



An  
Bord  
Pleanála

## Inspector's Report PL06F.249098

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<b>Development</b>	Replacement house, widen entrance, associated works.
<b>Location</b>	'Beauvista', Grove Road, Malahide, County Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F17A/0319
<b>Applicant(s)</b>	Sam & Valerie Dennigan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Steve & Sarah Tormey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> December 2017
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 0.071ha and is located close to Malahide village centre and the Grand Hotel at Beauvista, Grove Road, Malahide, County Dublin. There is an existing two storey house on site with a first storey enclosed in a mansard roof. There is a slope within the site south to north. The site has a single vehicular/pedestrian access to Grove Road. It appears that the house may have been unoccupied for a period, the boundary hedges are noticeably full on all the boundaries.
- 1.2. Adjoining the site to the north is 1 The Mall, Malahide a two storey house which has vehicular access to The Mall and pedestrian access to Grove Road. It may be that the application site was once part of 1 The Mall and was separated from it a considerable time ago. To the south is 'Crooked Wood', Grove Road (the appellant's property) which was once a hotel but is now in residential use.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a replacement two storey house, widened vehicular entrance and associated site works at Beauvista, Grove Road, Malahide, County Dublin.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority granted permission subject to conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report recommended a grant of permission as set out in the manager's order.

#### 3.2.2. Other Technical Reports

**Water Services Report** had no objections.

**Transport Planning Section** reported no objections.

**Conservation Office** reported no objections.

### 3.3. **Prescribed Bodies**

Irish Water had no objections.

### 3.4. **Third Party Observations**

An observation was made at application stage by the current appellants raising, generally, similar issues as in the appeal.

## 4.0 **Planning History**

4.1. PL06F.234883 permission granted for extensions/alterations at Beausite House, Grove Road, Malahide, County Dublin.

4.2. PL06F.229677 Permission refused for the demolition of the existing house at Beausite House, Grove Road, Malahide, County Dublin because;

Having regard to the location of the site within an Architectural Conservation Area, and its size and position relative to adjacent dwellings, it is considered that the intensification by redevelopment of two two-storey dwellings would be intrusive and incongruous. The proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Development Plan

The proposed development is located in an area zoned 'RS, 'to provide for residential development and protect and improve residential amenity' in the Fingal County Development Plan 2017-2023.

### 5.2. Natural Heritage Designations

See AA screening section below.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposed house breaks the building line on Grove Road.
- The proposed development is overdevelopment of the site; replacing 194m<sup>2</sup> with 295m<sup>2</sup>. The house is too close to the boundaries, too high and visually dominant and overbearing.
- The site is within the Malahide Historic Core ACA. Redevelopment on the site should support the objectives of the ACA.
- The proposed development does not provide adequate sightlines at the new entrance.

### 6.2. Applicant Response

- The site is zoned for residential development in the Fingal County Development Plan 2017-2023. The existing house on site is outdated and needs re-development. The existing house has windows overlooking the appellant's property; the application omits these.
- The building line on Grove Road is stepped, not rigid. The application does not break this building line. Figure 12 in the applicant's submission illustrates

this zig-zag pattern. The visual impact on Grove Road is mitigated further by the 'breaking up' of scale/massing of the proposed new house.

- The southern boundary's relationship with the appellant's house has been improved by removal of 4 first floor windows. The western elevation ensures no overlooking of the adjoining rear garden. The separation distance between the appellant's house (Crooked Wood) and proposed new house is 5m which exceeds the development plan standard.
- Eighty square meters of private open space is provided.
- The proposed development does not represent an intensification of use of the site and will not give rise to traffic hazard.

### 6.3. **Planning Authority Response**

- Grove Road is not in the ACA, the building line on Grove Road is not uniform. The proposed development will not be out of character with the adjoining development.
- The proposed separation distances are adequate.
- The design of the proposed development has adequately broken up the mass and scale of the proposed development.
- Open space at 80m<sup>2</sup> is adequate.
- The new access will not impact on traffic safety.

### 6.4. **Observations**

- There are no observations.

### 6.5. **Further Responses**

There are no further responses.

## 7.0 Assessment

- 7.1. The appeal makes the point that the proposed development breaks the building line on Grove Road. The existing house at Beauvista is slightly forward of the building line established by 'Crooked Wood' but in line with the main gable wall of 1 The Mall. In view of the existing arrangements and the relatively modest scale of the proposed house relative to the adjoining houses to the south ('Crooked Wood') and north (1 The Mall) I conclude that the proposed development will not impact negatively in the visual amenity of the area.
- 7.2. The appeal makes the point that the proposed house increases the floor area of the accommodation on site by about 100m<sup>2</sup> which moves it too close to the boundaries which in turn impacts negatively on the amenity of adjoining property.
- 7.3. At present the house at Beauvista is set off the southern boundary by about 6m. There are three mansard roof windows looking south into the 'Crooked Wood' site. The applicant makes the point that the removal of these windows from the elevation off-sets the impact of moving the elevation south to within about 1.5m of the boundary. As noted above there is a fall south to north in the site. This means that there will be step down effect between the site of 'Crooked Wood' and the application site (see especially the "Existing and Proposed Contiguous Elevations" drawing number PP-11). Furthermore, the proposed house is north of the appellant's property which will minimise overshadowing and the omission of windows from the southern elevation will remove a perception of overlooking from the application site into the 'Crooked Wood' site.
- 7.4. The proposed development makes provision for 80m<sup>2</sup> of private open space. Table 12.1 in the Fingal County Development Plan requires between 70 and 100m<sup>2</sup> of open space for three and/or 4-bedroom bed houses. Notwithstanding the orientation of open space to the north of the proposed house I consider that the open space provision meets the development plan standards and will provide adequate amenity space for future residents of the new house.
- 7.5. In relation to the issue of over-development it is true that the proposed development is at the upper limit of the quantum of development which the site can accommodate however I conclude having regard to the factors set out above that the proposed

development will not be overbearing when viewed from within adjoining property or that it would otherwise seriously injure the amenity of property in the vicinity.

**7.6. Traffic Safety**

- 7.7. The appeal makes the point that the proposed development will endanger public safety by reason of traffic hazard for inadequate sightlines.
- 7.8. The County Development Plan at table 12.8 requires two off street parking spaces for urban and suburban houses with three or more bedrooms. The application provides two off-street spaces. Transport Planning Section reported no objections on traffic grounds.
- 7.9. There is an existing house on site with an entrance onto Grove Road. The proposed development includes a widened entrance but having regard to the existing use of the site, the speed limit of 50kph which applies on Grove Road, the parking provision which complies with the Development Plan standards I conclude that the proposed development will not endanger public safety by reason of traffic hazard.
- 7.10. The appeal makes the point that the proposed development will impact on the visual amenity of the Malahide Historic Core ACA. The planning authority's conservation architect commented that there is no objection to the contemporary design of the house but noted the scale of the proposed development.
- 7.11. The application site is on the edge of the area covered by the ACA which largely covers the historic core of Malahide with nearby residential roads and the Grand Hotel. The Development Plan recognises that the main contribution of these buildings is to the overall architectural integrity of the streetscapes within the ACA but that there is scope for high quality contemporary architectural interventions. The existing house on the site does not have architectural merit and does not contribute positively to the overall quality of design in the area. Having regard to the quality of the design proposed in the present application, the recognition in the Plan that contemporary design may be accommodated within the ACA and notwithstanding the scale of the proposed house relative to the site I conclude that the proposed development would not undermine the ACA.



### 7.12. **Appropriate Assessment.**

7.13. Having regard to modest scale of the proposed development, its location in a built up residential area where public water supply and sewerage are available 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.

## 8.0 **Recommendation**

Having regard to the foregoing I recommend a grant of planning permission for the reasons and considerations and subject to the conditions set out below.

### 8.1. **Reasons and Considerations**

8.2. The proposed development comprises a replacement house on a site which is zoned to provide for residential development and protect and improve residential amenity in the Fingal County Development Plan 2017-2023. Having regard to the existing use of the site, the arrangement of first floor windows, the provision for off-street car parking and subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the visual or residential amenity of the area or of property in vicinity and will otherwise accord with the provisions of the County Development Plan and the proper planning and sustainable development of the area.

## 9.0 **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. Details of the materials, colours and textures of all the external finishes of 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 visual amenity.

3. Water supply and drainage arrangements, including the attenuation and 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 only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interests of sustainable waste management.

6. Two no. car parking spaces shall be provided within the site. The location and layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure adequate off-street parking provision is available to serve the proposed development.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. (a) Screen walls shall be provided along the northern, western and southern site boundaries. Such walls shall be 2 metres in height above ground level.

(b) Details of the layout, the materials, and external finishes of the screen walls shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** In the interests of residential and visual amenity.

9. 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. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Hugh Mannion  
Senior Planning Inspector

14<sup>th</sup> December 2017