



An  
Bord  
Pleanála

## Inspector's Report 06F.248478

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<b>Development</b>	Demolition of a warehouse and boundary wall and construction of 6 no. houses and all associated site works.
<b>Location</b>	Rear of 'Elphin' and 31-34 Baldoyle Road, Sutton, Dublin 13.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F16A/0444
<b>Applicant(s)</b>	Wingview Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Keith and Maeve Fogarty. 2. Adèle Sleator and Stephen and Bernadette Kerr
<b>Date of Site Inspection</b>	4 <sup>th</sup> September 2017
<b>Inspector</b>	Deirdre MacGabhann.

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## 1.0 Site Location and Description

- 1.1. The 0.23ha appeal site is situated c.90m to the north east of the junction of Dublin Road and Baldoyle Road in Sutton, c. 11km to the north of Dublin City Centre. It lies to the rear of residential development facing Dublin Road and Baldoyle Road and to the west and south of the Binn Eadair development (nos. 15 to 19A Binn Eadair View lies immediately east of the site). To the south west of the site is the 'Elphin' public house and associated car park. To the north of Elphin is a small group of commercial units (crèche, chiropodist, dry cleaners, barber, takeaway and hairdressers).
- 1.2. Access to the site is via an existing lane from Baldoyle Road that provides access to the rear of properties along Dublin Road and pedestrian access to the Binn Eadair development. A second, disused, access appears to lie to the north of the Elphin public house, however, this route appears to be in use as a gated external area to the pub (see photographs).
- 1.3. The appeal site comprises an existing disused warehouse building. The site is visually contained by surrounding development and by a high block wall along the access lane the site (see photographs). The site level falls relatively gently from north to south and housing to the east appears to have been constructed at a higher elevation than the appeal site (c.+1m).

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing warehouse building (856m<sup>2</sup>) and 1.8m high boundary wall which runs along the southern boundary of the site and the construction of six houses comprising:
  - Four no. two storey semi-detached units, in two pairs, with one pair to the north of the site and one pair to the south (plot nos. 1 and 2 and 4 and 5 respectively),
  - One no. single storey detached unit, to the north of the site, (plot no. 3), and
  - One no. single storey detached unit to the south of the site (plot no. 6).

- 2.2. The existing perimeter boundary walls to the west, north and east of the site are to be retained.
- 2.3. The residential units are finished in selected red brick and painted smoother plaster render, white pvc windows and concrete roof tiles.
- 2.4. A new vehicular access to the site is proposed on the southern boundary of the site off the existing public laneway. Associated site development works include a marked pedestrian route and traffic calming ramps on the public laneway from Baldoyle Road to the site entrance, new drainage connections to the public sewer, surface water attenuation within the site, new boundary treatment and landscape works.
- 2.5. An Engineering Report and an Urban Design Statement accompany the planning application. The Engineering Report deals with site topography, service and roads and traffic. It indicates sightlines of 14m at the access to the site (from the laneway) based on the proposed traffic calming measures and a resultant design speed of 20kph.
- 2.6. The application is made on foot of a previous application for the site (PA ref. F15A/0559) that was allowed to lapse. It is stated in correspondence to the planning authority that the current application addresses the matters raised in the planning authority's previous request for additional information, under PA F15A/0559.
- 2.7. In March 2017, the applicant submitted further information in respect of the development. In particular, it includes:
  - Revised details in respect of the provision of public footpaths within the site and along its southern boundary,
  - Revised entrance details to comply with DMURS (corner radii at entrance to facilitate occasional access by larger vehicles) and revised visibility splays to comply with DMURS (14m sightline remains),
  - Further details in respect of foul and surface water network (tie in levels and size of piping),
  - Finished floor levels to a height of 4m OD Malin with a stepped access to each dwelling to accommodate the level change (level access incorporated to front, side or rear),

- Increased separation between rear elevation of plot nos. 1 and 2 and existing rear boundary wall (11m),
- A revised landscape plan.

### 3.0 Planning Authority Decision

#### Decision

3.1. The planning authority decided to grant permission for the development subject to 18 no. conditions. Most of these are standard, however, the following are site specific:

- No. 3 – Requires:
  - Rear patios to unit nos. 1 to 3 to be no greater than 1.2m in depth from the furthest projecting part of the ground floor rear elevation and all other patio levels to be provided in the rear garden to be no more than 3.25m ODM and no more than 2m in depth.
  - Rear patios to unit nos. 4 to 6 to be no greater than 2m in depth from the furthest projecting part of the ground floor rear elevation and all other patio levels to be provided in the rear garden to be no more than 3.25m ODM and no more than 2m in depth.
  - First floor rear windows serving bedroom 1 within House type 01 on plots 1 and 2 to be oriel deflecting windows, projecting 300mm from the rear elevation, with the oriel deflected window to contain obscure glazing to the front and clear glazing to the side.
- No. 6 – Requires (a) relocation of entrance in an eastern direction to provide 23m sightlines, (b) raised table ramps to restrict traffic speeds along the access lane, and (c) 1.8m wide footpaths.
- No. 12 – Requires a condition survey of existing boundary walls and measures to augment, replace or otherwise ensure an effective boundary with adjoining properties (as shown in Proposed Side Plan Revised 1322.PL.01).
- No. 13 – Requires external finishes to be as indicated in drawing nos. 1322.PL03, 1322.PL04 (REV A) and 1322.PL05 (REV A).
- No. 17 – Contribution in lieu of public open space provision.

- No. 18 – Bond.

### **Planning Authority Reports**

- 3.2. There are two reports in respect of the proposed development. The first (2<sup>nd</sup> December 2016) refers to the planning history of the site, relevant policies of the County Development Plan, objections/submissions and technical reports. It considers that the development is consistent with the zoning of the site, is acceptable in principle and in terms of its design, subject to the resolution of outstanding issues in respect of footpath provision, entrance details, separation of first floor rear windows of plot nos. 1 and 2 from the adjoining property to the north of the site, further details in respect of foul sewerage, provision of a ground floor level of 4mOD (to comply with requirements for developments in coastal areas prone to flooding), assessment of impact of this on adjoining residential development, provision of public open space and a landscape plan.
- 3.3. The subsequent Planning report considers that the applicant has generally dealt with the matters raised in the request for further information. It recommends granting permission for the development subject to conditions including, revised details in respect of depth of and levels of rear garden patios (units 1 to 3 and 4 to 6), revised details in respect of first floor windows to rear of house type 1 (plots 1 and 2) to be oriel deflecting windows and assessment of stability of adjoining boundary walls.

### **Technical Reports**

- 3.4. The following technical reports are on file:
- Irish Water (31<sup>st</sup> October 2016, 30<sup>th</sup> March 2017) – No objections subject to conditions.
  - Water Services (28<sup>th</sup> October 2016, 30<sup>th</sup> March 2017) – No objections subject to conditions.
  - Transportation Planning (18<sup>th</sup> November 2016, 12<sup>th</sup> April 2017) – Recommend additional information in respect of footpaths and site entrance, and subsequently, that there are no objections to the development subject to conditions (minor relocation of entrance to achieve sightlines, provision of internal footpath to north of the site to a minimum width of 1.8m).

- Parks Planning (15<sup>th</sup> November 2016) – Require additional information in respect of open space provision.

### **Third Party Observations**

3.5. There are 6 no. observations on file in response to the application, made by Keith and Maeve Fogarty, Rachel and Gerard Keating, Robert Griffin, Brian Corcoran, Bernadette and Stephen Kerr and Adèle Sleator.

3.6. The following issues are raised:

- Impact on light and privacy on nos. 16, 16A and 16B Binn Eadair, as a consequence of two storey units which are higher than the highest point of the existing warehouse building,
- Impact on adjoining residential outbuilding, to the rear of no. 16B Binn Eadair View, from noise during demolition and construction and impact on structural integrity).
- Impact on Binn Eadair sewerage system, surplus waste drains into the network from the adjoining properties and blocks the system.
- Traffic safety - access laneway is used by pedestrians, including children. Development should have been accessed from main Baldoyle Road, as per the existing warehouse. Substandard size of laneway e.g. to facilitate two cars entering and leaving the development.
- Impact on development potential of adjoining lands (land to rear of 90 and 91 Dublin Road) and appropriate sizing of services along laneway to facilitate development to rear of Dublin Road.
- The proposed use is inconsistent with zoning of the site.
- No site notice in the Binn Eadair estate. Site notice erected after the application was made.
- No information on construction and how this may impact on residences.
- Ownership of laneway.
- Effect of measures to manage flooding on adjoining lands (Binn Eadair View).

3.7. Subsequent observations, on the revised information, were made by Adèle Sleator, Stephen and Bernadette Kerr and Keith and Maeve Fogarty. The observers repeat the issues previously raised, including the impact of the development on privacy of nos. 16, 16A and 16B Binn Eadair given the proposed increase in internal floor level. In addition, they state that there has been no consultation with them in respect of the proposed development, that there is a risk of overlooking from the attic space of House Type 1 (plots 4 and 5) and a security risk with the public roadway behind no. 16B Binn Eadair View and adjoining properties.

## 4.0 Planning History

4.1. A number of planning applications have been made in respect of the appeal site. These comprise:

- F15A/0559 – Application for planning permission for the demolition of the existing derelict warehouse building and the construction of 6 no. houses on the appeal site, was deemed withdrawn after the applicant did not respond to a request for additional information.
- PA ref. F12A/0214 – Planning permission for a new vehicular entrance to the existing warehouse building from the existing public lane granted planning permission subject to conditions.

4.2. The following planning applications have been made in respect of 87 and 96 Dublin Road, lying to the south west and south east of the appeal site (see attached planning history):

- PA ref. F03A/0825 – Planning permission for the construction of a bungalow on lands to the rear of existing dwelling at no. 87 Dublin Road, with vehicular access from existing laneway was refused permission for two reasons. The first reason cited the substandard laneway which was to provide access to the site, the use of this laneway as a pedestrian link between Binn Eadair estate and Baldoyle Road and the risk to public safety arising from traffic generated by the development using the laneway.
- PA ref. F98A/0674 – Planning permission for the demolition of an existing garage and construction of a crèche at the rear of 96 Dublin Road was



refused permission for two reasons. The second reason given was due to the sub-standard laneway which provided access to the site.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The appeal site lies within the administrative area of the Fingal County Development Plan 2017-2023. It is zoned LC '*Protect, provide for and/or improve local centre facilities*'. The vision for the zoning is to provide a mix of local community and commercial facilities for the existing and developing communities of the County. Residential land uses are permitted in principle within the zone.
- 5.1.2. Residential development that surrounds the site is zoned RS '*Provide for residential development and protect and improve residential amenity*'. Policy Objective DMS39 in the Plan refers to new infill development and seeks to ensure that such development shall respect of the height and massing of existing residential units.
- 5.1.3. The site lies in an urban area adjoining the coast, immediately north of Bull Island. To the south the coastal waters are designated as an SPA and SAC (North Bull Island SPA and North Dublin Bay SAC) and to the north as Baldoyle Bay SPA and SAC. The sites are afforded protection by policy Objective NH15 of the County Development Plan.

## 6.0 The Appeal

### Grounds of Appeal

- 6.1. Two third party appeals have been made in respect of the development. Issues raised are summarised as follows:
- Keith and Maeve Fogarty (No. 16B Binn Eadair View) – Re-iterate the matters raised in their objections to the development (summarised above), including impact on privacy, light, outhouse, safety of pedestrians on laneway and impact of development on value of property.
  - Stephen and Bernadette Kerry (No. 16 Binn Eadair View) and Adèle Sleator (no. 16A Binn Eadair View) – Previous issues raised have not been satisfactorily addressed, including impact on residential amenity of properties

by plots 4 and 5 (profound impact on privacy). Houses are taller and closer than existing warehouse. Impact on sun in gardens. Plots 4 and 5 should become single storey dwellings. Development is infill. It is not a satisfactory response to say that the separation for an urban area is adequate. Location of notices was deficient. Access to the site has not been properly addressed and was a factor in planning permission being refused under PA ref. F03A/0825 and F98/0674. Under PA ref. F03A/0825 permission was refused for one house on the site. The proposed development is for 6 houses. The planning permission allows work at 8am on a Saturday but does not limit noise/type of work. Queries who is responsible changes in drainage as a consequence of the development such that the appellant's properties become prone to flooding.

### **Applicant Response**

6.2. The applicant makes the following comments on the issues raised by the appellants:

- The development has been designed to current planning regulations and guidelines, which protect people's rights to enjoy their property. The housing layout has been designed to ensure that privacy, overlooking and overshadowing do not overly impact on the amenity of adjoining properties.
- The site has zoning objective LC, local centre. 'Residential' land uses are permitted in this zone.
- The request for additional information addressed many of the neighbouring objections which were taken into consideration by the planning authority (conditions 3 and 8).
- The issue of adjoining structures and concerns over boundary walls are dealt with in condition no. 12 (condition survey).
- Access to the site has been addressed by the engineers in their original application and subsequently in the additional information submitted and in condition no. 6 of the permission. Parking is provided for 12 cars, which does not constitute an unmanageable increase in vehicular traffic.

- Drainage matters and the prevention of flooding are addressed by the engineer's report at the time of application and additional information request, the result of which is condition no. 15 of the permission.
- Maintenance of local roads and access is addressed in condition 14 of the permission.
- Times of work are dictated by the planning authority (condition no. 16).
- Safety during construction will be dealt with at the time by the Health and Safety Authority and the developer.
- The proposed development will transform a derelict site into a more pleasant environment and enhance the general amenity of the neighbourhood.

### **Planning Authority Response**

6.3. No new issues raised. In the event that their decision is upheld, the Planning Authority request that condition nos. 17 and 18 (development charge in lieu of open space and security for provision of services respectively) be included in the Board's determination.

## **7.0 Assessment**

7.1. I have read the appeal file, reviewed the statutory development plan for the site and I have carried out an inspection of it and the adjoining development. I consider that the key issues arising in respect of the proposed development are confined to the matters raised in the course of the appeal and comprise:

- Principle of the development within the zoning objective for the site.
- Impact on privacy and light.
- Impact on adjoining structures and construction methodology.
- Arrangements for access.
- Development potential of lands in the vicinity of the site.
- Other matters.

## 7.2. Principle of Development

- 7.2.1. The appeal site is zoned LC, 'Local Centre' in the Fingal County Development Plan 2017 to 2023. Residential land uses are permitted in principle within the land use zone. In this instance, the appeal site is a backland site with residential development on three sides and commercial development to the south west. Further, access to the site is by a minor laneway. The proposed residential land use, within this context would appear to be appropriate i.e. it is acceptable as a land use type within the zone, would not detract, in principle, from the amenity of neighbouring development (by virtue of its use) and would generate a relatively modest level of traffic. I consider, therefore, that the principle of the development on the site is acceptable.

## 7.3. Impact on Privacy and Light

### Privacy

- 7.3.1. The proposed development is substantially removed from existing residential property to the west and south. However, the six no. residential properties which are proposed on the site lie in relatively close proximity to existing dwellings within the Binn Eadair development, notably with Plot nos. 3, 4, 5 and 6 lying immediately west of the two short terraces comprising nos. 15 to 19A. Similarly, Plot nos. 1 to 3 lie immediately south of no. 92 Binn Eadair.
- 7.3.2. In order to comply with guidelines on flood risk management, the applicant proposes a FFL of 4.0 and adjoining external patio area again with a level of 4.0m OD. This compares to existing ground levels on the site of between c.2.2m OD (north) and 3.2mOD (south east corner). In effect the ground floor and external patio area of Plot nos. 4 and 5 would be some 1.3m above the adjoining ground level to the rear of the proposed units and of the adjoining properties in Binn Eadair (drawing no. 1322.PL.02). Further, (a) the residential units would be separated by the existing perimeter boundary wall (to be retained) which would be only 1.12m above the GL of the proposed dwelling and adjoining patio, (b) the distance between the rear windows of Plot nos. 4 and 5, at ground floor, would be only 10m from the eastern boundary of the site and less than 21 from the rear windows of nos. 16, 16A and 16B Binn Eadair (at first floor, the separation distance would be c.22m). In view of the above, I consider that the proposed development could give rise to serious

overlooking of the rear garden of Binn Eadair properties. Whilst I do acknowledge that the planning authority has sought to address this matter by reducing the extent of patio area to the rear of the plot nos. 4 to 6, I do not consider that the condition adequately deals with overlooking from the windows at ground floor or remaining external patio area to the rear of plot nos. 4 to 6 (even if reduced in size). To prevent overlooking, I consider that the boundary wall would need to be increased in height i.e. to provide a height of +1.8m over the finished floor level of plot nos. 4 to 6. However, this would substantially increase the size of the rear boundary wall when viewed from Binn Eadair i.e. to a height of 3.0m (see section B-B, drawing 1322.PL.02), which I consider would be excessive given the short rear gardens of the properties. Similar issues apply for proposed plots nos. 1 and 2, where the ground floor windows in the rear elevation of the units will overlook the rear garden of no. 92 Binn Eadair.

- 7.3.3. In addition to the above for plot nos. 1 and 2, the planning authority propose that the first floor rear windows serving bedroom 1 comprise oriel deflecting windows. However, I consider this arrangement to be sub-standard and detract from the amenity of the proposed units in the longer term. I would recommend instead that, if the Board are minded to grant permission for the development, in its current form, the semi-detached units proposed at plot nos. 1 and 2 be replaced by a single storey dwelling.
- 7.3.4. With regard to the potential use of the attic space of House Type 1 (plot nos. 4 and 5) for living accommodation, this type of development, being that which would materially affect the external appearance of the structure, would require planning permission and would be dealt with on its merits at the time.
- 7.3.5. In summary, I consider that the layout, scale and form of the proposed development gives rise to serious overlooking of adjoining properties in the Binn Eadair development. Further, I do not consider that the conditions imposed by the planning authority to limit the width of external patio areas are adequate to deal with the issue. Indeed, I consider that they would result in a reduced level of amenity for residents of the proposed development. In addition, to the above, I note that the proposed development is laid out such that plot nos. 4 to 6 lie to the east of the site, close to the Binn Eadair development. If the layout was reversed, such that these units were located to the west of the site, issues of overlooking are unlikely to arise due to the

larger set back of adjoining (largely commercial) property. I consider therefore that it would ultimately be possible to accommodate a residential development on the site which would not give rise to overlooking. Any such substantial revisions to the scheme would require detailed design and revised public notices and I do not consider it to be appropriate to recommend such a substantial re-design via this proposed development and planning appeal. Therefore, in this instance, I would recommend that permission for the development be refused on the grounds that it gives rise to serious overlooking of adjoining properties.

### Light

- 7.3.6. The appellants argue that the proposed development will detract from light reaching the rear of their properties and their established residential amenity.
- 7.3.7. The proposed development lies to the south and west of the Binn Eadair development. The existing industrial unit on the appeal site has a ridge height of 7.64m (Drawing 1332.PL.06). The proposed two storey units, on plots 1 and 2 and 4 and 5 have a ridge height of 12.5m and are sited closer to the Ben Eadair development than the existing building on the site. However, the proposed two storey units are not substantial structures, they have a similar ridge height to the Binn Eadair properties (Drawing 1332.PL.02) and remain reasonably removed from them. In the urban context of the development, I do not consider that any overshadowing arising or impacts on light will be significant.

### **7.4. Impact on Adjoining Structures and Construction Methodology**

- 7.4.1. To the rear of no. 16A Binn Eadair is a small outbuilding. The appellant states that this is in regular use and that the proposed development may adversely impact on its structure and its use (noise during construction).
- 7.4.2. I note that (a) the applicant proposes the retention of the existing boundary wall along the eastern side of the appeal site, and (b) the planning authority require a survey of the existing boundary walls to establish the ability of the walls and any adjoining structures to withstand the effects of construction and measures to augment, replace or otherwise ensure an effective boundary is maintained between the proposed development and adjoining properties (condition no. 12). This

approach seems reasonable and would safeguard the condition of all boundary walls and outbuildings and those specifically referred to by the appellant.

- 7.4.3. With regard to construction noise, this is a short term impact and can be managed by a standard condition which would typically limit construction noise and hours of work, in the interest of residential amenity.

## **7.5. Arrangements for Access**

- 7.5.1. Access to the appeal site is via an existing narrow laneway that currently provides vehicular access to the rear of properties along Dublin Road and pedestrian access to the Binn Eadair development. The lane is particularly narrow and does not allow two cars to pass each other. I also note (a) previous planning applications for development to the rear of property facing Dublin Road have been refused, in part on the grounds of the inadequacy of this laneway and (b) the laneway separates the public house 'Elphin' from the adjoining car park, and doors from the public house exiting onto the laneway, creating a level of pedestrian traffic across the lane associated with the public house development (in addition to pedestrians using the lane to access Binn Eadair).
- 7.5.2. I would accept, therefore, that the access to the site is not ideal. However, the existing building on the site is derelict and attracts anti-social behaviour and vandalism. The proposed use is a residential one, with a relatively small number of vehicle movements associated with it (and potentially significantly smaller than any use associated with the current use of the site). Further, traffic movements are over a short length of the lane and the applicant proposes traffic calming measures along the laneway and a dedicated and demarcated pedestrian route alongside the public house and the site (i.e. the narrowest part of the lane). These measures are further strengthened in the planning authority's grant of permission which require an increase in the sightlines provided at the entrance to the site and a table ramp at the entrance to the site. The provision of residential units on the site would also increase passive overlooking of the laneway and its amenity for pedestrians.
- 7.5.3. Having regard to the above, I am of the view therefore that the proposed arrangements for access to the site whilst not ideal are acceptable, will improve

arrangements for pedestrians over and above existing arrangements, and will not give rise to traffic hazard.

## **7.6. Development potential of lands in the vicinity of the site**

7.6.1. The laneway providing access to the appeal site also provides access to the rear of properties facing Dublin Road. Any planning applications for development on these adjoining lands would be determined on their own merits at the time of application. However, I do note that the proposed development is relatively modest in scale and does not deleteriously impact on or obstruct access to the lane or, therefore in principle, the development potential of any lands which also gain access from the laneway.

## **7.7. Other Matters**

7.8. Third parties also draw the Board's attention to the following matters:

- Site notices – The planning authority has responsibility for validating planning applications, including public notices. I note that a number of parties have made observations on the planning application and have submitted appeals to the Board and I consider that the purpose of the public notices has been served.
- Flood risk to, and drainage of, adjoining lands – The proposed development is a modest development of 6 residential units in a serviced urban area. It has been designed to take account of a 1 in 1000-year tidal flood and accommodates a range of SUDS measures to prevent the rapid discharge of surface/stormwater from the site. The proposed measures have been deemed to be acceptable by the planning authority and can be further controlled by condition. The arrangements for the disposal of foul water have been designed within the context of the existing foul sewer network and, again, are considered to be acceptable to the planning authority and Irish Water. Further, the appellant's have not demonstrated how the proposed development would adversely impact on the Binn Eadair sewerage system. In view of the above, I consider that the proposed arrangements for the disposal of surface water and foul water are acceptable and that the



development will not give rise to flooding on adjoining properties or adversely impact on the Binn Eadair sewerage system.

- Ownership of laneway – From the information on file, ownership of the laneway that provides access to the site is unclear. However, I note that planning permission was granted under PA ref. F12A/0214, to the current applicant<sup>1</sup>, for a new vehicular entrance to the existing warehouse from the public laneway to the south of the site, and it would suggest sufficient legal interest to bring forward an application for the previous and proposed development. Notwithstanding this, the matter is a legal matter one which lies the scope of this appeal and any grant of permission would not obviate the need for any other necessary consents/legal requirements.

## 8.0 Appropriate Assessment

8.1. The proposed development lies c.100m to the north of the nearest Natura 2000 sites, the North Bull Island SPA and North Dublin Bay SAC. However, the site is in an urban area, on a serviced site and there are no direct pathways that connect the site to the SPA or SAC to give rise to the risk of impacts during construction (e.g. no watercourses on site that link to the Natura 2000 sites). Further, the proposed development comprises the redevelopment of the site with surface and foul water arising from it being directed to the existing public surface water and foul water sewers.

8.2. Therefore, having regard to the nature of the development, the absence of any direct pathway between the site and Natura 2000 sites and the arrangements for the disposal of surface and wastewater, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on any European site.

## 9.0 Recommendation

9.1. Having regard to my comments above, I recommend that permission for the proposed development be refused for the reasons and considerations set out below.

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<sup>1</sup> Leo Fitzgerald was granted permission under PA ref. F12A/0214 and is a company director of Wingview Ltd, the applicant for the proposed development.

## 10.0 Reasons and Considerations

10.1. Having regard to the policies and objectives of the Fingal County Development Plan 2017-2023, which seek to protect and improve residential amenity, and to the scale and form of the proposed development, in particular the proposed level and proximity of the ground floor accommodation and associated patio areas relative to adjoining development, it is considered, that the proposed development would be give rise to serious overlooking of adjoining property and substantially detract from its residential amenity. The proposed development would, therefore, be contrary to, and to the proper planning and sustainable development of the area.

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Deirdre MacGabhann

Senior Planning Inspector

5<sup>th</sup> September 2017