



An
Bord
Pleanála

Inspector's Report

ABP-306553-20

Development	Construction of bungalow to rear of existing family home
Location	18 Meakstown Cottages, Dubber Cross, Dublin 11
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW19A/0181
Applicant(s)	Liam Walsh
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Liam Walsh
Observer(s)	None
Date of Site Inspection	20 th March 2020
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. Dubber Cross in Dublin 11 is located c.300m north of the M50 Motorway and c.900m east of the M2 motorway junction with the M50. Of note it is c.1.4km south of Dublin Airport runway and is located within the Airport Noise Zone C in the varied Fingal County Development Plan 2017 – 2023.
- 1.2. Meakstown Cottages is a small development of cottages and bungalows. There are a number of vehicle sales and storage areas in the vicinity as well as agricultural lands.
- 1.3. No. 18 Meakstown Cottages is one half of a semi-detached pair of single storey cottages and is located on the east side of a local road. The dwellings have long narrow rear gardens and have an east-west aspect. The overall site area is stated as being 1.250sq.m. No information has been provided in relation to the existing dwelling on the site.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to develop a detached bungalow to the rear of the property at no.18 Meakstown Cottages in Dubber Cross, Dublin 11. The proposed dwelling is stated as being 121sq.m in area. It is single storey and comprises 3 bedrooms, kitchen/dining and family room. It has an east-west aspect and has an elongated design to address the site constraints. It has a pitched roof with a maximum height of 6.2m.
- 2.2. It will be set back from the existing dwelling by 37.13m. The vehicular access will be shared with the existing dwelling and four car parking spaces for the two dwellings are proposed. No information in relation to the remaining open space for the existing dwelling has been provided.
- 2.3. The application was accompanied by a Planning Report, a Site Suitability Report, and a Noise Report.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason.

- 1. It is considered that the proposed development, by reason of its location within the rear and side garden of an existing house and its incongruity in relation to the pattern and character of the existing residential development in the immediate vicinity would constitute undesirable backland development and set an undesirable precedent for similar development within the area. The proposed development would seriously injure the amenities of property in the vicinity, would be contrary to Objective RF22 of the Fingal Development Plan 2017 – 2023 and would, therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Previous application for similar development was refused permission under Reg. Ref. F19A/0086.
- Site is zoned RC – Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster.
- It is located in Airport Noise Zone C.
- Applicant has demonstrated that he has lived in the area for the last 10 years in accordance with Objective RF20.
- Board's Inspector for previous development which was subsequently refused by the Board considered that the principle of a modest infill development may be appropriate, and it is noted that the Rural Cluster settlement strategy identifies opportunities for infill development and encourages appropriate levels of consolidation.

- Previous proposal was considered visually acceptable following refusal of two-storey proposal under Reg. Ref. 18A/0121. Notes previous two applications were refused due to the backland nature of development and setting an undesirable precedent – considers this matter remains pertinent and applicable as a ground for refusal.
- No negative impact on residential amenity is foreseen.
- Report from Acoustic Specialist specifies the appropriate level of sound insulation which is to be incorporated into the house.
- Concludes that the development as proposed has not addressed the fundamental issue in the previous reason for refusal, i.e. the backland nature of the proposal and the undesirable precedent it would set contrary to Objective RF22. Recommends permission is refused.

The decision is in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Transport Planning Section:** No objection subject to conditions.
- **Water Services Section:** No objection subject to conditions

3.3. Prescribed Bodies

- **Irish Water:** No report
- **TII:** No report
- **IAA:** No report
- **DAA:** Additional information required with respect to internal noise mitigation measures.

3.4. Third Party Observations

None

4.0 Planning History

4.1.1. On site:

- **FCC Reg. Ref. F19A/0086:** Permission was refused by the Planning Authority on 2nd August 2019 for a similar development for a reason relating to backland development.
- **ABP Ref. 301682-18, FCC Reg. Ref. F18A/0121:** Permission was refused by the Board in November 2018 for the development of a two-storey dwelling for one reason as follows:

The proposed design of the dwelling is considered inappropriate and unsympathetic to the form and character of the existing traditional cottages adjoining the site. It is considered that the proposed development, by reason of its location within the rear and side garden of an existing house and its incongruity in relation to the pattern and character of the existing residential development in the immediate vicinity, would constitute inappropriate backland development and set an undesirable precedent for similar development in the area. The proposed development would seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.2. In the vicinity:

- **FCC Reg. Ref. F19A/0160:** Permission was granted for a three-bedroom dwelling across the road from the subject site.
- **FCC Reg. Ref. F17A/0642:** On the same site across the road, permission was refused in May 2018 for a new 3 bedroom, detached dormer dwelling with upgraded access and associated site works. The reasons for refusal related to the fact that the applicant failed to demonstrate compliance with regard to housing in a rural cluster, in particular that he had lived in a designated area for the past 10 years and that it was not demonstrated that there is a clear visibility splay from the access road for a distance of 45m in both directions.
- **FCC Reg. Ref. F08A/0507:** Outline permission refused in June 2008 for a single storey dwelling to the rear of no 16 Meakstown Cottages. Refused on the basis that the development was backland development and incongruous

with the existing pattern and character of development and set an undesirable precedent for similar developments in the vicinity.

5.0 Policy Context

5.1. Fingal County Development Plan 2017 - 2023

- 5.1.1. Chapter 3 refers to *Placemaking*. It includes reference to backland development as follows:

Other Residential Development

Infill, Corner and Backland Sites

The development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be considered for this type of development.

Objective PM44 seeks to

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

- 5.1.2. The site is zoned RC - Rural Cluster with the objective to 'Provide for small infill development serving local needs while maintaining the rural nature of the cluster'. The vision for this zoning objective is: *"Provide a viable alternative to settlement in the open countryside and support small scale infill development by providing the rural community with an opportunity to choose more rural style housing than is provided within the Rural Villages, and by facilitating the development of small scale and home based enterprise among members of the rural community."*
- 5.1.3. With regard to the layout and design of new development in Rural Clusters, it is stated: *"New housing in rural clusters will be required to be rural in character and respectful of the existing pattern of development in the immediate vicinity. Entrances to new sites will be by means of shared access with an existing dwelling for preference or via an existing entrance to reduce the number of entrances onto rural*

roads and the subsequent need for the removal of significant stretches of established hedgerow and trees.”

5.1.4. **Objective RF22** states:

Permit only development within the Rural Clusters which has regard to the existing character and role of the cluster within the wider rural area, with particular care being taken that clusters do not compete with villages in the services they provide or the role and function they play within their rural area.

5.2. **Natural Heritage Designations**

- 5.2.1. The nearest Natura 2000 sites are the Baldoyle Bay SAC and SPA located c. 10.7km to the east of the site and the Malahide Estuary SPA and SAC located c. 9.4 km to the north east of the site.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal against the Planning Authority’s refusal of permission was lodged. In summary it includes:

- Queries statutory timeframe for PA making the decision and notifying applicants.
- Consider that remarks made by ABP Planning Inspector were not taken into account for earlier application (F19A/0086).

- Considers proposal complies with Infill, Corner and Backland Site; Objective PM44 which encourages the development of underutilised infill, corner and backland sites; Objective DMS24 regarding minimum dwelling standards; DMS39; Objective RF20 regarding housing needs; RF23 regarding compromising development potential of adjoining sites, Objective RF24 with reference to shared entrances; RF26 and RF27; people with close family ties to rural community; and rural cluster settlement strategy.
- Provides examples of backland development all over rural Fingal including development across the road. Drawings are included for development under construction across the road.
- Notes Planner considers development visually acceptable.
- Considers there is no evidence of amenities being seriously injured; notes no third party objections; no overlooking and minimum overshadowing.
- Considers proposal complies with Objective RF22 and recent pattern of development in the area.

6.2. Planning Authority Response

The Planning Authority responded to the appeal requesting the Board to uphold their decision and includes the following:

- Permission was previously refused for a detached dormer style dwelling by the Board. It is not considered that the current proposal satisfactorily overcomes all issues of concern raised by the Board and the Planning Authority with respect to the previous refusal and in particular the backland nature of the scheme.

6.3. Observations

DAA responded and refers to objective DA07 which seeks to strictly control development and require noise insulation.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. Therefore, the issues can be dealt with under the following headings:

- Principle of Development - Backland Development
- Rural Cluster – compliance with Objective RF22
- Appropriate Assessment

7.1. Backland Development

- 7.1.1. In my opinion the key issue is the principle of the proposed development, i.e. the principle of backland development in this location. I note that the Board's reason for refusal of the last proposal related to the design of the proposed two-storey dwelling and its incongruity in relation to the pattern and character of the existing residential development in the immediate vicinity by reason of its location.
- 7.1.2. The revised design of the subject dwelling has been amended to a more modest single storey and I note that the appellant has contended that the Planning Authority has permitted a dwelling across the road of a similar scale. The applicant included drawings of that dwelling as part of the appeal and I draw the Board's attention to the submitted plan layout.
- 7.1.3. The planning history in the vicinity with respect to the principle of backland development is of importance in this case. As noted, the applicant included a drawing of the dwelling under construction across the road – however I consider that there is a difference in settings. The dwelling across the road is on a much wider site and will be read as a completely independent dwelling with adequate frontage. I also draw the Board's attention to the fact that it will be in line with the dwelling just to the north of that site.
- 7.1.4. I note that a request for outline permission for a backland dwelling in No.16 was previously refused by the Planning Authority. Therefore, the Planning Authority has consistently refused permission in this area for inappropriate backland development.

- 7.1.5. The appellant refers to the Board's Inspector's Report for the earlier refused permission on the site, whereby it was concluded that the principle of a modest infill development may be appropriate on the subject site.
- 7.1.6. The Development Plan states that backland development is generally encouraged in existing residential areas and Objective PM44 seeks to *Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.*
- 7.1.7. Thus, the principle of backland development is clearly encouraged by the Plan. While I would concur with the earlier Inspector's Report in terms of infill development, I have concerns with the piecemeal approach. Having regard to the planning history of the area, a backland development was considered at no.16 and while I accept that the applicant has no control over other land, I am of the opinion that a plan-led, more co-ordinated approach is required along this terrace. The dwellings have extremely long narrow rear gardens. No dimensions have been provided on the drawings but using a scale rule, the length of the garden is c.125m. No information has been provided in terms of an overall site analysis that may demonstrate whether a comprehensive backland redevelopment, in conjunction with other adjoining long rear garden sites, could, or could not, be achieved. As noted, I accept that the appellant has no control over other land, but in the absence of suitable information, I am not satisfied that the subject proposal would not prohibit a co-ordinated approach to the development of this backland site. As currently proposed, I am not satisfied that there is adequate frontage and am of the opinion that it would result in uncoordinated piecemeal development.
- 7.1.8. Thus, I am not satisfied that the subject proposal would protect the character, environment and amenities of the area as required by Objective PM44.

7.2. Rural Cluster – compliance with Objective RF22

- 7.2.1. The dwelling is located in an area zoned RC – Rural Cluster, where infill dwellings are acceptable if they maintain the rural character of the area.
- 7.2.2. The Development Plan includes a number of policies and objectives for such rural clusters. Objective RF22 was specifically identified in the reason for refusal. RF22 seeks to *Permit only development within the Rural Clusters which has regard to the*

existing character and role of the cluster within the wider rural area, with particular care being taken that clusters do not compete with villages in the services they provide or the role and function they play within their rural area.

- 7.2.3. As noted above, I have concerns that the proposal would result in uncoordinated piecemeal development which would not protect the character and role of the area.

7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission is refused.

9.0 **Reasons and Considerations**

The proposed development, because of its location and inadequate frontage, constitutes inappropriate backland development which would seriously injure the amenities of property in the vicinity by reason of uncoordinated piecemeal development, and accordingly would be contrary to the proper planning and sustainable development of the area

Ciara Kellett
Senior Planning Inspector

23rd March 2020