



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500759-MH-26

---

<b>Development</b>	Construction of single storey extension, retention of sheds, retention of change of use of shed to home office and family flat
<b>Location</b>	Hanwell House, Beamore Road, Bryanstown, County Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	25/60832
<b>Applicants</b>	Berniece and David Teeling
<b>Type of Application</b>	Permission / Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party against Condition
<b>Appellants</b>	Berniece and David Teeling
<b>Observer(s)</b>	None
<b>Inspector</b>	Gary Farrelly

## 1.0 Site Location and Description

The subject site has a stated area of 1.060 hectares and is located on the outskirts of the town of Drogheda within the townland of Bryanstown, County Meath. The site accommodates an existing detached dwelling which is accessed from two entrances off the public road L-56113. The front boundary of the property comprises of a 2 metre high wall with 2.3 metre high piers. There are a number of mature trees that are located along the frontage of the site on the northern side of the boundary wall. The site is bounded to the east by a residential estate known as Lagavooren Manor. This estate comprises of existing footpath infrastructure which extends along the L-56113 before it terminates at the eastern boundary of the subject site.

## 2.0 Proposed Development

Permission is sought to construct a new single storey extension to the rear and side of the existing dwelling, the retention of sheds to the rear of the site as well as the retention of a change of use of a shed to a home office and family flat. The existing boundary wall along the public road is proposed to be reduced in height to 1.1 metres with the installation of decorative railings between the piers. Additionally, in order to achieve suitable sightlines from the two accesses it is proposed to remove and reposition a section of the boundary wall and piers.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority (PA) decided to grant permission by Order dated 15<sup>th</sup> January 2026, subject to 10 no. conditions.

#### Relevant Conditions

##### *Condition Number 2*

Within 6 months of the development hereby permitted, the applicant shall submit/address the following for the written agreement of the Planning Authority in relation to Transportation requirements:

- a) The applicant shall provide and maintain sightlines in accordance with DMURS. In that regard unobstructed sightlines of 45 metres from a setback of 2.4 metres shall be provided.
- b) The existing roadside boundary wall along the L-56113 shall be set back at least 2 metres from the edge of the road. A concrete footpath shall be provided between the road and the new boundary wall. The footpath shall be dished to facilitate vehicular access. Road drainage shall be provided in compliance with the Department of Transport “Guidelines for Road Drainage - 2nd Edition, 2022”.

#### *Condition Number 7*

Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property.

#### Planning Report

The Senior Executive Planner (SEP) report on file assessed the development in terms of its principle, design and layout, transportation and access and impact on neighbouring properties. Further information was requested for the applicant to demonstrate unobstructed sightlines from the entrance in accordance with the Design Manual for Urban Roads and Streets (DMURS), the provision of a 3 metre wide verge along the boundary with the public road and clarification on the planning status of the existing roadside boundary. After submission of the further information, the SEP noted the comments from the Transportation Department and recommended a grant of permission subject to conditions. This recommendation was endorsed by the Senior Planner.

#### Other Technical Reports

Transportation Department (*reports dated 22/09/25 and 19/12/25*) – This section requested further information for the applicant to demonstrate 45 metres sightlines from both entrances in accordance with DMURS and the provision of a 3 metre verge along the front boundary to comprise of a 2 metre wide footpath and 1 metre wide grass verge. After submission of the further information, it noted that the applicant demonstrated achievable sightlines of 45 metres at an unstated setback from both entrances. It noted the applicants statement that a 3 metre verge would require the

removal of approximately 12 mature trees along the roadside boundary, however, noted that the applicant considered a 2 metre footpath could be accommodated along the front of the existing wall. It had no objection subject to conditions including the set back of the front boundary wall 2 metres from the edge of the road.

### **3.2. Prescribed Bodies**

None

### **3.3. Third Party Observations**

None

### **4.0 Relevant Planning History**

None

### **5.0 Policy Context**

#### **5.1. Meath County Development Plan 2021-2027**

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

- Section 11.5.24 Family Flat Extensions
- Section 11.5.26 Home Based Economic Activity

#### **5.2. National Guidelines**

- Design Manual for Urban Roads and Streets (DMURS)
- Development Management Guidelines for Planning Authorities
  - *Section 7.3 Basic Criteria for Conditions*

### 5.3. **Natural Heritage Designations**

The subject site is not located within any designated site. The nearest designated site is the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code 002299) 1.2km north of the site.

### 5.4. **Environmental Impact Assessment (EIA) Preliminary Examination**

The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended, (or Part V of the 1994 Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Commission to Appendix 1 in this regard.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A first-party appeal was lodged to the Commission on 10<sup>th</sup> February 2026. The grounds of appeal are summarised as follows:

- The appeal is against Condition Number 2(b) of the grant of permission and relates solely to the requirement to set back the existing roadside boundary wall a minimum of 2 metres from the edge of the L-56113 and to provide a concrete footpath between the road and the boundary wall.
- It is submitted that this condition is unreasonable, disproportion and not supported by the PA's own assessment which accepted Item No. 3 of the further information response.
- The existing wall is set back 1.4 metres from the road edge and there is sufficient space on the opposite side of the road to widen the carriageway by approximately 0.6 metres which would facilitate a 2-metre wide footpath along the existing wall.
- The existing boundary wall was only increased in height by the applicant without the benefit of planning permission. Images are provided showing the wall in 2009, 2021 and 2023. The applicant now proposes to reduce the height of the

wall to its original 1.1 metre height as well as other mitigation measures to achieve 45 metre sightlines, such as the removal of sections of the wall and piers. This was accepted by the PA. The transportation department also accepted that the removal of the full boundary wall would require the removal of approximately 12 mature trees along the roadside boundary.

- There would be an unnecessary cost associated with the demolition of the wall, the removal of established trees to facilitate the required setback and the construction of a new wall and footpath to a housing estate standard, which is disproportionate to the scale and domestic nature of the development.
- It is requested that the Commission deletes or amends Condition No. 2(b) to allow for retention and modification of the existing roadside boundary wall or reinstatement to its original height as proposed without the requirement for a continuous 2 metre setback and concrete footpath.

## 6.2. Planning Authority Response

The PA issued a response to the grounds of appeal on 23<sup>rd</sup> February 2026 which is summarised as follows:

- It is requested that the Commission upholds the decision of the PA to grant permission subject to any revisions it deems necessary.
- The required standard for sight distances and stopping sight distances at this location is 45 metres and substandard sightlines would result in a traffic hazard.
- DMURS aims to create high levels of connectivity, particularly for more sustainable forms of transportation. In order to achieve pedestrian connectivity from the existing footpath to the east of the site to the large residential development to the west of the site in accordance with DMURS principles, a footpath is required.
- The content of the first party appeal is noted and all matters were addressed within the planner's report. The PA wishes to rely on the content of same and the transportation comments of this response to the appeal.

## 7.0 Assessment

7.1. The Commission should note that the subject development relates to extensions and structures within the curtilage of an existing dwellinghouse and, as such, are domestic in scale and nature. Having regard to all the documentation on file including the appeal and the report of the planning authority, I consider it appropriate that this assessment should be confined to Condition number 2(b) of the PA's notification to grant permission. Therefore, a determination of the application as if it had been made to the Commission in the first instance is not warranted. Accordingly, I consider it would be appropriate for the Commission to use the provisions of Section 139 of the Planning and Development Act 2000, as amended, in this case.

### **Condition No. 2(b)**

7.2. The Commission should note that Section 7.3 of the 2007 Development Management Guidelines for Planning Authorities outlines the basic criteria to consider when attaching a condition. These include whether the condition is necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable.

7.3. I note that condition No. 2(b) of the PA's grant of permission requires the applicant to set back its existing roadside boundary 2 metres from the road edge and to provide a concrete footpath between the new boundary and the road. The condition also specifies the provision of road drainage in accordance with Department of Transport "Guidelines for Road Drainage - 2nd Edition, 2022. I note that at further information stage, the applicant submitted updated proposals to modify the front boundary in order to achieve 45 metre sightlines at both accesses from the site. These modifications included the proposed lowering of the boundary wall to its original height of 1.1 metres, as well as the removal and set back of certain sections of the wall and piers, as shown on the submitted site plan (Dwg. No. PP-06). The submitted plan illustrated that 45 metre sightlines would be achievable as a result of the proposed works. I consider that Condition No. 2(a) of the PA's grant of permission would adequately ensure compliance with such sightline requirements in the interest of traffic safety.

7.4. The Commission should note that I acknowledge and understand the reasoning and aspiration behind the Transportation Department's attachment of Condition No. 2(b) to the grant of permission, and note that an existing footpath terminates at the front

boundary of the applicant's property. However, having regard to the nature of the development which relates to extensions and development within the curtilage of an existing established dwelling which are domestic in nature, to the established location of the front boundary, notwithstanding a previous increase in height of the boundary without the benefit of planning permission, and to the extent of the works which would encroach onto lands that currently accommodate a number of mature established trees, which in my view, could potentially be negatively impacted by same, I consider that the imposition of Condition No. 2(b) to the decision would be unreasonable, disproportionate and excessive. It is, therefore, my recommendation to the Commission that the PA is directed to remove Condition No. 2(b). Furthermore, I am satisfied that the drainage requirements of Condition No. 2(b) is adequately covered under Condition No. 7 of the PA's grant of permission.

## **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 1.2km south of the River Boyne and River Blackwater SAC, approximately 2.3km southwest of the Boyne Estuary Special Protection Area (SPA) and approximately 3.4km southeast of the River Boyne and River Blackwater SPA. 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 had or 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

Having regard to the foregoing, I recommend to the Commission that the planning authority is directed to **REMOVE** Condition No. 2(b) of application ref. 25/60832, for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the domestic nature and scale of the proposed development and development proposed to be retained, to the established nature and location of the front boundary and the proximity of existing established trees, it is considered that the imposition of Condition Number 2(b) requiring extensive works to the roadside boundary and potential loss of trees, would be unreasonable, disproportionate and excessive.

### 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  
21<sup>st</sup> April 2026

## Appendix 1

### Form 1 – EIA Pre-Screening

<b>Case Reference</b>	PL-500759-26
<b>Development Summary</b>	Construction of single storey extension, retention of sheds, retention of change of use of shed to home office and family flat
<b>Development Address</b>	Hanwell House, Beamore Road, Bryanstown, County Meath
	<b>In all cases check box /or leave blank</b>
<b>1. Does the development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<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	
<b>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?</b>	
<input checked="" 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 type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	