



An
Bord
Pleanála

Inspector's Report ABP-300732-18

Development	Construction of house with a new vehicular access from Offington Avenue and all associated site works.
Location	69, Offington Park, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0671
Applicant(s)	Barry and Patricia Coonagh
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Barry and Patricia Coonagh
Observer(s)	Gerry and Jaqueline Guinan Offington Residents Association Dougal Cousins Anne Fitzpatrick
Date of Site Inspection	3 rd of May 2018
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The Offington area is situated just east of Sutton on the Howth peninsula between the Howth Road and the Carrickbrack Road. The estate is characterised by detached single family residential properties, either bungalows or dormer bungalows. The houses are set at a variety of angles to the street frontage with mainly large front and rear gardens. There are some houses with smaller plots and occasional evidence of infill houses, most of which do not appear recent. The estate however has a unique character and is in general a lower density quality residential area.
- 1.2. The application site is located within the side/rear garden of No.69 Offington Park, Sutton, Co. Dublin. The subject site is at present bound by a high block wall and hedging to the north with Offington Avenue. Access to the existing single storey dwelling and on-site parking is via Offington Park and the access to the proposed dwelling would be via Offington Avenue. There is similarly a high block wall on the opposite side of the Avenue along the side boundary of no.67 Offington Park.
- 1.3. There is a block wall and screening along the site boundary with no.89 Offington Avenue. The vehicular entrance to this property is close to that proposed. The rear garden of No 71 Offington Park adjoins the site to the south west. This is currently screened by a block wall and boundary planting. The immediate area is characterised by larger plot sizes.

2.0 Proposed Development

- 2.1. This is for the construction of a dormer bungalow with all finishes to match existing on a site to the East of the existing house with a new vehicular access from Offington Avenue and all associated works.
- 2.2. Details describing the proposed development and the site context have been submitted by Goodwin Architects.
- 2.3. As noted on the application form the stated area of the site is 545.3sq.m. The g.f.a of the proposed works is 163.9sq.m. A Site Layout Plan, Floor Plans and Elevations have been submitted showing the proposed two storey house.

3.0 Planning Authority Decision

3.1. Decision

3.2. On the 14th of December 2017, Fingal County Council refused permission for the proposed development for 3no. reasons as follows:

1. The proposed development by reason of an unequal subdivision of an existing plot would if permitted be contrary to the low density character of the existing site layout with Offington. The proposed development would constitute over development of the site and would materially contravene Objective DMS44 and Specific Objective 118 along with the character of the RS - Residential zoning of the area, having regard to the layout in the context of the overall setting of Offington.
2. The proposed dormer windows on the rear roof slope with below standard separation distance to the rear boundary would facilitate over-looking of the neighbouring garden to the south west. The proposed development would therefore be seriously injurious to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would set an undesirable precedent for other future inappropriate infill development within an area with a specifically identified character and would be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. Planner's Report

The Planner had regard to the locational context of the site planning history and policy, to the reports submitted and to the submissions made. They noted that there is a substantial history relating to the refusal of planning permission for the provision of infill houses on similar plots within Offington. They considered that the overall circumstance regarding the maintenance of the character of the area has not changed and remain valid. They did not consider that the applicant has overcome

the reasons for refusal associated with the planning histories in the area and recommended that permission be refused for the proposed development.

3.3.2. Other Technical Reports

Transportation Planning Section

They note that the development is located within the 50km/hr speed limit and that sightlines are available. They recommend conditions should permission be granted.

Water Services Section

They have no objections subject to conditions.

Parks Planning Section

They do not object to the proposed development but recommend that replacement tree planting be carried out.

3.4. **Prescribed Bodies**

Irish Water

They have no objections subject to conditions.

3.5. **Third Party Observations**

Submissions received from local residents including the Offington Park Residents Associated and concerns include the following:

- Traffic hazard and danger to pedestrians.
- The driveway for the proposed new bungalow would connect onto Offington Avenue close to a dangerous junction with Offington Park.
- Overdevelopment of the site in an area of lower density with larger plot sizes.
- Unequal subdivision of plot.
- Overlooking and detrimental to residential amenity
- The development of this and or other sites of similar size would be contrary to the lower density character of the existing estate layout and would create undesirable precedent.

- They note previous refusals for corner sites and infill development in the area.
- Devaluation of property in the area.
- Will add to existing problems with sewerage and plumbing.

4.0 Planning History

4.1.1. The Planner's Report notes the extensive history of planning applications in the area.

Subject site:

- Reg.Ref.F03A/0490 – Person refused by the Council and subsequently on appeal (Ref.PL06F.203520 refers) for the construction of a dormer bungalow with vehicular access from Offington Avenue. The Board's reason for refusal was as follows:

The proposed development of a dormer bungalow, by virtue of its scale, design, height, and relationship to adjoining properties, would be out of character with the prevailing pattern of development in the area which is characterised by low density bungalow type housing. The proposed development would be visually obtrusive, would seriously injure the residential amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development in the area.

Other proximate sites:

- Reg.Ref. F08A/1043 – Permission refused by the Council and subsequently by the Board (Ref.PL06F.23162 refers) for the construction of a house with driveway opening onto Offington Avenue to the rear of 67 Offington Park. This is on the opposite side of the road to the subject site.
- Reg.Ref.F10A/0505 – Permission refused by the Council and subsequently by The Board (PL06F.238547 refers) for the construction of one three bed dormer house with driveway opening onto Offington Avenue, all to the rear of 67 Offington Park, Sutton.

Copies of these Board decisions are included in the History Appendix to this Report.

The case planner's report outlines details of a number of other applications for dwelling houses on infill sites in the Offington Estate, which have been refused permission since 1999.

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 development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.*

Objective PM45 seeks to: *Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.*

Objective PM64 seeks to: *Protect, preserve and ensure the effective management of trees and groups of trees.*

5.3. Natural Heritage Designations

The site is not within the boundary of a Natura 2000 site but is within close proximity to North Bull Island SPA and Dublin Bay SAC to the west and Howth Head SAC to the east.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party Appeal has been submitted by Hughes Planning & Development Consultants on behalf of the applicant. They have regard to the site context, planning history and policy and provide their rationale for the proposed development. Their grounds of appeal include the following:

- They submit that the proposed development is in compliance with the Fingal CDP 2017-2023 and *Quality Housing for Sustainable Communities -Best Practice Guidelines for Delivering Homes Sustaining Communities, 2007.*
- As part of their appeal they ask the Board to consider the revised drawings contained in Appendix A of their appeal.
- They also note a letter from the applicant in support of their appeal, and noting precedent cases for consideration of the Board, within Appendix B of their appeal.

- They submit that the proposed development does not constitute overdevelopment and has been designed with a specific objective to ensure a strong of integration within this low density estate.
- The site is within easy access to public transport where such infill development is appropriate.
- The proposed house is in excess of standards for minimum floor area and will provide a high standard of accommodation for future occupants.
- The architectural drawings have been revised to successfully address the potential for overlooking of neighbouring sites emanating from the infill dwelling.
- Numerous precedents for subdivision of existing plots are evident within close proximity to the proposed development site. Further to this, the original development of Offington is representative of unequal subdivision of land with a wide variation seen throughout the estate with regards to road frontage, plot orientation and the siting of dwellings within their plots.
- They provide illustrations/photographs showing the variation of plot sizes in the area. Figures 4.0, 5.0 and 6.0 refer.
- They consider that the retention of mature trees along the southern and eastern boundaries will negate overlooking (Figure 8.0 refers). They consider that the revised drawing submitted with the appeal further addresses this issue.
- They provide a review of a number of precedents and include mapping and photographs of the various developments.
- They conclude that the provision of two dwellings on the existing site area makes for an efficient use of serviced land and that the impact of the development is mitigated through design to minimise the potential impact on the surrounding area.

6.2. Planning Authority Response

The Planning Authority notes that the matters raised in the appeal have been addressed within the assessment of the planning application and accompanying documents. They do not agree with the applicant's statement that the proposed dwelling would follow the original design characteristics of the Offington housing development with regards to both the architectural quality of the dwelling and the individual nature of the plot orientation.

They note the precedent cases referred to by the Appellant and consider that these individual cases do not relate to Offington. They note that the overall character of Offington is protected under Objective DMS44.

They note the revised plans submitted and acknowledge the set-back of the dormer window to the rear.

The PA notes the anomaly with the applicant's name and this issue has been corrected.

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

6.3. Observations

Four separate Observations have been submitted from:

- Gerry and Jaqueline Guinan
- Offington Residents Association
- Dougal Cousins
- Anne Fitzpatrick

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

- The proposed infill development will constitute an overdevelopment of the site in this lower density area.

- Offington Park is a unique model estate. The original design of the estate dates from the 1960's and 1970's.
- It will have a detrimental effect on the character and amenities of this residential area.
- The precedent cases submitted are not reflective of the circumstances of the subject case. This proposal will set an undesirable precedent, previous refusals for infill development at no.67 Offington Park are noted.
- Devaluation of adjoining properties.
- This proposal will set an undesirable precedent for subdivision of these larger plot sizes characteristic of the area.
- This proposal will lead/add to traffic and safety hazard in close proximity to a dangerous junction.
- Offington Estate is subject to flooding and extensive remedial works are planned by the Council. This proposal will add to existing problems with surface water run-off and sewerage.
- The development is not in accordance with the proper planning and development of the area.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The subject site is within the suburban area of Sutton and zoned residential within the Fingal County Development Plan 2017-2023. Therefore, the principle of residential development is acceptable in this area. 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. There is concern that the proposed development would constitute an overdevelopment of the site and would lead to an unacceptable increase in residential density in this low density model estate and would conflict with the RS Residential zoning objective for the estate the area generally. Regard is had in the Council's first reason for refusal to Objective DMS44 which seeks to: *Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.* This is reiterated in Specific Objective 118 which applies to the area and seeks to: *Ensure that development is in keeping with the layout, scale, design and character of existing development.*
- 7.1.3. 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 has addressed the previous refusal and represents a high-quality design whilst optimising the appropriate residential use of this 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.
- 7.1.4. 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. There is currently a large, four bedroom, single-storey gable roofed bungalow on site with extensive front, side and rear garden space. There is a smaller patio area at the rear. This proposal seeks to subdivide the existing plot and to construct a two storey, three bedroomed detached infill dwelling of 163.9sq.m on a 545.3sq.m site to the rear of No.69 Offington Park. The proposed building is dormer in form shown c.6.8m to ridge height. As shown on the Site Layout Plan, it is to be located in a central position between the side of the existing house no.69 Offington Park and the side of no.89 Offington Avenue. The First Party contend that the proposed design allows for integration between that proposed and these existing properties and the reinforcement of the existing building line. They consider that site coverage at 18% remains in keeping with the neighbourhood character.
- 7.2.2. Section 12.4 of The Fingal CDP provides the Design Criteria for Residential Development. Table 12.1 provides the minimum floor areas. It is noted that as shown on the floor plans and provided by Figure 3.0 of the First Party Appeal the proposed development exceeds these minimum floor areas and those provided by the Department of the Environment, Heritage and Local Government. Thus, it is provided that a high standard of accommodation will be provided for future residents.
- 7.2.3. In view of the set back of the existing house from Offington Park, the subdivision of the site will appear unequal. The house will be located close to the side of no. 69 and less than 2m from the boundary with no.89 Offington Avenue. Therefore, this will be much closer than on other sites in immediate proximity. Section 12.4 (Objective DMS28 refers) of the Fingal CDP seeks to ensure a minimum standard of 22m separation between direction opposing first floor windows, normally resulting in a minimum rear garden depth of 11 metres. It is noted that the depth of the rear gardens of both the existing and proposed development will be less than 11m. Objective DMS29 seeks to ensure a separation distance of at least 2.3m between the side walls of housing units. As shown on the Site Layout Plan the distance between the existing and proposed house is within this standard. However, it is noted that the proposed dwelling will be located close (less than 2m) to the eastern boundary with no.89 which will mean that it will be difficult to retain boundary planting.

7.2.4. Objective DMS87 of the Fingal CDP 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. This also provides that: *narrow strips of open space to the side of houses shall not be included in the private open space calculations.* As shown on the Site Layout Plan, the proposed dwelling will have c.160sq.m of private open space at the rear. However, it is noted that the private open space of the rear garden area of the existing house No.69 Offington Park will be considerably reduced and more triangular in shape facing the side of no.71 Offington Park, but will be in excess of 100sq.m.

7.3. Proposed Amendments

- 7.3.1. It is noted that the Council's second reason for refusal had concerns about below standard separation distances and overlooking of adjoining properties from the dormer on the rear roof slope. In response the First Party has submitted revised drawing in Appendix 1 of their Appeal. These show that the proposed rear dormer will be set back by 1m. They provide that this revision allows the bedroom to remain at a size which exceeds the minimum standards for a double bedroom and consider that the dormer area allows for a more usable floor area than if a velux window was used at this location. Also, that this revision ensures that this window exceeds the required 11m separation distance from the boundary with no.71 Offington Park and allows the site to remain parallel to the road, thus retaining the angular nature which is characteristic to plots within the Offington estate. Figures 9.0 to 13.0 refer. It is provided that the dormer window at the eastern bedroom is now inset by 2 metres from the rear building line. Figure 13.0 provides a Contiguous rear elevation which shows the juxtaposition with the properties either side.
- 7.3.2. While this modification addresses the separation distance issue, there will still be some overlooking of the rear garden of no.71 Offington Park, in a way that does not exist at present. If the Board decide to permit it is recommended that it be conditioned that planting along the rear boundary be retained and augmented and that this modification to the design of the rear dormer be included.
- 7.3.3. As per the Council's Parks Planning Section recommendation it is also recommended that a landscaping condition to include replacement planting be included.

7.4. Regard to Access

- 7.4.1. The application site is located approximately 85 metres east of Carrickbrack Road (R105), on a corner site which has significant road frontage to both Offington Park and Offington Avenue. Access to the existing house is via Offington Park. The proposed entrance is shown located c.50m from the junction with Offington Park and c.10m from the access to no. 89 Offington Avenue. Two on-site parking spaces are to be provided to the front of the proposed dwelling unit which is in accordance with Table 12.8 of the Fingal CDP.
- 7.4.2. The Observers are concerned that the proposal would lead to danger for pedestrians due to the creation of a new vehicular entrance onto the road/footpath in close proximity to the existing entrance for no.89 Offington Avenue and to corner of Offington Park and Offington Avenue. Offington Park is the only entrance/exit road for all the traffic in the Offington estate. This is a significant and dangerous junction to the R105 (coast road) and also used by children to cross to the nearby national school on Carrickbrack Road. It is noted that the later junction is controlled by traffic lights.
- 7.4.3. The Council's Transportation Section does not object to the proposed development and recommend conditions. They note that sightlines to the junction of Offington Park and Offington Avenue are available to the west of the proposed entrance and sightlines in excess of 45m area available to the east. If the Board decide to permit it is recommended that an appropriate condition be included having regard to the proposed vehicular access. However, the issue of precedent also needs to be taken into account and it is noted that there is currently no break in the block wall on either side of the junction of Offington Avenue with Offington Park.

7.5. Impact on the Character and Amenities of the Area

- 7.5.1. The Offington estate is a high quality residential environment with a unique and successful layout. The houses are primarily bungalows and dormer bungalows on deep sites set back from the estate roads with mature landscaping. There are a few properties on smaller sites and some evidence of previous infilling as indicated on the drawings, submitted by the appellant, of the Offington Drive/ Offington Avenue/junction. However, it is my opinion that these are the exception rather than

the rule and an illustration of how the character of the estate would be changed if such a pattern of development were repeated throughout.

7.5.2. No. 89 Offington Avenue is to the east of the site and there is a 1.8m block wall along the rear boundary of the site with this property. While the side and eastern rear boundary of the site are currently screened with planting and a block wall, there are some views of the side garage of no.89 from the site. There are also glimpses of the side of no.71 Offington Park to the south west. Having regard to the OS Map, and as seen during the site visit, it is noted that there are no sites of a similar smaller scale to that proposed in the immediate vicinity. It is also noted that the rear garden private amenity space of the existing house is significantly reduced by the current proposal. This results in the majority of the open space for the existing property no.69 Offington Park, being forward of the building line.

7.5.3. This proposal would subdivide one of the larger plots typical of this area. There are a high number of such plots capable of subdivision within the terms of the Development Plan standards and the Residential Density Guidelines. The First Party consider that the proposed dwelling will not disrupt the existing level of variation within this housing development and is suitably scaled and in character with the pattern of development in the area. However, development of that nature would set a precedent and this would seriously and cumulatively harm the character of the area and its residential amenity.

7.6. **Regard to Precedent**

7.6.1. Regard is had to the Council's third reason for refusal relative to undesirable precedent. The Planner's Report notes that there have been a number of refusals for infill development relative to the subdivision of the larger plots in the area. This includes relative to the subject site and to the property on the opposite side of the junction no. 67 Offington Park. Details of these applications are referred to in the History Section above.

7.6.2. The First Party notes that within the vicinity of the site and the wider Sutton area there are many examples of permissions granted for infill and replacement houses of varied form and style, which they consider are representative of an evolution in the streetscape and neighbourhood character. They note that a number of permissions

have been granted in the Carrickbank Road area and provide details of these. They also refer to infill houses granted permission at Strand Road Sutton.

7.6.3. They have regard to the permission granted by the Council and subsequently by the Board (PL06F.242199 refers) at No.22 Offington Park. It is of note that this provided for the demolition of an existing dormer dwelling and construction of a 2 storey dwelling rather than an infill dwelling. They include photographs showing the variation in design of some of the dwellings in Offington Park. Having regard to the issue of orientation and overlooking they refer to the permission granted by the Council relative to extensions to No.46 Offington Park.

7.6.4. While these precedent cases are of note, it is considered that if permitted this proposal will set a precedent in this part of the Offington estate characterised by larger plot sizes. Each case must be considered on its merits and it is important in the interests of the proper planning and sustainable development of the area, not to set or further an undesirable precedent.

7.7. Screening for Appropriate Assessment

7.7.1. 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 site is zoned 'RS' Residential in the Development Plan where the objective is to provide for residential development and to protect and improve residential amenity. The development proposes to unequally subdivide an existing plot. This is contrary to the low density character of the existing estate layout. The proposed development constitutes an overdevelopment of the site relative to the established pattern of development. The development would

set an undesirable precedent for the subdivision of plots within the estate which would conflict with the pattern of development in this estate and would seriously injure the amenities of properties in the vicinity. As such it would be contrary to Objective DMS44 and Specific Objective 118 of the Fingal County Development Plan 2017-2023 which are applicable to the Offington Estate. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

11th of May 2018