kells.

2.0 Proposed Development

- 2.1. The subject application seeks permission for development of 'the construction of a single storey, semi-independent living unit to the side of the existing, 2-storey, 3-bedroom family dwelling. The proposed development will also consist of all site and services works. The proposed extension comprises a floor area of 84.4sqm

3.0 Planning Authority Decision

- 3.1. The planning authority issued a Decision to grant permission on the 4th of December 2026 subject to 5 conditions.
- 3.1.1. The planning condition of relevance to this appeal is condition 2:
- a) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, revised plans and particulars omitting the front door located behind the timber screen (unless otherwise agreed).
Development shall not commence without the prior written agreement of the Planning Authority and shall there after only be authorised to commence in accordance with the agreed plans

3.2. Planning Authority Reports

There are two planning reports on file.

- 3.2.1. The first planning report accepted the principle of development at this location.

Regarding layout and Design the planning authority considered the following:

- It is noted that the flat forms an integral part of the main house with internal access provided to the remainder of the house. The semi-independent living unit does not have a separate access provided to the front elevation of a long vertical window and a bay window for the bedroom that is consistent with fenestration existing on the front elevation. The long vertical window could potentially be altered into an access point/doorway therefore a revised fenestration is required.
- There is no permanent subdivision of the garden/private amenity space, and the rear elevation comprises of an apex window with a patio area also. The quoins proposed are to match the existing on the front elevation, the roof is to match the existing but will not be a hipped roof like the existing dwelling house on site and the materials will be of a nap plaster finish.
- The length of the proposed unit will be approximately 19.22m where the boundary wall will be 0.56m to the north of the site that gives sufficient distance to walk around the side of the unit and move refuse and bins to the rear.
- It is considered the internal access point from the proposed extension to the primary residence through the sitting room is not suitable with regard to internal layout and functionality of rooms

3.2.2. Further information was sought as follows:

- The Planning Authority considers that the development, a proposed semi-independent living unit (family flat extension), fails to comply with the development criteria set out in DM OBJ 49 & 50 of Meath County Development Plan 2021-2027 by way of its siting, design and layout.
- The applicant is invited to submit revised drawings showing a more appropriate design for the proposed semi-independent living unit. Particular regard should be had with respect to
 - a) Revised front elevation fenestration with the omission of the long vertical window.
 - b) the integration of the primary residence and the proposed semi-independent living unit with regards to internal layout and functionality of rooms.
 - c) the setting back of the proposed semi-independent living unit behind the existing front building line.

3.2.3. Upon receipt of further information, the planning authority considered the following:

The applicant has revised the front fenestration, and the long vertical window has been omitted. The applicant has indicated a timber screen on the front elevation with a door behind it. However, it is stated under DM OBJ 49 that, "The flat shall not have a separate access provided to the front elevation of the dwelling". The door that is located behind the timber screen shall be removed. The previously proposed guest bedroom has now been omitted, and the total floor area of the proposed accommodation has decreased from 84.4sqm to 71.29sqm. The ridge height of the proposed new structure has also decreased. It was originally 5.158m to the front and 4.99m to the rear. The ridge height is now 4.39m throughout. Overall, there are no concerns with the proposal bar the proposed door that has now been relocated to the front to now be removed.

3.2.4. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

Subject site to the west within overall blue landholding:

- 4.1. PI. Ref. KT 70001: Julius & Madeleine Farkas granted permission for the construction of a detached two-storey 4-bedroom house and a detached single storey domestic garage and associated site works including new entrance, landscaping and service connections. (2007)
- 4.2. PI. Ref. KT 70019: Julius & Madeleine Farkas granted retention and completion of the detached two-storey 4-bedroom house and detached single storey domestic garage as granted under PI. Ref. KT 70001, with the house and garage in a modified position on the site and with the garage increased in length. (2007)

- 4.3. Pl. Ref. KT 70001: Shane Monaghan granted permission for the construction of a single storey sunroom to the east side of the house and the retention and completion of alterations to the first floor consisting of revised bathroom and ensuite layout and revised bathroom window locations, at the house approved under planning permission KT 70019 currently under construction. (2010)

5.0 Policy Context

National Policy

Project Ireland 2040, The National Planning Framework (NPF) was formally adopted on 29/05/2018 (Circular FPS06/2018). The NPF sets out the national planning policy context.

Regional Policy

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland (EMRA) for the period 2019-2031 came into force in June 2019 and is a strategic plan and investment framework to shape the future development of the Region to 2031 and beyond.

Local Policy

The Meath County Development Plan 2021-2027 is the statutory development plan for the area. The Development Plan sets the local planning policy context including provisions for urban and rural development etc.

Chapter 11 of the Meath County Development Plan 2021-2027 sets out the Development Management Standards and Land Use Zoning Objectives.

Section 11.5.25 relates to Extensions in Urban and Rural Areas. The objective below relates to residential extensions in urban and rural areas.

DM OBJ 49: All applications for family flat development shall comply with the following criteria:

- The flat shall form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house i.e. not detached;
- The flat shall not have a separate access provided to the front elevation of the dwelling
- There shall be no permanent subdivision of the garden/private amenity space;

- The flat shall remain in the same ownership as that of the existing dwelling on site. In this regard, the flat shall not be let, sold or otherwise transferred, other than as part of the overall property;
- The design proposed shall enable the flat to easily fully revert to being part of the original house when no longer occupied by the family member(s);
- If the site is not connected to public mains, the existing wastewater treatment system on site must be capable for any additional loading from the flat, and if not, proposals should be submitted to accommodate the additional loading.

5.1. Natural Heritage Designations

- River Boyne and River Blackwater SAC Site code: (002299) – c. 930m northeast
- River Boyne and Blackwater SPA Site code: (004232) – c. 930m northeast
- Girley (Drewstown) Bog SAC Site code: (002203) – c. 7.1km southwest
- Killconny Bog (Cloghbally) SAC Site code: (000006) – c. 8.3km northwest

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. This is a first party appeal against condition 2 of the decision of Meath County Council to grant permission. The Grounds of Appeal can be summarised as follows:

- The semi- independent living unit is designed specifically for use by the applicants mother. The site and garden are large and the house is detached, so this development can provide generous accommodation for these linked

households without any impact on residential amenity. The unit can easily revert to a single -family dwelling at a future date.

- The proposed internal layout provides appropriate level of integration with the primary residence while ensuring that the functionality of the rooms in both the existing house and new unit is not affected.
- Two connecting doors are provided, giving an easy and unobstructed access to and from the proposed unit to the main house living room and the existing dining room. Both doors lead out of the new unit circulation space which provides privacy to the rooms within the existing house and new proposed accommodation.
- As per the further information request the agent for the applicant tried to avoid having a door to the side of the unit, however there is insufficient room down the side of the unit. Placing the entrance down the side of the unit would make a very narrow, dark and unwelcoming hidden entrance which would not work with the plan or for the proposed user.
- The existing access through the existing dwelling has a step which may cause mobility issues into the future. This existing access is approx. 200mm above ground level. As there are no works proposed to the main house, it is considered a level access shall be provided to the new unit to future proof the property for the applicant.
- The entrance and front wall of the new nit shall be set back from the main façade and set behind the proposed timber screen so that the new doorway does not appear on the front elevation and is not visible from the public road. There is an existing front hedge along site boundary which shall be retained in full, this shall over additional screening from public road and footpath.

7.2. Planning Authority Response

The planning authority submitted a response to the appeal on the 4th of February 2026. The response can be summarised as follows:

- The planning authority requests that An Coimisiun Pleanála uphold the decision of the planning authority to grant permission with attached condition 2 in accordance

with DM OBJ 49 (family Flats) of the Meath County Development Plan 2021 – 2027
(as varied)

7.3. Observations

- None

7.4. Further Responses

- None

8.0 Assessment

8.1. Having regard to the foregoing; having examined the application details; having inspected the site; and having regard to relevant policies and objectives, I consider the main issues are those related directly to the appeal, that is, the attachment of Condition No. 2. Having regard to the nature and scale of the proposed development and the nature of Condition No. 2, I consider that a de novo assessment is not warranted. I am satisfied the proposed development is otherwise in accordance with the proper planning and sustainable development of the area. I recommend the Coimisiún determines the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

8.1.1. A first party appeal has been lodged against Condition No. 2 of Meath County Council's decision to grant permission under Reg. Ref. 26/60300. The applicant seeks the removal of this condition. Condition No. 2 requires that, prior to commencement of development, the applicant shall submit for the written agreement of the Planning Authority revised plans and particulars omitting the front door located behind the timber screen. Development shall not commence until such agreement is obtained and shall thereafter proceed in accordance with the agreed plans.

8.1.2. The Planning Authority's rationale for the imposition of this condition is to ensure compliance with Objective DM OBJ 49 (Family Flat) of the Meath County Development Plan, which states:

“The flat shall not have a separate access provided to the front elevation of the dwelling.”

The applicant submits that provision of a side access door is not feasible due to the proximity of the site boundary and the resultant narrow and poorly lit laneway that would be created. It is further stated that the existing access to the main dwelling is stepped and may not be suitable in the longer term, and that a level access is required to future-proof the development. It is also contended that the proposed front door, being located behind a timber screen and set behind a mature hedge boundary, would not be readily visible and would not adversely impact on the character of the dwelling.

- 8.1.3. Objective DM OBJ 49 of the Meath County Development Plan sets out clear criteria for the provision of family flats. The Planning Authority has indicated that, following the submission of further information, it was satisfied that the proposed development complies with all aspects of this objective, with the exception of the provision of a separate access door to the front elevation. In this regard, I consider that the wording of Objective DM OBJ 49 is clear and unambiguous:

“The flat shall not have a separate access provided to the front elevation of the dwelling.”

The intent of this objective is to ensure that family flats remain ancillary to the main dwelling and do not present as independent residential units. The provision of a separate entrance on the front elevation has the potential to undermine this objective by creating the appearance and function of a separate dwelling unit. While I acknowledge the applicant’s concerns regarding accessibility and design constraints, I do not consider that these factors outweigh the clear policy requirement set out in the Development Plan.

- 8.1.4. The proposed development, as revised under further information, comprises a single-storey pitched roof extension to the northern elevation of the existing dwelling, with a total floor area of 71.29 sq.m. The structure extends approximately 6.045m to the north, reducing in width to 4.683m to the rear, with a ridge height of 4.39m. The design includes an extension to the front of the unit of approximately 6m in width to accommodate the proposed front door.

- 8.1.5. In my view, there is potential to reconfigure the internal layout and footprint of the proposed unit to facilitate a compliant access arrangement. This could be achieved through the removal of the front door and reconfiguration of the internal layout, including the relocation of the bedroom further south within the unit. Such an approach would allow for a reduction in the width of the front portion of the unit to align with the remainder of the structure (circa 4.6m), thereby creating sufficient space to the side of the dwelling to

accommodate a side access. This would allow for the provision of a separate entrance that complies with Objective DM OBJ 49, without materially impacting the overall design or functionality of the unit.

- 8.1.6. While I do not consider the design approach as proposed by the applicant to be visually incongruous, the provision of a separate access door to the front elevation would be directly contrary to Objective DM OBJ 49 of the Meath County Development Plan. The granting of permission without Condition No. 2 would therefore result in a material contravention of a clear and specific Development Plan objective. I do not consider that such a material contravention is warranted in this instance, particularly where the issue can be readily addressed through minor design modifications. Accordingly, I consider that the condition is reasonable, necessary and directly related to the proper planning and sustainable development of the area.

I therefore recommend that Condition No. 2 be retained in full.

9.0 AA Screening

- 9.1.1. I have considered the proposed development at Lands adjacent to the Carrick Lodge, Moynalty Road, Kells, Co. Meath, A82 D8Y1, in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is not within or adjacent to of any Natura 2000 site, the nearest designated sites being River Boyne and River Blackwater SAC Site code: (002299) – c. 930m northeast and River Boyne and Blackwater SPA Site code: (004232) – c. 930m northeast

There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process.

- 9.1.2. 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 nature and small scale of the development,

- The location of the development site and distance from nearest European site(s), and the weakness of connectivity between the development site and European sites.
- Taking account of the screening report/determination by the Planning Authority.

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

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

10.0 Water Framework Directive

10.1.1. Water Framework Directive

10.1.2. I have assessed the proposed development for the construction of a family flat 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.
- Limited area of development works on a brownfield 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.

11.0 Recommendation

11.1. I recommend Condition 2 be retained.

12.0 Reasons and Considerations

Having regard to the nature of Condition No. 2, which is the subject of the appeal, I am satisfied that the determination of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

(a) Retain Condition number 2 and the reasons therefore as follows:

The provision of a separate access door to the front elevation would be directly contrary to Objective DM OBJ 49 of the Meath County Development Plan. The granting of permission without Condition No. 2 would therefore result in a material contravention of a clear and specific Development Plan objective. I do not consider that such a material contravention is warranted in this instance

12.1. Condition 2:

a) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, revised plans and particulars omitting the front door located behind the timber screen. Development shall not commence without the prior written agreement of the Planning Authority and shall there after only be authorised to commence in accordance with the agreed plans

Reason: In the interest of orderly and sustainable development

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Darragh Ryan

Planning Inspector

7th of April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500559-MH- 26
Proposed Development Summary	Construction of a granny flat
Development Address	Carrick Lodge, Moynalty Road, Kells, Co. Meath, A82 D8Y1.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	State the Class here

<p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3) [Delete if not relevant]
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) [Delete if not relevant]

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	500559
Proposed Development Summary	Construction of a granny flat
Development Address	Carrick Lodge, Moynalty Road, Kells, Co. Meath, A82 D8Y1.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</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>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p>

<p>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 situated in a urban area on previously modified land. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p> <p>[Delete Conclusions which are not relevant]</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>

<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p> <p>The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)