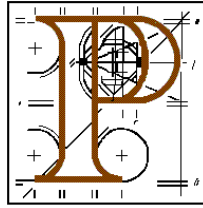


An Bord Pleanála



Inspector's Report

PL06F.246194

DEVELOPMENT: Permission for the construction of one two-storey detached three-bedroomed residential dwelling. The existing cottage on the site will be retained as will the external walls and vehicular access, at 10A Balbriggan Street, Skerries, County Dublin.

PLANNING APPLICATION

Planning Authority: Fingal County Council

Planning Authority Reg. No.: F15A/0239

Applicant: Gearóid Matthews

Application Type: Permission

Planning Authority Decision: **REFUSE PERMISSION**
for Reasons and Considerations (1)

APPEAL

Appellant: Gearóid Matthews

Type of Appeal: **FIRST PARTY**

Observer: None

DATE OF SITE INSPECTION: 13th May 2016

INSPECTOR: Dermot Kelly

1. SITE LOCATION

The subject site is located at 10A Balbriggan Street, Skerries, County Dublin, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

2.1 The subject site lands at 10A Balbriggan Street, Skerries, County Dublin are approximately 0.8 hectares in area and were described in the Planning Report for the Planning Authority as follows:

‘The site is located in a predominantly residential area, on the south side of Balbriggan Street (R127). The application site is located to the side and rear of an existing single storey dwelling which gables onto Balbriggan Street. The site is broadly rectangular in shape with a depth of c.55 metres and a width of c.18 metres.’

2.2 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: ‘Permission for the construction of one two-storey detached three-bedroomed residential dwelling. The existing cottage on the site will be retained as will the external walls and vehicular access, at 10A Balbriggan Street, Skerries, County Dublin.’
- The Applicant’s submission included stating as follows: ‘The building at 10A was built as a slaughterhouse and operated as such into the early 20th century. It was used after that as a shed and stable until converted by the previous owner in the later 1950s as a holiday home that comprised of two bedrooms, a basic bathroom (toilet and whb) living/dining room and kitchen. It was used as such in the summer until the 1980s when I bought it. It was then used regularly after that by my father and brothers and by myself and family as a summer holiday home – I worked abroad until 2001.’, and also

‘However I wish to retain the structure as a workshop/man-shed and in order to maintain and enhance the current streetscape have opted to, in the first instance, reroof and then repair the structure while building a generally low rise new house on the large plot of land behind the inner stone wall (to be retained also).’

- The Planning Report for the Planning Authority included stating:
‘The applicant is proposing a contemporary detached, two-storey, pitched roof dwelling (204 square metres). The proposal has a north-south orientation with a ridge height of c.7.5 metres. The proposal is broadly an ‘L’-shape on plan and is positioned in the centre of the site. A rear garden depth of c.16 metres is indicated. Distances to the eastern site boundary vary relative to the angled nature of the site with a distance of c.2-3 metres indicated. A separation distance of c.1 metre is indicated to the western site boundary.
Glazing is indicated on all elevations. Materials are indicated as comprising render and stone with a slate roof (unspecified colour).
Access and Boundaries
Access to the proposed dwelling is onto Balbriggan Street. An area of car parking is indicated within an area of hard standing to the front/north of the dwelling. An existing gated entrance is to be utilised to serve the proposal. An area to the side/rear of the host property is retained, this area is separated by a wall.’

3.2 Further Information Request

- The Planning Authority by letter dated 14th July, 2015 sought Further Information including as follows:
 2. The applicant has not submitted sufficient information in relation to sightlines or made adequate provision for a footpath to serve the proposed development.
 - (i) The applicant is requested to provide a sightline drawing for the proposed development. The minimum sightline should be 49 metres in both directions to the nearside edge of the road, measured from a 2.4 metre setback from the road edge.
 - (ii) The applicant is requested to examine the feasibility of providing a footpath to the front of the proposed development with a minimum width of 2 metres. The impact on the existing boundary wall and dwellinghouse/shed of providing this feature should be detailed.The applicant is advised to contact the Transportation Planning Section prior to the submission of any additional information.

3. The Applicant is requested to provide full details of all repair works which will be carried out to the existing structures on site in order to convert same to a workshop/shed. This should include details of all finishing materials to the structure(s).
Revised drawings as specified were also requested to be submitted.

3.3 Further Information Submission

Further Information was received on 22nd December, 2015 including:
'Please see drawings of existing sightlines taking into account the current entrance. To restate this will be a single family home covering the entire site..... Any changes to the entrance would be detrimental to this objective destroying the special physical character of the area.....
...widening the footpath would require demolition of the existing front wall and part of the old building both of which have been part of the streetscape on Balbriggan Street since the 1800s. To be noted also that widening the footpath with the consequential use thereof for parking, would impact negatively on the sightlines from the exit. Finally not all of the wall is part of the 10A property, +3 metres to the east belongs to No. 10.', and also
'The existing structure currently is laid out as a two bedroomed cottage/residence. The level of repair will depend on the resources available. However it is intended that the repair will be sympathetic to the age and style of the structure of the building.
As such the current corrugated roof will be replaced with similar materials but insulated while the windows will be replaced with either single or double glazed windows reflecting the character of the building. Given the likely costs of construction of the new build there will not be any spare cash for any elaborate works on the existing structure.'
Revised Street Elevation and Elevational drawings were submitted.

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Third Party Submissions on Planning Application

No Submissions were received.

4.2 Transportation Planning Section Report

- This report, dated 15th July, 2015 included stating as follows:
‘The proposed development is located in a 50km/hr speed limit. There are two in-curtilage parking spaces as per the requirements of the Development Plan Standards. The existing front boundary wall is c.2 metres high. The sightlines of the existing entrance are well below standard. There is a requirement for sightlines of 49 metres in both directions from the proposed entrance. No sightline drawing has been provided indicating provision of the required sightlines.

Pedestrian Footpath

The pedestrian footpath to the front of the proposed site is below standard width. The minimum width of a footpath without a grass verge is 1.8 metres. At the narrow point the footpath is c.1 metre wide. The footpath either side of the proposed site is in excess of 2.5 metres. The front boundary should be setback to facilitate a minimum footpath width of 1.8 metres.’

It was recommended that Further Information be requested.

4.3 Planning Report for Planning Authority

- The Planning Report, dated 14th July, 2015 including noting the Development Plan ‘Town Centre’ zoning of the subject site and the Transportation Planning Section Report. Under ‘Analysis of Proposed Development’ was stated as follows:

‘The applicant is proposing to erect a dwelling on the site in an area which is zoned – ‘TC’ in the *Fingal Development Plan 2011-2017*, therefore the proposed development is considered to be acceptable in principle. The proposal complies with the Development Plan in respect of room sizes and widths, living areas, storage and the provision of private amenity space.

Impact on the amenity of area/adjacent property & visual integration

The proposal is situated to rear of an existing dwelling and is setback in excess of 20 metres from the public road. Given the design, ridge height and position of the proposed dwelling on the site, no undue impacts on the visual amenities of the area/streetscape are anticipated.’, and also

‘Generally in an urban context such as this, a more favourable design approach would see the structure relocated closer to the public road to create a stronger urban edge in line with neighbouring buildings. In this instance, the single storey

vernacular building located to the front of the site, perpendicular to the road, while not of architectural merit, does provide a limited building line adjacent Balbriggan Street in conjunction with the existing wall. The structure adds an element of interest to the streetscape which would be lost should the more modern contemporary structure be required to relocate on site.'

- Details of the proposed repair works to this structure and 'the feasibility of providing a wider footpath in front of the site' and revised elevational drawings of the proposed dwelling were requested. Under 'Conclusion' was stated as follows:
'The proposed development is considered to be in keeping with the character of the area and (subject to a condition omitting/altering the proposed window opes on the east elevation at first floor level) does not impact on the residential amenity of the surrounding area.'
It was recommended that Further Information be required.

4.4 Third Party Submissions on Further Information Submission

No Submissions were received.

4.5 Final Transportation Planning Section Report

This report dated 18th January, 2016 stated as follows:
'The additional information provided is not acceptable to the Transportation Planning Section. The works required to the front boundary to achieve adequate sightlines, which includes the gable end of the outbuilding, have not been included as part of the proposed application. The footpath should also be widened as part of any amendments to the front boundary as it is below standard. The Balbriggan Road (R127) is a regional road with a high volume of vehicular traffic and pedestrian activity. The proposed development fails to achieve the required sightlines and consequently is a traffic hazard. The Transportation Planning Section recommends refusal of the proposed development on the basis of a traffic hazard.'

4.6 Final Planning Report for Planning Authority

- This report dated 26th January, 2016 included stating as follows:
'A drawing indicating achievable sightlines has also been submitted. A report was received from the Transportation Planning Engineer stating that the Applicant's response is not acceptable and would constitute a traffic hazard. It is noted that

the achievement of sightlines at this location would require the partial demolition of the existing structure/dwelling on the site. The Applicant is not willing to undertake these works. Consequently a refusal is recommended.'

It was noted that no specific details of the proposed repair works to the cottage had been submitted. The submitted Front Contiguous Elevation (Drawing No. 2014-PL-06) and Drawing No. 2014-PL-07 relating to Window Design were considered acceptable.

- Under 'Conclusion' was stated as follows:
'The proposal is largely acceptable in terms of design and would contribute to the character of the area. The proposal however entails an intensification of use on the site, moving from summer/holiday home to a conventional residential unit which is to be used on a permanent year round basis. The sightlines at the entrance, onto the Balbriggan Road (R127), a regional road which is heavily trafficked by vehicles and pedestrians, are currently significantly below required minimum standards. Failure of the applicant to demonstrate the required sightlines at this entrance result in the creation of a traffic hazard. As such the proposed development would be contrary to the proper planning and sustainable development of the area.'
Refusal of permission was recommended for the Reasons and Considerations (1) as stated in the notification of decision of the Planning Authority.

4.7 Notification of Decision of Planning Authority

The Planning Authority, Fingal County Council, issued a notification of decision to **REFUSE PERMISSION** for the proposed development for Reasons and Considerations (1) as follows:

1. The proposed development would be served by an existing entrance which has restricted substandard sightlines and as a consequence the development would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5. APPEAL GROUNDS

First Party Appeal

- The Appeal Grounds included stating as follows in regard to the stated Reasons and Considerations (1) in the notification of decision of the Planning Authority:
‘Fingal County Council claims that the proposed new residence will be served by an existing entrance (gateway) with restricted substandard sightlines. The gateway in question is +290cm in width. At the entrance the path is 150cm wide and the gate is setback inside the wall and effectively 200cm from the kerb...
Given the speed limit of 50kph the exit can be used in reasonable safety with good sightlines in both directions. Fingal seem to be applying an unwritten standard which is possibly applicable in rural settings where there is no footpath, no on-street parking and where higher speed limits apply.’, and also
- ‘The existing entrance has been in continuous use, if somewhat erratically over recent years, for off-street parking. There has never been an incident so it has a good safety record. The fact of constructing a new residence on the site should not impact negatively on safety levels.
The footpath outside the wall varies in width from 150cm to 180cm. On the other side of the street it probably averages 200cm over its entire length – so pedestrians are adequately catered for. The entrance has good sightlines to the left and right (see photos) which are impacted upon negatively by the proliferation of illegal and irresponsible parking outside my property.’, and
- ‘The property, as it is currently, is a unique feature in the town and while of no particular historical/architectural significance, the existing vernacular cottage and the front wall ‘*adds an element of interest to the streetscape*’ and their removal would be a loss to the street and the town. It should be noted also that while the Roads Section of Fingal County Council were encouraging me to move the wall back to widen the footpath and provide a ‘Southfork’ style entrance – which would entail demolition of part of the existing cottage – another section of Fingal County Council was requesting details of repairs and materials to be used in preserving the existing cottage.’

6. APPEAL RESPONSES

6.1 Appeal Observation

No Appeal Observation was received.

6.2 Planning Authority Appeal Response

This Appeal Response received 11th March, 2016 included as follows:
'The contents of the appeal submission have been duly noted and it is the opinion of the Traffic Engineer that the site entrance is a traffic hazard. In the absence of satisfactory proposals to address the issue of traffic hazard the proposed development would endanger public safety by reason of traffic hazard. An Bord Pleanála is requested to uphold the decision of the Planning Authority.'

7. PLANNING HISTORY

The Planning Report for the Planning Authority stated that there was no Planning History associated with the subject site.

8. DEVELOPMENT PLAN

The provisions of the 2011 – 2017 Fingal County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C**:

The 'TC – Town Centre' land use zoning objective for the appeal site:
'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'.

9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

Proposed Development and First Party Appeal Grounds

- The subject site lands at 10A Balbriggan Street, Skerries, County Dublin are approximately 0.8 hectares in area and were described in the Planning Report for the Planning Authority as follows:
‘The site is located in a predominantly residential area, on the south side of Balbriggan Street (R127). The application site is located to the side and rear of an existing single storey dwelling which gables onto Balbriggan Street. The site is broadly rectangular in shape with a depth of c.55 metres and a width of c.18 metres.’
- The proposed development comprises as specified in the Public Notices: ‘Permission for the construction of one two-storey detached three-bedroomed residential dwelling. The existing cottage on the site will be retained as will the external walls and vehicular access, at 10A Balbriggan Street, Skerries, County Dublin.’
- I note the First Party submissions that the existing cottage would be retained as a workshop/man-shed and ‘in order to maintain and enhance the current streetscape have opted to, in the first instance, *reroof and then repair the structure* while building a generally low rise new house on the large plot of land behind the *inner stone wall (to be retained also).*’ (*Italics added*)
- The Planning Report for the Planning Authority included stating:
‘The applicant is proposing a contemporary detached, two-storey, pitched roof dwelling (204 sqm). The proposal has a north-south orientation with a ridge height of c.7.5 metres. The proposal is broadly an ‘L’-shape on plan and is positioned in the centre of the site. A rear garden depth of c.16 metres is indicated.’
and also
‘Access to the proposed dwelling is onto Balbriggan Street. An area of car parking is indicated within an area of hard standing to the front/north of the dwelling. An existing gated entrance is to be utilised to serve the proposal.’
- I note the Planning Report for the Planning Authority also stated:
‘The single storey vernacular building located to the front of the site, perpendicular to the road, while not of architectural merit, does provide a limited building line adjacent Balbriggan Street in conjunction with the existing wall. The structure adds an element of interest to the streetscape which would be lost should the more modern contemporary structure be required to relocate on site.’

- I note the Further Information Submission included stating:
‘Please see drawings of existing sightlines taking into account the current entrance. To restate this will be a single family home covering the entire site..... Any changes to the entrance would be detrimental to this objective destroying the special physical character of the area..... widening the footpath would require demolition of the existing front wall and part of the old building both of which have been part of the streetscape on Balbriggan Street since the 1800s. To be noted also that widening the footpath with the consequential use thereof for parking, would impact negatively on the sightlines from the exit. Finally not all of the wall is part of the 10A property, +3 metres to the east belongs to No. 10.’
- The Final Planning Report for the Planning Authority stated:
‘A report was received from the Transportation Planning Engineer stating that the Applicant’s response is not acceptable and would constitute a traffic hazard. *It is noted that the achievement of sightlines at this location would require the partial demolition of the existing structure/dwelling on the site. The Applicant is not willing to undertake these works.* Consequently a refusal is recommended.’
- The Planning Authority, Fingal County Council, issued a notification of decision to **REFUSE PERMISSION** for the proposed development for Reasons and Considerations (1) as follows:
 1. The proposed development would be served by an existing entrance which has restricted substandard sightlines and as a consequence the development would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- The First Party Appeal Grounds included submitting as follows:
‘Fingal County Council claims that the proposed new residence will be served by an existing entrance (gateway) with restricted substandard sightlines. The gateway in question is +290cm in width. At the entrance the path is 150cm wide and the gate is setback inside the wall and effectively 200cm from the kerb...
Given the speed limit of 50kph the exit can be used in reasonable safety with good sightlines in both directions. Fingal seem to be applying an unwritten standard which is possibly applicable in rural settings where there is no footpath, no on-street parking and where higher speed limits apply.’, and also

'The existing entrance has been in continuous use, if somewhat erratically over recent years, for off-street parking. There has never been an incident so it has a good safety record. The fact of constructing a new residence on the site should not impact negatively on safety levels.', and also

'The property, as it is currently, is a unique feature in the town and while of no particular historical/architectural significance the existing vernacular cottage and the front wall *'adds an element of interest to the streetscape'* and their removal would be a loss to the street and the town. It should be noted also that while the Roads Section of Fingal County Council were encouraging me to move the wall back to widen the footpath and provide a 'Southfork' style entrance – which would entail demolition of part of the existing cottage – *another section of Fingal County Council was requesting details of repairs and materials to be used in preserving the existing cottage.'*

- Having reviewed all the submissions on file including as set out above and further to site inspection, and having regard to the 'Town Centre' land use zoning objective for the area in the current 2011-2017 Fingal County Development Plan and the pattern of development in the area and in particular the existing vernacular building on the site which was formerly in use as a dwelling, and the existing vehicular access in the attractive stone wall boundary onto Balbriggan Street serving the former dwelling on the subject site in the centre of Skerries town within a 50 km/hr speed limit zone, and the Planning Authority assessment that the existing single-storey vernacular building and stone wall roadside boundary adds *'an element of interest to the streetscape'* of Balbriggan Street, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed replacement dwelling development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.
- In this regard I have noted the Planning Authority Appeal Response submission that the Traffic Engineer considered that the existing site entrance is a traffic hazard and also the Final Planning Report for the Planning Authority where stated under 'Conclusion':
'The proposal is largely acceptable in terms of design and would contribute to the character of the area. The proposal however

entails an intensification of use on the site, moving from summer/holiday home to a conventional residential unit which is to be used on a permanent year round basis.'

- I note the Planning Report for the Planning Authority also stated:
'The applicant is proposing to erect a dwelling on the site in an area which is zoned – 'TC' in the *Fingal Development Plan 2011-2017*, therefore the proposed development is considered to be acceptable in principle. The proposal complies with the Development Plan in respect of room sizes and widths, living areas, storage and the provision of private amenity space.
Impact on the amenity of area/adjacent property & visual integration
The proposal is situated to rear of an existing dwelling and is setback in excess of 20 metres from the public road. Given the design, ridge height and position of the proposed dwelling on the site, no undue impacts on the visual amenities of the area/streetscape are anticipated.'
- On balance in the context of the existing vehicular entrance onto Balbriggan Street serving a former dwelling on the subject site, and the available sightlines at this existing vehicular entrance as indicated on the submitted drawing entitled '49m Visibility Splay' in the Further Information Submission, and the inclusion of Balbriggan Street at the subject site frontage within a designated 50 km/hr speed limit zone, in my opinion the proposed replacement dwelling using the existing vehicular access serving the former dwelling on the subject site at Balbriggan Street would be acceptable subject to Conditions as specified hereunder including in regard to refurbishment of the existing vernacular buildings on the subject site and enhancement of the street frontage stone wall and improvements to the vehicular entrance onto Balbriggan Street.
- I concur with the Planning Authority that the proposed set-back replacement dwelling on the subject site is to an acceptable design and would not detract from the amenities of the adjacent properties on Balbriggan Street and I note that no Third Party Submissions have been received in regard to the proposed development.

Appropriate Assessment

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area having regard to the relevant provisions of the 2011-2017 Fingal County Development Plan which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

DECISION

GRANT permission for the proposed development in accordance with the said plans and particulars based on the Reasons and Considerations hereunder and subject to the Conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the 'Town Centre' land use zoning objective for the area in the current 2011-2017 Fingal County Development Plan and the pattern of development in the area, and in particular the former cottage dwelling and vehicular access serving the former dwelling on the subject site at Balbriggan Street in the centre of Skerries town within a 50 km/hr speed limit zone, and the planning authority assessment that the existing single-storey vernacular building and stone wall roadside boundary adds an element of interest to the streetscape of Balbriggan Street, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed replacement dwelling development would not seriously injure the amenities of the area and

would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the revised drawings received by the planning authority on the 22nd day of December 2015, 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. The former cottage dwelling on the subject site shall be used only as a domestic workshop/shed for purposes ancillary to the proposed replacement dwelling on this site and shall not be used as a separate dwelling unit. Details of the proposed reroofing and repair of the vernacular buildings on site which shall include natural slate roofs, and also the enhancement of the stone boundary wall along the site frontage to Balbriggan Street and improvements at the existing gated vehicular entrance onto Balbriggan Street including widening if necessary such as to improve visibility into and out of the site, shall be submitted to the planning authority for written agreement prior to commencement of the construction of the replacement dwelling, and such refurbishment and improvement works shall be completed prior to occupation of the replacement dwelling.

Reason: In the interest of orderly development.

3. 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. The contribution

shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

16th May, 2016.

sg

APPENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
APPENDIX C - DEVELOPMENT PLAN