



An
Bord
Pleanála

Inspector's Report 06F.247690

Development	Erect a house in side garden
Location	55 St Bridgets Park, Blanchardstown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW16A/0137
Applicant(s)	Constantin Florea
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Constantin Florea
Observer(s)	None
Date of Site Inspection	24 th February 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site of the proposed house has a stated area of 0.018ha and is the side and part of the rear garden of an existing house at 55 St Brigid's Park, Blanchardstown, Dublin 15. St Brigid's Park is a residential street where the pattern of development is generally characterised by two storey semi-detached houses with front and rear gardens. Across the street from the application site is a terrace of 4 houses.

2.0 Proposed Development

- 2.1. Construct a two-bedroom house, double side entrance, side access gate, surface water infiltration system at 55 St Brigid's Park, Blanchardstown, Dublin 15.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason;

The proposed development would lead to substandard open space for the proposed house and the existing house at 55 St Brigid's Park, would be contrary to the Development Plan objective OS35 which requires open space to have an adequate level of privacy and to the zoning objective for the area to protect and/or improve residential amenity.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The planner's report recommended refusal along the lines of the Manager's Order.
- 3.2.3. Other Technical Reports
- 3.2.4. **Irish Water** requested further information on connection to the foul sewer.

3.2.5. **Water Services Section** requested further information in relation to the disposal of surface water.

3.2.6. **Transport Planning Section** reported no objection to the development.

3.3. **Prescribed Bodies**

There are no submissions from prescribed bodies.

3.4. **Third Party Observations**

There are no third party submissions.

4.0 **Planning History**

Planning application reference FW16A/0046 referred to an application on this site refused for a three bedroomed house because of inadequate provision of open space.

Planning application reference FW16A/0096 referred to an application on this site refused for a three bedroomed house because of inadequate provision of open space and contravention of the residential zoning objective.

5.0 **Policy Context**

5.1. **Development Plan**

The site is zoned RS 'to provide for residential development and protect and improve residential amenity' in the Fingal County Development Plan 2011 to 2017.

Objective OS35 states that the planning authority will "ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements. In this regard, a minimum standard of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 2 storeys, minimum separation

distances shall be increased in instances where overlooking or overshadowing occurs.

Objective OS38 states that the planning authority will 'ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house
- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house
- Narrow strips of open space to the side of houses shall not be included in the private openspace calculations.

5.2. Natural Heritage Designations

There are no natural heritage designations in the area of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows;

- The applicant was given to understand at a pre-planning consultation meeting that permission would be granted and purchased the application site on that basis.
- The rear garden of the proposed house is 66m² which will provide adequate amenity space for the new house at 55A St Bridget's Park. Objective OS39 allows a relaxation of the opens space requirements in particular circumstances.
- The garden of 55 St Bridget's Park will remain at 105m². The planning authority reports that this garden will be angled following the proposed

development but it is already at an angle. The owner of that site is willing to see the garden reduced in scale.

- Both gardens will comply with objective OS35 in relation to privacy of rear garden. There has always been some overlooking of the rear garden of 55 St Bridget's Park.

6.2. Planning Authority Response

The planning authority's reply to the appeal was late and returned.

6.3. Observations

There are no observations on file.

6.4. Further Responses

There are no further comments on file.

7.0 Assessment

7.1. St Bridget's Park comprises largely two storey semi-detached houses with front and rear gardens. 55 St Bridget's Park is one of a pair of semi-detached houses and opposite this pair is a short terrace of four houses. The adjoining house to the east, 54 St Bridget's Park, has amended its ground floor elevation by the addition of a partially wrap around porch. The application site essentially faces due south and its front garden is separated from the public footpath/road by a low spud wall topped by a metal fence. There is a drive-in parking space. There is a double garage door in a wall which divides the front garden of the site from the enclosed rear garden.

The application proposed the erection of an 88m² two storey house which will be detached from the existing house at 55 St Bridget's Park allowing for an access to run between the existing and proposed houses to both back gardens. The site is zoned for residential development in the Fingal County Development Plan 2011 to 2017. Having regard to the zoning for the site there is no principled objection to the proposed development. Objective OS38 of the Plan seeks to ensure all areas of

private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements. In this regard, a minimum standard of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 2 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

- 7.2. The planning authority refused permission because the proposed development would give rise to inadequate private rear garden space for both the existing and proposed houses. 55 St Bridget's Park is the last house on the north western end of the street and adjoins a strip of public open space with a north/south footpath connecting Hazel Lawn and Roselawn Avenue. There is a thick hedge separating the rear garden of 55 St Bridget's Park through which the rear garden is not visible. This hedge, if retained, would provide the screening between the rear garden of the proposed house and the public open space. This is a marginal case and to an extent the planning authority's concerns in relation to the adequacy of private open space remaining to the two houses is reasonable. Nonetheless it may be noted that the proposal will not give rise to overlooking of residential property or infringe on the 22m separation distance required in the Plan. Furthermore, these are relatively small houses; the proposed house is two bedrooms, and the rear gardens face due south so that the amenity value of smaller spaces is enhanced. The applicant is right in making the point that the garden was always triangular in shape. I conclude that the garden areas (about 60m² for the new house and about 100m² for the existing house) are adequate. There will remain front gardens sufficient to allow for a car parking space and from my site inspection I consider it unlikely that traffic congestion is a problem in the area.
- 7.3. The internal layout of the proposed house is acceptable. The elevations and overall design is in keeping with the pattern of development in the wider area. I consider that the disposal of surface water and connection to the public foul sewer can be subject to compliance condition.

7.4. **Appropriate Assessment**

7.5. Having regard to the scale of the proposed development, its location in a built-up urban area where water supply and foul sewerage is available I conclude that no Appropriate Assessment issues arise and it is not considered that the proposed development would not 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. Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

9.0 **Reasons and Considerations**

The proposed development is located in an area zoned for residential development in the Fingal County Development Plan 2011 to 2017. Having regard to the character of the area, the modest scale of the proposed development and subject to the conditions set out below it is considered that the proposed development would not give rise to traffic hazard or injury to residential amenity and would otherwise accord with the County Development Plan and 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 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 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.

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

Reason: In the interest of visual amenity.

- 4 The entrance shall have a maximum width of 3.5 metres and the entrance piers shall have a maximum height of 1.1 metres. Gates shall open inwards only. Details of this entrance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian and traffic safety.

- 5 A single off-street car parking space shall be provided in the front garden. Details of this car parking space shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian and traffic safety.

- 6 The rear garden shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity.

- 7 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 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 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.

Hugh Mannion
Planning Inspector

7th March 2017