



An
Bord
Pleanála

Inspector's Report PL06F.249381

Development	Demolition of house, subdivision of the site and construction of house and all associated works
Location	Cuala, Greenfield Road, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0432
Applicants	Adrian Peter O'Hara
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Adrian Peter O'Hara
Observer(s)	1. Frank Deane 2. Nessa Goodman 3. Mary and Tom Barry 4. Colette Sheridan 5. Cait and Dick Martin 6. Helen Smith 7. Isabel and Roderick Walsh

8. Sorcha and Nicholas Redmond

9. Jacqueline Feeley

Date of Site Inspection

9th January 2018

Inspector

Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Greenfield Road (R105), c. 170m east of its junction with the Howth Road at Sutton Cross which is the main village centre for Sutton. Sutton DART Station is located c. 600m to the north west of the appeal site and Dublin Bay is located c. 100m to the south.
- 1.2. The site is irregularly shaped, and currently accommodates a large detached two storey house with a pitched hipped roof and projecting bays to the front elevation. The house is stated as dating from the 1930s and it is of a similar design idiom to the neighbouring houses to the west, while the house immediately to the east is a detached gable fronted dormer-style dwelling. The remainder of the site is comprised of front and rear gardens serving the house. The gardens include a number of mature trees and hedging along the boundaries. The rear gardens of Nos. 177 and 178 Howth Road are located to the north of the appeal site, while Sutton Tennis Club is located to the north east.
- 1.3. The wider Greenfield Road area comprises a mix of house types and sizes, with the majority of houses being located on relatively generous sites. This is particularly the case for those on the southern side of Greenfield Road, which tend to extend onto the coastline. The building lines and orientations of houses along Greenfield Road also vary, with some houses orientated parallel to the road, while others are orientated perpendicular to their boundaries, which are generally at an offset from the road.
- 1.4. I note that the appeal site has a stated area of 0.077 ha, however this would appear to only relate to the area associated with the proposed house. I estimate the overall 'red line' site area to be c. 0.24 ha.

2.0 Proposed Development

- 2.1. The proposed development, as described in the statutory notices, consists of the demolition of an existing two storey four-bedroom detached dwelling, and the sub-division of the site to provide for construction of a new three storey five-bedroom detached dwelling with third storey mansard style roof setback, single storey flat roof orangery to rear, balcony to front and four roof lights. Other works include SUDS

drainage, landscaping, boundary treatments, alterations to existing vehicular entrance and all associated works.

- 2.2. The existing house that it is proposed to demolish has a stated gross floor space of c. 286 sq m, while the proposed house has a stated gross floor space of c. 497 sq m.
- 2.3. The Board should note that drawings indicating a revised design for the proposed house were submitted with the appeal. The revised house design, while of similar overall height and massing, is of a more contemporary appearance, with a stated gross floor space of 393 sq m. The revised house design is a three storey, five-bedroom structure with brick and timber treatments to the elevations, extensive glazing, and a zinc clad slightly sloping treatment to the set back second floor. It also features a single storey projection to the rear and a balcony extends across the full width of the house on the front elevation at second floor level. I note that the proposed house and associated front and rear gardens occupy a portion of the overall planning application site area and no proposed development is indicated on the remainder of the site area.
- 2.4. The application form states that the applicant is the part-owner of the site, and a letter of consent was provided by Timo Barry, the other part-owner of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council decided to refuse planning permission for three reasons, which can be summarised as follows:
 1. The pattern of development in the immediate area consists of two storey detached, hipped roof houses. The proposed demolition and construction would be out of character and inconsistent with the pattern of development in the area, would seriously injure the character of the area and would contravene Objectives DMS39 and PM44.
 2. The proposed dwelling, by virtue of its excessive depth and height and limited setback from the boundaries of the site in addition to the ad-hoc nature of the development would result in a visually dominant and overbearing building for occupants of the site to the west and would impact unacceptably on the

residential amenities, streetscape and existing character of the area. The proposed development would contravene materially the zoning objective for the area, and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development would set an undesirable precedent for other similar developments which would in themselves and cumulatively seriously injure the visual amenities of the area and property in the vicinity.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Proposed development would not undermine the future implementation of a framework plan for Sutton.
- The existing dwelling contributes positively to the character of the immediate area, which comprises two storey hipped roof dwellings with red roof tiles.
- Planning Authority has a preference to retain and modify the existing dwelling rather than demolition.
- Proposal to demolish the existing dwelling which has character and fits in well with the existing streetscape would require significant justification.
- Planning Authority has very significant concerns regarding the design and excessive scale and massing of the proposed development and its impact on the character of the area.
- Development remains unchanged from that presented during the pre-planning meeting, during which significant negative concerns were raised.
- Proposed house is 7m forward of the building line to the west and is visually obtrusive. A more stepped approach is considered appropriate.
- There are no three storey houses in the area and the height of the proposed house is c. 1.5m and 3.3m higher than the houses to either side.
- The mansard roof design is not reflective of the character of the area or the dwelling it is proposed to replace.

- Design, siting and scale of proposed development is contrary to Objectives DMS39, DMS44, PM44 and it would be contrary to the RS zoning objective.
- Proposed vehicular entrance arrangements are acceptable and consistent with the character of the area.
- Proposed dwelling complies with Objective RD07 and minimum floor areas, room sizes etc.
- Side separation distance is less than 1m and does not comply with Objective DMS29. Similar set-back of 1m is proposed to gable wall of houses proposed under Reg. Ref. F17A/0446.
- Proposed development results in overdevelopment of the site having regard to the proposed height and minimal side setback proposed.
- Height, limited setback and excessive depth of proposed house is likely to result in adverse shading and visual dominance impacts. An increased setback, reduction in height to two storeys and reduction in depth would be required to reduce the level of overshadowing and visual dominance experienced by the adjacent property to the west to a reasonable level.
- It is unclear if existing hedgerows and trees are proposed to be removed. Any existing hedgerows should be retained in accordance with Objective DMS39.
- Adequate car parking has been provided.
- Site is within an area subject to flooding and Water Services Section have advised that a finished floor level of 4.0m OD Malin is required. Current proposal to lower ground levels by 0.5m to accommodate a three storey dwelling is not acceptable. Any increase in FFL to 4.0m OD Malin would exacerbate the visual impact.
- This application and Reg. Ref. F17A/0446 have been made for the redevelopment of Cuala. The red line outline for both applications runs through Cuala, and both applications would require the demolition of the existing house. Planning permission is attached to land, not to applicants, so the potential consequences of a split application is that a comprehensive redevelopment may not occur. This may lead to one permission being

implemented while the other lies fallow, resulting in a visually appropriate house being demolished in order to construct a house in part of the site.

- This would result in a visual imbalance to the streetscape and character of the area.
- It is considered that the proposed development would not give rise to any significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites.

3.3. Other Technical Reports

3.3.1. Water Services Section:

- No objection, subject to conditions.

3.3.2. Transportation Planning Section:

- No objection, subject to conditions.

3.3.3. Parks Planning Section:

- In order to fully assess the application a tree survey, including arboricultural impact assessment, tree protection plan and arboricultural method statement is required.

3.3.4. Architectural Conservation Officer:

- The architectural design with the mansard roofs appears to look back to the Regency style. The replication of historic styles is not something the Conservation Office would encourage, and new buildings that respond to the environment around them with restrained, simple and measured designs are preferred.

3.4. Prescribed Bodies

3.4.1. Irish Water:

- No objection.

3.5. Third Party Observations

3.5.1. A number of third party observations were made. The issues raised in the observations were generally as per the observations on the appeal, as well as the following:

- Flood risk due to reduced ground floor level.
- Traffic congestion.
- Premature pending preparation of the Urban Framework Plan for Sutton.

4.0 Planning History

4.1. Appeal Site

4.1.1. **Reg. Ref. F17A/0446:** Planning permission **refused** in September 2017 for the demolition of the existing house and sub-division of the site to provide for construction of 3 No. three storey dwellings, comprising 1 No. five-bedroom detached dwelling and 2 No. semi-detached dwellings comprising 1 No. four-bedroom dwelling and 1 No. three-bedroom dwelling, all with third storey mansard style roof setback, single storey flat roof orangery to rear, balcony to front and rooflights. Other works included SuDS drainage, landscaping, boundary treatments, 3 No. vehicular entrances from Greenfield Road to serve each dwelling, car parking and all associated site works.

This application was lodged by Timo Barry, concurrent with the subject appeal, and a letter of consent was provided by Adrian O'Hara. There were five refusal reasons, three of which were similar to the subject appeal, with the other two relating to sightlines and inadequate buffer areas around a foul sewer traversing the site. I note that no appeal was lodged in respect of the Planning Authority's decision.

4.2. Surrounding Area

4.2.1. **PL06F.248444 (Reg. Ref. F16A/0564):** Planning permission **granted** for demolition of house and construction of new house at 19 Greenfield Road.

- 4.2.2. **PL06F.248195 (Reg. Ref. F16A/0478):** Planning permission **granted** for demolition of existing house and construction of three houses at Ouvane, Greenfield Road.
- 4.2.3. **Reg. Ref. F14A/0103:** Planning permission **granted** for the demolition of an existing dwelling and construction of a new two storey house at Dunmuire, Greenfield Road.
- 4.2.4. **Reg. Ref. F13A/0478:** Planning permission **granted** for the demolition of the existing two storey dwelling and construction of a substitute dormer bungalow at Moyne, Greenfield Road.
- 4.2.5. **Reg. Ref. F13A/0124:** Planning permission **granted** for the demolition of an existing dwelling and construction of a new two storey dwelling at Seaverge, Greenfield Road.
- 4.2.6. **Reg. Ref. F08A/0436:** Planning permission **granted** for alterations to previously granted permission F07A/1495 for demolition of existing house and construction of a new two storey detached dwelling at 14 Greenfield Road.

5.0 Policy Context

5.1. Fingal Development Plan 2017 – 2023

- 5.1.1. The appeal site and surrounding area are zoned 'RS', Residential, under the Fingal Development Plan 2017-2023. This zoning objective seeks to provide for residential development and protect and improve residential amenity. The 'Vision' for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.
- 5.1.2. The site is located outside of, but immediately to the north of, an Architectural Conservation Areas, while the western half of the site is located with the boundary of an Urban Framework Plan area for Sutton village. An indicative cycle/pedestrian route is also indicated along Greenfield Road in front of the site. The site is also located within an area identified as a 'Highly Sensitive Landscape'.
- 5.1.3. Strategic Policy 6 of the Development seeks to consolidate development and protect the unique identities of a number of settlements, including Sutton. Sutton is also identified as a 'Consolidation Area' within the Settlement Strategy for Fingal. The Development Plan includes the following Objectives in respect of such areas:

- **SS15:** Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.
- **SS16:** Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

5.1.4. The development strategy for Sutton is to strengthen and consolidate the role of the existing centre while promoting the retention and provision of a range of facilities to support the existing and new populations. This is supported by the following Objective:

- **SUTTON 1:** Improve and consolidate the village of Sutton including the retention and protection of local services.

5.1.5. Chapter 3 of the Development Plan relates to Placemaking and the following Objectives are noted:

- **PM19:** Prepare Urban Framework Plans, where appropriate, liaising closely with landowners, developers and other relevant stakeholders. These documents shall indicate the broad development parameters for each site and take cognisance of permitted developments and any potential environmental impacts.
- **PM39:** Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.
- **PM41:** Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.
- **PM44:** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.
- **PM45:** Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

- **PM64:** Protect, preserve and ensure the effective management of trees and groups of trees.

5.1.6. Chapter 12 of the Development Plan sets out development management standards, and the following Objectives are noted:

- **DMS28:** A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- **DMS29:** Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.
- **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.
- **DMS44:** Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was made on behalf of the applicant by Hughes Planning & Development Consultants. The grounds of appeal can be summarised as follows:

- The Board is asked to consider the amended drawings which represent changes in direct response to the Planning Authority's decision and a third party observation.
- Amendments include: change of house style; reduction in scale and mass, including reduction in floor area from 492.2 sq m to 393 sq m; reduction in ridge height; revised design and detailing of fenestration; increased

separation distances; increased finished floor level in response to Water Services Dept. requirements.

- There are many different house types along this stretch of road, with varied building lines. The neighbourhood character is generally influenced by proximity to the coast and large plot sizes.
- Permission was refused under Reg. Ref. F17A/0446 for demolition of house and construction of three houses on subdivided site. While they are separate, the two applications are intrinsically linked in terms of urban place making and infill development. Applicant understands that an appeal will be lodged in respect of Reg. Ref. F17A/0446.
- Together the two applications represent four family homes in place of one dwelling within 600m of Sutton DART station.
- Objectives PM01, PM12, PM40, PM44 and PM45 are relevant. Development Plan encourages good design and contemporary architecture.
- Proposed house exceeds all quantitative development standards for new houses.
- Rationale for proposed development is to make more sustainable use of zoned serviced land and to provide a new dwelling of a higher standard of accommodation and energy efficiency. Current house has a BER rating of 'G', while proposed house will have minimum rating of 'A3'.
- Response to reason for refusal No. 1:
 - There is no particular housing typology which defines the character of Greenfield Road. The existing houses differ significantly in terms of massing, heights, building lines, site widths etc.
 - Proposed development, as amended in appeal, does not contravene Objectives DMS39 or PM44.
- Response to reason for refusal No. 2:
 - Amended design includes an increased separation of 1.35m from adjacent dwelling. Development Plan requirement of 2.3m is overly onerous, as it is usually split both sides of the boundary to provide a 1.15m side passage.

- Amended design has vast reduction in number of apertures on front and side elevations, improving the solid to void ratio and providing a more sleek and modest front elevation.
- Amended design, while contemporary, is more humble and respectful to existing dwellings, particularly with regard to roof design and height.
- Proposed development will sit well within the streetscape, retaining existing visual amenity and street character.
- Depth and height of amended design respects and complements existing developments in the area. Numerous examples given of contrasting heights and designs in the area, including permissions granted by both Fingal County Council and the Board.
- Response to reason for refusal No. 3:
 - The proposed development is a well-designed contemporary building and will improve the visual amenity of the area which has seen a number of applications granted for demolition of existing buildings and replacement with contemporary designed infill dwellings.
 - Examples of recently permitted replacement houses given.
 - Imagery provided demonstrates the growth of Greenfield Road with regard to the use of innovative and high quality architectural design and increased flood space of replacement dwellings. The proposed development does not constitute a precedent and will add the growing mix of buildings on the Road.

6.2. Observations

6.2.1. Nine third party observations were received. The issues raised can be summarised as follows:

- If granted permission, the two concurrent applications would result in overdevelopment of the site and a tall overbearing dense mass of similar buildings that are out of character with the area.

- Overshadowing of adjacent house and overlooking of houses to rear on Howth Road.
- Removal of trees would be contrary to Objective PM64.
- Because of major changes to the proposed design, a new application should be required, the application should be deemed invalid or it should be re-advertised.
- Revised house design is still very large and not in keeping with the pattern of development. It is excessive in height and visually dominant and overbearing.
- Pedestrian safety due to Greenfield Road being a busy road with a large secondary school and church.
- This planning appeal can only be assessed alongside Reg. Ref. F17A/0446. The two applications are intrinsically linked. F17A/0446 has not been appealed, and there is a lack of clarity regarding the relationship between the two sites. The level of intensification of the two sites is uncertain.
- Graphics submitted with this application show the house in a sylvan setting, while the plans contained in F17A/0446 show a further three houses in this area.
- Existing house adds to the character of the area.
- Inaccuracies in appeal document. Google Street View image is no longer current, as flat roofed house was demolished in 2014 and replaced with a dormer bungalow.
- Ridge height referenced in the appeal is 11.8m. However, due to the sloping roof line, the highest point of the roof is 12.455m, marginally higher than the original proposed mansard roof.
- All other houses on the road are large with plenty of space around them. Houses on the southern side of the road face onto the Strand, rather than backing onto other houses like those on the northern side of the road, and therefore they are not comparable.

- Lack of information on drawings. It is unclear if first floor bedrooms have rear balconies and large areas at second floor level which have similar head height to the accommodation areas are indicated as being unusable.
- Demolition of a house and construction of a new house would have a greater carbon footprint than upgrading the existing house.
- The development as proposed does not make more sustainable use of the land.
- Insufficient information regarding drainage has been provided. The drainage for the house to the north passes through the appeal site to a manhole at Sutton Tennis Club.
- Inconsequential reduction in mass, bulk and height compared with original proposal. A bulky mansard style roof is still proposed, which is alien in form in the locale.
- Maximum ridge height on the site should not exceed ridge height of property to west.
- Inadequate separation distance from property to west. First floor level of existing house at Cuala is 4.1m from the boundary, and this will be significantly reduced. Rule of thumb, as per South Dublin County Council House Extension Design Guide is separation distance of 1m per 3m of height. In this case that would result in a distance of 2.9m.
- Massing fails to harmonise with adjacent houses. House has very deep plan, with depth of 24m at ground floor, reducing to 12m at second floor. This depth of form results in an overbearing and obtrusive development when viewed from property to the west.
- 3D views provided of original and revised proposal are not comparable due to changed perspective.
- Development is at least 5.5m forward of the front boundary of the property to the west, resulting in a visually incongruous relationship.
- Balconies at first and second floor levels will result in overlooking of front garden of property to the west. Fingal Development Plan does not

differentiate between front and rear gardens with regard to protecting the amenity of private open space.

- Rear facing windows at first floor level will be closer to adjacent house than existing house, due to reduced separation from boundary. This will result in increased overlooking.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The applicant has not addressed the reasons for refusal.
- The revised house has broken up the monotony of the front elevation through a variety of materials, but the demolition of an attractive house which forms part of the character of the area and the construction of a large dwelling would have no benefit for the streetscape and would represent ad hoc development.
- The proposed development would materially contravene the RS zoning objective for the site due to the severity of the impact.
- The refusal of a similar ad hoc development on the remainder of the site by a different applicant (Reg. Ref. F17A/0446) reinforces the view of the Planning Authority of the piecemeal nature of the overall development of the site.
- The Board's attention is drawn to the reason for refusal No. 2, which refers to the material contravention of the zoning objective of the site. The Board is restricted to considering a grant of permission under the terms of section 37(2)(b) of the PDA.
- The applicant has not provided any information which would support overturning the decision on these grounds, especially when its speculative and piecemeal nature is taken into account.
- It is not considered that the grant of permission under PL06F.248195 / Reg. Ref. F16A/0478, referred to by the applicant, represents a precedent, as it was for the demolition of a modern house and for comprehensive redevelopment of the site.

7.0 Assessment

7.1. I consider that the key issues in determining the appeals are as follows:

- Principle of proposed development.
- Design and layout.
- Residential amenity.
- Other issues.
- Appropriate Assessment.

7.2. Principle of Proposed Development

- 7.2.1. The Planning Authority, in their response to the appeal, draw the Board's attention to the second reason for refusal, which states that the proposed development would materially contravene the 'RS' zoning objective for the site and express their view that the Board is restricted to considering the case under the terms of section 37(2)(b) of the Planning and Development Act 2000, as amended.
- 7.2.2. The appeal site and surrounding area are zoned 'RS', Residential, under the Fingal Development Plan 2017-2023. This zoning objective seeks to provide for residential development and protect and improve residential amenity. Since the proposed development seeks to provide residential development on residentially zoned lands, and notwithstanding the potential impact on residential amenity which I have addressed below, I do not consider that the Board is constrained by the provisions of section 37(2)(b).
- 7.2.3. The appeal site is partially located within an Urban Framework Plan (UFP) area for Sutton. The Planning Authority did not consider that the proposed development would undermine the future implementation of the UFP, and noting the residential zoning and the residential nature of the proposed development, and the overall scale of the UFP area, I would concur with this assessment.
- 7.2.4. The Development Plan includes numerous Objectives to encourage consolidation of areas such as Sutton, infill development and the provision of increased densities. However, the appeal before the Board relates to the demolition of a single house on a site of c. 0.23 ha, and its replacement with a single house. The concurrent planning

application for a further three houses on the site was refused by the Planning Authority and has not been appealed. I therefore consider that the proposed development before the Board fails to provide a comprehensive development proposal for the entirety of the site, will not result in the delivery of more consolidated or dense infill development and does not make more sustainable use of zoned and serviced land, as contended by the appellant.

- 7.2.5. Notwithstanding this, the proposed development does comprise residential development on residentially zoned lands and I therefore consider the proposed development to be acceptable in principle, subject to consideration of the planning issues identified in Section 7.1 above.

7.3. Design and Layout

- 7.3.1. The appeal site is located within an area classified in the Development Plan as a 'Highly Sensitive Landscape'. Lands on the southern side of Greenfield Road, opposite the appeal site, are designated as an Architectural Conservation Area, and Greenfield Road is signposted at Sutton Cross as being the scenic route to Howth, although it does not appear to be a designated scenic route in the Development Plan. Having regard to these factors, it is clear that the appeal site is a visually sensitive location and I consider that the preservation of the character of the area and of visual amenities are important aspects in assessing this appeal.
- 7.3.2. The existing house on the appeal site dates from the 1930s, and it is reasonably consistent in design style and character with the houses to the west, while the houses to the east and on the southern side of Greenfield Road vary widely in design and size. The existing house is sizable but fits well within the streetscape due to its width, detailing and its positioning within a generous site which includes mature vegetation. The house appears to be in reasonable condition, although as the applicant notes, its energy efficiency would likely be poor compared with a new-build house.
- 7.3.3. Having regard to the positive contribution that the existing house makes to the streetscape and the character of the area I consider that any proposal for the demolition and redevelopment of the site must provide a high quality design and

layout that respects existing residential and visual amenities while providing a more sustainable density in this designated 'consolidation area'.

- 7.3.4. It is clear from my site inspection and the planning history that the character of the area is evolving as it becomes more consolidated through the development of infill houses, and the demolition and replacement of existing houses. The majority of the newer houses in the area are of contemporary design and I consider that their variety in design, form and materials adds to the eclectic character of the area.
- 7.3.5. As noted above, the applicant has submitted drawings of a revised design for the proposed house with their appeal. The revised design is more contemporary in appearance, and the applicant states that the main changes include: change of house style; reduction in scale and mass, including reduction in floor area from 492.2 sq m to 393 sq m; reduction in ridge height; revised design and detailing of fenestration; increased separation distances; increased finished floor level in response to Water Services Department requirements.
- 7.3.6. While the principal elevations of the revised house are an improvement on the original Regency pastiche-style proposal, I consider that the form of the proposed house is overly bulky within the context of the sub-divided site, and that it would be visually dominant within the streetscape. This is due primarily to the form and extent of the zinc-clad third storey which I consider to be out of character with the pattern of development in the area and the deep plan of the house, which will be readily apparent from Greenfield Road due to the positioning of the house c. 6m forward of the front elevation of the adjacent house to the west.
- 7.3.7. Finally, with regard to the planning history of the appeal site, I note that the two concurrent planning applications lodged for the site had the same 'red line' site area. Both applications sought demolition of the existing house, 'Cuala', and both applications sought subdivision of the site to accommodate residential development (one house in this case, and three houses under Reg. Ref. F17A/0446). Fingal County Council decided to refuse both applications, but only one decision was appealed to the Board.
- 7.3.8. Having regard to this planning history, and the fact that the proposed development would replace an existing house which sits well within the streetscape with a house which is out of character with the area, located in close proximity to the boundary

with the adjoining property, and which leaves the remainder of the site undeveloped, I consider that the proposed development would represent piecemeal and uncoordinated development of part of this serviced and zoned site, that it would seriously injure the visual amenities of the area and that it would set an undesirable precedent for future development on the remainder of the site and in the wider area.

7.4. Residential Amenity

- 7.4.1. With regard to the impact of the proposed development on residential amenity, I consider that the only residential property with the potential to experience a significant adverse impact is 'The Moorings', the property adjoining the appeal site to the west. I consider that the separation distances between the proposed house and the houses to the north on Howth Road, and on the house to the east are sufficient to ensure that no significant overlooking, overshadowing or overbearing impacts will arise.
- 7.4.2. The main body of the existing house on the appeal site is located c. 4m from the boundary with 'The Moorings', and the existing house is wide and relatively shallow in depth. In contrast, the proposed house (both original and revised design) is a deep-plan house which is located both closer to the western boundary and further forward of the building line than the existing house.
- 7.4.3. I consider both the original and revised proposals for the house to be similar in scale, massing and form, albeit that the revised design is an additional 500mm further away from the western boundary and does not extend quite as far forward of the building line as the original proposal.
- 7.4.4. Having regard to the deep plan of the proposed house (22.3m in depth), its three storey height (8m high along the western elevation), its proximity to the western boundary (1.35m), and its positioning c. 6m forward of the front elevation of 'The Moorings', and noting the relative orientation of the houses along Greenfield Road, I consider that the proposed development would be visually obtrusive and overly dominant in its relationship with 'The Moorings', and that it would therefore have a significant overbearing impact on 'The Moorings'. I also consider that this overbearing impact would be exacerbated by the extensive balcony at second floor

level of the proposed house which would overlook the front of 'The Moorings' at relatively close proximity.

7.4.5. With regard to overshadowing, I consider that the proposed development by virtue of its three storey height, depth and proximity to the boundary is likely to result in overshadowing of 'The Moorings' and its rear garden in the morning period and in the absence of any sunlight and daylight analysis, I am not satisfied that the level of additional overshadowing, when compared with that caused by the existing house 'Cuala', would be acceptable.

7.4.6. In conclusion, I recommend that the Board refuse planning permission on the basis that the proposed development would seriously injure residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overshadowing, and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.5. **Other Issues**

7.5.1. **Roads and Traffic**

7.5.2. The applicant is proposing to provide a new entrance to serve the proposed house at the same location as the existing entrance. Having regard to the scale of the development, which comprises a single replacement house, I consider this to be generally acceptable. However, noting that Greenfield Road is a relatively busy regional road, and the report of the Transportation Planning Section, I recommend that, if the Board is minded to grant permission, that a suitable condition be included to require the front boundary wall to be reduced to 900mm in height in the interests of providing adequate sightlines and traffic safety.

7.5.3. **Flood Risk**

7.5.4. The Water Services Department, in their report, stated that the Greater Dublin Strategic Drainage Study recommends a strategic long-term flood level of 4.0m OAD Malin. The original design of the proposed house, as submitted to the Planning Authority, featured a reduction in site levels to provide a finished floor level of 3.4m and I note that no flood risk assessment was submitted with the planning application.

7.5.5. The Water Services Department recommended that revised drawings be sought with the finished floor level set at a minimum of 4.0m AOD Malin. I note that the revised design submitted with the appeal has incorporated this raised floor level of 4.0m without any significant change in maximum ridge height, and I recommend that if the Board is minded to grant permission, that a minimum finished floor level of 4.0m AOD Malin be specified by way of condition, in the interests of minimising flood risk.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development, which relates to the demolition of an existing house and the construction of a new house on a suitably zoned and serviced suburban site that is not within or immediately adjacent to any Natura 2000 sites, I am satisfied that 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. I recommend that planning permission should be refused for the reasons set out below.

9.0 **Reasons and Considerations**

1. Having regard to the pattern of development in the area, it is considered that the proposed development, by reason of its design, scale, bulk, height and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its scale, bulk and height, would be out of character with the existing residential properties in the vicinity, constitutes piecemeal development by failing to provide a coherent development proposal for the entire site, and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously

injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area

Niall Haverty
Planning Inspector

15th January 2018