



An
Bord
Pleanála

Inspector's Report ABP-300471-17.

Development	7 no. two storey detached dwellings.
Location	Monks Meadow, Coast Road, Portmarnock, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17A/0500.
Applicant(s)	E. Blacklock, J. Crowe and J. Doyle.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	1. Nigel Ross. 2. Richard & Sherril Burrows
Observer(s)	1. Iver & Lotte Christensen. 2. Eammon and Helena Keane. 3. Oran O'Siochain.
Date of Site Inspection	9 th March 2018.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1.1. The appeal site is situated at the northern edge of the village of Portmarnock, County Dublin. It is situated to the west of the R106, the Coast Road linking Portmarnock to Malahide.
- 1.1.2. The site is situated to the rear (west) of houses that front onto the Coast Road and is at the end of a private cul-de-sac, that currently serves four detached properties. The laneway has a tarmac surface with adjoining grass verge. The entrance to the cul-de-sac lies in the 60kph speed limit zone and is immediately north of the 50kph speed limit zone. There is a pedestrian footpath along the eastern side of the Coast Road opposite the entrance to the cul-de-sac, with no footpath along the western side. There is a Dublin Bus Stop to the north of the entrance on the western side of the Coast Road and one to the south on the eastern side. The access lane serving the site is approximately 110 metres long. The width varies and it narrows to a pinch point measuring c. 3.8 metres (between fences on the northern and southern side of the lane) towards the eastern end of the lane close to the junction with the Coast Road. The lane joins a wider paved area adjacent to the Coast Road, that accommodates a recessed entrance that provides access to the laneway serving the appeal site and to a separate laneway to the north that serves 5 detached properties.
- 1.2. The site is approximately square in shape and at the time of site inspection, was unused and a little overgrown. It falls from west to east and is elevated above the level of the Coast Road to the east. To the east, the site is bounded by a block wall and mature trees, to the west by a bank and to the north by mature vegetation. The site is open to the south, save where it adjoins a residential property 'Carrigfoyle' which is separated from the appeal site by hedge planting and a wooden fence. Residential development, and associated gardens lie to the east and south of the site. Robswall Park lies to the north and west of the site. Development along the laneway is characterised by one off dwellings on large plots and density is generally low in the area.

2.0 Proposed Development

2.1. The proposed development comprises the following:

- A total of 7 no. two storey detached dwellings with flat, sedum-grass roofs. The properties are arranged around an internal access road that forms a cul-de-sac in the centre of the site. The houses are contemporary in design with five different house types (A to F). Four of the houses have an attached single storey garage and terraces are proposed at first floor for each house type. Houses have a height of 6.5 metres to parapet and are principally finished in self-coloured acrylic render (first floor) and natural stone (ground floor). The finished levels of the houses step down across the site, in line with its falling topography from west to east.
- A new entrance, internal roadway off the existing private road and bin collection area.
- Part re-alignment and improvement of the private road, including improvement works to the entrance and the boundary treatment with 'Little Monks Meadow' (new boundary wall and vehicular entrance). Plans for the development indicate that the roadway will be upgraded to incorporate a 1.8-meter footpath along its entire length and two-way carriageway, save for a 19-meter single lane shuttle run section at the entrance to the laneway.
- Landscaping and boundary treatment, SuDs drainage and all other site development works.

2.2. The planning application includes:

- A Planning Report.
- Landscape and Visual Impact Assessment.
- Architects Planning Report.
- Civil Engineering and Infrastructure Report for Planning prepared by Barrett Mahony Consulting Engineers.
- Engineering Report prepared by Casey O'Rourke Associates.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission for the development subject to 19 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The Planning Officer's report refers to the planning history of the site, the submissions and technical reports made, the zoning of the site (RS) and relevant policies of the County Development Plan. It draws the following conclusions:

- Zoning – Development complies in principal with zoning objective.
- Density – Density is low. Refers to the previous Local Objective on the site limiting development to 4 no. dwellings. Considers having regard to the prevailing character of the area, that the density of c.9 dwellings per hectare is acceptable.
- Part V – Applicant refused an exemption. A condition can be attached in event of grant of permission in relation to Part V.
- Residential amenity – Recommends the following:
 - The dwellings are set back sufficiently off the external boundaries so as to prevent undue levels of overlooking and potential overlooking between dwellings is addressed by the separation distance between dwellings and the design of dwellings and terraces.
 - Recommends semi-mature planting alongside the Carrigfoyle boundary of the site to reduce visibility of houses no. 6 and 7.
 - No details of the proposed bin store along southern boundary.
 - Dwellings have a principal height of 6.5 metres above FFL. Development would integrate with immediate surrounding area of Monks Meadow, would be largely isolated from public view and would not be immediately visible form the Coast Road.

- Overshadowing – No substantial impacts on adjoining properties.
- Transportation and access – Report notes comments and recommendation of the Transportation Planning Section (see below).
- Appropriate Assessment – Considers that the conclusions of the applicants AA Screening Report are acceptable and that the development would not result in significant adverse impacts to Natura 2000 sites.

3.2.3. Other Technical Reports

Transport Planning Section: Layout addresses concerns under previous application Ref. F17A/0175. Number of units reduced and a footpath provided along shared access lane up to shared entrance with R106, addressing issues raised under previous application in relation to pedestrian safety. Shuttle run included near the mouth of the shared entrance to facilitate provision of a suitable footpath. Visibility through the shuttle run of opposing traffic traveling in either direction has been achieved in the layout. Layout is acceptable.

Water Services: No objection.

Parks and Green Infrastructure: Tree bond of €20,000. No dig footpath should be provided in the rooting area of hedge, where reasonably possible.

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. Third Party Observations

A total of 17 no. submissions were received and considered by the Planning Authority. One submission supports the proposed development. Issues raised in the remaining submissions are similar to the issues raised in the grounds of appeal as set out below.

4.0 Planning History

4.1. The planning history pertaining to the appeal site can be summarised as follows:

PL06F.248691 and P.A. Ref. F17A/0175: Application for construction of 9 no. dwellings and realignment and improvement of existing private access road on the appeal site. Fingal County Council refused permission for the development. The reasons for refusal related to (i) overdevelopment of the site due to substandard access lane and inability to provide pedestrian access along it, and (ii) precedent. The application was subject to a first party appeal to An Bord Pleanála. The appeal was withdrawn prior to a decision.

PL06F.245088 and P.A. Ref. F15A/0151: Application for two dwellings on the western section of the appeal site. The dwellings were identical to two dwellings previously approved at this location under ABP Ref. PL06F.228945 and P.A. Ref. F07A/1363 on a site that incorporated the 'Carrigfoyle' property to the south. The Planning Authority granted permission. The decision was subject to a third party appeal. An Bord Pleanála upheld the decision of the Planning Authority and granted permission.

PL06F.228945 and P.A. Ref. F07A/1363: Application for demolition of the existing house and the construction of four no. detached dwellings on a site comprising the western section of the appeal site and lands to the south of it comprising a residential property known as 'Carrigfoyle'. Two of the dwellings were situated on the appeal site, while two were on the 'Carrigfoyle' lands. The Planning Authority granted permission. The decision was subject to a third party appeal. An Bord Pleanála upheld the decision of the Planning Authority and granted permission. Under P.A. Ref. F07A/1363/E1, permission was extended up to 5th February 2017.

4.2. In addition to the above, the following planning history pertains to land in the immediate vicinity of the site:

Carrigfoyle

P.A. Ref. F17A/0281: Application for one detached two storey dwelling in the grounds of 'Carrigfoyle' a residential property located immediately south of the appeal site. Permission granted by the Planning Authority.

P.A. Ref. F16A/0087: Application for one detached two storey dwelling in the grounds of 'Carrigfoyle' a residential property located immediately south of the appeal site. The detached dwelling is identical to that approved under ABP Ref. PL06F.228945 and P.A. Ref. F07A/1363. Permission granted by the Planning Authority.

Monks Meadows

PL06F.244960 and P.A. Ref. F15A/0104: Planning permission to alter the development approved under PL06F.241124 to include amendments to the garden sizes of 4 no. approved dwellings fronting the Coast Road (5-8 Monks Meadow), provision of communal rear garden to the rear of the dwellings and retention of existing single storey house which was to be demolished under PL06F.241124 for use as a store. Permission refused by the Planning Authority. The decision was subject to a first party appeal. An Bord Pleanála overturned the decision of the Planning Authority and granted permission.

PL06F.241124 and P.A. Ref. F12A/0015: Application for demolition of an existing single storey house and construction of 4 two storey houses on land to the south east of the appeal site (known as Monks Meadow), facing Coast Road, with a new shared access from the site to Coast Road.

5.0 Policy Context

5.1. Government Guidelines

5.1.1. The following policy guidelines are relevant to the proposed development:

- Sustainable Residential Development in Urban Areas (2006)
- Urban Design Manual – A Best Practice Guide (May 2009)

- Design Manual for Urban Roads and Streets (2013)

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 appeal site is zoned RS, Residential with a zoning objective to '*provide for residential development and protect and improve residential amenity*'. Lands directly adjoining the appeal site to the west are zoned High Amenity ('HA'), with a zoning objective to '*protect and enhance high amenity areas*'. An indicative cycle/pedestrian route is shown along the R106 to the east of the appeal site.
- Section 11.4 of the Plan deals with Transitional Zones and states that it is important to '*avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones*'. Policy Z04 requires that proposals have regard to development in adjoining zones, particularly more environmentally sensitive zones.
- 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 Design Manual for Urban Roads and Streets published jointly by the Department of Transport Tourism and Sport and the Department of Environment, Community and Local Government. Policy objectives PM31 to PM33 promote good urban design in accordance with these guidelines.
- With respect to residential densities, the Plan states that regard should be had to the national guidance set out in the *Sustainable Residential Development in Urban Areas Guidelines and the accompanying Urban Design Manual*. The Development Plan promotes higher densities at suitable locations such as along public transport corridors and in main town centres (objective PM41).

- Policy PM44 encourages and promotes the development of backland sites in existing residential areas, subject to the character of the area and environment being protected.
- The appeal site falls within a Coastal Landscape Character Type, which is described as having an exceptional landscape value. The Plan states that *'The coastal fringe is very sensitive to development due to the exposed nature of many of the coastal and estuarine areas making them particularly vulnerable to intrusive development. Finding sites for new development along the coast will be difficult as new development is likely to be conspicuous'* (page 331). Objectives NH33 to NH39 seek to safeguard the essential character of each landscape type (see attachments).

5.3. Natural Heritage Designations

- 5.3.1. To the east of the site, the coast is designated as a Special Area of Conservation (Malahide SAC, site code 000205) and as a Special Protection Area (Broadmeadow/Swords SPA). Policy NH15 of the Plan, affords protection to the network of Natura 2000 sites in the county.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. In response to the decision to grant permission for the development, 2 no. third party appeals have been received from the residents of 'Windward' and 'Dunseverick' residential properties to the east and north of the appeal site. The grounds of appeal can be summarised as follows:
- Minimum road widths set out in DMURS cannot be achieved. The access laneway serving the development tapers to between 3.4 metres and 3.8 metres. It is not possible to achieve a 2.5 metre roadway and 1.8 metre footpath along the extent of applicant's property.
 - Applicant has not demonstrated sufficient legal interest in lands along the access lane to carry out the proposed works. No land registry map submitted with the subject application to demonstrate control over laneway.

- Increase in traffic along the lane and at the entrance from the public road would result in serious traffic hazard.
- Sightlines onto R106 are inadequate. Objective DMS126 of Development Plan seeks to restrict unnecessary access onto Regional Roads.
- Inadequate physical infrastructure such as roads, surface water and water supply to serve the development.
- Environmental quality of existing residential enclave is predicated by narrow lane serving all of the residences and low density housing. Highly sensitive coastal landscape setting that is exposed. Prevailing density of c. 3.5 dwellings per hectare. Not a location for increased density.
- Objective 358 of 2011-2017 Development Plan capped the number of dwelling permissible on the site to 4 no. dwellings. The lower number would retain character and pattern of development and environmental quality, safety and security.
- Planning history pertaining to Monks Meadow does not set a precedent for subject application. Lower density of development on larger sites and dwellings have access from the regional road and not the laneway.
- Sustainable Residential Development in Urban Areas Guidelines imposes constraints on infill development based on existing character and pattern of development in the area. Proposed development is three times prevailing density and has inadequate access, physical infrastructure and no public open space.
- Site is in an elevated position and development is out of sympathy with protection of amenity of its immediate neighbours.
- Potential for overlooking and impacts on privacy of adjoining properties, due to positioning of dwellings, finished heights of upper floors, sloping topography and height of main hedge. Lack of detail in relation to fenestration presents a risk of gross overlooking of private open space areas and windows on adjacent sites.
- Development will impact hedges and planting along laneway and the site boundaries.

- Submitted plans and particulars do not adequately describe development or its relationship with adjacent properties. Noted errors and ambiguities.
- Potential impact on future development potential of zoned lands to the north.
- Request to (i) reduce the extent of first floor windows facing property to the north, (ii) omit or reduce the terraces, (iii) prohibit use of flat roofs for siting out (iv) set back the houses by a further 3 metres, (v) require additional planting along the northern boundary and (vi) de-exempt extensions.

6.2. Applicant Response

A response to the grounds of appeal has been received from Hughes Planning and Development Consultant, on behalf of the applicants. The response can be summarised as follows:

- Complies with the zoning objective, provides high quality residential development, and respects residential amenities of adjoining properties. No overlooking, overshadowing or overbearing impacts.
- Development complies with development standards and objectives of the Development Plan (reference to DMS24, DMS29, DSM30, DMS36 and DMS66, DSM87).
- Development interfaces with High Amenity zoned lands and is in a Coastal Landscape Character Type. Respects character of surrounding landscape due to low density, large sites, topography and sheltered nature of site.
- Fingal County Council have demonstrated that the site, adjacent to a high amenity area, is suitable for appropriate residential development by removing previous cap of 4 no. units.
- Report of Dr. Martin Rogers submitted under previous application demonstrates that when fully developed a development of 9 no. units on the appeal site would generate approximately 4 more trips per hour. This should be compared to the previously approved 8 no. dwellings with a 1-way access road. Reference in appeal to 32 no. cars accessing the laneway at any one time is disingenuous.

- Objective DMS 126 which seeks to restrict unnecessary accesses onto Regional Roads, is not relevant in this instance as it relates to new accesses and the subject proposal results in significant improvement of the laneway. Report of the Transportation Section states that the proposed development is amended to address concerns under Ref. F17A/0175.
- No impact on the amenities of properties due to overlooking. Each dwelling has a private garden depth in excess of 11 metres with a separation of 22 metres between first floor level and adjacent dwellings. Roof terraces are at least 11 metres from the site boundaries and applicant will accept a condition from ABP in relation to access to flat roof areas. The heights of the dwellings will be below the ridge height of the neighbouring dwelling houses. Properties will not be overbearing given the substantial separation distances. In terms of the adjacent property to the north the closest approved dwelling is 55 metres from the property and windows in the rear are bathroom windows with obscured glazing. Boundary planting provides ample screening. Sedum roofs are higher than the first floor level and would only be accessed for maintenance purposes.
- Objective 358 which provides for four residential units only on the site is removed from the current Development Plan. While the density proposed in this instance falls below the requirement of 35 dwellings per hectares in the interest of protecting adjacent residential amenity it is considered that the proposed density of 9 units per hectare (7 dwellings on a site of 0.73 ha) is an appropriate response to the existing character of the area.
- Development potential of adjoining lands will be considered should any future development be proposed and should not prohibit existing proposals.
- The appellants submission in relation to width at the entrance to the laneway is inaccurate. The width of the approved laneway at the entrance onto the Coast Road is a minimum of 4.3 metres across the entire length. The Board is asked to note that it has been demonstrated that 8 no. houses can be accessed using the existing substandard laneway (existing dwellings and previously approved dwellings). The approved development provides for significant improvements to this laneway. The proposed design offers a more

organised and formal configuration of the junction which reduces traffic conflicts and creates a buffer between traffic. The low speed environment along the laneway will also ensure the safety of pedestrians and vehicles. There is a clear line of sight from the western end of the proposed single lane shuttle run to the entrance from the Coast Road and signage gives priority to pedestrians and trucks entering the site. The yield line is located to ensure sufficient space is allowed for vehicles / pedestrians to pass when entering and existing the site.

- Report of Dr. Martin Rogers under Reg. Ref. F17A/0175 (enclosed with appeal submission) notes that planning permission currently exists for a total of 8 no. dwellings at Monks Meadows, with restricted access only allowing 1-way movement on a substandard laneway. The report concluded that the proposed development of 9 no. dwellings under Reg. Ref. F17A/0175 while increasing the number of dwellings to be accessed by the laneway will result in imperceptibly low increases in average hourly flows. The current proposal for 7 no. dwellings will result in less traffic movements and provides for a significant upgrade and improvement of the access road.
- Sightlines to south of entrance on the Coast Road are 59 metres to the left and 45 metres to the south. Inspectors Reports under Ref. PL228945 and PL06F.202250 refer to good sightlines and Transport Section raised no objection in relation to this issue.
- Applicant is in full ownership of the laneway used to access the appeal site. Title deed maps submitted with the appeal clearly show appellants have no entitlement to the laneway. The applicants have purchased the laneway and are within their rights to undertake part realignment and improvement works.
- In relation to concerns regarding impact on hedges and trees, the Arboricultural report submitted notes that neighbouring trees and hedgerows have been assessed and can be successfully protected during the development.

6.3. Planning Authority Response

- 6.3.1. Matters raised in the appeal have been addressed within the assessment of the application and in accompanying documents. The development was assessed by the Transportation Planning Department and by report received there is no objection to the development subject to conditions. The Planning Authority remains of the view that the development is in accordance with the proper planning and sustainable development of the area. In the event that the Planning Authority's decision is upheld request that conditions no. 10(g), 17, 18 and 19 are included.

6.4. Observations

- 6.4.1. A total of 3 no. observations have been received. The issues raised in the observations are similar to the issues raised in the grounds of appeal as set out above.

7.0 Assessment

- 7.1. I have read the appeal file, all associated reports and plans and I visited the appeal site and the surrounding area. The proposed development comes forward on land zoned for residential development and is therefore acceptable in principle. I consider the proposed low-density housing development to be well designed and to be of a nature and scale that would integrate well within the transitional context between high amenity lands to the west and the coast to the east. Further, the development exceeds the minimum standards for residential dwellings and private open space provision. I consider, therefore, that the main issues for consideration in the appeal relate to the matters raised by the appellants and observers to the appeal and the applicant, namely:

- Access.
- Density.
- Visual Impact.
- Impact on Privacy
- Impact on development potential of adjoining lands.

- Impact on existing vegetation.
- Water services.
- Drawings.
- Ownership.

7.2. Access.

- 7.2.1. The appeal site is accessed by a private cul-de-sac that currently serves four residential properties. The roadway comprises a narrow carriageway with grass verges on either side. The applicant proposes to widen and realign the existing laneway by incorporating the grass verges and to resurface the lane in tarmac. A 1.8 meter wide footpath is proposed along its entire length. A two-way carriage way is proposed along the western section of the lane (including reconfiguring around an existing residential property 'Little Monks Meadows'). At the eastern end, where there is insufficient space to provide a two-way carriageway, a 19-meter single lane shuttle run is proposed adjacent to the entrance to the laneway. The laneway narrows to a stated width of 4.3 meters at its narrowest point. A yield line and associated signage and markings are proposed at the western edge of the shuttle run, to give priority to pedestrians and vehicles entering from the Coast Road (R106 Regional Road) to the east. I would note that there is a second lane serving 5 houses, including the property 'Windward', immediately north of the laneway entrance.
- 7.2.2. The appellants argue that the access laneway serving the development narrows to a width of between 3.4 metres and 3.8 metres and that it is not possible to undertake the upgrade works and to create an access width of 4.3 meters at the narrowest point within the extent of the applicant's property. In this regard, the appellants state that the applicant has not demonstrated sufficient legal interest to carry out the extent of works proposed. While the applicant's ownership of the access lane is not disputed, one appellant notes that the 'Indenture' submitted with the application is not accompanied by a map detailing the extent of land ownership along the laneway.
- 7.2.3. The existing access lane is narrow at its eastern end, and I have measured a width of c.3.8 metres (i.e. from timber fence to timber fence on each side of the access

road) at the narrowest point. On this basis, it is not clear how the proposed 4.3 meter arrangement can be achieved at the entrance. In terms of traffic volumes, the applicant's response refers to a Traffic Report prepared by Dr. Martin Rogers in respect of the previous application, Reg. Ref. F17A/0175, for 9 no. dwellings on the appeal site (resubmitted with the appeal response). The Report forecasts peak hour trips along the access lane for the weekday am of 2.3 in and 5.1 out and weekday pm of 4.6 in and 2.4 out. The volume of trips was quantified using the NRA approved TRICS Trip Database and is based on trip rates for 14 no. privately owned suburban houses. I would question the applicability of trip rates for privately owned suburban housing in this instance, as the proposed development, in my opinion, would be likely to have a higher rate of car based trips due to the type of housing proposed and its peripheral location.

- 7.2.4. The laneway currently serves four dwellings (including Carrigfoyle which is under redevelopment). The Board and the Planning Authority have previously determined under Ref. PL06F.228945 and P.A. Ref. F07A/1363 that 8 no. houses can be accessed using the existing laneway. I would note that the existing and permitted development taken in conjunction with the development proposed under the subject appeal would provide a total of 11 no. residential properties with access off the laneway. The laneway is seriously constrained. In particular, I am of the opinion that the proximity of the single lane section to the Coast Road and the absence of an adequate waiting area for cars entering the shuttle run from the eastern side presents a serious constraint. I am of the opinion that the increase in vehicle movements arising from the extent of development proposed in this instance, could reasonably be expected to result in queuing on the Coast Road on occasion, at the entrance to the access lane. The proposed shuttle run includes a yield sign on its western end that would give priority to vehicles entering the laneway over those exiting, thereby reducing the risk of queuing at the entrance. However, I would not concur with the applicant's view that there is a clear line of sight from the yield sign to the Coast Road. A car approaching the yield sign from the west would have a limited view of traffic turning into the laneway due to the presence of third party hedges and fences at the entrance. A car crossing the shuttle run from the west could reasonably be expected to be crossing the shuttle run and to obstruct oncoming cars from turning onto the cul-de-sac. The proximity of the shuttle run

and pinch point to the Coast Road, would allow only one or possibly two cars (or one larger vehicle) to queue on the eastern side of the shuttle run. The potential for queuing on the Coast Road is in my view unacceptable as it would obstruct road users and represent a potentially hazardous situation along a busy Regional Road.

- 7.2.5. Sightlines at the junction of the laneway and the Coast Road, at a setback of 2.4 metres from the road edge comply with DMURS. However, I would note that the Dublin Bus stop immediately to the north of the junction would impede views to the north, on a temporary basis as busses pull in and out. In addition, if a vehicle is queuing on the R106 to enter the laneway, the southern sightline could be readily restricted.
- 7.2.6. In addition, the access lane to the site joins the Coast Road at a location where another access lane, serving 5 houses, also joins it. This provides additional turning movements at this junction (including inward and outward movements from the closest property 'Windward') with no clear interface between the movements from both laneways, adding to the complexity of the junction.
- 7.2.7. Objective DMS 126 of the Development Plan, seeks to restrict unnecessary access onto Regional Roads, however, I do not consider this objective to be relevant to the subject appeal, given the sites location on zoned land within an urban area.
- 7.2.8. I conclude that the constrained nature of the access lane at its eastern end (regardless of the provision of a shuttle run and footpath), in proximity to the regional road, severely limits the scale of development that it can support, and that the proposed increase in the in-coming and out-going movements would be likely to give rise to a traffic hazard at its junction with Coast Road (R106) and to obstruct road users on this roadway.

7.3. **Density**

- 7.3.1. The appeal site lies on land zoned 'RS' in the current County Development Plan, the objective of which is to provide for residential development and protect and improve residential amenity. A site-specific objective of the previous Fingal Development Plan sought to provide for four residential units only on the site. Unlike the previous Development Plan, the current Development Plan does not place a density cap on the site. Section 3.4 of the plan states that in determining densities regard should be

given to *Sustainable Residential Development in Urban Areas* (2009) and its companion *Urban Design Manual* (objective PM41). In the publication, *Sustainable Residential Development in Urban Areas, 2009*, the government recommends a density of 35-50 units per hectare for outer suburban/greenfield sites. The density of the proposed development at c.9 dwellings per hectare, is substantially below that recommended by the government. However, the proposed development lies at the edge of the urban area and the pattern of development in the vicinity of the appeal site is one of detached houses on large sites, resulting in a particularly low density of development. Within this context, I consider that a reduced density (i.e. less than 35-50 units) is acceptable in principal, and that the permissible density should be determined based on the need to protect the character and amenity of the area, the environment and the coastal landscape. I consider the proposed density to be acceptable in this context.

7.4. Visual Impact

- 7.4.1. The appeal site lies behind residential development along Coast Road. Whilst more elevated than Coast Road, views of the site from the Regional Road are prevented by development alongside the road. Further north, views of the site from Coast Road and from Robswall Park are limited by mature vegetation on adjoining land and the relative topography of the site. The proposed development will be cut into the appeal site such that the overall parapet height of the flat roof development will not exceed the height of existing properties in the area or bounding it. Further, boundary vegetation will be retained and enhanced. Consequently, the proposed development will not be widely visible or likely to detract from the character or amenity of the wider coastal landscape. From the existing access lane, the development will be readily visible. However, I am satisfied, having regard to the height of the proposed units relative to surrounding development, the residential nature of the development and the proposals for substantial landscaping that the visual impact would be localised and is acceptable at this location. In terms of the alterations to the proposed access lane, I consider that the overall plans for the upgrading of the laneway, including hard and soft landscaping, would improve its overall visual amenity.

7.5. Impact on Privacy

- 7.5.1. The properties are arranged around an internal access road that forms a cul-de-sac in the centre of the site and are set along each of the site boundaries, with rear and side elevations addressing the site boundaries. The dwellings maintain a set back from the site boundaries, with separation at first floor varying from c.9.5 metres to c.17.0 metres.
- 7.5.2. I consider that the greatest potential for overlooking arises in the case of the directly opposing dwellings to the east of the site. Dwellings no. 4, 5 and 6 back onto the eastern site boundary and maintain a separation of between c. 10 metres and c. 15 metres off the rear garden boundaries to the east. A separation of 13 metres is maintained from the dwelling of one of the appellants, 'windward' while a separation of c. 26-27 metres is maintained off the other dwellings to the east. Having regard to the extensive glazing that is proposed in the rear elevations of dwellings no. 4-6 at first floor I consider that these dwellings should be re-located to provide a minimum separation distance of 11 meters from the eastern site boundary. This is a minor adjustment to the layout and can be accommodated within each plot.
- 7.5.3. The dwelling along the northern boundary maintain a separation of over 11 metres off the northern boundary and the rear garden area of one of the appellant's dwellings '*Dunseverick*'. Given that there is substantial mature vegetation along the boundary between the appeal site and *Dunseverick*, and proposals to augment this planting, I do not consider that undue overlooking of the adjacent residential garden area would occur or that it would be necessary to reduce window size or alter fenestration.
- 7.5.4. Plans for the development indicate terraces at first floor to all houses. Each of the terraces are situated to the front or rear of the property and are adequately removed from adjacent landholdings. I do not consider, therefore, that they would give rise to overlooking. Flat sedum roofs are proposed at first floor level. While I would concur with the view of appellants and observers that the flat roofs if used as terraces, could give rise to overlooking and would be inappropriate, I note the applicant's response which states that the roofs are set higher than the first-floor level and would only be accessed for maintenance purposes.

7.6. Impact on development potential of adjoining lands

- 7.6.1. I would note that the layout ensures that an overall separation distance of 22m is achievable, should residential development occur on the *Dunseverick* landholding to the north of the site. I conclude that standard separation distances are met in this instance and that the proposed development would not adversely impact on the adjoining landholdings by way of overlooking. Having regard to this conclusion I do not consider that the proposed development would prejudice the development of the lands to the north of the site or that it is necessary to move the proposed houses further away from the boundary.

7.7. Impact on existing vegetation

- 7.7.1. The current hedge along the northern boundary of the appeal site provides an important part of the landscape framework for the site, an ecological corridor within the urban area and a visual screen, separating the site from the adjoining one to the north, protecting the privacy of proposed residential properties and the landholding to the north (also zoned for residential development). Within this context, I consider that it is important that this boundary is safeguarded and enhanced. This could be addressed satisfactorily by condition.

7.8. Water services

- 7.8.1. The proposed development comprises a relatively modest development on the outer edge of Portmarnock. It comes forward on land zoned for residential development and will add little to the overall demand for water in the area. I would note that Irish Water have raised no objections to the application on the grounds of inadequate water supply.
- 7.8.2. The appeal site is currently a greenfield site and, in order to maintain surface water flows to greenfield levels, the applicant proposes a surface water management system, in accordance with the principals of Sustainable Urban Drainage Systems. Whilst matters of detail are raised by the Planning Authority, the planning authority raise no issues regarding the principle of draining the site and I consider that the matter can be adequately addressed by condition.

7.9. Drawings

- 7.9.1. Section 23 of the Planning and Development Regulations, 2001 (as amended) requires plans, drawings and maps accompanying a planning application to comply with a number of requirements, including: *'other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such other scale as may be agreed with the planning authority prior to the submission of the application in any particular case'*. The application for the proposed development includes plans elevations and sections at a scale of 1:100 and complies with this requirement i.e. the plans are at a larger scale, not a lesser scale than 1:200.

7.10. Ownership

- 7.10.1. Observers to the appeal argue that the applicant does not own the strip of grass to the north of the access road to the appeal site (i.e. it is in the ownership of the adjoining landowner). Consistent with the requirements of Section 22 of the Planning and Development Regulations, 2001 (as amended), the applicant submits the written consent of the legal owners of the appeal site and provides documentary evidence of the owners' interest in the access lane i.e. an indenture dated 5th July 2016. However, I would note that the indenture is not accompanied by a map that details the extent of ownership. On this basis I consider that the applicant has not demonstrated sufficient legal interest in the land to bring forward the proposed upgrade works to the access lane.

8.0 Appropriate Assessment

- 8.1.1. The appeal site lies on the edge of an existing urban area, c.110m to the west of the coast which is designated as an SAC and SPA. The appeal site is connected to the public sewer. However, surface water arising on site may be connected to nearby Natura 2000 sites by overground or underground flow. I note that it is the applicant's intention to put in place a surface water management system accordance with the principals of Sustainable Urban Drainage Systems. Such a system would control surface water movements from the site to greenfield levels, and via appropriate discharge channels and typically include controls in respect of surface water pollution. Having regard to the above, and subject to satisfactory arrangements

being put in place regarding the management of surface water, which can be controlled by condition, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on downstream European sites, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

9.1. Having regard to the matters raised in the course of this appeal and discussed above, notably the substandard laneway providing access to the site, I recommend that planning permission for the proposed development be refused, and for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the scale of the proposed development, in conjunction with existing and permitted development, and the narrow access lane to the site from the public road, it is considered that the additional traffic associated with the proposed development, notwithstanding the proposed arrangements for traffic calming, would give rise to additional turning movements at the junction of the access lane and R106 Regional Road, lead to conflict between road users and endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in contrary to the proper planning and sustainable development of the area.

Karen Kenny

Senior Planning Inspector

10th April 2018