



An
Bord
Pleanála

Inspector's Report ABP-300730-18

Development	The construction of a house with associated entrance, new gated vehicular entrance off Forest Fields and modifications to the boundary wall treatment together with associated landscaping and site works.
Location	117 The Oaks, Ridgewood, Swords, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0667
Applicant(s)	Alex Toland
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Alex Toland
Observer(s)	L Nugent Stephanie Dardis James and Anne McNally Elizabeth Nugent
Date of Site Inspection	3 rd of May 2018
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The application site is located off the Forest Road in Swords and forms part of the Ridgewood Estate. No.117 The Oaks is situated at the northern end of a cul-de-sac of this more recent residential development, consisting mainly of town houses and apartments and associated parking area marked out on the road to the front. The subject corner site, (stated area 0.01ha) is triangular in shape, and forms the side and part of the rear garden area of No.117 The Oaks, which is an existing two storey end of terrace dwelling.
- 1.2. To the north of the site is Forest Fields, an older narrow residential cul-de-sac road comprising a mix of single storey/dormer cottages. There is a high block wall and hedging along the northern boundary of the site with Forest Fields. There is also a high footpath along this boundary with the public road. There are currently no pedestrian/vehicular openings from the Ridgewood Estate to Forest Fields. The latter is a narrow road, with some cars seen parked partially on the footpath and vehicular entrances on the opposite side of the road to the subject site.

2.0 Proposed Development

- 2.1. This is for the construction of a two storey two-bedroom detached house with associated entrance. It is proposed to provide a new vehicular entrance off Forest Fields with associated electric sliding gate and modifications to the boundary wall treatment together with associated landscaping and site works.
- 2.2. The stated area of the application site is 0.01ha and of the proposed two bedroom dwelling is 89sq.m. A Site Layout Plan, Floor Plans and Elevations have been submitted.
- 2.3. Details of the proposal have been submitted by Adrian Hill Architects, with Infrastructure Details by David Jenkins Consulting Engineers.

3.0 Planning Authority Decision

3.1. Decision

On the 13th of December 2017 Fingal County Council refused permission for the proposed development for two reasons as follows:

1. It is considered that the proposed development would constitute overdevelopment of the site and lead to an inadequate provision of private open space for the existing dwelling at no.117 The Oaks, and the proposed dwelling, and would be seriously injurious to the amenities of both existing and proposed occupants. The proposed development would, therefore, be contrary to the proper planning and development of the area.
2. The proposed detached two-storey house, by reason of its form, scale, height and position on this site of restricted area, would be visually intrusive and incongruous to the neighbouring dwellings and would seriously injure the visual amenity of the area. The proposed development would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This had regard to the locational context of the site, planning history and policy and to the reports submitted and submissions made. They considered that the proposed development would constitute an over development of the site and would have an adverse visual impact and be out of character with the established pattern of development in Forest Field Cottages and impact on the visual amenity of these cottages. Also, that it would provide an inadequate amount of private open space for the existing dwelling at no.117 The Oaks and the proposed dwelling and would fail to comply with Planning Objectives DMS39,40,87 and 88 of the Fingal CDP 2017-2023. They recommended that permission be refused.

3.3. Other Technical Reports

Transportation Section

They noted Forest Fields is quite narrow and considered that it would not be ideal to have a driveway opposite the existing cottages. They requested that additional information be sought to include a drawing to show available sightlines.

Water Services Section

They have no objection subject to conditions.

3.4. Prescribed Bodies

Irish Water

They have no objection subject to conditions.

Dublin Airport Authority

They noted the proposed development is located within the Outer Airport Noise Zone and have regard to the controls imposed by Objective DA07 in the Fingal CDP. They requested further information or that a condition be imposed regarding internal noise mitigation measures.

3.5. Third Party Observations

A number of Submissions have been received from local residents including a Petition and their concerns include the following:

- Impact on Traffic/Pedestrian Safety, parking issues
- This application proposes to open an entrance onto Rathingle Lane which is a narrow cul de sac that has been closed for residents in Forest Fields.
- Adverse impact on residential amenity including overlooking and loss of privacy.
- Out of character with other residential in the area.
- Poor design and layout including restricted site area, inadequate room sizes and separation distances between buildings and inadequate private open space.

4.0 Planning History

The Planner's Report provides that there is no record of previous planning applications on the subject site. The following relates to the overall permission for the residential development at the Oaks, which includes the subject site.

- Reg.Ref.F02A/0972 – Permission granted by the Council on the 30th of July 2002 for the construction of phase 5 of the overall development at Ridgewood which consisted of 28no.2/3 bed town houses, 30no. 2 bed two-storey own door apartments and 60no. 2 bed apartments in 3 no. 3 storey blocks including public open spaces and infrastructural works on a site of c.5.5 acres with access at existing entrance at Ridgewood, Forest Road, Swords.

5.0 Policy Context

5.1. National planning guidelines

Sustainable Residential Development in Urban Areas: Guidelines for Planning

Authorities: These Guidelines address the subject of appropriate locations for increased densities, e.g. inner suburban/infill and outer suburban/"greenfield" sites. Section 5.9 of the Guidelines refers. They also address the subject of the provision of lower densities in limited cases.

5.2. Fingal County Development Plan 2017-2023

Chapter 11 provides the Land Use Zoning Objectives

The site is zoned RS Residential where the Objective seeks to: *Provide for residential development and protect and improve residential amenity.*

The vision seeks to: *Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.*

Chapter 12 provides the Development Management Standards

Section 12.3 refers to High Quality Urban Design and includes regard to building lines.

Section 12.4 refers to Design Criteria for Residential Development and Residential Density. Tables 12.1 and 12.3 (houses) refer to minimum room sizes, dimensions and overall floor area when designing residential accommodation. Objectives DMS24 and DMS27 apply. Objective DMS28 provides for a separation distance of a minimum of 22 metres between directly opposing rear first floor windows. Objective DMS29 seeks to ensure at least 2.3m between side walls of properties. Objective DMS30 refers to Daylight, Sunlight and Overshadowing. Objectives DMS39 and DMS40 provide the criteria for infill development and corner sites. Objectives DMS87 and DMS88 refer to minimum private open space for dwelling houses.

Also of note is Objective PM44 which seeks to encourage and promote the sustainable development of underutilised infill, corner and backland sites.

5.3. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Downey Planning has submitted a First Party Appeal on behalf of the Applicant. The grounds of appeal seek to address the Council's reasons for refusal and include the following:

- The design of the development seeks to ensure optimal functionality and that the amenities of surrounding residents are protected.
- The site is within the residential area in proximity to Swords and public transport.
- The proposed development is seeking a bespoke design that sits within the site and enhances the streetscape.
- Adequate private open space in accordance with standards is provided. They note minimal areas of open space for the adjoining terraced dwellings in The Oaks.

- The internal layout of the proposed development is designed to maximise use of natural daylight and sunlight and does not overlook adjacent developments.
- The site is easily accessible from Forest Fields and they note that the Transportation Department confirms that there will be no impact on traffic and full visibility or the carrying capacity of the road network.
- This is a high quality of development appropriate to this infill corner site. The proposal is in keeping with planning policies and objectives relative to development management standards and for infill development on corner sites.
- They refer to precedent cases whereby infill development has been allowed including by the Board.
- The principle of two storey dwellings in proximity to single storey dwellings has been established within Ridgewood with two storey immediately adjoining single storey development.
- The proposed residential dwelling represents an appropriate sustainable development for the subject site and will ensure the sustainable use of lands.
- Careful consideration has been given to the design and layout it will not be visually obtrusive or impact adversely on the amenities of surrounding areas.

6.2. Planning Authority Response

They consider that the proposed development represents an overdevelopment of this site, and will give rise to an overbearing and visually domineering impact due to its proximity to the site boundaries, particularly the northern and western boundaries. They also consider that it would be out of character with the area and with Forest Field Cottages. Also, that it fails to comply with Objectives DMS39, 40, 87 and 88 of the Fingal CDP. They note that the Transportation Planning Section had some concerns relative to the proposed access and the narrow width of the roadway. They consider that this appeal does not raise new issues which would warrant a grant of permission for the proposed dwelling.

In the event, that the Board decides to grant permission they ask that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contributions Scheme.

6.3. **Observations**

Four separate Observations have been submitted from local residents i.e:

- L. Nugent
- Stephanie Dardis
- James and Anne McNally
- Elizabeth Nugent

For convenience these are grouped together as similar concerns are raised. These are summarised as follows:

- The proposed development does not comply with planning policies and objectives in the Fingal CDP 2017-2023, particularly having regard to inadequate room sizes, the provision of minimum private open space, and separation distances.
- It will cause overlooking and loss of light and privacy.
- Forest Fields laneway is too narrow for two cars to pass and this proposal will add to congestion and compromise the safety of existing residents.
- Forest Fields Cottages are completely cut off from Ridgewood Estate at present, this proposal would open access, which the residents are totally opposed to. The established boundary between The Oaks and Forest Fields Cottages would be lost and the character of the latter diminished.

7.0 **Assessment**

7.1. **Principle of Development and Planning Policy**

- 7.1.1. The application site is within the Residential Zoning of the suburban area of Swords, where residential development is acceptable in principle, provided it does not detract from existing residential amenities. Section 12.4 of the Fingal County Development

Plan 2017-2023 is of note and includes that: *the development of underutilised infill and corner sites in existing residential areas is generally encouraged. However, it is recognised that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be encouraged for this type of development. Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas.*

- 7.1.2. This is a restricted corner site at the northern end of The Oaks residential development, located in the side garden area of no.117 The Oaks. The First Party consider that the design of the proposed dwelling is contemporary and has taken into consideration the nature of the site and proposed a design to reflect the existing topography and surrounding environment. Also, that it represents a high-quality design whilst optimising the appropriate residential use of this corner infill site. They note that Objective PM44 seeks to: *Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.* They consider that the proposed development complies with planning policies and objectives.
- 7.1.3. The concerns of the Council as stated in their reasons for refusal and in their response to the First Party Appeal as are those raised by the Observers relative to the overdevelopment of the site and non-compliance with planning policies and objectives are noted. Therefore, the issue that needs to be ascertained is whether the proposed development is acceptable on this site, taking into consideration the design and layout, access, the impact on the amenities of adjoining residents, and the sustainable planning and development of the area. Regard is had to the issues raised in this Assessment below.

7.2. **Design and Layout**

- 7.2.1. This proposal is to construct a 2 storey detached 2 bed, 89sq.m dwelling in the corner side garden area of no.117 The Oaks. The existing dwelling is a 2 storey end of terrace property that adjoins a block of 3 which include nos.116 and 115 The Oaks. As an end of terrace corner property, it currently has a larger than average side garden area for these town houses. This is currently laid to grass with walls

around the eastern and northern site boundaries. There is narrow pedestrian gated side access from the northern side of no.117. There is currently no access to Forest Fields to the north.

- 7.2.2. The proposed house is shown 7.3m to ridge height and sections have been submitted. Floor Plans include kitchen/dining and utility rooms on ground floor and 2no. bedrooms on first floor. Section 12.4 of The Fingal CDP provides the Design Criteria for Residential Development. Table 12.1 provides that the minimum floor area for a 2 storey 2 bed 4 person house is 80sq.m. As 89sq.m is proposed this is exceeded. The open plan living/dining room at ground floor level is c.25sqm and is less than the aggregate living area standard of 30sq.m recommended as a minimum standard in this Table. Bedroom sizes are just within the minimum standards. The storage area shown also appears less than the minimum target of 4.5m. Therefore, the internal accommodation would appear to be substandard.
- 7.2.3. There are concerns about lack of private amenity open space. Objective DMS87 seeks to ensure that for houses with 3 bedrooms or less that a minimum of 60sq.m of private open space is located behind the front building line of the house. Objective DMS88 allows a reduced standard for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/corner sites. This also includes that: *In no instance will the provision of less than 48sq.m of private open space be accepted per house.* As shown on the Site Layout Plan the current proposal would mean that the rear garden area of no.117 The Oaks would be reduced to 45sq.m and that of the proposed dwelling would be c.44sqm. Therefore, the subdivided plot would have less than the minimum areas of private open space. Having regard to these issues, I would be concerned that the proposed development would be substandard and that this would be to the detriment of the amenity of existing and future residents.
- 7.2.4. Regard is had to the Site Layout Plan, and it is proposed to site the house to the north and rear of the subject house. Therefore, in view of the restricted nature of the site, it cannot follow the established building line. Section 12.3 of the CDP refers to Building Lines and: *seeks 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. In deciding where a building line should be located, the form of development to which it is related will be considered.* The proposed house will follow neither the

building line of the adjoining houses in The Oaks or the houses in Forest Fields Cottages.

7.3. Regard to Proposed Access

- 7.3.1. The proposed access to the development is via a sliding gated entrance to Forest Fields cul de sac road. One on-site parking space is provided which is in accordance with the Car Parking Standards in Table 12.8 where 1-2 spaces is the norm for a 1 -2 bedroom house. The applicant provides that as there are house entrances on the opposite side of the road they believe that the sight lines etc are acceptable in this location. The Council's Transportation Section notes that the site on the main access road down Forest Fields is quite narrow measuring approx. 5m wide. They consider that it would not be ideal to have a driveway opposite the existing cottages. It is noted that the entrance to the proposed development is directly opposite cottage no.9. They consider that if the residents of no.8 and no.9 were to park their vehicles on the road directly outside their houses it could be problematic for turning manoeuvres in gaining entry or exiting the entrance at the proposed development. The Transportation Section notes that approx.20m west of the proposed entrance for the proposed development the hedges/trees are overgrown and could impede sightlines. These are outside the subject site. Sightlines of 45m are required in either direction. They recommended that a drawing showing maximum available sightlines be submitted.
- 7.3.2. It was also noted that the existing footpath is below the desired 1.8m in width and approximately 200mm high. I noted this higher than average footpath along the northern site boundary. It was noted in the submitted plans that the existing boundary wall which is currently c.2m in height and forms part of the Ridgewood estate boundary wall is to be lowered to c.900mm high. Forest Field Cottages are completely cut off from Ridgeway Estate at present and local residents have stated they do not want a change to this arrangement. This proposal would mean that a vehicular access would be created in the existing estate boundary wall, which I do not consider to be a satisfactory/desirable arrangement for the local residents in Forest Fields.

7.4. Regard to Precedent

- 7.4.1. The First Party submits that there have been a number of precedent cases whereby infill residential dwellings have been granted permission with private open space below the minimum standards as set out in the relevant Development Plans. They give an example as Reg.Ref.0907/03 – ABP Ref. PL29S.202963, where permission was granted by the Council and subsequently upheld and granted subject to conditions by the Board (Sept. 2003). This was for a contemporary 2 storey design dwelling and associated works at no.10 Richmond Place, Rathmines, Dublin 6 (corner of Richmond Place/Mountpleasant Avenue Upper). They include aerial and streetview photos of the constructed dwelling and note the private open space comprises c.30sq.m and appears to be substandard in quality and quantity. It is noted that this case is an example but in view of its locational context and urban location within Dublin City Council it is not particularly relevant to the subject case. It is considered that the proposed development would set an undesirable precedent contrary to the proper planning and sustainable development of the area.

7.5. Impact on the Character and Amenities of the Area

- 7.5.1. The First Party provides that the height and scale of the development has been informed by the location of the site immediately adjoining two storey dwellings at Ridgewood whilst the position of the dwelling has been carefully considered to ensure there will be no overlooking or overshadowing. They also consider that the current proposal complies with Objective DMS85 in that the private open spaces will not be unduly overshadowed. Also, that it complies with Objective DMS86 in that they provide the boundary treatment associated with the private open spaces is designed to protect residential amenity and visual amenity.
- 7.5.2. This proposal is located at the end of the Ridgewood development. The nature and character of this estate is more modern and dense and very different to the character of the long established single storey and dormer cottages in Forest Field Cottages. I note that the house has been designed to minimise overlooking to no.116 The Oaks to the south but would be concerned that in view of its orientation and the two storey nature of the proposed development that it would cause overlooking to houses opposite in Forest Field Cottages to the north and also to the south east.

7.5.3. The proposed Contextual Elevations show the juxtaposition of the proposed house relative to the adjacent two storey and single storey development. However, I would not consider that it is in character with either development, rather than a transitional arrangement I would consider that the proposed development will appear incongruous and visually obtrusive in this restricted corner site. Having regard to these issues I would consider that this proposal would appear cramped and represent an overdevelopment of the site and would not comply with Objectives DMS39 (infill development) and DMS40 (corner sites).

7.6. Screening for Appropriate Assessment

7.6.1. Having regard to the nature of the proposed development and its location in a serviced suburban area, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed development, by reason of its design and layout on this restricted corner site would lead to a cramped form of substandard residential accommodation with inadequate private open space provision for existing and future residents. As such it would be contrary to Objectives DMS87 and DMS88 of the Fingal County Development Plan 2017-2023 and to the proper planning and sustainable development of the area.
2. The proposed development by reason of its orientation, would not respect the building line and would be visually out of character with the existing residential properties in the vicinity and would set a precedent for further inappropriate development in the vicinity of the site. The proposal including the provision for vehicular access onto Forest Fields Road would, therefore, be contrary to Objectives DMS39 (infill development) and DMS40 (corner site development) of the Fingal County Development Plan 2017-2023 and would seriously injure

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

Angela Brereton
Planning Inspector

11th of May 2018