



## **Inspector's Report**

**Development:** Construction of 19 number dwellings at 4, 4a, 4b and 5 Drynam Road, Swords, Co. Dublin.

Planning Application

Planning Authority: Fingal County Council

Planning Authority Reg. Ref.: F15A/0132

Applicant: Shannon Homes (Drogheda Ltd).

Type of Application: Permission

Planning Authority Decision: Grant Permission

## **Planning Appeal**

Appellant(s):  
1. Ann and Michael McNamee  
2. Organon Ireland Ltd/MSD Swords

Type of Appeal: Two 3rd Party

Observers: None

Date of Site Inspection: 11<sup>th</sup> December 2015

Inspector: Fiona Fair

Appendices: Photographs, Site location Map  
Excerpt from County Development Plan

## **1.0 SITE DESCRIPTION (see photographs and location map)**

The subject appeal site (0.46ha) is located approx. 1 Km to the east of Swords town centre, in north County Dublin and approx. 0.5km to the west of the M1 Motorway.

The site is formed by the entire plot of No. 5 Drynam Road which contains a derelict single storey semi-detached dwelling. The site also includes a section of land to the eastern side of No. 4 Drynam Road which currently provides vehicular access to the rear of that property and also serves the two dwellings No.4a and No.4b Drynam Road (backland development). The remaining section of the site is formed by the backland area of the original plot of No.4. The eastern, western and southern site boundaries are formed by existing garden walls/fences and a high mature evergreen tree line.

The site itself is relatively level and levels on site are similar to those at adjoining properties. The site is abutted to the rear (south) by Organon Ireland Ltd / MSD Swords, which is a large pharmaceutical manufacturer of dry goods.

The properties in the vicinity of the site, further west, along Drynam Road are cottages sited circa 10m back from the road. These properties feature substantial long plots which extend for circa 130m. In recent years these plots have been sub-divided and backland development has taken place.

Access to the existing site is directly to / from Drynam Road via a 3.6m wide shared access with three adjacent dwellings (No.'s 4, 4A & 4B Drynam Road).

## **2.0 PROPOSAL:**

Permission is sought for residential development comprising the construction of 19 no. dwellings consisting of a mix of houses and duplex apartments ranging from single storey with developed roof space to two storey & three storey buildings in semi-detached and terraced format.

The development also includes the demolition of a semi-detached dwelling (No. 5 Drynam Road) and construction of a new semi-detached dwelling on substantially the same footprint as No. 5 Drynam Road.

- 5 no. 3 bedroom apartments
- 5 no. 2 bedroom apartments
- 8 no. 3 bed houses
- 1 replacement 3 bedroom detached dwelling

All associated boundary treatments, foul and surface water drainage systems, landscaping and open space.

New vehicular access from Drynam Road 36 no. car parking spaces and all associated site development works.

The proposal was amended by way of Further Information which reduced the no. of units proposed to 18. The revisions in the site layout have resulted in the loss of two duplex units and the provision of one additional house. Other changes have been made to the layout, incl. provision of 11m separation distance to the western boundary, but the general pattern of development has been retained. The breakdown of housing units is now:

- 4 no. 2 bedroom apartments
- 4 no. 3 bedroom duplex's
- 9 no. 3 bed houses
- 1 replacement 3 bedroom single storey semidetached dwelling

### **3.0 PLANNING AUTHORITY'S DECISION**

Following a request for further information with respect to (i) transportation issues including parking, width of access roads, footpaths and turning areas (ii) revised layout, cognisance being had to separation distances, (iii) compliance with Day light and Sun Light Guidance (iv) revised design of roofs,

revised heights of roofs and continuation of road layout, (v) detailed design appraisal and (vi) consultation with the DAHG re: holy well in the vicinity. Fingal County Council **Granted** Planning Permission for 18 no. dwellings subject to 26 number conditions.

Condition No. 2 states: *This decision permits 18 number dwelling units only consisting of 10 houses and 8 duplex/ apartment units.*

#### **4.0 TECHNICAL REPORTS**

The reports are summarized as follows.

##### **4.1 Planners Report:**

The planners report reflects the decision to grant planning permission.

##### **4.2 Water Services Department:**

Report recommends no objection subject to condition.

##### **4.3 Transportation Department:**

Subsequent to further information being submitted report recommends no objection subject to condition.

##### **4.3 Heritage Officer**

No objection

##### **4.4 Irish Water**

No objection subject to conditions.

##### **4.5 Railway Procurement Agency (RPA)**

No objection subject to section 49 contribution if permission is to be granted.

**4.6 Inspectors Note.** An Bord Pleanala referred the file to An Taisce, The Heritage Council and DAHG.

A response was forthcoming from the **DAHG** it submits that the proposed development site is located c. 20m from St. Werburgh's Well (a holy well of archaeological interest), a Recorded Monument (RMP No. DU012-022). Recommends a condition and notes that DAHG received an application to conduct test excavations at the development site an excavation licence was issued. To date the Department have not received a report of the results of the test excavations.

#### **4.7 Objections/Submissions**

A number of objections were submitted to the planning authority the issues raised are similar to those raised in the two third party appeals and summarised in detail below.

### **5.0 APPEAL GROUNDS**

#### **5.1 A Third party appeal has been lodged by Organon Ireland Ltd. MSD Swords. The grounds of appeal are summarised as follows:**

- The appellants are a pharmaceutical manufacturing company who own 33 acres to the south and east of the appeal site (since 1987).
- Concern with respect to the proximity of the residential structures to the southern boundary of the appeal site and implications of having such a large development constructed in such close proximity (3m) of an existing commercial facility.
- Proximity of residential blocks to area of high commercial activity within Organon/MSD site
- The southern boundary has been inaccurately depicted in the plans and drawings submitted.
- Concern with respect to increase in traffic and access point some 29m from an acute bend
- The site comprises low lying land which is prone to flooding
- No connection will be agreed / given to connect to surface water system within Organon/MSD site.

- Proposal is contrary to the residential character of the area, regard is had to existing low density bungalows.
- The shadow analysis submitted is inadequate as it does not show the extent of shading of the existing mature trees along the southern site boundary.
- Concern that future residents may request that the trees be removed given the proximity of such large trees to the residential blocks.
- The trees are important for noise mitigation and screening purposes and it is important they remain in-situ.
- Balconies for the south east units at 2<sup>nd</sup> floor level directly overlook Organon/MSD site.
- Appeal accompanied with:
  - Aerial Photographs
  - Copy of notification of decision Reg. Ref. F15A/0132
  - Copy of planning observations to the p.a.

**5.2 A Third party appeal has been lodged by Ann and Michael McNamee.**

**The grounds of appeal are summarised as follows:**

- Concern with respect to height of the Blocks proposed
- Proposal is out of character with the surrounding area, which is single storey.
- Haphazard and non-integrated development of a backland area.
- Injurious to the residential amenities of adjoining property
- Will depreciate the value of property in the vicinity.
- Increase in traffic volume and car parking is of concern – possibility that future residents may park in adjoining estates / roads and cause traffic hazard.
- Issue of speeding on the Drynam Road has not been addressed by Fingal; County Council – road safety measures required.
- Roadway entrance, Drynam Rd. with estate Rd., has a proposed width of 5.5m, this is of concern from a traffic safety perspective.
- There is a dangerous bend in the Drynam Rd which impairs sightlines.

- Overlooking from 3 storey duplex apartments – loss of privacy to existing property.
- Inadequate existing sewerage system to serve the proposed development.
- Appeal accompanied with:
  - Copy of notification of decision Reg. Ref. F15A/0132

## **6.0 RESPONSES**

### **6.1 A response has been received from the Planning Authority. The response is summarised as follows:**

- The proposal is considered acceptable in its context.
- There is a mix of housing types in the immediate area and it is considered the proposed development will integrate with these.
- The transportation department are of the opinion that there is adequate car parking on site
- Issues of speeding traffic is a matter for An Garda Siochana
- Access is acceptable given the 50 Kph speed limit in this urban location
- Issues of overlooking were addressed in the planners report on file
- Irish Water and the Water Section of the planning authority have no objection to the proposed development from a proposed foul / surface water drainage and water supply perspective.

### **6.2 A response has been received from the applicant Shannon Homes (Drogheda Ltd). The response is summarised as follows:**

- The site has the benefit of an extant planning permission for 2 / 2.5 storey buildings on the site
- The site is suitable for higher density development it is located in a central location with good access to existing and planned public transport, it is serviced and zoned for residential use.
- All development management requirements are adhered to

- None of the occupiers of the dwellings either side of the application site objected
- Open space abuts the eastern site boundary, there is a rear garden depth of 11m to the western site boundary,
- Rear gardens at right angles to other gardens are normal in an urban setting
- The rear first floor rooms to the 8m high dwellings on the western boundary of the site are bedrooms
- There is a 14m separation distance between the gable of proposed dwelling A02 and the rear wall of 4B Drynam Road
- There is a hedgerow on the eastern boundary of the application site that serves to protect the residential amenities of 6 and 6B Drynam Road
- There is no requirement for 11m deep rear gardens to the southern site boundary as there are no directly opposing rear first floor windows
- Lands owned by Organon / MSD to the rear of No. 6 Drynam Rd. are zoned residential (adjacent to the eastern site boundary) and will be subject to the vacant site levy
- Organon / MSD has announced it is to close its Swords plant with the loss of jobs
- The appeal by Organon / MSD is essentially a defence manoeuvre aimed at protecting the value of land
- The OPW National Flood Hazard Mapping online system shows no flood events on the site or surrounding area
- No evidence is submitted to support the claim of ownership and control of surface water drain on the southern site boundary. This issue was raised in the previous application granted by the planning authority and An Bord Pleanala.
- The proposal is fully compliant with the FCDP in respect of car parking standards.
- The revised site layout submitted to the p.a. in response to further information was in accordance with DMURS and raised no objection from either the Transportation Planning Section or the Planning Officer



- Shadow Analysis submitted concludes that in all cases the areas of shade are less than the upper target of 25% and therefore exceed the requirement as set out in the Guidelines.
- The established screen planting and hedges to the south of the site are not affected by this application and will continue to provide good screening.

## **7.0 PLANNING HISTORY**

### **7.1 An Bord Pleanála Ref. PL06F.233782 / Reg. Ref. F08A/1302; F08A/1302/E1** The site has the benefit of an extant permission.

Permission Granted for Construction of 13 no. houses, demolition of a habitable dwelling (No. 5 Drynam Road), alteration to boundary walls of No.4 Drynam Road and all associated works at 4, 4A, 4B and 5, Drynam Road, Co. Dublin.

### **7.2 Reg. Ref. F07A/065 and PL06F.224946** – Permission was refused by the planning authority and on appeal for a residential scheme of 16 no. houses and access between No.4 and No. 5. Permission was refused for two reasons.

(1) The proposed access/exit adjoining two gable dwellings would seriously injure the amenities of those dwellings by reason of vehicular and pedestrian noise and disturbance and light pollution.

(2) It is considered that the proposed development would result in overdevelopment of the site and would be out of character with the surrounding area and would seriously injure the amenities of the area.

### **7.3 Pre – Planning:** The Planners report indicates that pre – planning discussions took place.

## **8.0 NATIONAL & REGIONAL PLANNING POLICY**

- Sustainable Residential Development in Urban Areas
- Urban Design Manual A Best Practice Guide
- Quality Housing for Sustainable Communities DoEHLG Best Practice Guidelines 2007
- Design Standards for New Apartments Guidelines for Local Authorities 2007
- Design Manual for Urban Roads and Streets

## **9.0 LOCAL PLANNING POLICY**

The Fingal County Development Plan 2011 – 2017 (CDP) shows the appeal site as being subject to the zoning objective 'RS', i.e. *“Provide for residential development and protect and improve residential amenity.”*

The following sections of the County Development Plan are of relevance:

Objective UD01 – Design appraisal

Objective OS01- Open space standards

Objective OS16 - Detailed high quality open space and landscape design plan

Objective OS35 – adequate levels of privacy for residents, minimum standard of 22m separation between directly opposing rear first floor windows.

Objective OS36 – ensure private open space for all residents is not overshadowed.

Objective OS38 – private amenity open space standards.

Table OS1 – open space standards

Objective RD13 requires all new units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

Objective SW04 – requires the use of sustainable urban drainage systems (SuDS)

## **10.0 ASSESSMENT**

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

### **10.1 Principle of the Proposed Development**

### **10.2 Increased Density, Height & Mix of Unit Types**

### **10.3 Impact Upon Residential Amenity**

### **10.4 Road Layout and Access**

### **10.5 Appropriate Assessment (AA)**

### **10.1 Principle of the Proposed Development**

The appeal site is zoned 'RS' - *"Provide for residential development and protect and improve residential amenity."* In the Fingal County Development Plan 2011 – 2017 (CDP).

Given that the site has a residential zoning, precedent established on the site and on the surrounding area I am satisfied that the principle of residential development is acceptable. Therefore the main decision before the Board is whether the height, form, density and layout is acceptable in relation to adjoining properties and established residential amenity and also subject to site specific issues as assessed below.

I note for the attention of the Board that the appeal site lies within the line for which supplementary contribution for Metro North applies. Therefore if permission is forthcoming from the Board a condition should be attached in this regard.

### **10.2 Increased Density, Height & Mix of Unit Types**

The subject appeal site has the benefit of an extant permission for 13 number, 8.2 m high, two storey terraced dwelling houses, demolition of a habitable

dwelling (no. 5 Drynam Road) all associated boundary treatments, foul and surface water drainage systems, landscaping, open space and site development works with new vehicular access from Drynam Road. Under Reg. Ref. F08A/1302E1, planning permission was granted for extension of duration of planning permission Reg. Ref. F08A/1302 / PL06F.233782, with an expiry date of 18/05/2020.

The subject proposal seeks to replace the permitted development with 18 no. residential units. Comprising 4 no. 2 bedroom apartments, 4 no. 3 bedroom duplex's, 9 no. 3 bed houses and 1 replacement 3 bedroom single storey detached dwelling as replacement for no. 5 Drynam Road.

Based on a site area of 0.445 ha the proposed development of 18 units would give rise to a density of 40.45 units per hectare. I note that the permitted density as per the live permission on the site (Reg. Ref. F08A/1302E1) is 29.34 units per hectare.

Of material consideration to the current proposal is PL06F.224946 / Reg. Ref. F07A/065 on foot of which permission was refused, in February 2008, for 16 no. 2.5 storey dwelling houses (ridge heights of 9.69m (terrace Block A) and 9.87 meters (Terrace Blocks B and C)) laid out in the form of three terraces. I consider that previous concerns regarding excessive density and access in close proximity of existing properties is wholly pertinent to the subject appeal case.

Reason no. 2 of the Board decision PL06F.224946 considered that: *'Having regard to the density of development on site as characterised by its constricted point of entry/exit, inadequate provision of public open space, a potential deficit of private open space at the rear of Terraces B and C, and its overall height, scale and massing, in particular Block A, it is considered that the proposed development would result in overdevelopment of the site, would be out of character with the surrounding area and would seriously injure the amenities of the area and those of future of the site. The proposed*

*development would, therefore, be contrary to the proper planning and sustainable development of the area’.*

While I am mindful that the proposed density complies with Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009). Also that the concept of lower density housing within proximity of transport links / routes is unsustainable and does not support efficient use of land and services. I am gravely concerned that the proposed development would not integrate with its backland environs in terms of built form and would consequently be out of character with the surrounding area and be injurious to the visual and residential amenities of the area.

The appeal site is clearly an amalgamation of backland sites and constitutes infill residential development as per the Planning Guidelines (2009) it is however constrained in nature. The overall height, scale and massing of the proposed development which is of an increased height and density than that refused permission on foot of PL06F.224946 is in my opinion out of character with surrounding development in the area. Surrounding development in the area is characterised by mainly low density single storey bungalows or two storey detached or semidetached dwellings. It is my opinion that the proposal fails to have due regard to the character of the adjoining streetscape or landscape. I note that paragraph 5.9 ‘Infill residential Development’ of the Planning Guidelines (2009) states: *‘...In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill.’*

The inspector in her assessment of PL06F.224946 set out that: *‘... it is important to ensure that in the current case it can be visually assimilated into its surrounding environment; that is unlikely to happen here given the preponderance of single-storey dwellings in the immediate vicinity of the site; furthermore it is quite likely that Terrace Block A in particular will be visible from Drynam Road given its ridge height, and the absence of any screening, whether by structures or vegetation, from the road; the juxtaposition of a 9.7*

*metres high dwelling in close proximity to a 5.4 metre high bungalow is also likely to give rise to unacceptable visual impacts'*

I note that the ridge height of the 3 storey apartment Block now proposed is 11m, substantially higher than that refused on foot of PL06F.224946. Albeit that the ridge height of house A02 is 8m, which respects the permitted ridge heights, as per PL06F.233782. This house is located 1m off the northern site boundary and 10m from the rear wall of 4B Drynam Road (5.4m high bungalow), as scaled from Drg. No. 14-021-PL-1-003 Rev A submitted as further information. It is evident from Shadow Analysis submitted that overshadowing of the private amenity space and southerly living areas at dwelling 4B will result. I will deal with this concern further under Impact upon residential amenity section of this report.

It is not disputed that a mix of unit type as proposed is desirable, however, I would have concern that the proposal meets development control standards set out in the CDP 2011 – 2017 with respect to quantum, suitability and standard of public open space. I would not agree with the planning authority that Open Space B and Open Space C as proposed in the site layout plan submitted comply with Objective OS19 and OS20 of the Fingal CDP.

The POS is provided in three locations within the site. Area A extending to 300 sq. m towards the eastern boundary. Area B extending to 205 sq. m towards the south eastern part of the site and Area C extending to 150 sq. m at the southern part of the site.

The Fingal Development Plan requires an overall standard for POS provision of a minimum of 2.5 hectares per 1000 population (Objective OS02). Applying this to the proposed development the requirement is 1325 sq. m

Objective OS02A of the Development Plan requires 10% of the proposed development site to be designated for use as public open space. Applying this standard to the development site of 4450 sq. m (as per the application form submitted) requires 445 sq. m to be provided on site.

It is my opinion that Area B and Area C as proposed, are not of the required quality to serve as useable / functional POS, given proportion and inappropriate narrow tract located to the side and rear of housing units. The quantum of POS proposed therefore clearly does not meet the 10% requirement. I also note Objective OS26 which provides for appropriately scaled children's playground facilities within residential schemes in excess of 50 units, while I acknowledge that this does not apply to the appeal case, I am cognisant that a 200 sq. m playground was proposed and permitted under the live permission on this site Reg. Ref. F08A/1302 / ABP Ref. PL06F.233782.

It is my opinion that the 3 storey 11m in height duplex apartment arrangement proposed does not have due regard to the character of the area. The site is proposed to be accessed off Drynam Road. The Drynam Road in the vicinity of the site consists of a mix of older established dwellings including the road frontage single store cottages which flank the appeal site access and newer two storey residential development. The nearest neighbourhood or town centres is the Pavillions beyond the western margin of the N1 and the Kinsealy shopping centre approx. 1.2Km to the east. The area is strongly residential in nature. The height, form and design proposed does not demonstrate a satisfactory transition from the scale of surrounding existing development.

I have serious concern with respect to the proximity the road access to No. 5 and No. 4B Drynam Road this issue will be dealt with in more detail further in this report.

Overall in conclusion to the foregoing I am of the opinion that the scale of the new housing development is not in proportion to the pattern and grain of existing development. The proposed development would therefore result in overdevelopment of the site, would be out of character with the surrounding area and would seriously injure the amenities of the area.

### **10.3 Impact Upon Residential Amenity**

The vehicular access to the appeal site has been altered from that permitted under PL06F.233782 / Reg. Ref. F08A/1302. Under the extant permission it was not proposed to redevelop the site at no. 5 Drynam Road. The permitted vehicular access which is 6m in width with 1.6m wide footpaths has planting along the boundary and is located 6m from the gable wall of No. 4 Drynam Road and 4m from the wall of No. 6 Drynam Road.

It is of significance to the subject appeal that permission was refused on foot of PL06F.224946 for a proposed entrance located close between no. 5 and no. 4 Drynam Road. The judgement of the Board was that the proposed access/exit adjoining two gable dwellings would seriously injure the amenities of those dwellings by reason of vehicular and pedestrian noise and disturbance and light pollution. Clearly this concern is again applicable in the subject case, which proposes an access arrangement similar to that refused on foot of PL06F.233782. Access and traffic concerns of residents is dealt with in greater detail in the succeeding section of this report.

I have concern with respect to domineering impact and overbearing impact given the height, scale and massing of the proposed development. The apartment / duplex block containing units D11 – D18 is 11m in height. I would have serious concern that this Block would represent an overbearing form of development, detrimental to residential amenities, in particular, when viewed from the rear gardens of single store dwellings to the north, in particular No. 6, 6B, 4, 4A and 4B Drynam Road. The high density nature of the proposed development coupled with its height is unacceptable given the context and setting of the development, dwarfing existing cottages and new dwellings recently built.

With respect to overlooking the plan requires a minimum separation distance of 20m between first floor opposing windows. I note that in the subject case that the separation distances is respected.



The balconies on the apartments at second floor are both north and south facing and are recessed into the plan. This Block is separated from the southern boundary by between approx. 2.4 m and 8m. The southern site boundary abuts the Organon / MSD premises and this boundary is well screened by a strong and mature tree screen, situated on the Organon / MSD site. I agree that there is no requirement for 11 meter deep rear gardens to the southern site boundaries as there are no directly opposing rear first floor windows. However it is notable in the context of amenity provided to future residents of the proposed apartments / duplexes that a main integral site access road runs along this boundary serving a warehouse, which is the nearest building to application site and also associated industrial uses including: 'solvent cover store', 'fire water storage tank', 'sprinkler pump house' and 'waste handling and compacting' area, which are all located immediately adjacent to the southern appeal site boundary. While I would have some concern with respect to the amenity afforded to residents opposing in such close proximity to an industrial complex, I am cognisant that the factory is clearly established and that any prospective purchaser or renter of an apartment would be aware of its impacts / association.

I have concern, however, to the potential for overlooking from second floor balconies of apartments to the north. Clear views would result, in my opinion, to the private amenity space associated with single storey dwellings to the north facing Drynam Road. This is unacceptable in terms of diminished residential amenity.

The applicant has revised the layout of the scheme to increase the separation distance of A02 – C08 from the western boundary. However as stated above it is evident from the Shadow Analysis submitted that the proposed development would overshadow the rear garden / private amenity space and southerly living areas at 4B Drynam Road.

The access road, as proposed, is in my opinion likely to seriously injure the amenities of No. 4, 4A, 4B and No. 5 Drynam Road by reason of additional vehicular and pedestrian noise and disturbance likely to be generated by an

additional 18 no. dwelling units, in such close proximity to the gables and private amenity areas of the cottages. Furthermore road frontage dwellings no.'s 4 and 5 are also likely to suffer a significant diminution in their residential amenities due to light pollution from car headlights shining into the front and back rooms of those dwellings at point of access/egress to and from the site.

#### **10.4 Road Layout and Access**

The Drynam Road has a speed limit of 50 Kph and therefore 45m sightlines proposed are in accordance with the provisions of the Design Manual for Urban Roads and Streets (DMURS).

The main vehicular access is proposed centrally located along the northern site boundary and proposes vehicular access from the proposed development via a 5.5m wide access. A raised entry treatment is proposed at the new access similar to that permitted under extant permission PL06F.233782 / Reg. Ref. F08A/1302. The Drynam Road has a narrow carriageway width, the footpath along the northern side of the Drynam road is extremely narrow and there is no bus or cycle lane at this location.

It is essentially proposed to consolidate the existing vehicular entrance associated with the existing road frontage cottages at No.'s 4 and 5 Drynam Road and the backland dwellings at No.'s 4A and 4B as well as replacing the existing cottage at No. 5 Drynam Road with a slightly reduced footprint of a dwelling.

As stated above in the preceding section of this report it is considered that the road thus formed is likely to seriously injure the amenities of those properties by reason of the additional vehicular and pedestrian noise and disturbance likely to be generated by an additional 18 dwellings, plus access to 4A and 4B Drynam road, total of 20 units. The replacement dwelling on site 5, the dwellings at No.'s 6, 4A and 4B Drynam Road are likely to suffer a significant diminution in their residential amenities.

I note the concerns raised by appellants with respect to the bend in the Drynam Road at the point of proposed access and issue of speeding. From my site visit and visual inspection on the ground it is clear that this road is extremely busy and has very narrow footpaths on either side. It is not possible to stop on the road side along this stretch of the Drynam Road. I am of the considered opinion that access as permitted under permission PL06F.233782 / Reg. Ref. F08A/1302, the extant permission, is wholly more preferable than that proposed by way of the subject application to accommodate cars slowing on the Drynam Road and turning safely into the appeal site. The demolition of no. 5 significantly widens the proposed site access point. The access permitted provides for planting and set back from the gable wall of No. 6 and No. 4.

I note that the Transportation Planning Section of Fingal County Council have no objection to the proposed development subject to condition. However it is my opinion the vehicular access arrangement permitted under PL06F.233782 / Reg. Ref. F08A/1302 is preferable from a traffic impact perspective.

Overall I consider it of relevance that this site has a live permission for development comprising 13 no. dwelling units. I am of the opinion that the development permitted on foot of PL06F.233782 / Reg. Ref. F08A/1302 for which planning permission has been extended until May 2020 is a more preferable scheme, in terms of access, POS provision, height, scale and massing, and would therefore be more in keeping with the character of the area than the subject appeal proposal.

### **10.5 Appropriate Assessment (AA)**

Overall having regard to the information on file I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development, infrastructure in place and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the

development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## **11.0 RECOMMENDATION**

I have read the submissions on file, visited the site, considered the provisions of the Development Plan and taken into account all other relevant matters. I recommend that planning permission be Refused for the following reasons.

## **12.0 REASONS AND CONSIDERATIONS**

1. It is considered that the proposed access/exit arrangement at the site which adjoins the gables of two adjoining single-storey dwellings would, by reason of vehicular and pedestrian noise and disturbance and light pollution which those access/exit movements to and from the site are likely to generate in close proximity to those dwellings, seriously injure the amenities of those dwellings, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the density of development on site as characterised by its constricted point of entry/exit, inadequate provision of public open space and its overall height, scale and massing, in particular the Block incorporating Units D11 – D18, it is considered that the proposed development would result in overdevelopment of the site, would be out of character with the surrounding area and would seriously injure the amenities of the area and those of future residents of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Fiona Fair

Planning Inspector

05.01.2016