



An
Bord
Pleanála

Inspector's Report PL06F.248027

Development	Construction of house on the corner of Woodvale Grove and Woodvale Avenue.
Location	Part rear garden of 2 Woodvale Grove and 1 Woodvale Green, Clonsilla, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW16A/0130
Applicant(s)	Paul Corr
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellants	Paul Corr
Observers	Woodvale Residents Association
Date of Site Inspection	19 th April 2017
Inspector	Patricia Calleary

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning Authority Reports	4
4.1. Planning Reports.....	4
4.2. Other Technical Reports	4
4.3. Prescribed Bodies	4
4.4. Third Party Observations	4
5.0 Planning History.....	5
6.0 Policy Context.....	6
6.1. Design Manual for Urban Roads and Streets (DTTS, DECLG - 2013).....	6
6.2. Fingal County Development Plan 2017-2023.....	6
7.0 The Appeal	6
8.0 Assessment.....	8
8.1. Introduction	8
8.2. Principle of the development.....	9
8.3. Traffic	9
8.4. Character of the area	10
8.5. Proximity to high-voltage transmission lines	11
8.6. Other	12
9.0 Recommendation.....	12
10.0 Reasons and Considerations	13

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.03 ha is located fronting onto the western side of Woodvale Avenue within the Woodvale housing estate in Clonsilla. It comprises a walled-in rectangular shaped plot to the rear of 3 no. semi-detached houses, Nos. 2, 2A and 2B Woodvale Grove. House No. s 2A and 2B appear to have been developed on the original side garden of House No.2. The site directly adjoins a lattice tower carrying high-voltage transmission lines, positioned to its north.
- 1.2. Woodvale Avenue is a typical residential road. It consists of a carriageway with footways and grass verges on each side. Intermittently, there are trees within the verges. Much of Woodvale Avenue has residential development on both sides, east and west. However, when it reaches Woodvale Grove and Woodvale Green when travelling north, houses on the western side of Woodvale Avenue face onto their cul de sac roads in a back to back /north-south arrangement and there are no houses facing onto Woodvale Avenue.
- 1.3. An urban speed limit of 50 kph applies to the residential area including at the site.

2.0 Proposed Development

- 2.1. It is proposed to erect one two-bedroom detached two storey dwelling on the site which would have a gross floor area of 105.6 sq.m.
- 2.2. The house would face onto Woodvale Avenue and a new access would be formed in the block wall boundary. There would be a garden to the rear with an area of c.140 sq.m. The house would connect to the public infrastructure.

3.0 Planning Authority Decision

- 3.1. The Planning Authority issued a decision to **refuse permission** for one reason which centred around the access which it considered would endanger public safety by reason of a traffic hazard.

4.0 Planning Authority Reports

4.1. Planning Reports

The **initial planners report** recommended seeking further information on matters of visibility, legal interest to carry out works within the redline boundary, manoeuvring of cars within the curtilage of the site and car parking.

Following receipt of further information, the **final planning assessment** noted the principle of the development accords with the zoning objective for the site but considered that the requirement to allow for secure safe access and egress had not been adequately addressed. A letter from a solicitor which accompanied the applicant's response to the further information was noted, however it was considered that it did not constitute a legally binding agreement on which to secure the necessary visibility required to achieve safe access and egress to and from the subject site and thereby avoid a traffic hazard. The Planning officer put forward a **recommendation to refuse permission**.

4.2. Other Technical Reports

Water Services (Surface Water) – No objections subject to conditions.

Transportation – Initially recommends seeking further information. The subsequent report considered the additional information received was not satisfactory and recommended that the development would be **refused** on grounds of creating a traffic hazard.

4.3. Prescribed Bodies

Irish Water – Acceptable subject to conditions.

4.4. Third Party Observations

Two submissions were received, one which is signed by multiple signatories. Concerns were raised around issues of parking, impacts arising because of the proximity to the adjoining pylon structure carrying high-voltage transmission lines

and that the development would contravene condition no.4 of a previous planning permission (Ref: F06A/1125) which applied for Houses No. s 2A and 2B inserted to the former side garden of House No.2.

5.0 Planning History

5.1. Appeal site

- **PL06F.224542 / F07A/0559** – Permission was **refused** for the construction of two semi-detached two-storey houses at Woodvale Avenue, corner of 2 Woodvale Grove, Clonsilla, Dublin;
- **P.A. Ref. F08A/1052** - Permission was **refused** for a detached two-storey house in 2008 for two reasons relating to the inadequacies of the site area and traffic impact;
- **P.A. Ref. FW09A/0015** - Permission was **refused** in 2009 for the retention of a vehicular entrance to a site relating to the current appeal site;
- An Bord Pleanála Ref. **PL 06F.234667 / P.A. Ref. FW09A/0080** - Permission was **refused** by the Board in 2010 for a two-storey house for two reasons relating to the inadequacies of the site area and traffic impact;
- An Bord Pleanála Ref. **PL 06F.239570 / P.A. Ref. FW11A/0079** - Permission was **refused** by the Board in 2012 for a single-storey house for one reason relating to traffic impact;
- An Bord Pleanála Ref. **PL 06F.245160 / P.A. Ref. FW15A/0058** - Permission was **refused** by the Board in 2015 for the construction of a house and a new vehicular entrance. Corner of Woodvale Grove and Woodvale Avenue.

5.2. Adjoining site (South of appeal site)

- **P.A. Ref. F06A/1125** - Permission was **granted** in 2006 for two semi-detached two-storey houses on a 0.1184-hectare site that was formerly part of the garden of No. 2 Woodvale Grove, i.e. Nos. 2A and 2B Woodvale Grove.

6.0 Policy Context

6.1. Design Manual for Urban Roads and Streets (DTTS, DECLG - 2013)

6.2. Fingal County Development Plan 2017-2023

- Located in an area zoned ‘RS’ with a stated objective to ‘provide for residential development and protect and improve residential amenity’ and with a vision to ‘Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity’;
- **Objective DMS34** - Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3;
- **Objective DMS39** - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings;
- **Objective PM39** - Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.

6.3. Natural Heritage Designations

- None

7.0 The Appeal

7.1. Grounds of First Party Appeal

7.1.1. An appeal was received from the applicant, **Paul Corr**, against the decision made by the Planning Authority to refuse planning permission. The following points are set out in the appeal:

- Referring to Appeal Ref: PL06F.224542, states that An Bord Pleanála previously cited that lesser sightlines were acceptable given the site’s location, low traffic volumes and low vehicle speeds;

- Applicant has agreed to purchase additional lands, namely part of the garden area of 1 Woodvale Green and the required visibility will be available;
- Other existing driveway accesses in the area which do not provide as much forward visibility as the appeal site;
- Appeal site will provide improved visibility than that of the previous planning applications;
- Proposed site layout has allowed for vehicular turning area within the curtilage of the site so as not to necessitate reversing movements onto the street;
- Dwelling is further away from the junction than a house permitted under F06A/1299 on a site proximate to the appeal site where no objections were raised by the transportation section (date of report 13 September 2006).

7.1.2. The appeal was accompanied by site layout drawings associated with the permission granted by Fingal County Council under F06A/1299 and a copy of the associated transportation section report.

7.2. **Planning Authority Response to grounds of appeal**

7.2.1. The Planning Authority (PA) response states that the reason for refusal relates to sightlines for vehicles entering and leaving the site. An extract from the transportation section's report was included. The PA state that it has not been demonstrated there is a legally binding agreement in place to provide adequate sightlines.

7.3. **Observations**

7.3.1. An observation was received from Woodvale Residents Association expressing their objection to the planning application. Concerns are raised around sightlines and car movements and it is contended that the development would endanger public safety by reason of a traffic hazard. Concerns are also raised around issues of overlooking, the proximity of the proposed house to the existing overhead power lines and that if permitted the house would be over-development, cramped and visually obtrusive.

7.3.2. In relation to the applicant's reference around the development permitted under F06A/1125, it is stated that it is not built in compliance with the grant of planning permission where a shared drive for house 2A and 2B was required and the rear

boundary wall of these houses was required to be moved back by 1m which was not done.

7.4. Planning Authority Response to observation

7.4.1. In their response to the observation, the Planning Authority state that the Transportation section have no further comments to make.

7.5. First party response to observation

- Purchased land to enable front wall to be moved back to achieve required sightlines. Required sightlines can be conditioned;
- There is adequate parking for two cars within the site. The provision of a turntable will remove the necessity to reverse onto the road;
- En-suite windows will be frosted and overlooking will not arise;
- Final County Council required driveways of 2A and 2B to be placed to the front of the houses which has been complied with;
- Agreeable to move rear wall of houses No.s 2A and 2B back by 1m.

8.0 Assessment

8.1. Introduction

8.1.1. I consider the key issues in determining the application and appeal before the Board are as follows:

- Principle of the development
- Traffic
- Character of the area
- Proximity to high-voltage transmission lines
- Other

I outline my considerations of the issues under the respective headings below.

8.2. Principle of the development

- 8.2.1. The site is located within an area which is zoned as *'RS - provide for residential development and protect and improve residential amenity'* in the current Fingal Development Plan 2011-2017. The development appears to comply with the development management standards set out in Tables 12.1 (Houses) and 12.3 (minimum room sizes and widths for houses and apartments) except for the requirement of storage space of 4.5 sq.m based on 4 bed / 2 persons, as no storage space has been presented on the floor plans. However, it would be possible to address the absence of storage by way of a condition as there is adequate space available.
- 8.2.2. Based on the planning policy and applicable development plan objectives, I am satisfied that the proposed development of a house on residential zoned lands is acceptable in principle and is also supported by Objective PM39 as it would result in consolidated development.
- 8.2.3. Notwithstanding my view that the development of a house in principle is acceptable on the site, it is also relevant to consider the planning issues which arise. My assessment below considers such issues.

8.3. Traffic

- 8.3.1. The main concern which arises in this appeal is around creating a traffic hazard and this formed the basis for the decision to refuse permission. This concern merits detailed consideration in the context of the location of the site on a bend which is staggered slightly from and very closely located to a T junction.
- 8.3.2. There would be two car spaces within the site curtilage and an automated car turntable to allow vehicles to turn and exit the site in forward gear is represented on Drawing No. D-01 (Plans & Elevations) submitted with the Planning application. The turntable is not referenced in the initial appeal documentation however, rather it is stated that the proposed site has allowed for a vehicular **turning area** within the curtilage of the site so as not to necessitate reversing movements onto the street. The first party's response to the observation does make reference to the turning area. My view is that the proposal for a mechanical solution is a strong indication of the inherent traffic issues which arise with the site and the delivery and use of such

an automated turntable would be difficult to enforce over the lifetime of the house. Accordingly, I do not regard it as a sustainable solution to prevent reverse vehicular movements from the house.

8.3.3. Sightlines of 45m at the access are required to comply with the **Design Manual for Urban Roads and Streets** and this would require set back of adjoining walls of 2B Woodvale Grove and No.1 Woodvale Green. While the applicant has control over the wall of No.2B Woodvale Grove, he does not have control of No. 1 Woodvale Green. The Transport section were not satisfied with the proposal on traffic grounds. I note the letter furnished to the Planning Authority from solicitors Niall Corr & Company in which it is stated that the applicant had reached agreement with the owner of No.1 Woodvale Green to acquire a parcel of land for the purposes of works to improve sightlines. The Transport Section noted the contents of the letter but were not satisfied that it was a legally binding agreement to purchase the lands to provide visibility in accordance with the standards of the DMURS and recommended a refusal of permission on traffic grounds. In support of the appeal, it is restated by the appellant that agreement has been reached to purchase the required land. However, I also note that this statement does not constitute a legally binding agreement and the visibility issue has not been resolved.

8.3.4. Having regard to the above, I consider the previous reason for refusal under **PL06F.245160** whereby vehicles would need to reverse from the site proximate to the road junction, thus endangering public safety by reason of traffic hazard, have **not** been overcome. Prior to that, the issue of traffic was examined by the Board under Appeal Refs. **PL06F.224542**, **PL06F.234667** and **PL06F.239570**. The Board came to the same conclusion on each previous occasion. Accordingly, I recommend that permission be refused for reason of traffic hazard.

8.4. **Character of the area**

8.4.1. The pattern of development in the immediate adjoining area consists of established predominately semi-detached houses laid out in a planned form. Some detached houses are also located on larger corner sites. Two semi-detached houses have been added to the original side garden of House No.2 Woodvale Grove and the proposed house would now be located in a portion of ground to the rear of houses No.s 2, 2A and 2B. It would lie perpendicular to and appear retrofitted in between the

row of houses along Woodvale Grove and Woodvale Green. Its position would be incongruous and would not integrate well with the established rhythm of the area. I also have concerns around impact on the character of the area as a result of proposals to move the wall from its original location over such a length in order to achieve required sightlines as this would appear unbalanced in the context of the curved alignment of the road, verge and footpath and the wall at the opposite side of the road.

- 8.4.2. Overall, the addition of a house and the realignment of the wall would be discordant and injurious to the visual amenities of the streetscape and would, therefore, lie contrary to the proper planning and sustainable development of the area. For this reason, I also recommend the development should be refused.

8.5. Proximity to high-voltage transmission lines

- 8.5.1. The dwelling would be sited adjoining a lattice tower carrying high-voltage transmission lines, located immediately to the north. I acknowledge that this infrastructure exists in the vicinity of other established houses and has done for some time and, furthermore, that this is an issue that did not form a reason for refusal. However, it is worthy of consideration as it was raised in the observation received and if permitted, the house would be located closer to the infrastructure than most existing houses in the immediate vicinity and slightly closer than the house added on a corner site, north of House No.45. Nonetheless, I am not aware of any statutory restriction in relation to development in proximity to overhead transmission lines. This position is reflected in ESB/IFA Code of Practice for survey, construction & maintenance of overhead lines in relation to the loss of development rights of landowners (1985) which refers to the statutory requirement to inform ESB if it is the landowner's intention to erect a building or structure within 25 yards (23m) either side of any transmission wire. Accordingly, the location adjoining the lattice tower carrying high-voltage transmission lines should not lead to a reason for refusal, in my view.

8.6. Other

8.6.1. Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, 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.

8.6.2. Non-Compliance with previous permission (F06A/1125)

8.6.3. Reference is made by the observer to this appeal and by the planning authority, in relation to the non-compliance with condition no. 4 of F06A/1125 under which houses No.2A and 2B were constructed. Condition No.4 required the rear boundary wall to be extended northwards for the two dwellings but it appears that this did not occur. While not directly relevant to the assessment of this appeal, this non-compliance is noted and was also referenced in the Board's direction under appeal reference PL 06F.245160 on the previous appeal case.

8.6.4. In relation to the submission by the observers that there was a requirement for a shared driveway for the added houses 2A and 2B, I am satisfied based on a review of the planning file under File Ref. F06A/1125 on the Council's website, this was not a requirement in the grant of permission. The requirement for access was set down in a part of Condition No.10 which required that all vehicular entrances would be located off Woodvale Grove and away from the radius of the kerb. I also have regard to the fact that enforcement of planning compliance is not a function of the Board and I have therefore not considered it further in my assessment of this appeal.

9.0 Recommendation

9.1. I recommend that **permission** should be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The Board is not satisfied, based on the submissions made in connection with the application and the appeal, that the proposed development would permit vehicles to turn within the curtilage of the property thereby avoiding the necessity to reverse onto the public road when exiting. Having regard to the location of the site near a road junction and on the inside of a bend on Woodvale Avenue, where sightlines are restricted, it is considered that the use of the proposed access would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development to include a house and the realignment of the existing boundary wall along the public road would be incongruous and at variance with the established rhythm and pattern of development in the area. It would also be discordant and injurious to the visual amenities of the streetscape and would, therefore, lie contrary to the proper planning and sustainable development of the area.

Patricia Calleary

Senior Planning Inspector

25th April 2017