



An
Bord
Pleanála

Inspector's Report PL06F.248067

Development	Construction of 2-storey house in side garden
Location	110 Biscayne, Malahide, County Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0385
Applicant(s)	Kieran & Angela Stenson
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Gary Wolfe
Observer(s)	Liam Liston
Date of Site Inspection	3 rd May 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located within Biscayne residential estate, accessed off the Coast Road (R106) on the east side of Malahide and approximately 14km northeast of Dublin city centre. It occupies a corner site with approximately 19m frontage on the east side and approximately 26m frontage on the south side onto residential streets.
- 1.2. The site contains a 2-storey detached house with single-storey rear extension and side dormer extension. Two vehicular accesses are available from the front (east) side of the house. The site boundaries comprise a wall that steps up in height to the rear of the house and there is an internal wall across the side of the site, which provides a screen for the rear garden.
- 1.3. The immediate surrounding area is primarily characterised by rows of semi-detached houses, fronting onto tree-lined streets. The estate is generally laid out in a network of cul de sac and looped roads and ground levels in the immediate vicinity drop steadily moving northwards to the coast.

2.0 Proposed Development

The proposed development comprises the following:

- construction of a part-single, part-two storey two-bedroom detached house, with a stated gross floor area of 103sq.m, in the side garden of No. 110 Biscayne;
- removal of internal-screen wall and reconfiguration of the front garden area. The existing vehicular accesses from the east of the site will be maintained with a reduced width.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 12 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority. The Planning Officer noted that the proposals meet standards regarding internal floor areas and garden space. Further information was requested with regards to drainage details, omission of pedestrian access from the south and reduced width to vehicular access. The submitted response was considered acceptable by the Planning Officer.

3.2.2. Other Technical Reports

- **Water Services Section** - outlined their requirements initially and subsequently stated no objection subject to conditions;
- **Transportation Planning Section** - no objection subject to conditions;
- **Parks & Green Infrastructure Section** - no objection.

3.3. Prescribed Bodies

- **Irish Water** - no objection subject to conditions.

3.4. Third-Party Submissions

3.4.1. The Planning Authority received **three** third-party submissions. The issues raised in these submissions are covered in the grounds of appeal and the observation below.

4.0 Planning History

4.1. Subject Site

- 92B/1254 – Retention permission **granted** for attic conversion and garage conversion.

4.2. Surrounding Sites

Within the established Biscayne estate, there are examples of recently constructed houses in the side gardens of No. 13 (F16A/0014) and No. 21 (F08A/0634) following permission from Fingal County Council. Planning permission (F02A/1178) was refused by Fingal County Council for a house in the side garden of No. 171 Biscayne. Following an appeal (PL06F.209651), planning permission (F04A/0902) was refused for a house in the side garden of No. 140 Biscayne, as it was considered that the proposals would be visually obtrusive on the streetscape and would seriously injure the amenities of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective 'RS - Residential' within the Fingal County Development Plan 2017-2023 with a stated objective to "provide for residential development and protect and improve residential amenity". The vision is to ensure that any new development in existing areas will have minimal impact on and enhance existing residential amenity.

5.1.2. Section 3.4 of the Development Plan outlines Council policy generally encouraging development of underutilised infill, corner and backland sites in existing residential areas. The Plan notes balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. In this suburban location, the Plan requires 1 to 2 car parking spaces within the site curtilage to serve a 2-bedroom house.

6.0 The Appeal

6.1. Grounds of Appeal

The principal grounds of appeal can be summarised as follows:

- Impact on the visual amenities of the area;
- Development would be out of character with the surrounding area;

- Orientation of the proposed house with primary façade fronting onto a side street;
- Poor layout to the front parking area and relationship with existing house;
- Overdevelopment of a site with limited ability to absorb an additional dwelling;
- Neighbouring precedent for refused corner site infill developments;
- Proposed development would set an undesirable precedent.

6.2. Applicant's Response

The applicant's response to the appeal includes the following:

- Proposals show ample space for a second detached house on site;
- Application should be considered on its own individual merits and not on precedent;
- Neighbouring refused precedent quoted is not directly relevant given differences in the sites;
- References made to permitted corner site developments comprising detached houses in Biscayne estate and the adjoining Seapark estate;
- Proposals comply with Development Plan policy with respect to house design, development standards, provision of additional passive surveillance, aspect and residential amenity;
- Shared parking arrangement to the front can be addressed via legal subdivision.

6.3. Planning Authority Response

The Planning Authority rely on their previous report and specifically request that a financial contribution condition be attached should a grant of permission be issued.

6.4. Observation

One observation to the appeal has been submitted and this is summarised as follows:

- Visual impact resulting from the potential loss of semi-mature street tree and the interference with an estate boundary feature wall and lack of detail relating to the treatment of this wall;
- Design of the proposed house design is considered not consistent with existing house and the separation distance from the existing dwelling and the footpath is queried. Pedestrian access on southern boundary is not necessary;
- Proposals will lead to parking congestion and resultant restricted traffic movement along estate road to the south;
- The proximity of the access to a bend in the estate road will have implications for traffic safety and public health, and there will be no ability to control the shared parking arrangement;
- Impact on residential amenity of the area and neighbouring properties, including the overbearing impact;
- Potential for the proposed house to expand to accommodate additional bedrooms;
- Proposed development is considered excessive and has potential to set an undesirable precedent.

7.0 Assessment

7.1. Introduction

7.1.1. The principle of developing the proposed house on a corner site on lands zoned 'RS' 'Residential' is acceptable, subject to planning and environmental considerations outlined below. It is also considered that the proposed development complies with Development Plan standards relating to private amenity space, internal layout and room sizes. Consequently, the main issues arising in the grounds of appeal are as follows:

- Design & Visual Impact;
- Impact on Residential Amenity;

- Parking, Traffic & Access;

7.2. Design & Visual Impact

- 7.2.1. The grounds of appeal argue that the proposed development will not be in keeping with the appearance of the area. The house is proposed to be sited on a corner, within the side garden of an existing house. With regard to new houses on corner sites, the Development Plan states that such development will generally be encouraged, where a balance can be achieved between protecting the amenities, privacy and **character of an area**. It is noted that this area is not provided with any conservation status. While acknowledging that there is an established rhythm to the area, primarily comprising pairs of semi-detached houses onto residential streets, and there is a detached house on the subject site, the introduction of an additional detached house with adequate separation from the adjoining house will not unduly impact on the character of the area.
- 7.2.2. The grounds of appeal assert that the proposed development comprises a cramped layout and will lead to overdevelopment of the site. Under the Development Plan, proposals such as this must have regard to the size, design, layout, building lines and relationship with the house on site, as well as adjacent houses. The primary front **building line** of properties to the north is maintained in the subject proposals and the proposed house size, design and layout compliments the existing house on site. The building line to the south, generally formed by Nos. 155, 140 and 110 Biscayne, is not defined in a consistent manner. Considering this context, the proposed development will not be visually incongruous or obtrusive within the streetscape.
- 7.2.3. With regards to the **visual impact** of the proposals, views of the proposed development will only be available from the immediate streets and from neighbouring properties facing the site. Existing street trees are not proposed for removal under the proposals. While noting that the finished-floor level of the proposed house will be slightly above that of the existing house on site, the proposed roof-ridge level will be below that of the existing house on site and the proposed roof profile will compliment adjacent roofs. Where visible the proposed house will be viewed against the backdrop of existing housing within then estate. In conclusion, the proposed

development would not be so detrimental such that it would detract from the visual amenity of the area and the proposed development should not be refused for this reason.

7.3. Impact on Residential Amenity

- 7.3.1. The Development Plan requires proposals for corner site developments to have regard to the impact on the residential amenities of adjacent houses and the grounds of appeal contend that these amenities will be adversely affected by the subject proposals.
- 7.3.2. It is noted that the proposed development will have its primary **frontage** onto the street to the south. While recognising that a new façade is introduced, it is considered that this will provide for additional passive surveillance onto the street and no significant privacy or overlooking issues emerge given separation distances across the street and the provision of a defensible space between the proposed house and the back edge of the footpath.
- 7.3.3. The proposal would not have any adverse impacts on the residential amenities of **properties to the rear**, as adequate separation distances are achieved from rear first-floor level of the proposed house to the rear boundary (c.10.5m) and also to the nearest house to the rear, No. 140 Biscayne (c.20m).
- 7.3.4. The proposed house will be located directly to the south of the **existing house** on site, No. 110 Biscayne. No. 110 is served by one first-floor bedroom window facing south to the proposed house. The bedroom is however also served by a window from the front of the house. Under the proposals, this existing side window will be altered to obscure glazing and as a consequence undue impact via overlooking between proposed and existing houses on site will not arise. Having regard to design, siting, layout and orientation, the new house could not be viewed as having an adverse impact on the residential amenity currently enjoyed by the existing dwelling at No. 110.
- 7.3.5. The observer to the appeal expresses concern that the provision of a rooflight could lead to the house accommodating additional bedrooms. It is noted that the proposed floor to ceiling heights at roof level would not readily lend towards provision of habitable space.

7.3.6. In conclusion, it is considered that the proposed development will not have a detrimental impact on the residential amenities of neighbouring dwellings or dwellings in the general vicinity.

7.4. **Parking, Traffic & Access**

7.4.1. The grounds of appeal assert that the proposed shared **parking** arrangement fronting the site is indicative of the inability of the site to absorb an additional house. Presently on site there are two vehicular entrances to the property from the east. The proposed layout to the front of the site will be altered to allow for a total of 4 off-street car parking spaces, 2 each for the existing and proposed houses. While the proposed parking arrangement could be improved on, I am satisfied that the required quantum of parking can be achieved on site and that the existing vehicular access can be used separately by the occupants of the proposed and existing house.

7.4.2. It is proposed to continue to use the two existing vehicular **accesses**, and it is noted that the adjoining boundaries have a reduced height improving visibility around the junction. The low level of **traffic** and parking associated with one additional house would not create any issue with regard to traffic safety or the capacity of the road network. Accordingly, the development would not give rise to traffic hazard and should not be refused for this reason.

8.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

I recommend that permission is **granted** in accordance with the following reasons, considerations, and conditions.

10.0 Reasons and Considerations

Having regard to the zoning, nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would not be out of character with existing development within the area, would be acceptable in terms of visual impact and traffic safety, and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the Planning Authority on 6th January 2017, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only 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 property in the vicinity.

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 & 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 & 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.

Colm McLoughlin
Planning Inspector

16th May 2017