



An  
Bord  
Pleanála

## Inspector's Report PL06F.246990

---

Development	Construction of a house with associated works
Location	11 Farmleigh Park, Farmleigh, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW15A/0164
Applicant(s)	Robert & Jean O'Leary
Type of Appeal	Third Party
Planning Authority Decision	GRANT
Appellant(s)	Farmleigh Woods Management Ltd.
Observer(s)	None
Date of Site Inspection	18 <sup>th</sup> October 2016
Inspector	Niall Haverty

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.025 ha, is located at the head of a short residential cul-de-sac in the development of Farmleigh Woods, Castleknock, Dublin 15. The site is located on the eastern side of the cul-de-sac, and currently comprises a driveway and part of the private open space associated with the applicants' house to the south, 11 Farmleigh Park.
- 1.2. Farmleigh Park is comprised of six terraces, with three terraces on either side of the street, each of which has four three storey houses. The houses are uniform in design and feature external staircases leading up to the main entrance door at first floor level. A secondary entrance door is located at ground floor level. Farmleigh Park is one of four parallel cul-de-sacs. The houses on the two outer cul-de-sacs have no external stairs and have their entrances at ground floor level.
- 1.3. The appeal site is bounded by the Farmleigh Park roadway to the west, the existing end of terrace house (No. 11) to the south, the rear garden of 12 Farmleigh Close to the east, and mature planting and the rear gardens of 14 and 15 College Park to the north.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of a three storey end of terrace house with a gross floor area of 247 sq m. The proposed house is very similar in design, scale and materials to the existing houses, albeit that the external stairs is omitted. Two off-street car parking spaces are proposed for both the existing and proposed houses.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Fingal County Council decided to grant planning permission and the following Condition is of relevance:

- C5: Footpath works to be carried out prior to commencement; Two parking spaces paved in permeable materials to be provided within curtilage of both existing and proposed houses.

#### **3.2. Planning Authority Reports**

3.2.1. The report of the area planner can be summarised as follows:

- Proposed development complies with Development Plan requirements for unit size, room sizes, car parking provision and private open space.
- Design and layout is in keeping with adjoining house and supports and enhances character of the area.
- Development does not have an excessively dominant presence in the area or on neighbouring development.
- Proposed development will not have a detrimental impact on daylight reaching houses to east due to separation distance and location at northern end of terrace.
- Proposed Development will not overshadow development in Farmleigh or College Park due to building line being respected, depth of gardens in College Park and presence of trees.

- No undue impact on privacy or overlooking. All windows on northern elevation to be obscure glass.
- Paving in front of existing house should be permeable in order to comprise exempted development.

### 3.3. Other Technical Reports

- **Water Services Section:** No objection subject to Conditions.
- **Transportation:** No objection subject to Conditions.
- **Irish Water:** No objection subject to Conditions.

### 3.4. Third Party Observations

3.4.1. Six third party observations were made. The issues raised were generally the same as the appeal, as well as the following:

- Impact on College Park houses, due to three storey plus gable wall within 1m of garden fence. Development should be two storey with a hipped roof.
- Impact on trees in rear gardens of College Park.
- No provision made for soakage and run off.
- Overshadowing impacts.
- Proposed provision of car parking to front of 11 Farmleigh Park is outside red line boundary and is not exempted development.

## 4.0 Planning History

### 4.1. Subject Site

- 4.1.1. **ABP Ref. PL06F.204961; FCC Reg. Ref. F03A/1084:** Permission for 295 units consisting of 105 two storey with attic and three storey houses, 190 apartments in seven four storey blocks and associated development. This was the parent planning permission for the appeal site and was subsequently the subject of several amendment applications, none of which related to the appeal site.

### 4.2. Neighbouring Sites

- 4.2.1. **12 Farmleigh Close (Reg. Ref. FW10B/0009):** Permission granted for a two storey extension to the side of the existing three storey end of terrace house which is located to the east of the appeal site. This permission has not been implemented and has now expired.

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2011-2017

- 5.1.1. The zoning objective for the site is 'RS', to provide for residential development and protect and improve residential amenity.

- 5.1.2. Relevant Objectives include:

- RD01: Seeks to ensure consolidated development by facilitating residential development in existing urban areas.
- RD10: Seeks to encourage the development of underutilised infill sites in existing residential areas subject to the character of the area being protected.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A third party appeal was lodged on behalf of Farmleigh Woods Management Ltd. by Jim Brogan, Planning and Development Consultant. The grounds of appeal can be summarised as follows:

- Planning application is invalid, as site notice was not erected in an easily visible location.
- Validity of consent given by Menolly Homes for works to roadway and footpath is in question, as the company went into liquidation prior to the response to the request for further information being submitted to the Planning Authority.
- There is an established building line created by the northern gables of the houses at the heads of the cul-de-sacs. This creates sense of openness and allows vegetation along the boundary to flourish.
- The existing houses have a distinctive design and character and are composed of identical terraces. Addition of a house without a staircase to the front door would be an incongruous departure that would detract from visual amenities and character.
- Development would create undesirable precedent for similar development in cul-de-sacs in Farmleigh.
- Development will result in overlooking of house to rear. Separation distance is not sufficient for a three storey house.
- Subdivision of site will result in situation where owner/occupier will require consent from third party to access and maintain part of their property.
- Proposed development reduces extent of turning area at head of cul-de-sac.

## 6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- Site is an acceptable location for infill development in accordance with relevant provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- Separation distances with rear of houses on Farmleigh Close is similar to adjoining row of houses to south and is consistent with Objective OS35.
- Parking provision complies with Development Plan requirements.

## 6.3. First Party Response

6.3.1. The first party response can be summarised as follows:

- Appellant made observation in response to advertisement of significant further information and is not entitled to comment on matters outside those addressed in the further information request.
- Site notices were prominently placed and legible.
- The appellant has no legal interest in the lands the subject of the planning application.
- Menolly Homes went into voluntary liquidation following the issuing of the letter of consent. The applicant is entitled to rely on this letter, and notes that a person shall not be entitled solely by reason of a planning permission to carry out any development.
- It is government policy to develop infill sites in established urban areas.
- No mature trees will be affected by the proposed development.

- No excessive overlooking will occur as rear building line remains unchanged.
- Absence of external stairs introduces diversity and balances similar houses at the other end of the cul-de-sac which have entrances at ground floor.
- Any issue with access for repairs/maintenance can be addressed with covenant between owners of existing and new house.
- All parking spaces can be accommodated within the site. Extended footpath is acceptable to Road Design Department of Planning Authority.

#### 6.4. **Observations**

6.4.1. None received.

#### 7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Residential amenity.
- Visual amenity.
- Roads and Traffic.
- Other Issues
- Appropriate Assessment.

#### 7.2. **Residential Amenity**

7.2.1. The appellant has raised concerns in relation to potential overlooking, overshadowing and overbearing impacts on existing residential units in the vicinity of the appeal site.



- 7.2.2. Having regard to the orientation and context of the appeal site, and the fact that the proposed house shares a common front and rear building line and height with the existing houses on Farmleigh Park, I consider that any additional overshadowing will be limited to the potential impact on 12 Farmleigh Close. However, I do not believe that this overshadowing will have a significant effect on residential amenity, since the separation distance between the houses will be c. 22m, and the existing house at 11 Farmleigh Park already directly opposes 12 Farmleigh Close. Furthermore, the presence of mature trees in the rear gardens of College Park to the north means that the late evening sun is already likely to be blocked to some degree
- 7.2.3. With regard to overlooking, I consider the separation distance between the proposed house and the opposing houses to the east and west, which exceeds 22m in both cases, to be sufficient to ensure that no significant additional overlooking impact will arise. In this regard I also note that the applicants' existing house directly opposes the houses to east and west at the same separation distance, while the proposed house will be situated at an oblique angle.
- 7.2.4. The proposed house will be located close to the northern site boundary with the rear gardens of the houses on College Park. Windows are proposed on the northern side elevation to serve landing areas at first and second floor levels, and a toilet and lounge at ground floor. While the boundary features mature planting and the rear gardens on College Park are c. 40m long, I consider that all windows on the north elevation should be permanently fitted with obscure glazing. A balcony element is also proposed on the front (west) elevation at second floor level, matching that found on the existing houses on the street. Due to the height of this balcony and its proximity to the boundary with College Park, I consider that an obscure glazed privacy screen should be erected on the northern side of the balcony to eliminate any potential for overlooking.

7.2.5. With regard to overbearing impacts, since the proposed development matches the existing building lines to front and rear and is generally consistent with the design and height of the existing houses, I do not consider that any significant overbearing impact on any existing residential properties will arise.

7.2.6. In conclusion, I am satisfied given the distance to adjacent dwellings, the orientation and design of the proposed house and the established building typology of the area that the proposed development will not seriously injure the residential amenities of properties in the area and that it is consistent with the zoning objective for the site.

### 7.3. **Visual Amenity**

7.3.1. The appellant contends that the proposed development will be an incongruous form of development, since it will breach the northern building line and has omitted the external stairs which is common to the existing houses on the street.

7.3.2. With regard to the building line issue, I consider that the building lines on a street are defined by the front and rear elevations of the houses. I do not consider it reasonable to extend the concept to the side elevations of terminating houses on parallel streets.

7.3.3. While the terraced houses on Farmleigh Park generally feature external stairs, I note that the houses at the southern end of the street, which face southwards onto the approach road into Farmleigh Park do not have external stairs. Similarly, the houses on the outer two of the four cul-de-sacs do not have external stairs either. I therefore consider that the proposed omission of external stairs at the appeal site is not out of context for the area and does not form an incongruous form of development. In the interests of providing universal access I also consider that locating the main entrance at ground floor level is a preferable form of development in this instance.

7.3.4. With the exception of the external stairs, the proposed house is generally consistent with the design of the existing houses on Farmleigh Park in terms of design, massing, scale and materials. I therefore consider that it will not have a significant adverse visual impact or significantly affect the established character of the area.

#### **7.4. Roads and Traffic**

7.4.1. The appellant contends that the proposed development will reduce the turning area at the head of the cul-de-sac, exacerbate existing issues with car parking in the area and act as a precedent for similar development at the heads of cul-de-sacs in the area.

7.4.2. The drawings submitted demonstrate that the proposed development, as amended on foot of the request for further information, will increase the turning area available, through the removal of a portion of grass verge and boundary wall. The new portion of footpath will be level with the road surface and will be traversable as part of a turning movement while the change in materials makes clear that pedestrians have priority. In this regard it will act as a shared surface, and I consider this to be acceptable in this lightly trafficked location at the head of a cul-de-sac.

7.4.3. The depth of the proposed off street car parking spaces is 4.8m which is greater than the Development Plan requirement of 4.75m, and the width is sufficient for two cars to park side-by-side. There is therefore no reason why parked cars should be projecting onto the footpath at this location.

7.4.4. The road width of Farmleigh Park is in excess of 6m, and I do not consider that the proposed development will result in increased traffic congestion or result in an unacceptable traffic hazard.

## **7.5. Other Issues**

- 7.5.1. The appellant has raised concerns in relation to the validity of the consent given by the owner of the private road for the undertaking of works as well as the validity of the site notice.
- 7.5.2. With regard to the issue of consent, I note that a person shall not be entitled solely by reason of a planning permission to undertake any works. With regard to the site notice, the appellant has not provided any photographic evidence to support their assertion that it was located in a position where it was illegible or not visible. In any absence of any such evidence, I do not consider that this issue has any bearing on the assessment of this appeal.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, which relates to the construction of an infill house to the side of an existing house in an established and serviced residential area, the nature of the receiving environment and the proximity to the nearest European sites, I am satisfied that 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 should be granted, subject to conditions as set out below.

## **9.0 REASONS AND CONSIDERATIONS**

- 9.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out

below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 further plans and particulars submitted on the 25<sup>th</sup> day of May 2016, 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 proposed development shall be amended as follows:
  - (a) The windows on the northern elevation of the proposed development shall be permanently fitted with obscure glass.
  - (b) A 1.8m high obscure glazed privacy screen shall be erected on the northern side of the balcony which is located at second floor level.

Details of the above changes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of residential amenity.

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

**Reason:** In the interest of visual amenity.

4. The works to the footpath and roadway to serve the proposed development, including the provision of parking areas and the height of boundary walls, shall comply with the detailed requirements of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

5. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of properties in the vicinity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

8. 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, 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.

---

Niall Haverty

Planning Inspector

19<sup>th</sup> October 2016