



An
Bord
Pleanála

Inspector's Report PL06F.246992

Development	Detached, part two storey/ part single storey residential dwelling to the side of the existing residential dwelling with off street parking and associated works.
Location	42 Aspen Avenue, Clonsilla, D 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW 16A/0075
Applicant(s)	Mark Mc Donnell & Peter Woods.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Appellant(s)	Mark Mc Donnell & Peter Woods.
Observers	None.
Date of Site Inspection	26 th of September 2016.
Inspector	Karen Hamilton.

1.0 **Site Location and Description**

1.1. The subject site is a two storey semi-detached dwelling located on the corner of Aspen Avenue and Aspen Lawns. The residential estate is accessed from the Clonsilla Road, Blanchardstown. The existing dwelling fronts onto the private amenity space for the estate and the side and rear gardens are bounded by a 3m high block wall. The design and finish of the dwelling is similar to the other units in the vicinity.

2.0 **Proposed Development**

2.1. This proposal is for the construction of an infill dwelling in the side garden of No.42 Aspen Avenue, as follows:

- Two storey, two-bedroom unit with a floor space of 81.9 m².
- The proposed dwelling will front onto Aspen Lawns, retention of side boundary wall and a new side pedestrian access to the entrance.
- Reconfiguration of the main entrance to the existing dwelling to accommodate an additional entrance.

3.0 **Planning Authority Decision**

3.1. **Decision**

Decision to refuse permission as it was not in keeping with the character of the surrounding dwellings due to the design of the proposed dwelling.

3.2. **Planning Authority Reports**

The report received from the area planner reflects the reason for refusal.

3.3. **Other Technical Reports**

Transport Section- No objection subject to condition.

Water Services- Request for additional information on the rainwater harvesting tank.

Irish Water- Request for additional information on the location of the public and private sewer.

3.4. **Third Party Observations**

None received.

4.0 **Planning History.**

There was no relevant planning history for this appeal site.

5.0 **Policy Context**

5.1.1. **Sustainable Residential Development in Urban Areas guidelines for Planning Authorities, 2008.** Infill development in established residential areas is supported where a balance can be struck between *“the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill”*

5.1.2. **Fingal County Council 2011-2017**

Strategic Policy: Consolidate the growth of major centres of Blanchardstown and Balbriggan by encouraging infill at appropriately identified locations.

O RD 10: Encourage and promote the development of underutilised infill and backland sites in existing residential areas subject to the character being protected.

O RD19: Ensure a separation distance of at least 2.3m provided between side walls of detached, semi-detached and end of terrace units.

O OS 35: Minimum separation distance of 22m required above first floor for rear first floor windows in the interest of privacy and overlooking, minimum distance reduced where overlooking or overshadow occurs.

O OS39: In certain circumstances for small infill or corner sites the provision of 48 sq.m of public open space will be accepted per house.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal from the first party can be summarised as follows:

- The design of the dwelling is contemporary in nature as it faces the side of the road rather than fronts on.
- There is a precedent for granting permission for similar developments such as PL 06F.245522 and FW15A/0003.
- The proposal complies with all national infill policies and development plan policies and standards.

6.2. Planning Authority Response

The planning authority response can be summarised as follows:

- The site is restricted in nature and is not in keeping with the character of the area.
- Design and proportions are visually incongruous to the streetscape.
- To grant permission would set an undesirable precedence.

6.3. Other Party Responses

No third party responses.

6.4. **Observation**

No observations received.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and may be summarised as follows;

- Principle of development
- Visual Amenity
- Residential Amenity
- Other Matters
- Appropriate Assessment.

Principle of development.

7.2. The proposal relates to an infill development in a side garden. The site is zoned for residential development in the current Development Plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

I note the appellant has raised the precedence for similar infill proposals in the wider vicinity such as PL06F.245522 and FW15A/0003.

Visual amenity

7.3. The grounds of appeal state that the design is contemporary and will add to the overall appearance of the residential estate. The planning authority refer to the limited proportions and restricted nature of the site as the main reason for refusal. The design of the proposed infill unit is smaller in scale than the existing semi-detached dwellings. The ridge height is 2.3m less. The width is 0.8m less and the floor space approx. 40m² less than the existing dwelling. In my opinion the most

significant difference between the existing and the proposed unit is the absence of a front façade onto Aspen Avenue, as the proposed unit will front onto Aspen Lawns. This leads to different treatment along the existing streetscape of Aspen Avenue.

The existing site is currently well screened along Aspen Lawns with a tree lined boulevard and 3m high side boundary wall. It is proposed to retain these features. The internal circulation road to the front of the site is a cul-de-sac and therefore there is restricted through traffic. The dominant view of the proposed development will be from the central amenity space at the front. Based on this location of I consider the views and vistas directly into the subject site limited and the overall impact would be limited.

The layout of the existing housing estate is characterised by low density semi-detached housing. I note that the proposed development provides a separation distance of 0.9m between the existing and proposed dwelling, and 1.4m from boundary wall. The new dwelling would not appear cramped or out of keeping with the existing character of the area in this respect.

Notwithstanding the difference in layout and height proposed by the applicant I consider that the location of the site within the housing estate and the scale of the proposed dwelling would mean that it would not seriously injure the residential amenity of the area to an extent that it would justify a refusal of the proposed development. Therefore, I consider the character of the existing dwelling and adjoining streetscape would not be substantially jeopardised by this infill dwelling, and is in accordance with policy O RD 10 of the development plan.

Residential Amenity

- 7.4. The proposed development is for a two bed dwelling. This proposed unit deviates from the surrounding area which includes mostly three bed semi-detached dwellings. The development plan supports infill proposals where the character of the area is protected. The minimum open space (48 m²), car parking and rear separation

distances have been complied with. A smaller dwelling unit is necessary to comply with the minimum development management standards from the development plan. There is no conflict with the density requirements in the area and indeed a mixed tenure would be a requirement in any new build estate. Based on the orientation and layout of the proposed unit I consider the proposed unit would not cause any overbearing, overlooking or overshadowing on the surrounding residential dwellings.

Other Matters

- 7.5. Traffic and Parking: The proposed development includes two car parking spaces for both the existing and proposed dwelling. This complies with the Development Plan Standards.

Water: Irish Water requested additional information in relation to the location of the public sewer along the west of the site and the inclusion of private drains within the curtilage of the proposed development. In addition to this the Drainage Section of the local authority requested additional information on the proposed rainwater harvesting tank. I consider these issues may be addressed by condition.

Appropriate Assessment

- 7.6. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations/ Reasons

Having regard to the orientation of the proposed unit and the policies of the development plan in relation to infill development it is my opinion that the proposed dwelling would not seriously detract from the character of surrounding area nor would it depreciate the value of any residential properties in the vicinity.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity

3. Details of works for the entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

4. Water supply and drainage arrangements, including the 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.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Karen Hamilton
Planning Inspector

14th of October 2016