



An  
Bord  
Pleanála

## Inspector's Report ABP-300469-17.

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<b>Development</b>	Demolition of 2 no. detached dwellings and construction of 9 no. detached dwellings with attic accommodation.
<b>Location</b>	Lands at Dun na Ri and Arundel, Swords Road, Malahide, Co. Dublin (corner site with Millview Road).
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F17A/0345.
<b>Applicant(s)</b>	Keelmont Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Sheila and John Whelan.</li><li>2. Robert Sunderland.</li><li>3. Anne Staveley.</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Ray Ruttledge.</li><li>4. Denis &amp; Ethna McFerran.</li><li>5. Millview Residents Association.</li><li>6. Patricia and John Sheehy.</li></ol>

**Date of Site Inspection**

9<sup>th</sup> March 2018.

**Inspector**

Karen Kenny.

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located on the Swords Road in Malahide, Co. Dublin. It is located on the eastern side of the junction of the Swords Road and Millview Road.
- 1.2. The 0.387-hectare site is square in shape and comprises the grounds of two detached houses. The site currently accommodates a bungalow and a dormer bungalow that are set back from the public road by approximately 30 metres and have associated outbuildings and garden areas to front and rear. The site is bounded by residential properties to the north, with high walls and mature planting defining this boundary. The western boundary to Millview Road is defined by a high wall and evergreen planting. The southern boundary to the Swords Road is defined by low walls and evergreen planting. The eastern boundary with an adjacent residential property, is defined by a hedge and fencing. The existing vehicular access to both properties is from the Swords Road. The site slopes gently from south to north and there are no notable level differences in the area.
- 1.3. The site is located in a mature residential area. Development along the northern edge of the Swords Road at this location comprises detached houses on large plots that are set back from the public road, while development to the south comprises a line of detached two storey houses that front directly onto the Swords Road. The surrounding area is characterised by detached and semi-detached suburban housing.

## **2.0 Proposed Development**

- 2.1. The original details submitted to the Planning Authority sought planning permission for the demolition of the existing dwellings and the construction of 9 no. two storey detached dwellings with an attic floor level.
- 2.2. The scheme is revised on foot of a request for further information from the Planning Authority. Two layout options were received by the Planning Authority at further information stage, both proposing 6 no. detached two storey dwellings and 2 no. two

storey semi-detached dwellings all with attic floor levels. The layout options can be described as follows:

- Option 1 comprises 1 no. detached and 2 no. semi-detached dwellings fronting west onto Millview Road and 5 no. detached dwellings fronting south onto the Swords Road.
- Option 2 comprises 4 no. detached dwellings fronting west onto Millview Road and 2 no. detached and 2 no. semi-detached dwellings accessed via a single vehicular access (and short cul-de-sac) from the Swords Road.
- The proposed dwellings are suburban in character with hipped roofs over, brick and render wall finishes, a slate roof finish and attic level dormer windows with zinc finish. The revised dwellings have a stated apex level of 8.77 metres and a stated eaves level of 5.32 metres.
- Two off road car parking spaces are proposed to front of each dwelling and boundary treatments comprise low brick walls to front, steeping up where the wall bounds a rear garden area.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant permission subject to conditions. The following conditions are of note:

Condition no. 2: Permission granted for layout option 1 comprising 8 no. dwellings.

Condition no. 3: Omit dormer window from dwelling B2 and set the three eastern most dwellings further back from the Swords Road.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

Following an initial assessment further information was sought in relation to the design and layout of the development (concerns raised in relation to building line, rear garden depth, roof height), potential for overshadowing, boundary treatments,

tree planting and location of the foul sewer. The applicants were requested to reduce the number of dwellings by two, provide a minimum setback of 20 metres from the Swords Road, increase rear garden depths throughout the scheme, increase the building set back off the northern and eastern site boundaries to a minimum width of 2.5 metres, provide a separation of 2.3 metres between dwellings and to omit the attic accommodation and reduce the roof height to a maximum of 8 metres. Following the submission of 'significant further information' that included two layout options for 6 no. detached and 2 no. semi-detached dwellings, the Planner's Report can be summarised as follows:

- Layout Option 1 is considered to be the most appropriate having regard to the urban design principles applied and the existing pattern of development in the area. Option 1 is also considered the best option to support the principles of self-regulating streets and lower car speeds in accordance with the Design Manual for Urban Roads and Streets (DMURS). Option 1 is considered to create a better sense of enclosure to the streets and addresses the corner of Swords Road and Millview Road more effectively than Option 2. Concerns regarding the building line relative to that of the dwellings to the east can be addressed by condition through the provision of a stepped building line along the Swords Road.
- In terms of traffic concerns raised in submissions, Option 1 is considered to offer a better sense of place and a legible infill pattern of development in addition to being in accordance with DMURS.
- House Type B2 has the potential to overlook the rear garden of proposed dwellings to the north due to the large dormer window. The dormer should be omitted by condition.
- Shadowing impacts are considered to be acceptable having regard to the location of the site in a residential area characterised by detached and semi-detached development.
- The removal of existing trees is considered acceptable based on the details contained in the submitted Arboricultural Report.

### 3.2.2. Other Technical Reports

Water Services: No objection.

Transport: No objection.

Parks and Green Infrastructure: No objection.

Public Lighting: No objection.

### 3.3. Prescribed Bodies

Irish Water: No objection.

### 3.4. Third Party Observations

- 3.4.1. A total of 27 no. third party submissions were received and considered by the Planning Authority. The issues raised are similar to the issues raised in the grounds of appeal as set out below.

## 4.0 Planning History

- 4.1.1. The following planning history relates to the appeal site:

#### **P.A. Ref. 08A/1333**

Application for demolition of 2 no. dwelling houses and construction of 10 no. dwelling houses. Permission Refused for four reasons. The reasons for refusal related to overdevelopment of the site, visual impact and impact on character, overshadowing and substandard amenity space.

#### **ABP Ref. PL06F.207914 / P.A. F04A/0289**

Application for demolition of existing dwelling and the provision of 10 no. apartments with access off Millview Road. Permission granted by the Planning Authority. This decision was subject to a third-party appeal to An Bord Pleanála. An Bord Pleanála upheld the decision of the planning authority and granted permission.

#### **P.A. Ref. F03A/1280**

Application for 14 no. apartment units in a sunken two-storey block plus attic floor with dormer windows. Permission refused for three reasons. The reasons for refusal

related to over-development of the site, inadequate open space, overlooking, visual impact and impact on character of the area.

## 5.0 Policy Context

5.1.1. In my assessment, I had due regard to relevant national policy including the following guidance documents:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009),
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013), and
- Development Management Guidelines for Planning Authorities, (DEHLG, 2007).

## 5.2. Development Plan

5.2.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan. The following sections of the Fingal County Development Plan 2017-2023 are considered to be relevant:

- The site is zoned RS 'Residential' with an objective to 'provide for residential development and protect and improve residential amenity'. The zoning vision is to '*ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity*'. Residential development is permitted in principle in this zone.
- Chapter 3 sets out Design Criteria for Residential Development including mix of dwellings, density and open space provision.
- Objective PM44: Encourage and promote the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character.



- Objective PM45: Promote the use of contemporary and innovative design solutions subject to the character of the area and environment being protected.
- Objective PM65: Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.
- Chapter 12 sets out Development Management Standards for residential development including design criteria and quantitative standards relating to dwelling size, separation standards, public and private open space provision, car parking, etc.
- Section 12.3 of the Plan sets out design criteria for urban development. Reference is made to guidelines published by the Department of Environment, Community and Local Government in respect of quality housing and sustainable residential development. It also refers to the Department of Transport's Design Manual for Urban Roads and Streets. Policy objectives PM31 to PM33 promote good urban design practices in accordance with these guidelines.
- With respect to residential densities, the Plan states that regard should be had to the government's guidelines (*Sustainable Residential Development in Urban Areas, Urban Design Manual*) and that higher densities are promoted at suitable locations such as along public transport corridors and in main town centres (objective PM41).
- Objective 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.
- Objective DMS40: New corner site development shall have regard to:
  - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
  - Impact on the amenities of neighbouring residents.

- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.
- Objective DMS85: Ensure private open spaces for all residential unit types are not unduly overshadowed.
- Objective DMS86: Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.
- Sheet No.9 Malahide / Portmarnock: The site is within the development boundary of Malahide and is bounded by a proposed cycle / pedestrian route corridor.

### 5.3. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A total of 3 no. third party appeals have been received from residents of properties to the north and east of the site. The grounds of appeal can be summarised as follows:
- Development represents an over development of the site and does not have due regard to the site context and to the character of the area including the established building line along the Swords Road.
  - Design and scale of the dwellings is at odds with the character of development in the area.

- Development will cause serious loss of amenity to adjacent residents and to the wider neighbourhood.
- Overlooking, overshadowing and overbearing impacts. Separation distances from adjoining residential properties to the north and east are inadequate and contrary to Objective MDS40 which sets out design standards for infill development. Dwelling B1 along Millview Road will overlook and overshadow the adjoining dwelling to the north and be unduly overbearing when viewed from that property. Dormer on eastern side of House B will overlook properties to the east. Undue impact on the residential properties to the east, due to extent to which development protrudes beyond the front building line.
- Traffic impacts arising from new entrances and the lack of manoeuvring space within the site. Inadequate car parking for a 5-bedroom house.
- Development would devalue the value of properties in the vicinity.
- Development does not balance the need to provide additional residential accommodation and the commensurate obligation to have regard to, respect and protect the amenities and privacy of immediate and neighbouring residents in accordance with policies of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009 and the Fingal Development Plan 2017-2023.
- Contrary to Development Plan zoning objective which seeks to protect and improve residential amenity and contrary to policy in relation to building lines, infill development and policy that seek to limit overlooking and overshadowing of private open spaces and ensure that boundary treatments are designed to protect residential and visual amenity.

## 6.2. Applicant Response

- The existing bungalows and dwellings along Swords Road are one off dwellings on generous plots. Such development adjacent to urban centres is not conducive to sustainable development. The infill scheme will increase to number of dwellings on the site.

- Precedent for redevelopment established by similar corner / infill developments in the immediate vicinity. Examples include Warren Manor (6 no. houses), Old Estuary Mill (9 no. houses), Whitegables (17 no. houses) and Dunard (20 no. houses).
- Design / scale justified given scale of the site, location close to Malahide and Swords Town Centres, proximity to sustainable transport nodes and development is generally in keeping with layout / design of nearby dwellings at Millview Lawns and Gaybrook Lawns. Photorealistic images of the development show that it forms the corner of the junction and would create an attractive interface which does not jar with the surrounding properties.
- The development complies with Development Plan standards relating to minimum floor areas, room sizes and widths, open space and car parking.
- Attic level has not been omitted from the development, as the project architect reduced the height of the dwellings by 950mm, whilst retaining the attic level accommodation.
- It is considered that the development will not detract from adjoining / existing residential amenity in terms of overlooking, overshadowing or overbearing impacts.
- The minimum standard of 22 metres separation between directly opposing rear windows is observed to avoid overlooking and overbearing impacts. The orientation, site layout and positioning of upper level windows is designed to avoid direct overlooking of adjacent dwellings or rear gardens. Reject claim that no. 1 Millview Close to the north will be overlooked as windows on the northern elevation serve a family bathroom and en-suite. Concerns in relation to overlooking from ground level windows rejected as the windows would be set behind the existing 2-metre-high blockwork wall.
- The proposed development maintains the prevailing building line along Millview Lawns and Gaybrook to the immediate northwest and southwest. The separation distances between each dwelling is extended to 2.3 metres. The side separation distances are acceptable to the planning authority and in compliance with Objective DMS29 of the Development Plan.

- Reject the Shadowing Impact Report contained in Appendix 3 of the appeal. Inaccurate assessment that overstates impacts and authors credentials in the field of Daylight or Shadow Analysis are not stated. Request that An Bord Pleanála acknowledge the findings of Report submitted with further information. ARC's analysis indicates that at worst case scenario shadows cast by the proposed development are likely to have an imperceptible impact on ground floor rear facing windows at Millview Close in proximity to the northern boundary of the application site.
- Option 1 is considered the best option to support self-regulating street and lower car speeds for a safer environment in accordance with DMURS.
- In relation to devaluation of property, the development promotes the provision of attractive homes on an infill site at a higher density which is more conducive to sustainable urban development and is indicative of how residential land on the edge of urban areas should be developed.
- The applicant has submitted a revised site layout plan in response to the requirements of condition no. 2 of the notification to grant permission. The revised layout submitted with the appeal sets the eastern most dwelling back by 16.2 metres from the road edge, the next dwelling by 15 metres and the third dwelling back by 13 metres.

### 6.3. Planning Authority Response

- Application assessed against the policies and objectives of the Fingal Development Plan 2017-2023.
- Assessment of surrounding character, including that set by the suburban pattern of development was undertaken. The Planning Authority is of the view that the proposed development as amended in response to the request for additional information and subject to the conditions attached, would form an appropriate infill development to the corner site. The proposal would provide effective street frontage and would be in compliance with DMURS.

- Overshadowing, visual and overbearing impacts were taken into account and the development, subject to the conditions attached, is considered to respond appropriately to site context.
- The proposed development is acceptable in terms of its design, massing and scale and is in accordance with the proper planning and sustainable development of the area.
- In the event that the decision is upheld request that Conditions 18, 19 and 20 are upheld.

#### 6.4. Observations

A total of 3 no. observations have been received from the Millview Residents Association and from residents of the area. The issues raised that are additional to the issues raised in the grounds of appeal can be summarised as follows:

- Development will replace the existing soft natural vista along the Swords Road and Millview Road with a hard building line.
- Concern that permission was granted for development that failed to meet the items requested by the planning authority in the request for further information.

#### 6.5. Further Responses

Further submissions have been received from the 3 no. appellants. New issues raised can be summarised as follows:

- One response highlights that the Sunlight Analysis Report referred to in the applicant's response was not displayed on the Planning Authority web site and that the report fails to assess the impact on habitable rooms within the appellant's property which is immediately to the east of the site.
- One response states that the developer has not provided any length of shadow impact report with regard to the shading impact of the B1 dwelling on the appellant's property. An Board Pleanála is requested to have regard to the shadowing report submitted by the appellant. The response clarifies that the shadow impact report was prepared by a person with a Maths Degree and

an Engineering Degree from Trinity College Dublin, who has over 20 years' professional experience in Mathematical and Engineering application. All calculation steps are provided and explained. The inputs for solar data are from University of Oregon Solar Radiation Monitoring Laboratory a reputable institution in the field of solar data since 1975.

## **7.0 Assessment**

7.1.1. I consider that the relevant issues in determining the current application and appeal before the Board are as follows:

- Impact on Character of the Area
- Impact on Residential Amenity
- Traffic and Car Parking
- Appropriate Assessment

### **7.2. Impact on Character of the Area**

7.2.1. The appeal site is situated in a mature residential area on the western side of Malahide. Development along the northern edge of the Swords Road at this location consists of detached dwellings on large plots, while the wider area is characterised by detached and semi-detached suburban housing, that is predominantly two storey. The notification to grant permission relates to the proposal to construct 6 no. detached and 2 no. semi-detached dwellings fronting directly onto the Swords Road to the south of the site and the Millview Road to the west. The dwellings are suburban in character with hipped roofs over and brick and render wall finishes. The dwellings are two storey in character with an attic floor level with dormer windows.

7.2.2. The appellants express concern in relation to the scale and form of the proposed development and its impact on the character of the area. It is argued that the proposed development represents an over development of the site and that it is at odds with the established character of the area. The appeal submissions make specific reference to the density of development proposed and the height, scale and form of the dwellings, the failure to respect established building lines and the limited set back from existing residential properties. The applicant in response contends that the development makes efficient use of serviced zoned land, that infill

development is supported by the Development Plan and that the development is generally in keeping with the layout, design, scale and character of development in the area.

- 7.2.3. The Fingal Development Plan promotes the redevelopment of underutilised sites in existing residential areas, subject to the protection of the character and amenities of the area. Objective DMS39 of the Development Plan states that infill development shall respect the height and massing of existing residential units and shall retain the physical character of the area. The Sustainable Residential Development in Urban Areas Guidelines state that *“in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill.”* (Section 5.9 refers).
- 7.2.4. In general terms, I consider the appeal site to be suitable for an infill housing scheme of houses or apartments. The Board has previously determined, under ABP Ref. PL06F.207914, that a development of 10 no. apartments is acceptable on the site.
- 7.2.5. The proposed development of detached and semi-detached dwellings fronting onto the adjoining streets is in my opinion an appropriate design response that reflects the suburban housing format in the area and provides a legible form of infill development. The development will introduce an active street frontage along Millview Road and the Swords Road and define the corner. This in my opinion, will improve the architectural form of the area and create an attractive interface with the adjacent streets. In relation to density, the proposed density of 20.6 dwelling per hectare is not significantly above the prevailing suburban density, and the development does not in my opinion represent a significant increase in terms of its scale or form. While I would note that the proposed roof heights are marginally higher than the prevailing two storey building heights in the immediate vicinity and that the dwelling footprint is larger than that of the prevailing, I would not consider the deviation to be such that it would detract from the character or amenities of the area.
- 7.2.6. The development maintains the building line along Millview Road, while it is set forward of the building line formed by dwellings along the Swords Road. In this regard, I would note that the street edge along the Swords Road is defined by the front boundary walls and hedgerows of the properties, as opposed to dwellings as



the dwellings are single storey in character and are set back from the road. The proposed development takes advantage of the corner position and the lack of a defined building edge, by establishing its own building line, which in my opinion is an appropriate design response that accords with the urban design guidance contained in the Sustainable Residential Development in Urban Areas Guidelines. The frontage onto Millview Road and Swords is also in accordance with the design principles set out in the Design Manual for Urban Road and Streets, which encourage active frontage along public streets.

### **7.3. Impact on Residential Amenity**

- 7.3.1. The appellants have raised concerns in relation to the impact of the proposed development on the amenities of the properties, which adjoin the site to the north and east, due to overlooking, overshadowing and overbearing impacts.
- 7.3.2. In terms of overlooking, upper level windows in the side elevations of dwellings that side onto the adjacent residential properties are bathroom and en-suite windows with obscure glazing. Attic level dormer windows are set at a distance from opposing dwellings. On the basis of the foregoing, I consider that no significant overlooking issues arise.
- 7.3.3. The northern most dwelling sides onto the rear garden of No. 1 Millview Close. The dwelling maintains a setback of 2.84 metres off the northern boundary and a setback of 17.6 metres off the dwelling to the north. I am satisfied that the Shadow Analysis received by the Planning Authority at further information stage provides a robust technical assessment of the potential shadowing impacts. It indicates that the lower garden areas of two properties to the north may be overshadowed during daytime periods in December and March. I consider that the extent of overshadowing is to be expected in a suburban built-up area and that it would not constitute reasonable grounds for refusing planning permission. I also consider the separation off the dwellings to the north is adequate and that the development, while altering the outlook to the rear of the properties to the north, would not impact unduly on the amenities of these properties by way of overlooking and overshadowing.
- 7.3.4. Along the eastern site boundary, Dwelling Type B maintains a setback of 2.6 metres off the shared property boundary to the east and is set almost entirely to the front of

the building line of the adjacent property to the east. The adjacent dwelling, Navarra, is a single storey dwelling that is built along the shared property boundary with the appeal site. The owner of this dwelling has highlighted in a further submission that the eastern most dwelling is to front of his primary living area and that overshadowing and overbearing impacts would impact significantly on the amenities of this property. The Shadow Analysis indicates that the eastern most dwelling would overshadow the front elevation of the adjacent dwelling (Navarra) during the early evening period (5pm) in March and in June. I consider that the extent of overshadowing shown would impact unduly on the amenities of the existing dwelling 'Navarra' and that the extent to which the dwelling extends beyond the building line would also be unduly overbearing given the limited set back from the dwelling. The revised layout submitted by the applicant in January 2018 in response to conditions of the notification to grant permission, sets the eastern most dwelling back to 16.2 metres from the road edge (+5 metres), which would reduce the impacts. The Shadow Analysis of the Option 2 layout submitted at further information stage shows that at a setback of c. 18 metres overshadow impacts on the front windows of the property to the east are omitted entirely. I consider that this set back would also address any overbearing impacts, without undermining the architectural integrity of the scheme. On the basis of the foregoing, I recommend that in the event that the Board is minded to grant permission, that a condition is attached requiring the easternmost dwelling to be set back by 18.2 metres from the road edge to the south.

7.3.5. With the exception of the issues discussed above, having regard to the nature and scale of the proposed development, the pattern of development in the area and the set back from other adjacent residential properties, I would agree with the view of the Planning Authority, that the proposed development would not seriously injure the residential amenities of property in the vicinity and would not be injurious to the visual amenity of the area.

7.3.6. In terms of the amenities of prospective occupants of the proposed dwellings I consider the internal arrangements, private open space provision and positioning of windows to be acceptable. While the proposed development does not incorporate any public open space, the Planning Authority concludes that given the infill nature of the development and the size of the site that a financial contribution can be accepted in lieu of public open space provision. I would concur with this view.

#### **7.4. Traffic and Car Parking**

- 7.4.1. The impact of the development on the adjoining road network and the adequacy of accesses and parking arrangements have been raised as concerns by the appellants. In view of the site's position within the urban area of Malahide and the modest scale of development proposed I consider that the proposal would not give rise to material concerns regarding traffic generation or traffic safety. Car parking is provided in accordance with the requirements set out in Table 12.8 of the Development Plan and I consider the level of provision to be adequate.

#### **7.5. Appropriate Assessment**

- 7.5.1. The closest Natura 2000 sites that could be impacted on by the proposed development are Broadmeadows/Swords Estuary SPA (Site Codes 004025) and the Malahide Estuary SAC (Site Code: 000205), which are located c. 0.6km to the north and c. 0.8 km to the north of the site. Other Natura sites within a 15km radius are Skerries Islands SPA, Rockabill SPA, Lambay Island SPA, Baldoyle Bay SAC and SPA, Howth Head Coast SPA, Howth Head SAC, North Dublin Bay SAC, North Bull Island SPA, South Dublin and River Tolka Estuary SPA and South Dublin Bay SAC.
- 7.5.2. Having regard to the nature and scale of the proposed development, the proposal to connect to public water services and the nature of the receiving environment together with the proximity to the nearest European sites 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 others plans and projects on a European site.

#### **8.0 Recommendation**

- 8.1.1. I recommend that the decision of the planning authority to grant permission be upheld subject to the conditions set out below.

#### **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the residential zoning of the site, the infill nature of the development and the pattern of existing development in the area, it is considered that the

proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the objectives of the Development Plan. The proposed development would, therefore, be in accordance 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 submitted on the 13<sup>th</sup> day of October 2017 and by the further plans and particulars received by An Bord Pleanála on the 29<sup>th</sup> day of January, 2018 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. The proposed development shall be amended as follows:
  - (a) The site layout shall be in accordance with the site plan submitted to An Bord Pleanála on the 29<sup>th</sup> day of January 2018, save for the easternmost dwelling, which shall be set back by 18 metres from the front boundary of the site along the Swords Road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Details of all boundary treatment shall be submitted to and agreed with the planning authority prior to commencement of development. The

front boundary wall shall not exceed 0.9 metres in height.

**Reason:** In the interest of traffic safety.

4. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of urban legibility.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. The road network serving the proposed development including parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme, details of 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.

9. 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.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

12. 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 interest of sustainable waste management.

13. 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.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall that arises based on the standards set out in Objectives DMS57 and Objective DMS57B of the Development Plan and 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 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.

16. 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 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.



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Karen Kenny  
Senior Planning Inspector

28<sup>th</sup> March 2018