



An
Bord
Pleanála

Inspector's Report PL06F.249121

Development	House, entrance, site works
Location	17 Station Road, Sutton, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0540
Applicant(s)	G. Gallagher
Type of Application	Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	T.C. & Patricia Smyth
Observer(s)	None
Date of Site Inspection	November 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The site has a stated area of 0.1065ha and is located to the east of Sutton dart station on Station Road. The site comprises the road side section of side garden of 17 Station Road. The rear garden of 17 Station Road is subject to appeal number PL06F.244406. numbers 17 and 18 Station Road, comprise a pair of partly two/partly three storey houses which protected structures. Immediately to the east of the application site is 16 Station Road (the appellant's house). The site's road side boundary comprises a crenelated and rendered boundary wall with a splayed vehicular/pedestrian entrance. The site is separated from number 16 Station Road by wall/hedge which increases in height to about 2 metres towards the gable of 16 Station Road. There is a timber lath fence about two thirds of the way into the site which will be replaced by a new boundary further into the site to separate this application site from that of PL06F.244406. The site boundary with the existing house at 17 Station Road comprises of railings on a plinth wall as far as the timber lath fence but thereafter the landform falls away to the northeast and the extended house at 17 Station Road is raised on a plinth.

2.0 Proposed Development

2.1. The proposed development comprises the erection of a house, relocation of an existing vehicular entrance, new access road and associated works at 17 Station Road (protected structure), Sutton, Dublin 13.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 13 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.3. The planning authority initially sought additional information as follows;
- Omit the third floor and limit height along south-eastern elevation to 6.6m.
 - Set back the south-eastern elevation at first floor level by 1m for a distance of 4m.
 - Provide details of stone finishes.
 - Provide details boundary treatment of the upper floor terrace.
 - Provide separate vehicular entrances to Station Road for the proposed house and existing house at 17 Sutton Road.

3.3.1. Other Technical Reports

Parks Section stated that no open space was provided and a financial contribution should be paid in lieu.

The **Conservation Office** reported seeking amendments; the top floor should be omitted, details of finishes should be submitted, the crenelated roadside boundary wall/piers should be retained/replicated. The second report from the Conservation Officer (20 July 2017) had no objection in principle.

Transport Planning had no objections.

Irish Water had no objections.

3.4. **Prescribed Bodies**

There are no submissions from prescribed bodies.

3.5. **Third Party Observations**

There were objections at application stage which, generally, are reflected in the grounds of appeal.

4.0 **Planning History**

Under PL06F.244406 Permission was refused for 6 houses to the rear of 17 Station Road, Sutton, Dublin 13 for the reason that;

Notwithstanding the submissions made further to the issuing of a S137 notice, the Board considered that the proposal constituted an inappropriate architectural response to this back land site, which did not achieve densities compliant with Sustainable Residential Development in Urban Areas as issued by the DoECLG in 2009, was suburban in nature and did not, because of its layout provide for a high quality of urban design or an adequate level of amenity to future residents due to the absence of usable public open space. The Board also considered that house unit No. 1 failed to respect the elevational treatment of its neighbours and would detract from the visual amenity of the streetscape. The proposal would therefore be seriously injurious to visual and residential amenities of the properties proposed and of properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the design approach being proposed was an inappropriate response to the site given the pattern of development in the area, the proximity to nearby public transport facilities and the recommendations of National guidance.

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 2017 to 2023.

5.2. Natural Heritage Designations

See AA screening below.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellants live at 16 Station Road. This is one of two related applications on this site, the second is PL06F.249130.

- This application (PL06F.249121) is for a house and driveway; the driveway will also serve the apartment block under PL06F.249130.
- The appellants request that no house be built forward of the building line so as to impact on study window on the eastern elevation of 16 Station Road. If permission is to be granted the new house should be moved back 1m.
- Since the Board's decision in PL06F.244406 17 and 18 Station Road have been designated as protected structures and Station Road has been designated an ACA. Density, respect for architectural context and respect for the frontage development along station road are relevant issues in this case.
- The design of the proposed house is unacceptably out of character with the existing houses on Station Road and can be refused permission without significantly reducing the density on the overall site and will be in the interests of architectural integrity of Station Road.
- The two houses previously developed in the grounds of 18 Station Road were granted permission before it was made a protected structure.

6.2. Applicant Response

- The present application (PL06F.249121) is associated with but separate from the adjoining application under PL06F.249130. The proposed house has been amended by submission of further information, is located on zoned and serviced lands, on a bus route and is within 100m of a Dart station.
- The house is set back to reflect the set back of 18A Station Road.
- The site 0.1065ha and is zoned for residential development. The proposed development complies with the residential housing standards set out in the development plan.
- The house is relatively smaller than 17 and 16 Station Road and has been amended through additional information such that will not impact on the light to 16 Station Road. The proposal does not negatively impact on a protected structure. The proposed development complies with objectives DMS57 and DMW 158 in relation to development within ACA.

6.3. **Planning Authority Response**

- The revisions incorporated as further information addressed the impacts on 16 Station Road.
- The Development Plan provides for those occasions where new development occurs within ACAs.

6.4. **Observations**

- There are no observations.

6.5. **Further Responses**

There are no further responses.

7.0 **Assessment**

7.1. The site is zoned 'to provide for residential development and protect and improve residential amenity' in the Fingal County Development Plan 2017 to 2023 whereby housing development is acceptable in principle.

7.2. **Architectural Heritage.**

7.3. The site is within the Sutton Cross and Environs ACA designated in the current County Development Plan. Table 12.11 in the current plan deals with proposals for alterations and new build within ACAs. The development plan advises that direction may be taken from traditional forms and dimensions but that these can be expressed in a contemporary manner. The appeal makes the point that the proposed development is out of character with neighbouring development within the ACA and the nearby protected structures (17 and 18 Station Road are protected structures).

7.4. The planning authority's Conservation Office makes the point (see first report dated 20th January 2017) that the principle of additional houses on the large sites in this part of Station Road has been established by the provision of numbers 18A and 18B Station Road beside the original house 18 Station Road. It is also noteworthy that there is an apartment block on a site between 19 Station Road and 18B Station Road but it's not entirely clear if it was constructed on lands originally attached to

number 18 or 19 Sutton Road. In these three instances (two houses and one apartment block) these the new buildings do not replicate the elaborate Victorian Gothic Revival exteriors of numbers 17 and 18.

- 7.5. The planning authority raised the issue of exterior finishes to the building by way of additional information and the applicant proposed a mix of rendered finish, uncoursed irregular patterned Wicklow granite and aluminium windows. Given that the new structure is an avowedly modernist one, that the development plan recognises that new buildings in ACAs should be afforded some freedom in design and subject to complying with the planning authority's detailed requirements I conclude that the proposed design is acceptable.
- 7.6. Number 17 Station Road is designated a protected structure in the new development plan (Fingal County Development Plan 2017 to 2023). The Architectural Heritage Protection Guidelines (DAHG 2001) (paragraph 13.5) set out guidance in relation to development within the curtilage of protected structures. In particular, new development should not interfere with formal spatial relationships between protected structures and related outbuildings, between protected structures and the public street. Having regard to the advice set out in the Guidelines it may be concluded that the proposed house does not interfere with views of the protected structure from Station Road, does not interfere with the fabric of the protected structure or with outbuildings associated with it and while the proposed development will absorb some of the curtilage of the protected structure it will not undermine the overall integrity of the protected structure. I conclude therefore that the proposed development will not unreasonably impact on a protected structure in a manner contrary to development plan policy or national guidance.
- 7.7. **Traffic Hazard**
- 7.8. The planning authority raised the issue of traffic safety at point 1(f) of the request for further information. The applicant submitted two options. Option A provides two parking spaces accessed off the internal road which would serve the apartment building proposed under PL06F.249130. Option B proposes two parking spaces accessed directly from Station Road. The Transport Planning section reviewed the submission and recommended a single shared access. I recommend that option A is preferable from a traffic safety perspective since it minimises the number of access

points to Station Road. I attach a draft condition be applied to any grant of permission requiring that option A drawing number AI-1001 be adopted in the development.

7.9. Impact on Residential Amenity

7.10. The appeal makes the point that there is potential for the proposed house to impact on light to the window on the southwestern elevation of 16 Station Road and that the house should be moved back by 1m.

7.11. The study window referred to in the ground of appeal is immediately under the eaves of 16 Station Road. The revised layout submitted as further information (see proposed contiguous elevation drawing number AI-1200) illustrates the relationship between the new house and this window. Comparing the original proposal (see drawing PL1200 received by the planning authority on the 29 November 2016) it may be noted that the mass and height of the proposed house has been significantly reduced by the omission of the second floor. The front wall of the proposed house at first floor is aligned with the more northerly edge (rear edge) of the study window, there is a separation distance of about 3m between the proposed house and the 16 Station Road and the closer element of the proposed house is 6m high. The front wall of the new house is due west of the study window in 16 Sutton Road. Having regard to these factors I conclude that the proposed development as revised by the further information submitted on the 7th July 2017 will not unreasonably reduce daylight to the adjoining site and therefore will not seriously injure the residential amenity of 16 Station Road.

7.12. Having regard to the revisions submitted, the provision of private amenity space at the rear and adequate off-street parking I conclude that the proposed development will provide an acceptable level of residential amenity for future occupants.

7.13. Appropriate Assessment Screening.

7.14. The application was accompanied by an AA screening report. Table 1 in that screening report lists 17 European sites within 15kms of the application site. The screening report identifies Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), Rockabill to Dalkey Island SAC (003000), Ireland's Eye SPA (004117), Ireland's Eye SAC (004117), North Dublin Bay SAC (000206), North Bull Island SPA (004006), Howth Head SAC (000202), Howth Head Coast SPA (004113) and Malahide Estuary

SAC 000205) as the European sites closest to the application site. The screening report has regard to the application under PL06F.249130 and concludes that as foul effluent will discharge to the public system and surface water will be allowed to infiltrate on site emissions from the proposed development do not have the capacity to give rise to direct or indirect impacts on a European site.

- 7.15. Having regard to the modest scale and nature of the proposed development, its location within a developed residential area and the availability of public water and sewerage 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

- 8.1. Having regard to the foregoing I recommend permission be granted subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. The proposed development is located in an area zoned to provide for residential development and protect and improve residential amenity in the Fingal County Development Plan 2017 to 2023. Having regard to the modest scale of the proposed development, the pattern of development in the area and subject to compliance with the conditions set out below is considered that the proposed development would not seriously injure the residential amenity of property in the vicinity or give rise to traffic hazard and would otherwise accord 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, as amended by the further plans and particulars lodged with the planning authority on the 7th day of July 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. 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.

3. The access to Station Road and the provision of two car parking spaces shall be as set out in "Option A" drawing number AI-1001 submitted to the planning authority 7th day of July 2017.

Reason: In the interest of traffic safety.

4. Prior to commencement of development the developer shall submit for the written agreement of the planning authority plans and particulars of the proposed boundary treatments between the application site and adjoining property and between the application site and Station Road.

Reason: In the interests of residential and visual amenity

5. Details of the materials, colours and textures of all the external finishes within 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.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity

7. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

10. 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
Inspectorate

7th December 2017