



An
Bord
Pleanála

Inspector's Report 300678-18

Development	Construct 6 apartments in a 5-storey building.
Location	Rear of no.27 Main Street at Forster Way, Swords, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0406
Applicant(s)	J Coffey Development (Ireland) Ltd.
Type of Application	Appeal
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	J Coffey Development (Ireland) Ltd.
Observer(s)	None
Date of Site Inspection	13 th July 2018
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located in the town centre of Swords in N County Dublin and the surrounding area is mixed use in character. The site is located to the rear of Main Street at Forster Way which runs parallel to Main Street. The street is partially developed and comprises a variety of buildings in a range of uses (commercial, residential and institutional) and surface level car parks. The site comprises the rear garden section of a larger plot which is occupied by a large detached 2-storey house that fronts on to Main Street. The site is bound to the immediate N and S by existing 3-4 storey commercial buildings and to the E by the public footpath and “Pay and Display” parking spaces. The site is currently overgrown and separated from the public footpath by a palisade fence.
- 1.2. Photographs and maps in Appendix 1 describe the site and surroundings in detail.

2.0 Proposed Development

- 2.1. Planning permission is being sought to erect a detached 5-storey building on the c.0.387ha site which is c.12m wide and 35m deep.
- The building would be c.11.5m wide, 20.5m deep and 14m to 15m high.
 - The ground floor would comprise car parking with access off Forster Way.
 - The 1st, 2nd & 3rd floors would each contain 2 x apartment units.
 - There would be a roof garden, lift shaft and storage at 4th floor level.
 - All associated site works.

3.0 Planning Authority Decision

3.1. Further Information

Further Information was requested and received in relation to the following items.

1. Legal interest in access off Foster Way, a swept path analysis for access to car parking spaces, sightline drawings along Foster Way. (Alternative vehicular access proposed).
2. Design appraisal in accordance with DMS03.
3. Revised details for the E elevation facing Foster Way.
4. Archaeological site assessment (Not submitted).
5. Landscape Plan for the rooftop garden.

3.2. **Decision**

Following the receipt of FI the planning authority decided to refuse planning permission for 2 reasons related to:

- Poor quality design & layout for town centre location, lack of integration, contrary to Objective Swords 4 in relation to the Swords Master Plan, injure amenities & out of character with pattern of development.
- Creation of poor quality residential development for future occupants because of substandard communal open space, overshadowing and inadequate daylight & sunlight penetration, serious injury to residential amenity.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The reports of the planning officer requested Further Information and recommended a refusal of planning permission.

3.3.2. **Other Technical Reports**

Transportation: Requested FI & then recommended refusal of permission.

Water Services: No objection subject to compliance with conditions.

Parks: No objection (verbal)

3.4. **Prescribed Bodies**

Irish Water: No objections subject to conditions.

3.5. Third Party Observations

One objection raised concerns in relation to legal interest over access, traffic congestion, lack of traffic management plan, drainage & water supply, non-compliance with development standards & no Construction Management plan.

4.0 Planning History

Reg. Ref. F17A/0363: Permission granted for the redevelopment of the adjoining site to the W at no.27 Main Street which is also owned by the applicant. Permission granted for the demolition of the existing 2-storey house & the erection of a 4-storey building with ground floor retail and upper floor offices, subject to several conditions.

Reg. Ref. F16A/0247 (PL06F.247016): Permission refused for the demolition of no.27 Main Street and the construction of 12 apartments in a 2-4 storey block on the overall site facing Main Street & Forster Way for 3 reasons related to:

- Visually obtrusive & out of character with pattern of development, contrary to the Swords Master Plan & injure the visual amenities of the area.
- Overlooking between the apartments, substandard communal open space, excessive overshadowing and inadequate daylight & sunlight penetration, and serious injury to residential amenity.
- Endanger public safety by reason of a traffic hazard because of poor visibility splays along Foster Way and traffic congestion.

Reg. Ref. F15A/0303 (PL06F.245438): Permission refused for the demolition of no.27 Main Street and the construction of 16 apartments in a 2 x 4- storey blocks on the overall site facing Main Street & Forster Way for 4 reasons. Three of the reasons are similar to those summarised above and the fourth relates to the character of the streetscape & undesirable precedent.

Reg. Ref.F06A/0198: permission granted for demolition of existing 2-storey building and construction of part 4 & 5 storey over basement building with a mix of uses including retail, restaurants & offices. Decision upheld by ABP.

There is an extensive planning history for the sites along Forster Way which date from 1997 to 2005.

5.0 Policy Context

5.1. Development Plan

5.2. Fingal County Development Plan 2017 to 2023

Zoning: The appeal site is located within an area covered by the MC zoning objective which seeks to “Protect, provide for and/or improve major town centre facilities” and residential use is acceptable in principle.

Policies & objectives:

Objective PM36: seeks to encourage appropriate residential, social & community uses in town & village centres in order to enhance their vitality & viability and recognising diversity of communities & actively promote these uses in existing under-utilised or vacant building stock as a mechanism to combat vacancy in town centres.

Objective DMS40: states that 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 Swords 1: seeks to Encourage a range and quality of retail, commercial, civic, cultural, leisure, community and other services commensurate with the role of Swords Town Centre as a Metropolitan Consolidation Town.

Objective Swords 4: seeks to promote the development of lands within Swords town centre in accordance with the principles and guidance laid down in the Swords Master Plan (January 2009).

Swords Master Plan 2009: shows an indicative height strategy of 1 to 3 storeys for along Main Street and heights of 3 to 5 storeys to the rear along Foster Way.

Development standards:

Design statement: DMS03 requires the submission of a design statement.

Building lines: seek to ensure that development is not carried out in front of established building lines, or in a position that would be in conflict with a building line.

Car parking & bicycle parking: (Table 12.8 & 12.9)

- Cars - 1.5 to 2 spaces for 2 and 3 x bed units
- Bicycles - 1 space per bedroom

Apartment developments: should be of high quality design & site layout having due regard to the character & amenities of the area, dual aspect units are encouraged and a mix of units to cater for different size households should be provided.

Apartment standards: (Table 12.2)

Type	Minimum Gross floor area	Aggregate living area	Aggregate bedroom area	Storage area
3 x bed	90	34	31.5	9
2 x bed	73	30	24.4	6

Room sizes & widths: (Table 12.3)

- Living room - 3.3m, 3.6m to 3.8m wide (for 1, 2 & 3 x bed units)
- Single bedroom - 7.1sq.m & 2.1m wide
- Double bedroom - 11.4sq.m. & 2.8m wide
- Double & en-suite - 13.0sq.m. & 2.8m wide

Separation distances: 22m between opposing first floor rear windows required.

Private open space: (Table 12.6)

- 2 x bed - 7sq.m. of private & 7sq.m. of communal space required
- 3 x bed - 9sq.m. of private & 9sq.m. of communal space required

Public open space: 2.5 hectares per 1000 population or 10% of site area.

Objectives PM52 & DMS57: require minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective PM53 requires an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.

Built Heritage:

Archaeology: The centre of Swords is designated a Recorded Monument (RMP Ref. DU011-034 & DU011-035.

Protected Structures: None in vicinity

Conservation Areas: None in vicinity

5.3. Natural Heritage Designations

Malahide Estuary SAC c.1.75km to NE

Broadmeadow/Swords Estuary SPA c.1.75km to NE

6.0 The Appeal

6.1. Grounds of First Party Appeal

- No substance in refusal on design grounds, County Architects should not have been consulted and design appraisal is not a planning function.
- Apartments comply with Development Plan standards, are dual aspect, services are located internally & adequate private & communal space.
- Poor quality of design in the surrounding area.
- PA did not mention the use possible use of the site for commercial purposes.

6.2. Planning Authority Response

- The PA had regard to the planning history of the site including PL06F.247016 (F16A/0247) & PL06F.245438 (F15A/0304) which articulated significant shortcomings in the design & ability to provide a high quality environment.
- The current proposal does not address the concerns raised in the previous schemes & would again result in a poor quality development with long narrow apartments, inadequate levels of sunlight & daylight penetration, overshadowing & substandard open space provision.
- Poor quality design & presentation to Forster Way and the applicant did not take the opportunity afforded by the AI request to improve the design.
- The County Architect raised serious concerns in relation to the quality of the apartment design, domination of the lift core & stairs with respect to the front façade, treatment of the lift housing design of the ground floor elevation.
- The vehicular access to the site off Forster Way remain unresolved.
- Request the attachment of a s.48 contribution condition in the event the appeal is successful.

6.3. Observations & Prescribed Bodies

No submissions received.

7.0 Assessment

The main issues arising in this case related to the following:

- Principle of development
- Design, layout & visual amenity
- Residential amenity
- Movement & access
- Overdevelopment & precedent
- Other issues

7.1. Principle of development

The proposed development would be located within an area covered by the “MC” zoning objective which seeks to “Protect, provide for and/or improve major town centre facilities” and the proposed residential use is acceptable in principle. It is noted that the applicant included a ground floor coffee shop by way of the Further Information submission, and although this use would be acceptable in principle, it did not form part of the description in the planning application form and public notices.

7.2. Design, layout and visual amenity

Context:

The proposed development would be located at Forster Way which runs parallel to Main Street, there are no Protected Structures in the vicinity and the area is not covered by any Conservation Area designations. The surrounding area is characterised by a mix of buildings of various designs, styles and heights and there is no prevailing pattern of development except for a fairly uniform building line along particular sections of the street. The Swords Master Plan 2009 contains an indicative height strategy of 1-3 storeys for new buildings along Main Street and 3 to 5 storeys along Forster Way.

The proposed 5-storey building would occupy a long narrow site to the rear of an existing 2-storey house which fronts onto Main Street and in between 2 existing 3-5 storey buildings that front on to Forster Way. Planning permission was recently

granted under F17A/0363 for the redevelopment of the site to the W at no.27 Main Street, which is also owned by the applicant, for the erection of a 4-storey building with ground floor retail and upper floor offices.

The proposed development would occupy a c.0.387ha site which is c.12m wide and c.35m deep. The proposed 5-storey building would be c.11.5m wide, 20.5m deep and 14m to 15m high. The ground floor would comprise car parking, the first, second and third floors would each contain 2 apartments with balconies, and there would be a roof garden, lift shaft & stairwell and storage at fourth floor level. The front elevation would be almost level with the front elevation of the neighbouring building to the N and set back c.3m from the front elevation of the neighbouring building to the S. There would be a c.14m separation distance with the adjoining site boundary to the W with the existing 2-storey house and permitted 4-storey development.

The neighbouring building to the N and S are c.11m high and the building to the S has a substantially recessed upper floor which extends the overall height to c.13.5m. The proposed building would adjoin the neighbouring building to the S and there would a c.1.5m separation with the neighbouring building to the N, and the intervening space is occupied by a side passageway connected to this building.

Design and layout:

The proposed building would be c.12m high. However, the fourth roof garden would contain a c.1.5m high boundary wall with a lift & stairwell lobby in the front section which would extend the height to c.14m when viewed from the E. The lift machine structure would further increase the height to c.15m over a width of c.2.5m with a c.1.5m set back from the edge of the building. The building would be significantly higher than the neighbouring buildings to the N and S along Forster Way.

The front elevation would contain a c.3m wide recessed balconies with a linear series of small windows to the stairwell in the SE corner and c.3m wide recessed balconies in the NE corner. There would be a steel door to the bin store and a steel

roller shutter door to the car park entrance at ground level, however the roller shutter was omitted and replaced by a coffee shop frontage under the Further Information submission. The remaining c.5m wide front façade would have a rendered finish which was amended to a selected brick finish by way of Further Information. The rear elevation would contain two projecting balconies (c.5m x 2m) at first, second and third floor levels and the façade would have a rendered finish.

Discussion:

Planning permission was previously refused for the redevelopment of the overall site (subject and adjoining site to W) under PL06F.247016 and PL06F.245438.

Permission was refused for a number of reasons including the design of the buildings which was considered to be visually obtrusive, out of character with the prevailing pattern of development in the area and the surrounding streetscape. The previously proposed buildings along Forster Way were the full width of the site and c.14m high with extensive fenestration along the front elevations at all floor levels.

As previously described above, the proposed building would be the full width of the site and between c.14m and c.15m high with c.3m wide balconies on either side of a central c.5m wide rendered or brick façade.

The County Architect raised serious concerns in relation to the elevational treatment to Forster Way. The front elevation is dominated by the lift and stair core, the level of detail provided in relation to the external appearance was insufficient to judge the quality of the finishes, and the ground floor elevation was unsatisfactory.

The applicant was requested to submit a Design Statement in accordance with Objective DMS03 of the Development Plan and to redesign the front elevation by way of a Further Information request. Although the applicant submitted a Design Statement, minimal amendments were proposed for the front elevation. The planning authority decided to refuse planning permission for 2 reasons and reason no.1 related to the poor quality of architectural design and lack of integration with the streetscape.

It is noted that the applicant did not submit any amended design proposals with the appeal submission, notwithstanding the concerns raised by the County Architect and the planning authority's reason for refusal, as well as the previous design related reasons for refusal under PL06F.247016 and PL06F.245438.

Having regard to the location of the proposed building in between 2 existing buildings at Forster Way and the narrow width of the site, I am not satisfied that the proposed development would make a positive contribution to the streetscape or the visual amenities of the area. This concern is based on the excessive height of the proposed building relative to the neighbouring buildings, the relationship between the corner balconies and the central section of the façade, the poor quality of the ground level elevation and the lack of visual integration with the neighbouring buildings and streetscape. The proposed building would therefore be visually obtrusive, incongruous and it would seriously injure the visual amenities of the area.

7.3. Residential amenity

The proposed development would contain a total of six 2-bed apartment units comprising two units at first, second and third floor levels and the proposed linear units would extend across the full depth of the building for a distance of c.18m. The proposed units would be 88sq.m. and 91sq.m.. They would each have a c.6sq.m. balcony to the front E and a c.10.8sq.m balcony to the rear W, with a c.218sq.m. area of communal open space at roof top level along with storage areas. The proposed units would provide for an acceptable level of residential amenity in relation to floor area, room size, private amenity space, storage and communal open space, broadly in line with national and local requirements which is considered acceptable in terms of residential amenity.

However, the location of the lift shaft and stair core in the front section of the building has had a negative impact on the configuration and width of the living rooms which would be c.7.5m long and between 2.8m and 4m wide, which would in turn reduce the functionality of this space and the width of the E section would fall well below the minimum living room width standards for 2 x bed units. Although the E facing living rooms would benefit from morning light there would be no other source of natural light for the rest of the day because of the depth, layout and configuration of the units. There would be a c.14m separation distance between the proposed rear elevation and the permitted 4-storey building on the adjoining site to the W which would also affect the penetration of natural light to the bedrooms on the lower floor levels in the later part of the day.

The excessive depth, narrow width and internal layout of the proposed units would provide for substandard residential accommodation with inadequate light penetration, which would in turn have an adverse impact on the residential amenities of future occupants.

7.4. Movement and access

The proposed development would provide a car park at ground floor level with a vehicular access off Forster Way to the E. However, the access arrangements were amended under the Further Information submission to utilise the access off Main Street to the W under the recently permitted commercial development (F17A/0363).

The originally proposed vehicular access to the ground level car park would be off Forster Lane. According to the Council's Transportation Department, Forster Way is a private road with a public right of way and there is a private pay-and-display street car parking area that has car parking spaces along the frontage of the proposed development. Therefore, there is no current means of access to the car parking spaces without the extinguishment of the pay-and-display parking spaces and the consequent permission of the landowner.

This department also raised concerns that access to the proposed car parking spaces appeared to be tight and requested a swept path analysis.

In relation to sightlines, it is noted that planning permission was previously refused for the redevelopment of the overall site (subject and adjoining site to W) under PL06F.247016 and PL06F.245438. Permission was refused for a number of reasons including the endangerment of public safety by reason of a traffic hazard because of poor visibility splays along Forster Way and traffic congestion. The Transportation Department stated that the current proposal does not address these issues.

The planning authority requested Further information in relation to legal interest, a swept path analysis and sightlines.

In response to the FI request, the applicant proposed to provide an alternative access to the car parking spaces off Main Street via the recently permitted commercial development to the rear of the site at no.27; Drawing no.FI-01 demonstrated a swept path analysis for cars exiting a c.6m wide parking space; and Drawing no.FI-04 shows a sightline in both directions along Main Street.

Notwithstanding this submission, the Transportation Department continues to have serious concerns in relation to the adequacy of the car parking space, the narrow width of the access lane and entrance which has limited visibility, pedestrian safety, loss of car parking spaces along Main Street and traffic hazard. It requested that permission be refused for the proposed development.

The concerns of the Transportation Department are noted.

In relation the original vehicular access off Forster Way, the initial concerns in relation to traffic safety and legal interest have not been resolved. However, it is noted that a grant of planning permission on its own does not confer development rights and any outstanding legal interest issues are outside the remit of the Board.

In relation to the proposed amended vehicular access via the permitted development at no.27 Main Street F17A/0363, it is noted the access issues have not been fully resolved under this application or under F17A/0363. Condition no. 2 of F17A/0363 required amendments to the entrance to take account of the conditioned retail use of the ground floor unit, with the details to be agreed with the planning authority.

In relation to access to facilities, services and public transport, it is noted that the proposed development would occupy a town centre location which is well served by public transport. and

Conclusions:

Having regard to the foregoing, I am not satisfied that the proposed car parking and vehicular access arrangements have been adequately addressed and the proposed development would therefore give rise to a traffic hazard.

7.5. Overdevelopment and precedent

Having regard to the concerns raised in sections 7.2, 7.3 and 7.4 above, particularly in relation to the configuration of the units and light penetration, the roof top location for the communal space and lift lobby combined with the excessive height of the building, and the car parking and access arrangements, I am not satisfied that the site can accommodate the quantum of development proposed and also comply with

planning requirements in a manner that would not constitute an overdevelopment of the site and set a precedent for the similar future development in the area.

The Board should note that this is a new issue.

It is also noted that the N facing elevation would be located within 1.5m of the side elevation of the neighbouring building to the N which contains outward opening windows at all floor levels along the entire flank wall.

7.6. Other issues

Archaeology: The standard archaeological monitoring condition should be attached.

Appropriate Assessment: The site is located just under 2km from the nearest European Sites at Malahide Estuary and Broadmeadow/Swords Estuary. However, having regard to the scale of the proposed works, which would be located on a serviced and long established urban site, and the absence of a direct connection between the works the designated sites, I am satisfied that Screening for Appropriate Assessment is not required.

Built heritage: The site and immediately surrounding area are not covered by any sensitive built heritage designations and the proposed development would have no adverse impacts on the Protected Structures in the wider area.

Environmental services: The proposed development would be located within a serviced and established suburban area, and the proposed drainage and water supply arrangements are considered acceptable.

8.0 Recommendation

8.1. Arising from my assessment of the appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

9.0 Reasons and Considerations

1. Having regard to the excessive height, scale, design, layout, elevational treatment and inappropriate level of integration with the existing buildings along Forster Way, the proposed development would be visually obtrusive and incongruous, and it would seriously injure the visually amenities of the streetscape and surrounding area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the linear design, internal layout and configuration of the proposed apartments, and the proximity to the 4-storey building permitted under Reg. Ref. F17A/0363 to the West of the proposed apartments, the proposed development would provide for poor quality residential amenity within the apartments for the future occupants by reason of inadequate daylight and sunlight penetration. The proposed development would, therefore, seriously injure the amenities of the future occupants and would be contrary to the proper planning and sustainable development of the area.
3. Notwithstanding the plans and particulars submitted with the application in relation to the car parking spaces and vehicular access arrangements, the Board is not satisfied that the proposed development would not give rise to a traffic hazard or endanger the safety of other road users including pedestrians. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride
Planning Inspector

19th July 2018