



An
Bord
Pleanála

Inspector's Report ABP-301364-18

Development

Alterations to reduce in size the existing dormer bungalow and to form a new detached smaller dormer bungalow by conversion of existing dormer garage and games room into two bedrooms, bathroom and study and to form an additional dormer extension to side for a lounge, kitchen and two bedrooms with car parking to front.

Location

Sycamore Lodge, Barrenhill, Sutton, Dublin 13.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F17A/0605

Applicant(s)

Paul and Barbara Keatley

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Paul and Barbara Keatley

Observer(s)

None

Date of Site Inspection

26th of June 2018

Inspector

Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site is located in the established residential area in Sutton, to the south of St. Fintan's Road and to the east of Shielmartin Road. The landholding contains a dormer bungalow with a steeply pitched roof and a stepped front and rear façade. The area of the subject site contains a double garage and games room which currently form part of the existing house. The site slopes downwards from south-east to north-west. The location of the existing house and the subject site are on a lower level than the rear garden area. There are hedgerow boundaries on all sides of the rear garden and to the north of the site with mature trees and a rocky outcrop in the south-eastern section of the site.
- 1.2. This is a backland site at the end of and accessed via a long narrow roadway which also serves two other dwellings not related to the subject site. There is on-site parking available. Access/egress to the site is from St. Fintan's Road to the north. Sightlines are restricted at this access, due to hedgerows and boundary walls not within the subject landholding. The rear of houses on a lower level with access to Shielmartin Road are on the opposite side of the access road and while there is a wall along the boundary they can be partially seen from the site.

2.0 Proposed Development

- 2.1. This proposal seeks permission for:
- Alterations to reduce in size the existing dormer bungalow and to form a new smaller detached bungalow by conversion of existing dormer garage and games room into two bedrooms, bathroom and study and to form an additional dormer extension to the side for a lounge, kitchen and two bedrooms, with car parking to the front at 'Sycamore Lodge' Barrenhill, Sutton.

3.0 Planning Authority Decision

3.1. Decision

On the 14th of March 2018, Fingal County Council refused permission for the construction of the development for the following reason:

The access lane from the site to St. Fintans Road suffers from inadequate sightlines. The proposed development would represent an intensification of the use of this substandard access/egress. The applicant has not demonstrated that sufficient amendment could be carried out to land within their ownership such that revisions to the substandard sightlines could be carried out to ensure the intensified use of the access/egress point could be carried out safely. As such the proposed development would endanger public safety by reason of traffic hazard and as such is not in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner had regard to the locational context, planning history and policy and to the inter departmental reports and the submissions made. They concluded that while the development is acceptable in principle, insufficient information has been submitted with regard to traffic sightlines at the vehicular entrance. They recommended that additional information be requested in this regard to include the following:

- Details on the achievement of sightlines. Should sightlines not be achievable the applicant was advised to submit a rationale for the safe access and egress of additional vehicles as a result of this proposal.
- They were asked to revise the proposed house to provide 2.3m separation distance between the proposed and existing house. Also, that the roof to the store should be hipped and pitched.

Further Information response

PMK Architects provide that they have engaged the services of Roger Cagney and Associates Consulting Engineers to examine the existing entrance and prepare the new engineering details and response for the new revised entrance.

- The proposal involves setting the driveway entrance out, with the view points at 2.4m from the boundaries and revised drawings to provide clearer sight lines have been submitted;
- The alterations are all within the ground in their ownership;
- 2no. parking spaces proposed will increase the nos. using the lane from 6 to 8 additional cars.
- They have requested the adjoining neighbour to trim back his hedges.
- Revised drawings have been submitted showing 2.3m between the existing and proposed dwelling house.

Planner's Response

They had regard to the F.I submitted and noted that revised plans had been submitted which indicates a separation distance of 2.3m between the side boundaries of the existing and proposed dwelling and the amended roof profile of the store so that it is now hipped and pitched, as requested. They did not object to the amendments made.

Having regard to the F.I submitted and the report from the Transportation Planning Section they considered that the proposed development would give rise to a traffic hazard at this location and as such is not acceptable. The proposed development is therefore considered to be not in accordance with the proper planning and sustainable development of the area and they recommend that permission be refused.

3.3. Other Technical Reports

Water Services Section

They have no objection subject to appropriate drainage conditions including compliance with SuDS.

Transportation Planning Section

They provide that the A.I submitted is not acceptable to the Transportation Planning Section. The sightline drawing is incorrect and they are concerned that sightlines cannot be achieved. They have concerns regarding boundary treatment and note that no letter has been received from the adjacent neighbour relative to cutting back the boundary hedge. They recommend that the proposed development be refused on the grounds of traffic hazard.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to conditions.

3.5. Third Party Observations

Submissions have been received from local residents and include concerns that the proposal address the following:

- The need to ensure an appropriate level of residential privacy and amenity;
- The material increase in the density, mass, bulk and scale of development within the application site; and
- The need to protect and preserve trees woodlands and hedgerows.

4.0 Planning History

The Planner's Report provides that there is no recent planning history pertaining to the subject site.

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.

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.*

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. PMK Architects have submitted a First Party Appeal on behalf of Paul and Barbara Keatley. Their grounds of appeal include the following:

History of the Planning application

- They note that pre-planning consultation was held with Fingal County Council.
- They have regard to the Further Information submitted showing revised roof profile to store, distance increase between houses and engineer's drawings showing revisions to the entrance.

Engineers proposal regarding the Sight lines/Traffic Study

- In the refusal condition the transportation section requested sight lines or a traffic study as an alternative. In response they engaged the services of an independent engineer Roger Cagney and Associates Consulting Engineers to examine the existing entrance and prepare the new engineering drawings and details.
- St. Fintan's Road is a minor road with low traffic usage. There is low traffic usage of this and South Hill to the east. They consider that the redesign of the entrance was a better solution put forward as part of the F.I.
- The driveway will have 2 additional cars serving the proposed new dormer bungalow bringing the total use of this driveway from 6 to 8 cars (2 per bungalow).
- The engineer's proposal involves setting the driveway entrance out, with the view points at 2.4m from the boundaries to provide clearer sight lines as requested.

- The alterations are all within the ground in their ownership.
- The boundaries of the adjoining site were not requested to be pulled back to provide additional space as the permission granted in 2003 (Ref.02A/1509 refers). The hedging of this property oversails the adjoining property. This could be trimmed back at the request of the council as per condition no.8 of their permission.

Additional points of note re: entrance

- The existing entrance to the site was formed over 30years ago.
- There have never been any incidents regarding this entrance.
- The entrance frontage is 18m wide.
- The road usage at present is for 6 cars for 3 houses. The current proposal would provide 8 cars for 4 houses.
- The junction of the main St. Fintan's Road onto Carrickbrack Road at the top and bottom of St. Fintan's Road is similar yet no widening was ever required (they attach photographs).

6.2. Planning Authority Response

Fingal County Council's response includes the following:

- Having reviewed the grounds of appeal the Planning Authority remains of the opinion that the proposed development would give rise to a traffic hazard at this location and as such is not acceptable.
- They note the comments of the Transportation Planning Section which provide that the intensification of the proposed access without the provision of the required sightlines as per the Design Manual for Urban Roads and Streets constitutes a traffic hazard and recommend that the decision of the PA should be upheld on that basis.
- While they request the Board to uphold the Council's refusal the PA requests in the event of a grant that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contributions Scheme.

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.* Objective PM44 seeks to encourage the sustainable development of infill, corner and backland sites.
- 7.1.2. Objective DMS39 has regard to design and layout and provides 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.* Also of note is 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.* It is considered that the current site is within such an area, having regard to the character of the housing stock in the area and its location in Sutton and the proximity to the Howth Head. The site is also within the Howth SAA Buffer Zone where Objective 4 seeks to: *Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.*
- 7.1.3. While the principle of development is acceptable in the residential zoning, the issue in this case is whether the proposed development of an infill house on this backland site is considered to be an appropriate and sustainable development in this area. Regard is had to the impact on the character and residential amenities of the area and to the Transportation Planning Section's concerns and the Council's reason for

refusal relative to the access issue and traffic hazard in the context of this Assessment below.

7.2. Design and Layout

- 7.2.1. Currently there is an existing dormer bungalow on site. It is proposed to reduce the size of the existing bungalow and to demolish the northern section of this property and construct a new 4bed 2no. storey property on the site. It is noted that as shown on the Site Layout Plan effectively this will allow for the subdivision of the larger site area to form two separate sites and allow for two separate dwellings.
- 7.2.2. As shown on the Site Layout Plan the area of the site area of the existing bungalow will then be c.1290sq.m and of the site is c.774sq.m. It is noted that the rear garden area is on a higher level than the area of the existing house and the proposed location for the new house. The rear garden area is uphill and includes a rocky outcrop. There is a high evergreen hedgerow along the northern boundary of the site which provides screening for the adjoining property to the north.
- 7.2.3. I would have no objection to the demolition of part of and reduction in floor area of the existing bungalow. The proposed floor area of the new bungalow is c.185sq.m. This is shown varying in ridge height from 6.6m to 7.6m which is similar to the existing house. As part of the F.I submitted 2.3m is now shown between the proposed dwellings which is in accordance with Objective DMS29 of the Fingal CDP. However, it is noted that there is less than 2.3m to the northern boundary of the site.
- 7.2.4. The proposed house type is to be similar to the existing bungalow and appear with different ridge heights which serve to break up the ridge line. As requested by the PA and shown on the revised drawings the amended roof profile of the store shows that it is to be reduced in height and hipped and pitched. I would have no objection to the proposed house type or the subdivision of the site to allow for two dwellings. I note that sufficient private open space is also provided in accordance with standards and that in view of the location issues of overlooking or overshadowing will not occur.
- 7.2.5. It is also noted that parking for the existing house is shown in the curtilage of the proposed site and that a shared entrance is proposed. If the Board decide to permit it is recommended that it be conditioned that parking for the existing bungalow be within the frontage of the subdivided property and that a revised Site Layout Plan be

submitted. However, there are issues regarding the access to St. Fintan's Road which are noted below.

7.3. Access and Sightlines

- 7.3.1. The Council's reason for refusal on the advice of their Transportation Planning Section has been noted above. The existing access from Sycamore Lodge, Barrenhill to St. Fintan's Road is an issue due to inadequate visibility and sightlines being available. This is a narrow cul-de-sac road that currently serves 3no. dwellings i.e. in accordance with current standard 6no. cars. If this proposal were permitted it would effectively serve 4 dwellings i.e 8no.cars.
- 7.3.2. The First Party grounds of appeal note that they have engaged the services of an independent engineer to examine the existing entrance and prepare the new engineering drawings and details. They provide that the engineer's proposal involves setting the driveway entrance out, with the view points at 2.4m from the boundaries to provide clearer sight lines as requested. They provide that all the alterations are in their ownership and note that the existing entrance has been in situ for over 30 years.
- 7.3.3. They refer to precedent and note that the junction of the main St. Fintan's Road onto Carrickbrack Road at the top and bottom of St. Fintan's Road is similar relative to visibility and yet no road widening was ever required. They attach photographs showing this. While regard is had to this, each case is considered on its merits, it is not considered that such precedent for inadequate sightlines relative to a new development is desirable or should be followed.
- 7.3.4. They also note that the boundaries of the adjoining site were not requested to be pulled back to provide additional space to the road relative to the corner site - Reg.Ref.02A/1509 refers where permission was granted by the Council for the construction of a 4 bedroom, two storey house adjacent to The Height, Shielmartin Road. They note that the hedging at the side over sails the adjoining property and consider that this could be trimmed back at the request of the council as per condition no.8 of that permission (they include a copy) i.e: *That the existing boundary wall and hedges shall be retained except where the Roads Engineer may deem it*

necessary to reduce the height of the hedge to ensure adequate sightlines. Reason: In the interests of visual amenity.

- 7.3.5. However, I would consider that this condition does not refer particularly to the rear of the subject property as the above property has access to Shielmartin Road, rather than to the narrow driveway Barrenhill to the rear. There is no letter of consent from the owner of this property to facilitate any works on their property relative to the improvement of sightlines at junction of Barrenhill and St. Fintan's Road.
- 7.3.6. The Council's response to the Grounds of Appeal includes a Report from the Transportation Planning Section. This has regard to the lack of required sightlines notes that the application was assessed under the Design Manual for Urban Roads and Streets requirements (DMURS). Section 4.4.5 of this document refers to Visibility Splays. Table 4.3 provides: *Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds.* This notes that for a road with a design speed of 50km/h the SSD Standard is 45 metres.
- 7.3.7. The Transportation Planning Section provides that in accordance with DMURS sightlines of 45m in each direction from the junction of the access road are required. They are concerned that the information provided at additional information stage incorrectly shows a 2m grass verge to the left of the proposed entrance that could facilitate the required sightlines. They note that in reality, there is a high mature hedge bounding the edge of the road that forms the property boundary for the neighbouring property and there is no separate boundary behind the hedge.
- 7.3.8. The applicant's proposals cannot be achieved without consent from the neighbouring property which as noted above has not been obtained. Having seen the issue on site, I would consider that this would most likely involve the removal of the hedge and possibility the realignment of the part of the stone wall that juts further forward on this corner of their rear boundary. In this case having viewed the inadequate sightlines at this entrance to the site and noted the blind corner of this junction with St. Fintan's Road and taking into account the proximity of the junction with Shielmartin Road and I would concur with the Transportation Planning Section's concerns that: *The intensification of the proposed access without the provision of the required sightlines as per the Design Manual for Urban Roads and Streets constitutes*

a traffic hazard and should be refused on those grounds. As noted in Section 7.1 of the Fingal CDP the use of DMURS is mandatory for all Local Authorities. In view of the issues raised relative to inadequate sightlines being available and as noted on site I, would therefore recommend that the proposal be refused on this basis.

7.4. Screening for Appropriate Assessment

- 7.4.1. 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 Fingal County Development Plan 2017-2023 where the objective is to provide for residential development and to protect and improve residential amenity. In this case the junction of the access road from the site with St. Fintan's Road is substandard and adequate sightlines in accordance with Section 4.4.5 (Visibility Splays) of the 'Design Manual for Urban Roads and Streets' cannot be obtained within the applicant's landholding. Section 7.1 of the Fingal County Development Plan notes that the use of this Manual is mandatory for all Local Authorities. Therefore, as such the intensification of use of this access for additional residential development would constitute a traffic hazard and would also be contrary to Objective DMS39 relative to sustainable infill development, of the Fingal County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

29th of June 2018