Inspector's Report
PL-501834-CN-26

Development	Part single storey/part dormer dwelling and detached domestic garage, new site entrance, connection to foul and storm water sewers, and all ancillary site works
Location	Billis , Cavan , Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2660293
Applicant(s)	Shane and Susan Downey
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Ann Sheridan
Observer(s)	None
Date of Site Inspection	23rd September 2026
Inspector	Stephen Ward

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1.0 Site Location and Description

1.1. The site is in the townland of Billis, approximately 1.5km northeast of Cavan town centre. It is located c. 100m to the east of the N3 Cavan by-pass road, which forms the eastern zoning boundary as per the Cavan Town LAP 2022-2028. The site is therefore in an unzoned area within the urban/rural interface.

1.2. The surrounding built environment is characterised by a mixture low-density linear/ribbon one-off housing together with more recent and substantial planned development in the form of the Castlemanor Nursing Home and Retirement Village. The wider surrounding area to the east of the site is of rural character.

1.3. The site itself is an infill site (c. 0.117ha) which is bounded by single storey detached dwellings to the northeast and southwest. It is bounded by the L6033 Local Road to the northwest, and there is a similar row of detached dwellings on the opposite side of the road. To the southeast (rear) is a terrace of single-storey dwellings within the Castlemanor development. The site is relatively flat and has some hardcore surfaces indicating some level of previous development. There is a gated vehicular entrance and planted hedgerow along the post and wire roadside boundary. An existing ESB duct runs along the northeastern site boundary.

2.0 Proposed Development

2.1. In summary, permission is sought to construct a dormer dwelling with single storey section to the rear and detached domestic garage. The proposed dwelling has a stated floor area of 222.7m^2 and a maximum ridge height of c. 6.88m. The external finishes mainly consist of a blue-black slate roof and smooth render walls. Standing seam aluminium also features in some elements. The proposed single storey garage is to the rear of the site. It has a stated area of 39m^2 and includes a home office and domestic garage.

2.2. The existing site entrance is to be widened to provide vehicular access. It is proposed to connect to existing public services in the form of the foul sewer, surface water sewer and watermains.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 13th July 2026, Cavan County Council (CCC) made a decision to grant permission subject to 17 no. conditions.

3.1.2. The conditions of the permission are generally of standard nature, including (in summary):

3 – Outlines that the dwelling shall be first occupied as a place of permanent residence by the applicant and/or members of the immediate family or their heirs.

10 & 11 – Restricts the garage to domestic use.

12 – All WCs, bathroom and ensuite windows and all windows on the northeast elevation and southwest elevation shall be fitted and permanently maintained with obscured glazing.

17 – Requires liaison with ESB Networks in relation to the ESB duct travelling through the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The assessment outlined in the CCC Planner's Report can be summarised under the headings below.

Rural Housing Need

- The applicants have submitted supplementary information on their rural housing need, which enables the Planning Authority to trigger the exceptional circumstances whereby the applicants ordinarily do not meet the requirements of Objective SUI 01. On assessing that information, the CCC Planner's Report is satisfied that the applicants have demonstrated a rural housing need in accordance with the Development Plan requirements for a rural area of 'Strong Urban Influence'.

Location, siting and design

- The dwelling type is acceptable given that the site is narrow.
- Liaison will be required with ESB regarding an underground cable.
- Regarding third-party concerns about loss of light, it is noted that there is a separation distance of > 4.643m from the northeast elevation of the proposed dwelling and it is not considered that there will be a significant loss of light.
- The height and dormer nature of the proposed dwelling is noted in comparison to adjoining single storey dwellings and third-party concerns. However, the proposed openings on the side elevations will be opaque and the proposed design is an improvement on that previously refused on the site. It is therefore considered acceptable.

Traffic Safety / Access

- The proposed entrance arrangements are acceptable subject to standard conditions.

Water / Wastewater

- Proposals to connect to existing public services are acceptable subject to standard conditions.

Appropriate Assessment

- The site is located approximately 3.6km from Lough Oughter and Associated Loughs SAC and approximately 4km from Lough Oughter SPA. Based on the nature and scale of the development, it is not considered that the proposed development will have a significant effect either individually or in combination with any other plans or projects, on any Natura 2000 site.

Development Contributions

- A charge of €5,440 applies.

Conclusion

- The CCC Planner's Report recommends a grant of permission subject to conditions, and this forms the basis of the CCC decision.

3.2.2. Other Technical Reports

MD Engineer – No objections subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A submission was received from the appellant. The main issues raised are generally covered in the grounds of appeal. In addition, the submission contends that a 'right to light' easement has been established; that the development will adversely impact on energy efficiency and costs; and that it will devalue her home.

4.0 Planning History

P.A. Reg. Ref. 05/162: Permission granted for a 70-bed nursing home and 32 retirement dwellings included the appeal site as open space. However, a subsequent permission for retention and completion of the development (**P.A. Reg. Ref. 07/1658**) excluded the appeal site entirely.

ABP Ref. PL 02.230316 (P.A. Reg. Ref. 07/2319): On 13 December 2007 Desmond Murtagh sought permission to erect fully serviced bungalow with attic accommodation, entrance, connection to existing council services and all ancillary siteworks. On 07 July 2008 CCC decided to grant permission, which was subsequently upheld by the Board's decision on 20th February 2009.

P.A. Reg. Ref. 25/60298: On 12 June 2025 Shane and Susan Downey sought permission for the construction of a one and half storey dormer detached dwelling with an associated garage and all necessary site works. On 01 August 2025 CCC refused permission for the following reason:
Having regard to the scale and design of the proposed dwelling at this location with a concentration of single storey dwellings and to the design of the first floor terrace and first floor rear windows, it is considered that the proposed development would have a negative impact on the residential and visual amenity of the area by virtue of being out of character in the surrounding environment and by causing

undue overlooking of neighbouring properties, would contravene Section 13.4.2, Objective BHDO 03, Section 13.4.9, Section 13.5.2 and Objective ISUA 02 of Cavan County Development Plan 2022-2028 and would therefore be contrary to proper planning and sustainable development of the area.

5.0 Policy Context

5.1 Development Plan

The Cavan County Development Plan (CDP), incorporating a Local Area Plan for Cavan Town, 2022-2028 was adopted at a Special Council Meeting on Monday, 30 May 2022. The Plan came into effect on Monday, 11 July 2022 and has been subject to one variation (NPF Revision/Implementation) adopted in July 2026. The relevant provisions of the CDP can be summarised under the following headings:

Cavan Town LAP (CDP Section 2.2)

The site does not have a specified zoning objective under the Cavan Town LAP.

Objective CSC 03 is to encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up areas.

Housing

Chapter 3 outlines the statutory obligations to ensure that sufficient land is zoned for all types of housing to meet the projected requirements over the Plan period. Section 3.6.2 recognises that there is a continuing need for housing provision for people to live and work in rural Cavan. Relevant objectives include (as summarised):

HS 06 – Facilitate the delivery of sustainable, compact, sequential growth and regeneration of town and village centres by consolidating the build footprint through a focus on regeneration and development.

HSCC 01 – Requires all housing applications to be accompanied by a Sustainability Statement in accordance with the principles set out in the ‘Sustainable Rural Housing Guidelines’ (2005).

HSCC 11 – Ensure that 20% of new rural housing is developed on brownfield sites in rural areas.

Rural Housing

Section 12.13 defines Rural Areas as areas outside of the designated Towns and Villages as per the Core Strategy. It highlights the need to distinguish between Rural and Urban Generated Housing Needs and different rural area types. The appeal site is within an 'Area Under Strong Urban Influence'. Relevant objectives (as summarised) include:

RH 01 – Ensure rural generated housing needs should be accommodated in the locality in which they arise and where the applicant comes within the development plan definition of need, subject to satisfying good planning practice.

RH 02 – Ensure urban generated housing needs is accommodated in areas identified for housing in the adjoining towns and villages.

RH 04 – All rural housing planning applications, in all rural area types, shall be required to complete a "Rural Housing Application" form.

RH 06 – Apply occupancy condition of 7 years.

RH 07 – Applicants shall submit evidence of their rural generated housing need at the particular location they are seeking permission.

RH 08 – Ensure new rural housing comply with the Design Guide for Single One-Off Houses within Cavan Rural Countryside.

RH 10 – Prevent ribbon development extending out along radial roads from the towns in this area.

RH 11 – Urban generated housing development shall be directed into towns and villages.

SUI 01 – That development within 'Areas under Strong Urban Influence' shall be restricted to landowners and their immediate family members only with a demonstratable social or economic need.**

** Satisfied by the following criteria:

Landowner is defined as an individual with a land holding of a minimum of 10 hectares.

Applicants not meeting the criteria of ownership of a minimum of 10 hectares will be dealt with on a case by case basis.

SUI 02 – Accommodate rural generated, housing need from individuals for permanent residential development in strong urban influence who have strong social or economic need to locate in the area and who are an intrinsic part of the rural community, subject to good planning practice.

SUI 03 – Apply an occupancy clause of a minimum of 7 years.

RHD 01 – Ensure new rural housing comply with the Design Guide for Single One-Off Houses within Cavan Rural Countryside with respect to Site Selection, House Design, Landscaping, Sustainability and Design Statement.

RD 01 – Resist development that would create or extend ribbon development.

SD 01 – Outlines siting and design requirements for new dwellings in rural locations.

Access and Sightlines

Section 12.13.2.6 deals with 'Access and Sightlines for Rural Applications'.

AS 01 – Existing roadside hedgerows and trees shall be retained as much as possible. The entrance shall be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow.

AS 02 – New access points onto the public road network shall generally be subject to sight line visibility standards as set out in Cavan County Councils document Sightline Visibility Requirements for Junctions and Direct Accesses, contained in Appendix 4 of this Plan.

Development Management

Section 13.4.2 deals with Building Height. Although this primarily relates to urban development, relevant objectives (as summarised) include:

BHDO 01 – Seek compliance with the Urban Development and Building Height Guidelines, December, 2018 or any update thereof.

BHDO 02 – Development proposals that include building heights greater than the prevailing building height in the area should be accompanied by a strong urban design rationale as part of a Design Statement.

BHDO 03 – Outlines the criteria for which the appropriate maximum or minimum height of any building will be determined by.

Section 13.4.9 deals with Overlooking and Overshadowing and relevant objectives (as summarised) include the following:

OO 01 – Maintain at least 16 metres separation distance between opposing habitable room windows at the rear and/or side of houses, duplex units and apartment units, above ground floor level.

OO 04 – Any window proposed at ground floor level should not be less than 1 metre from the boundary it faces.

OO 06 – Require daylight and shadow projection diagrams to be submitted in all proposals where buildings of a significant height are involved or where new buildings are located very close to adjoining buildings. This will provide an element of control in situations where overlooking occurs.

OO 07 – Daylight and sunlight levels should generally be in accordance with the recommendations of 'A New European Standard for Daylighting in Buildings en17037:2018 UK National Annex BS EN17037:2019, and the associated BRE Guide 209 2022 Edition (June 2022)', and any updates thereof.

Section 13.5.2 outlines that the Planning Authority will support infill development on appropriate sites. Relevant objectives (as summarised) include:

ISUA 01 – Proposals for infill development shall accord with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) or any updates thereof; and the Design Manual for Urban Roads and Streets, 2013, DoECLG or any updates thereof.

ISUA 02 – Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways.

5.2 National Guidance

National Planning Framework (NPF) First Revision, April 2025

The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. It recognises that there is a continuing need for housing provision for people to live and work in Ireland's countryside but highlights the need for careful planning and to distinguish, on the one hand, between rural areas located within the commuter catchment of the five cities

and our largest towns and centres of employment and, on the other hand, rural areas located outside these catchments. Relevant provisions include the following:

NPO 24: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 28: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

NPO 29: Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

In supporting sustainable housing development patterns in rural areas, the guidelines outline that planning authorities should identify the needs of rural communities in the development plan process and manage pressure for overspill development in the rural areas closest to the main cities and towns.

Development plans should identify the location and extent of rural area types set out in section 5.3.2 of the NSS[1], including rural areas under strong urban influence; stronger rural areas; structurally weaker rural areas; and areas with clustered

[1] Subsequently replaced by the NPF

settlement patterns. Having identified the rural area types, planning authorities should then tailor policies that respond to the different housing requirements of urban / rural communities and the characteristics of rural areas.

Chapter 4 of the Guidelines deals with development management and provides guidance aimed at ensuring that all the necessary information and documentation is assembled to facilitate an efficient and thorough consideration of applications.

5.3 Natural Heritage Designations

The nearest Natura 2000 sites are the Lough Oughter and Associated Loughs SAC and Lough Oughter SPA, both located >3.5km northwest of the site. Drumkeen House Woodland pNHA is c. 2km to the northwest of the site.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendices 1 & 2 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. Grounds of Appeal

The CCC decision to grant permission has been appealed by Ann Sheridan (resident of the adjoining dwelling to the northeast). The grounds of appeal can be summarised as follows:

<u>Daylight & Sunlight</u>

- The dwelling will obstruct light to the sole window serving her kitchen and living area. The proposed gable wall would substantially exceed the 25-degree threshold outlined in the BRE Report 209 ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ and requires detailed assessment.

- The application has inadequate detail of existing and proposed levels to facilitate a detailed assessment of pre- and post-development Vertical Sky Component (VSC) levels in accordance with BRE standards.
- The application contains no daylight or sunlight analysis, and the planning authority was not in a position to assess the impact on the adjoining dwelling.
- The applicant's design statement places significant emphasis on the provision of natural light to the proposed dwelling, whilst simultaneously extinguishing light to the existing adjoining dwelling.

Levels

- The plans indicate an approximate ridge height of 7.1m, but no finished floor level or ground reference datum is shown. This makes it impossible to assess height relative to existing development; overshadowing; visual impact; or compliance with development plan height standards. Further information should be sought on this matter.

Character of Existing Development

- The scale and height of the dwelling would be incongruous and out of character with existing development, which would be contrary to CDP objectives.

Building Line

- The proposal fails to respect the staggered building line at this location which serves to protect the daylight and privacy of adjoining properties.

Mitigation

- The appeal does not object to the principle of a family home, but rather its siting and design.
- It is suggested that the dwelling should be setback c. 7.2m to avoid opposition with the appellant's gable window and thereby resolve the daylight impact. Alternatively, a revised design should be required to demonstrably comply with BRE 209 daylight criteria in respect of the adjoining dwelling.

7.2. **Applicant Response**

A response has been submitted on behalf of the applicant. It outlines that the application has been comprehensively assessed by CCC; that no substantive issues have been raised in the appeal; and that the proposal for this infill site is in accordance with national and local planning policy. The response to the grounds of the appeal can be summarised under the headings below.

Loss of Daylight

- Based on a review of the planning history/register, the appeal is undermined by the fact that the gable window of concern is:
    - Incorrectly located on the opposite gable as the house was constructed in a 'mirrored' fashion.
    - Unusually close to the boundary.
    - Not the only window serving the kitchen/living area.
- While it is acknowledged that the proposed dwelling will form part of the outlook from the unauthorised window, no objective evidence has demonstrated that there will be an unacceptable loss of daylight or render the affected rooms unsuitable for their intended residential use.
- The CCC assessment did not identify any unacceptable impact.
- The presence of dwellings in close proximity is characteristic of the area.
- The BRE document's 25-degree test is only a screening tool that may indicate whether further assessment is appropriate. The 25-degree line would intersect only the upper portion of the proposed gable and relocating the dwelling 1.1m forward would remove any such interaction while maintaining an appropriate relationship with the existing building line. The applicants would have no objection to this amendment.

Levels

- The assertion that there is no finished floor level or ground level information is factually incorrect.

- The ‘site layout plan’ clearly indicates the finished floor level at 103.00 and includes contours and spot levels for the ground.
- No material alteration to the existing ground level is proposed.
- The ground level of the appellant’s property is higher than the site.
- A contiguous streetscape elevation was submitted with the application clearly indicating the relationship with adjoining dwellings.
- The assertion that further information is required is not supported.

Character of the area

- The design specifically responds to the form and character of development in the area, including:
    - The mixture of single-storey and dormer dwellings.
    - Parallel positions to the adjoining road with projecting elements.
    - Height, scale and massing.
- The proposal will provide an appropriate contemporary interpretation of the established residential form and will not be incongruous.

Building Line

- The proposal directly responds to the established building line and infrastructural constraints.
- While individual dwellings are staggered to a degree, the setback (mitigation) suggested by the appellant would be less consistent with the existing streetscape, would position the dwelling over an existing foul sewer manhole, and is not justified by the presence of the appellant’s gable window at an incorrect location.

Inconsistency in the application documentation

- The Design Statement’s consideration of natural light does not conflict with the assessment of residential amenity for adjoining properties, particularly given the points previously raised about the adjoining gable window.

7.3. **Planning Authority Response**

The response refers to the original reports and requests that the CCC decision is upheld.

8.0 Assessment

8.1. Having regard to the documentation submitted in connection with the application and the appeal, including all submissions received, and having inspected the site, I consider that the main issues for assessment are as follows:

- The Principle of the Development
- Siting, Design and Character of the Area
- Residential Amenity.

8.2. **The Principle of the Development**

8.2.1. It is noted that the appeal does not object to the principle of the development, but the matter is nonetheless considered in the interests of completeness and context.

8.2.2. The proposed development involves the construction of a new dwelling on an infill site near the edge of Cavan Town. The setting is of a transitioning character between urban and rural areas. And while the site is serviced and already quite built-up, it is nonetheless considered 'rural' in accordance with the Cavan CDP given its location outside the LAP zoning boundary. Furthermore, it is within a rural area 'Under Strong Urban Influence' as per the CDP.

8.2.3. As per section 5.1 of this report, the CDP distinguishes between rural- and urban-generated housing. The planning authority considers that rural generated housing need includes, *inter alia,* the following broad categories:

- Persons who are an intrinsic part of the rural community who have strong social or economic need to live in the area and who are an intrinsic part of the rural community,
- That the dwelling is their first home in the locality.
- Persons who need to reside near elderly parents so as to provide security, support and care, or elderly people who need to reside near immediate family.

8.2.4. In this regard the application includes a ‘rural housing application form’. It outlines that the applicant (Shane Downey) is the owner of the site, was raised in the family home at Billis and has lived in the area for over 25 years, and it details the historical and ongoing family and community connections in the area.

8.2.5. Having regard to the long-established intrinsic social links with this rural community, including the proximity of the site to the applicant’s immediate family, and given that it is a proposal to construct a first home in the locality, I am satisfied that the proposal constitutes rural-generated housing need as per the CDP. Subject to further assessment with regard to good planning practice, the principle of the proposal is therefore supported by and/or is consistent with CDP objectives RH 02, RH 04, and RH 07.

8.2.6. CDP Objective SUI 01 deals further with the matter of proposals within ‘Areas under Strong Urban Influence’, stating that development shall be restricted to landowners and their immediate family members only with a demonstratable social or economic need. A Landowner is defined in the CDP as an individual with a land holding of a minimum of 10 hectares, although it is also stated that applicants not meeting the criteria of ownership of a minimum of 10 hectares will be dealt with on a case-by-case basis.

8.2.7. As previously outlined, I am satisfied that the applicant is a landowner with a demonstrable social need. The applicant’s land holding does not meet the minimum threshold of 10 hectares, but the CDP allows for discretion in stating that such cases can be considered on a case-by-case basis.

8.2.8. In applying such discretion, I am conscious that the proposal has already been established as constituting rural generated need for permanent residential development for those who have a strong social need to locate in the area and who are an intrinsic part of the rural community (Objective SUI 02 refers). Furthermore, I would highlight that the area is substantially built-up and the proposed development would constitute infill development of a ‘brownfield’ site, which is supported by CDP objectives CSC 03 and HSCC 11, and would not create/extend ribbon development (objectives RH 10 & RD 01 refer). The proposal would therefore consolidate the existing pattern of development and would not significantly impact on this Area Under Strong Urban Influence. Accordingly, I am satisfied that the principle of the

development is acceptable in accordance with the discretion allowed under CDP Objective SUI 01.

8.2.9. In relation to servicing, it is proposed to upgrade the existing site entrance and to connect to existing water, wastewater and surface water services. Consistent with the assessment of the planning authority, I consider that the proposed development would have minimal impacts on these services/infrastructure and that proposals are acceptable subject to standard conditions.

8.2.10. In conclusion, I am satisfied that the principle of the development is acceptable subject to further assessment of good planning practice in the following sections of this report.

8.3. Siting, Design and Character of the Area

8.3.1. The appeal contends that there is inadequate detail of existing and proposed levels to assess the impact of the proposed development. It also outlines concerns that the scale and height of the proposed development would be out of character with existing development and would be contrary to CDP objectives.

8.3.2. At the outset I would highlight that the site layout plan submitted with the application is based on a detailed site survey. It shows that the road levels along the adjoining road opposite the site generally vary between 103.0m and 103.5m. The proposed finished floor level is 103.0m, which generally reflects the existing ground levels within the footprint of the proposed dwelling. In relation to the appellant's adjoining property, it is indicated that the level at the top of the boundary wall is 104.38m, while the existing eaves level is 106.71m. The application also includes a 'Contiguous Streetscape' drawing which shows the roadside elevation of the proposed dwelling in comparison to the two adjoining properties. Accordingly, I am satisfied that there is adequate detail of existing and proposed levels to assess the height, scale and visual impact of the proposed development.

8.3.3. The application is accompanied by a Design Statement. It addresses 'sustainability' in accordance with CDP Objective HSCC 01. It also includes a site analysis, considers the established context of existing development, and has regard to the CDP Design Guide for rural housing in accordance with CDP Objectives RH 08 & RHD 01). In summary, it outlines that:

- The area has a consistent residential typology.
- The dwelling responds sensitively to its context, reinforcing the existing pattern of development while incorporating a contemporary architectural expression.
- The proposed dwelling adopts a comparable scale and massing to neighbouring properties, maintaining a single/dormer height profile that integrates comfortably within the streetscape.
- The incorporation of a projecting front element echoes the common architectural language of adjacent dwellings.
- The roof form follows the prevailing orientation, and the design complies with the mixed rhythm of single-storey and dormer dwellings.
- Windows have been designed with a strong vertical emphasis and achieve an appropriate solid-to-void ratio.
- Dormer rooflights allow a more consistent roof profile to the front.
- The primary finishes (painted render and slates) will be consistent with the established context.
- Sustainability measures have been incorporated.

8.3.4. I note that CDP objective SD 01 outlines siting and design requirements for new dwellings in rural locations. In response to these criteria, I am satisfied that proposals are acceptable given that:

- The predominant building form and materials are simple. Some contemporary elements are included and are considered acceptable given the context of the site within the built-up urban/rural edge.
- The scale is generally similar to surrounding dwellings.
- The natural features and topography on site are not significant. However, the design/layout aims to optimise solar gain to maximise energy efficiency.
- The site is flat and does not necessitate cutting/filling. The design respects this suburban landscape and does not impinge on scenic views or skylines.
- Visual mass and scale have been minimised, including a largely hidden single storey element to the rear.
- The main plan form and roof design are simple, thereby avoiding a bulky shape.

- There are no vernacular structures on site.
- The development is not located on any designated natural heritage, archaeological or architectural heritage site.
- I am satisfied that the detail, texture, colour, pattern, and durability of materials are sustainable and of a high quality and are appropriate given the mixed character of development at this location.
- The external render finish is in accordance with those encouraged.
- Contemporary materials will complement and harmonise with traditional materials.
- Decorative fascia and box end soffits will be avoided.

8.3.5. In relation to building height, I note that the proposed dwelling will be slightly higher than the adjoining single storey dwellings, although it should be noted that there are dormer dwellings in the area. However, the proposal is accompanied by a strong urban design rationale as part of a Design Statement in accordance with CDP Objective BHDO 02. Furthermore, I am satisfied that the proposal satisfactorily addresses the building height criteria outlined in CDP Objective BHDO 03 given that:

- The proposed dwelling does not significantly exceed prevailing building height.
- Proximity to existing housing will be consistent with existing development and will not result in any unacceptable impacts (see section 8.4 below)
- The development will contribute to a cohesive streetscape pattern having regard to the height and scale of the proposed dwelling relative to the width of the adjoining road.
- There will be no impact on Protected Structures, Architectural Conservation Areas (ACAs) or sensitive sites.
- There will be no unacceptable overlooking or privacy impacts (see section 8.4 below).
- The proposal will not interfere with the scale, amenities and visual quality of existing development (see section 8.4 below)

8.3.6. With regard to infill development and CDP objective ISUA 02, I am satisfied that, as outlined previously in this report, the proposed development takes appropriate account of the character of the area including the existing building line and height.

There are no significant other features such as railings, trees, or gateways that would be worthy of retention.

8.3.7. Having regard to the foregoing, I am satisfied that the siting and design of the proposed development will satisfactorily integrate with the character of the area and will not detract from landscape character or visual amenity.

8.4. **Residential Amenity**

8.4.1. The appellant raises concerns about the impact of the development on the residential amenity of their adjoining home, primarily in respect of daylight and sunlight impacts. Although the appellant also contends that there is inadequate detail of existing/proposed levels to assess the impacts, I have previously outlined my satisfaction that the application contains sufficient information on levels.

8.4.2. Section 13.4.9 of the CDP addresses daylight/sunlight impacts. Objective OO 06 requires daylight and shadow projection diagrams in all proposals where buildings of a significant height are involved or where new buildings are located very close to adjoining buildings. I do not consider the proposed development to be of 'significant height' or 'very close' in relation to adjoining buildings. Accordingly, I do not consider that this objective applies.

8.4.3. Otherwise, I note that Objective OO 07 outlines that daylight and sunlight levels should generally be in accordance with the recommendations of 'A New European Standard for Daylighting in Buildings en17037:2018 UK National Annex BS EN17037:2019, and the associated BRE Guide 209 2022 Edition. I would highlight that the objective refers to 'general' accordance with these standards rather any requirement for strict compliance.

8.4.4. The discretion included in the CDP is also reflected in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). It states (s. 5.3.7) the potential for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good

separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard.

8.4.5. Finally in terms of policy/standards, I would highlight that the BRE Guide itself allows for discretion. Section 1.6 of the Guide states that the advice given is not mandatory and that the guide should not be seen as an instrument of planning policy. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.

8.4.6. Having regard to the foregoing policy/standards context, I would highlight that there is no mandatory requirement to comply with specific daylight/sunlight standards in this case and that the BRE Guide itself specifically provides for flexibility in the application of its standards. I note that the policy/standards context is primarily applicable to urban areas, but I am satisfied that it can be applied in this case given the built-up nature of the area.

8.4.7. I note that the applicant's response to the appeal contends that the appellant's adjoining gable window is unauthorised. However, I do not consider that the Commission is in a position to definitively confirm this allegation, and I propose to assess the impact on its merits.

8.4.8. In assessing the daylight and sunlight impact of new development on existing windows, I note that the BRE Guide puts forward the 25-degree test as an initial step. It outlines that if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This test also applies to sunlight for a living room of an existing dwelling with a main window facing within 90° of due south (which does apply to the appellant's subject window).

8.4.9. The applicant's response demonstrates that the 25-degree line would only intersect with the upper levels of the proposed gable wall. And given that the proposed gable wall narrows in width as it rises to its apex, I am satisfied that any impacts would be further incrementally reduced above the 25-degree intersection. Notwithstanding this, the applicant contends that the 25-degree intersection can be avoided altogether through the suggested relocation of the proposed dwelling a distance of 1.1m forward.

8.4.10. Related to this matter, I note that the appellant's submission to CCC raised the issue of 'right to light'. However, as the issue of determining rights to light is a matter for the Courts, I do not consider that the Commission is in a position to draw any conclusions in relation to the matters raised.

8.4.11. In conclusion in relation to daylight and sunlight, I am satisfied that the proposed dwelling would only marginally exceed the 25-degree test and that the impacts of same would not be significant. Nonetheless, consistent with the applicant's suggestion, I consider that a 1.1m relocation would further alleviate any potential impacts whilst maintaining consistency with the building line and not creating any other material impacts. Accordingly, in the event of a grant of permission, I consider that a similar condition should apply. I note the appellant's alternative suggestion of a 7.2m setback to the rear of the site. However, I consider this to be unnecessary and inappropriate given that it would materially depart from the established building line and pattern of development.

8.4.12. The appellant has also mentioned concerns in relation to privacy. In this regard I note that the CDP (Objective OO 01) reflects the standards of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) in requiring at least 16 metres separation distance between opposing habitable room windows at the rear and/or side of houses, duplex units and apartment units, above ground floor level. In this case, the proposed above-ground windows would not oppose any existing windows.

8.4.13. CDP objective OO 04 outlines that any window proposed at ground floor level should not be less than 1 metre from the boundary it faces. The proposed ground level windows comfortably exceed this 1-metre standard. They are at least 3 metres from any boundary and are at least 5 metres from any adjoining property. Accordingly, I am satisfied that there will be no unacceptable impacts in terms of overlooking or privacy. On this basis, I do not consider that all side elevation windows require obscured glazing in accordance with condition no. 12 of the CCC decision.

8.4.14. In conclusion, I am satisfied that the proposed development would not seriously detract from the residential amenity of the appellant's dwelling or any other properties, either by way of daylight/sunlight, overlooking/privacy, or otherwise. I note that the appellant's submission to the planning authority also raised concerns in

respect of the devaluation of property. However, I do not consider that any explicit evidence has been submitted to support this contention. And having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of any property to such an extent that would adversely affect the value of property.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 (as amended).

9.2. The proposed development is located within a serviced area at the rural/urban interface. It comprises the construction of a dwelling garage, and all associated siteworks including connection to public wastewater, water, and surface water services. The nearest Natura 2000 sites are the Lough Oughter and Associated Loughs SAC and Lough Oughter SPA, both located >3.5km northwest of the site. Furthermore, there are no significant ecological connections to the Natura 2000 network.

9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.4. The reason for this conclusion is as follows:

- The limited scale, duration, and complexity of the proposed development and associated works.
- The significant distance from the nearest European sites and the lack of significant ecological connectivity.

9.5. 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.

9.6. 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. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend that permission be GRANTED for the proposed development, subject to conditions, and for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2022-2028, the pattern and character of development in the area and the design, scale and servicing proposals associated with the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of existing development or the visual amenity of the area, would not detract from the residential amenities of properties in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health or the protection of water quality. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 **Conditions**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, 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. Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the planning authority a site layout plan showing proposals for the relocation of the proposed dwelling a distance of 1.1 metres forward (northwest) within the site.

   Reason: In the interest of protecting the residential amenity of adjoining properties.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

   (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

(c) This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

4. The proposed garage shall not be used for human habitation or any commercial purpose other than a purpose incidental to the enjoyment of the dwelling house.

   Reason: In the interest of orderly development and the amenities of the area.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

   Reason: In the interest of visual amenity.

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

   Reason: In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

   Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended

construction practice for the development, including hours of working, traffic, noise and dust management measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of visual and residential amenity.

10. The vehicular access, including visibility splays and roadside drainage, shall comply fully with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of traffic safety and to prevent flooding and pollution.

11. The ESB and Uisce Eireann services running through the site shall be protected during construction in consultation with the relevant utility providers.

Reason: In the interest of orderly development.

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

Stephen Ward
Senior Planning Inspector

3rd November 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501834-CN-26
Proposed Development Summary	Part single storey/part dormer dwelling and detached domestic garage, new site entrance, connection to foul and storm water sewers, and all ancillary site works.
Development Address	Billis, Cavan, Co. Cavan
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☐ 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.	

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)**	Part 2, Class 10(b)(i) – More than 500 dwelling units. Part 2, Class 10(b)(iv) - An area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area, or 20 hectares elsewhere.

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 ☐	
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501834-CN-26
Proposed Development Summary	Part single storey/part dormer dwelling and detached domestic garage, new site entrance, connection to foul and storm water sewers, and all ancillary site works.
Development Address	Billis, Cavan, Co. Cavan
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The development is on a small site of 0.117 hectares, which represents only a minimal portion of the thresholds as per Part 2, Class 10(b)(iv). Similarly, the proposal for 1 dwelling is significantly below the threshold of 500 units as per Part 2, Class 10(b)(i). The residential nature of the development is consistent with surrounding development, which mainly consists of housing. There are no significant demolition works associated with the development. The development does not require the use of substantial natural resources, and the water supply requirements are typical of residential development. The construction stage would be relatively simple and short and would not give rise to significant nuisance or pollution subject to best standard practice. The main emissions are surface water and wastewater, and they would be managed appropriately through connections to the existing public systems.

	The development, by virtue of its type, does not pose a risk of major accident and/or disaster, and would not be vulnerable to climate change. It presents no significant risks to human health
Location of development	The development is situated in the rural/urban interface at the edge of Cavan Town. It is mainly surrounded by residential uses. The nearest Natura 2000 sites are the Lough Oughter and Associated Loughs SAC and Lough Oughter SPA, both located >3.5km northwest of the site. As per section 9 of the Inspector's Report, there is no potential for likely significant effects on any Natura 2000 sites. There are other designated sites in the area, the nearest being Drumkeen House Woodland pNHA (c. 2km), but I am satisfied that there is no potential for significant effects. The site is not within an Architectural Conservation Area (ACA) and there are no Protected Structures or recorded archaeological monuments affected. There are no scenic viewing points or scenic routes as per the CDP affecting the site.
Types and characteristics of potential impacts	The construction stage will not be significant in terms of duration or complexity and would be typical of previous local development. The main operational effects relate to traffic and surface water and wastewater emissions. However, the traffic impacts will not be significant and surface water and wastewater will be directed to the existing public systems and will have only negligible impacts on networks and emissions. Having regard to the simple nature and limited scale 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.

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: _____ Date: _____