



An
Coimisiún
Pleanála

Inspector's Report

PL-500638-LD-26

Development	Retention and construction of single storey dwelling
Location	The Bridge House, Athlone Road, Ballymahon, County Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	25/60254
Applicant	Ivan Treanor
Type of Application	Retention Permission / Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant	Ivan Treanor
Observer	Maxol Ireland Limited
Date of Site Inspection	14 th March 2026
Inspector	Gary Farrelly

1.0 Site Location and Description

The subject site has a stated area of 0.499 hectares and is located within the town of Ballymahon, County Longford. The property is located at the junction of the National Road N-55 and the Regional Road R-392. The structure is located within the curtilage of an existing two storey property which fronts the road junction. The southwest boundary of the site adjoins a petrol filling station and forecourt owned and operated by Maxol. The subject site is served by an existing water mains and wastewater mains connection. The Inny River is located to the west of the site on the opposite side of the N-55.

2.0 Development

- 2.1. Retention Permission is sought to retain the construction of a 74sqm single storey house. The structure is partially complete to wall plate level and comprises of unplastered blockwork together with 3 no. openings on its southwest elevation facing the petrol filling station forecourt. It is proposed to remove 1 no. door opening on this southwest elevation, which is being used for construction access, and retain 2 no. window openings. The structure is proposed to be completed externally in nap plaster finish to the walls with a tile finish to the roof. The ridge height is proposed to measure 5.6 metres.
- 2.2. The proposed internal layout of the dwelling will comprise of an entrance hall and door access taken from the northwest elevation (within the existing curtilage of the property), 1 no. bedroom, bathroom, kitchen and living area. The 2 no. windows that are proposed to adjoin the petrol filling station forecourt will serve the bathroom and the living area.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to **refuse** to grant retention permission by Order dated 17th December 2025 for the following reason:

1. *The applicant has failed to demonstrate compliance with the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities'. The planning application lacks sufficient information to demonstrate that the proposed development would not have a serious impact on the residential amenity of the existing dwelling and any future residents of the proposed dwelling by reason of its siting and design. The development would therefore set an undesirable precedent within the area and is considered contrary to the proper planning and sustainable development of the area.*

Planning Report

The Senior Planner report on file noted that the residential development was compatible with the zoning of the site, however, considered that the application was deficient on a number of matters. The site layout plan did not detail the separation distance between the proposed and existing dwelling on the site, private amenity space provision, access to the site, car parking provision or boundary treatments to accommodate the subdivision of the site. The Senior Planner considered that based on the information submitted it was not possible to assess the suitability of the development and determine its compliance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities. The report also noted the provision of a door and 2 windows on the southwest elevation and concluded that the applicant does not have consent to access off third party lands. Overall, it was considered that the proposed development would impact on the residential amenity of the existing dwelling on the landholding as well as the residential amenity of future residents. Refusal was recommended.

Other Technical Reports

None

3.2. Prescribed Bodies

Transport Infrastructure Ireland (TII) – It advised the PA to have regard to national policy impacting national roads.

3.3. Third Party Observations

There was 1 no. third party submission to the PA, from the adjoining petrol filling station, raising concerns with the provision of windows on the southwest elevation directing abutting the filling station's property line. It was highlighted that these windows would be reliant on daylight from the filling station inhibiting any future development of the site. Concerns were also raised regarding future residential amenity in terms of noise from fuel deliveries or other activities.

4.0 Relevant Planning History

None

5.0 Policy Context

5.1. Longford County Development Plan 2021-2027

The subject site is located within the settlement boundary of Ballymahon on lands zoned 'Town Core', where the objective of the zoning is to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.

Chapter 16: Development Management Standards

- Section 16.4.5.4 Corner/Side Garden Sites

Development Management Standard (DMS) 16.80 - The Council in assessing development proposals will consider the following criteria: Require corner site/side garden development proposals to have regard to the following criteria:

- a) Size, design, layout, building line and the relationship with existing dwellings and immediately adjacent properties;
- b) The external finishes;
- c) Floor areas and the accommodation standards for the occupants;
- d) Car parking for the existing and the proposed development;

e) Private open space for existing and proposed development; Side/gable and rear access/ maintenance space, where possible, and; Refuse storage areas.

- Section 16.4.4.5 Private Open Space

DMS 16.25 Minimum Private Open Space requirements for dwelling houses shall be as follows:

One Bedroom – 48sqm

- Section 16.4.4.7 Overlooking

DMS 16.32 - A minimum distance of 22 metres of separation between directly opposing rear windows at first floor in the case of detached, semi-detached, terraced units shall generally be observed.

DMS 16.34 - Reductions in this value may be considered for single storey residential units or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting and sunlight can be achieved.

DMS 16.35 - Any window proposed at ground floor level should not be less than 1 metre from the boundary it faces.

- 16.4.8 Car Parking

Table 16.1 Car Parking Standards – Houses (town centre location) – 1.5 space per unit.

DMS 16.124 - The standards set out in Table 16.1 Car Parking Standards shall apply to all new developments, be it new construction or a new extension or a material change of use of existing buildings.

5.2. National Guidelines

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) (Department of Housing, Local Government and Heritage)

5.3. Natural Heritage Designations

The subject site is not located within any designated site. The nearest designated site is the Royal Canal proposed Natural Heritage Area (pNHA), which is located approximately 1.4km north of the site.

5.4. Environmental Impact Assessment (EIA) Preliminary Examination

The development subject to this application has been subject to preliminary examination for environmental impact assessment. I refer the Commission to Appendix 1 in this regard. Having regard to the characteristics and location of the 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 development, therefore, does not trigger a requirement for environmental impact assessment screening and an Environmental Impact Assessment Report (EIAR) is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal was lodged to the Commission on 15th January 2026. The grounds of appeal are summarised as follows:

- The existing building was demolished for health and safety reasons. It is accepted that the actions were wrong and the applicant should have explored the appropriate avenue within the parameters of the Planning and Development Act.
- It is contended that the single reason for refusal is unjust and could have been resolved by a further information request. The previous design and structure is being replaced with same with a more modern building fabric.
- A retrospective submission was made to the local authority after validation which encompassed a design which removed openings on the side of the building to address the concerns raised by the adjoining filling station. The PA refused to take this into account which it was entitled to do.

- The applicant has reached out to the manager of the filling station and provided reassurance that the openings would be removed.
- There are no servicing issues with the site as the previous building benefited from an existing sewerage and water supply connection.
- The development will enhance the area making good what was once a derelict building and a health hazard.

6.2. Planning Authority Response

The PA issued a response to the grounds of appeal on 3rd February 2026 which confirmed that it was satisfied that all matters outlined were considered in the course of its assessment as detailed in the planning officer's report. It respectfully requested the decision of the PA to be upheld.

6.3. Observations

An observation from Maxol Ireland Limited was lodged to the Commission on 9th February 2026 which is summarised as follows:

- The PA's refusal should be upheld as the development is contrary to the proper planning and sustainable development of the area. The reason for refusal should have included the inappropriate treatment of the shared boundary, impact on the filling station and associated impact on the future residential amenity of the occupants.
- The boundary of the filling station's land ownership directly adjoins the block wall and gravel area (*as shown within submitted photographs*).
- There is no objection to the construction of the building at this location, however, there is an objection to the inclusion of windows on the southwest elevation which directly abuts the filling station's property line.
- Daylight to these windows would be reliant on the filling station which would inhibit any future development of the site.

- The windows are proposed to serve a bathroom and living area which could potentially be impacted by noise from fuel deliveries or other filling station operations.
- The extended operating hours of the filling station would potentially further impact on residential amenity.
- It is acknowledged that the submitted floor plan stipulates that the door opening on the southwest elevation will be removed, however, this does not override the concerns regarding the window openings.
- It is noted that it is stated that the applicant attempted to submit an alternative design which removed all openings on the southwest boundary, however, the PA did not accept this unsolicited submission. It is noted that these drawings were not submitted as part of the appeal for the Commission to consider nor sought to demonstrate that adequate residential amenity can be achieved with these changes.

7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issue in this appeal to be considered is in relation to residential amenity.

Residential Amenity

- 7.2. I note that the subject property is located within the curtilage of an existing two storey commercial/residential property which fronts the N-55 / R-392 junction. I therefore consider that the development represents a corner/side garden site where Section 16.4.5.4 and Development Management Standard (DMS) 18.80 of the Longford County Development Plan 2021-2027 are applicable. I note that the PA's sole reason for refusal related to concerns regarding the impact on residential amenity on both future occupants and the existing dwelling. These concerns arose due to the absence of information submitted with the application which provided no details on the separation distance between the proposed and existing dwellings onsite, the areas of

private amenity space that would serve both the existing and proposed dwellings, the proposed boundary treatments to accommodate the subdivision, bin storage proposals and no details on the access to the site as well as car parking provision.

- 7.3. The Commission should note that as part of the grounds of appeal the applicant has not submitted any modified proposals from what was lodged with the application. I note that the applicant refers to an unsolicited submission lodged with the PA after validation, however, this was not accepted by the PA, and therefore does not form part of the information on file.
- 7.4. Having reviewed the submitted proposals I consider that the development does not comply with the criteria set out in DMS 18.80 of the Development Plan. There is no information provided with regards to the relationship with existing dwellings and immediately adjacent properties, car parking for the existing and proposed units, private amenity space for the existing and proposed units or refuse storage areas. Therefore, on the basis of the information submitted, I consider that the development would result in a substandard level of amenity for future residents and the PA's reason for refusal should be upheld.
- 7.5. Additionally, the Commission should note that the submitted observation from the owner and operator of the adjoining petrol filling station raises concern with the location of 2 no. windows on the southwest elevation of the development. I note that this elevation is located on the shared property boundary with the petrol filling station. The observer's concerns relate to the impact of the petrol filling station use on the residential amenity of future occupants. The Commission should note that I share such concerns.
- 7.6. It is my view that the installation of 2 no. windows on this shared property boundary would result in a substandard level of amenity for future residents, in particular due to the nature of the adjoining established petrol filling station use and associated noise, activities and hours of operation. Moreover, I note that DMS 16.35 of the Development Plan states that any ground floor window should not be less than 1 metre from the boundary it faces. Whilst the applicant has stated that there is an intention to remove such openings, I note that such modification would require a redesign of the internal layout and I note that no modified proposals were submitted to the Commission as

part of the appeal. Therefore, it is my view that permission should be refused on this basis.

8.0 Appropriate Assessment (AA) Screening

8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 5km east of Lough Ree Special Area of Conservation (SAC) (Site Code 000440) and Lough Ree Special Protection Area (SPA) (Site Code 004064). No nature conservation concerns in relation to European sites were raised in the planning application and appeal.

8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The nature and scale of the development within an urban area.
- The separation distance and intervening lands from the nearest European sites and lack of hydrological connection.
- Taking into account the screening assessment determination of the PA.

8.3. I conclude, on the basis of objective information, that the development would not have had or would 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 Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive (WFD) Screening

9.1. No water deterioration concerns were raised in the planning application or appeal. I have assessed the project 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 and 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 any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is due to the small scale and nature of the development, the treatment of waste and surface water to the public mains and the location and distance of the site to the nearest waterbody and lack of hydrological connections.

- 9.2. 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.

10.0 Recommendation

It is my recommendation to the Commission that permission is **Refused** for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. On the basis of the information submitted with the application and appeal, to the absence of details with regards to the provision of private amenity space, boundary treatments, access and car parking provision, refuse storage and separation distances to properties, and having regard to the proposed inclusion of two windows on the southwest elevation of the unit on a shared boundary with an adjoining petrol filling station and forecourt, it is considered that the development proposed to be retained and completed would result in a substandard residential unit that would provide an unsatisfactory standard of residential amenity for future occupants. It is, therefore, considered that the development would be contrary to Development Management Standard (DMS) 16.80 (Corner / Side Garden Sites) of the Longford County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.

Declaration

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.

Gary Farrelly
Planning Inspector
16th March 2026

Appendix 1: EIA Preliminary Examination

Form 1 - EIA Pre-Screening

Case Reference	PL-500638-LD-26
Development Summary	Retention and construction of dwelling
Development Address	The Bridge House, Athlone Road, Ballymahon, County Longford
In all cases check box /or leave blank	
1. Does the development come within the definition of a 'project' for the purposes of EIA? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the 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.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the 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?	
<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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<input checked="" type="checkbox"/> Yes, the development is of a Class but is sub-threshold.	Part 2, Class 10(b)(i): Construction of more than 500 dwelling units.

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)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of 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>The development site measures 0.499 hectares. The size of the development is not exceptional in the context of the existing environment. Localised demolition and construction impacts were to be expected.</p> <p>There was/is no real likelihood of significant cumulative effects with existing and permitted projects in the area.</p>
<p>Location of development</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</p>	<p>The site is located approximately 5km east of Lough Ree SAC and Lough Ree SPA. My appropriate assessment screening above concludes that the development would not have likely resulted or would result in a significant effect on any designated site.</p> <p>The site is located outside Flood Zones A and B for coastal or fluvial flooding.¹</p>

¹ <https://www.floodinfo.ie/map/floodmaps/> (Accessed 16/03/26)

historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale of the development to be retained, the proposed development and limited nature of demolition and construction works associated with the development, to its location removed from any environmentally sensitive sites, to the absence of any cumulative effects with existing or permitted projects in the area, there is no potential for significant effects on the environment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____
Gary Farrelly

Date: 16th March 2026