



An
Bord
Pleanála

Inspector's Report ABP-301682-18

Development	Proposed detached dormer roof bungalow dwelling house to rear garden of existing family property, using existing vehicular access driveway including sub division of site with boundary treatment and all associated landscaping site developments works.
Location	18 Meakstown Cottages, Dubber Cross, Dublin 11.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0121
Applicant(s)	Liam Walsh
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Liam Walsh
Observer(s)	Dublin Airport Authority
Date of Site Inspection	18.11.2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site with an area of 0.0828 ha is located at Meakstown Cottages, Dubber Cross, Dublin 11, south of Swords. The site currently accommodates a single storey semi-detached cottage served by a long rear garden. There is a large shed located to the side of the dwelling. There are also a number of single storey shed structures located to the rear of the existing dwelling immediately adjacent to the southern boundary with no. 17. The dwelling forms part of a terrace of similar cottages. Access to the site is via an existing vehicular entrance located to the side (north) of the dwelling.

2.0 Proposed Development

2.1. It is proposed to construct a new detached dormer bungalow to the side and rear of the existing cottage on the site. The existing shed located to the north is to be demolished. The new dwelling will be set back c. 52 metres from the existing cottage. The bungalow has an area of 120 sq. metres and a maximum height of 7.25 metres. Internal accommodation comprises kitchen/dining area, living room and WC at ground floor level and 3 no. bedrooms and a bathroom at first floor. Elevational treatment comprises local Fingal stone on the front (western) elevation and a painted render finish on the remaining elevations. Access is to be shared with the existing vehicular driveway. It is proposed to sub divide the property with new boundary treatment and associated landscape works. An area of 380 sq. metres of private amenity space will be reserved to serve the new house.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Permission for 2 no. reasons:

1. *The subject site is zoned RC in the Fingal Development Plan, 2017-2023, the objective of which is to 'Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster'. For the purposes of the settlement strategy for Rural Cluster, rural generated housing need is defined in*

the Fingal Development Plan 2017-2023 as either 'Persons currently living and who have lived continuously for the past 10 years or have previously lived for a minimum of ten continuous years, or Persons working continuously for the past ten years, within areas of the County currently zoned rural. These areas are zoned rural Village (RV), Rural Cluster (RC0, Rural (RU), Greenbelt (GB) of High Amenity (HA). The applicant has not submitted documentation demonstrating that he complies with the settlement strategy for rural clusters as set out in the Fingal Development Plan 2017 – 20123. It is considered that permitting the proposed development would contravene materially the settlement strategy for Rural Clusters as set out in the Fingal Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *It is considered that the proposed development by reason its incongruity with the existing pattern and character of residential development in the immediate area would materially contravene Objective RF22 of the Fingal Development Plan 2017-2023 which seeks to 'Permit only development within the Rural Clusters which has regard to the existing character and role of the cluster within the wider rural area, with particular care being taken that clusters do not compete with villages in the services they provide or the role and function they play' within their rural area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report (02.05.2018)

- The proposed development of a dwelling is permitted in principle under the RC zoning, subject to compliance with the Rural Settlement Strategy. The applicant has not demonstrated compliance with the Rural Cluster Settlement Strategy in respect of the required 10 year period.
- It is considered that the proposed dwelling does not have regard to the existing pattern and character of residential development in the area. The development is two storey rather than dormer bungalow design. It is considered that the

development is incongruent with the established form and character of the area and will impact negatively on the visual amenity of the area.

- The development is set back 52 metres from No. 18 and no undue impacts are anticipated in terms of overlooking or overshadowing. The host property will retain a sufficient quantum of private amenity space.

3.2.2. Other Technical Reports

- **Water Services Department (No date):** No objection subject to conditions.
- **Transportation Planning Section (18.04.2018):** Notes that sightlines in excess of 45 metres are achievable to the left of the existing entrance. To the right, sightlines of 45m are only achievable to the centre of the road. This is considered acceptable given the nature and geometry of the road at this location. Further Information sought regarding details of boundary treatment and to clarify how vehicular access and in curtilage parking will be maintained or relocated for the existing dwelling. Details of any wayleave agreements to be provided.

3.3. Prescribed Bodies

- **Irish Water (21/04.2018):** No objection.

3.4. Third Party Observations

Dublin Airport Authority (05.04.2018)

- Appropriate noise mitigation measures should be proposed by the applicant and implemented as required by the Fingal Development Plan 2017-2023.

4.0 Planning History

Planning Authority Reference F17A/0642 (site opposite no. 18)

- 4.1 Permission refused in May 2018 for a new 3 bedroom, detached dormer dwelling with upgraded access and associated site works at Dubber Cottages. The reasons for refusal related to the fact that the applicant failed to demonstrate compliance with the regard to housing in a rural cluster, in particular that he had lived in a designated

area for the past 10 years and that it was not demonstrated that there is a clear visibility spay from the access road for a distance of 45m in both directions.

Planning Authority Reference F08A/0507

- 4.2 Outline permission refused in June 2008 for a single storey dwelling to the rear of no 16 Meakstown Cottages. Refused on the basis that the development was backland development and incongruous with the existing pattern and character of development and set an undesirable precedent for similar developments in the vicinity.

Planning Authority Reference F01/0823

- 4.3 Permission refused for a bungalow located to the side of no. 3 Dubber Cottages in September 2001. The reason for refusal related to inappropriate design and backland development, that the applicant did not have a genuine need to live in the rural countryside and that the development would set an undesirable precedent.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative Development Plan pertaining to the site is the Fingal County Development Plan 2017-2023. The site is zoned RC; Rural Cluster with the objective to *'Provide for small infill development serving local needs while maintain the rural nature of the cluster'*.

- 5.1.2 The vision for this zoning objective is:

"Provide a viable alternative to settlement in the open countryside and support small scale infill development by providing the rural community with an opportunity to choose more rural style housing than is provided within the Rural Villages, and by facilitating the development of small scale and home based enterprise among members of the rural community."

- 5.1.3 With regard to the layout and design of new development in Rural Clusters, it is stated:

"New housing in rural clusters will be required to be rural in character and respectful of the existing pattern of development in the immediate vicinity. Entrances to new

sites will be by means of shared access with an existing dwelling for preference or via an existing entrance to reduce the number of entrances onto rural roads and the subsequent need for the removal of significant stretches of established hedgerow and trees.”

5.1.4 The plan sets out a number of objectives regarding rural clusters including Objectives RF19, RF20, RF21, RF22, RF23, RF24 and RF25.

5.1.5 The site is located within the Outer Airport Noise Zone. Objective DA07 states:

“Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone.”

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 sites are the Baldoyle Bay SAC and SPA located c. 10.7km to the east of the site and the Malahide Estuary SPA and SAC located c. 9.4 km to the north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- A school record letter from Beneavin Secondary School is submitted with the appeal which outlines that the Applicant has lived at Meakstown Cottages for far more than the required 10 year period. The application is based on “close family ties”.
- Consider that the application was refused on the basis that the Planner just did not like the design of the dwelling. Note that pre planning discussions regarding the site were positive.
- The proposed dwelling is design is a simple domestic type. It is a similar type of development to that which exists at present in terms of massing, bulk, finish etc. The development is substantially similar in size, appearance and character

to the existing established residences in the surrounding area. Note that permission has already been given for similar development.

6.2. **Planning Authority Response**

- The applicant has provided an additional letter to the Board from Beneavin College confirming his address which was not submitted to the Planning Authority.
- It remains the opinion of the Planning Authority that the proposed development is incongruous with the existing pattern and character of residential development in the immediate area.

6.3. **Observations**

Dublin Airport Authority (05.06.2018)

- The proposed development is located in the Outer Airport Noise Zone and is subject to the objective DA07. Should the Board be minded to grant permission in this case, the DAA would request that a condition be attached requiring an appropriate level of noise mitigation in accordance with the Fingal Development Plan Policy DA07.

7.0 **Assessment**

7.1 **Introduction**

7.1.1 The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. Appropriate Assessment and EIA screening also needs to be addressed. The issues can be dealt with under the following headings:

- **Principle of the Development.**
- **Design and Impact on Visual and Residential Amenities.**
- **Appropriate Assessment.**
- **EIA Screening.**

7.2 Principle of the Development

- 7.2.1 The proposed site is located in an area designated as a Rural Cluster with the objective to provide for small scale infill development serving local needs. It is stated that such infill dwellings will only be permitted to persons with a rural generated housing need. This is defined in the County Development Plan as a person who is currently or has previously lived continuously for a period of 10 years in the Rural Cluster.
- 7.2.2 Concerns were raised by the Planning Authority in their assessment that the applicant did not comply with this policy. As part of the appeal response, the applicant has submitted further documentary evidence from both his primary and secondary school as evidence that he is a native of the area and has resided within the Rural Cluster for a period in excess of 10 years. Having regard to the foregoing, I am satisfied that the applicant is compliant with the relevant development plan policy regarding local need.
- 7.2.3 The proposed development comprises an infill dwelling located within the side and rear garden of the existing dwelling. Having regard to the objective of the development plan, the principle of such an infill dwelling is in my view acceptable and will consolidate rural housing within an existing settlement. The site is of sufficient depth and width to accommodate a further modest dwelling. I also note that the Development Plan encourages the use of shared access with an existing dwelling. The proposed access arrangements are thus in accordance with Objective RF24 which states *“minimise the number of new entrances to sites within a rural cluster with a preference for sharing accesses with existing dwellings or using existing entrances.”*

7.3 Design and Impact on Visual and Residential Amenities

- 7.3.1 The Development Plan sets out clear guidance that new housing in rural clusters will be required to be rural in character and respectful of the existing pattern of development in the immediate vicinity. Meakstown Cottages comprise two perpendicular terraces of single storey cottages with a simple rendered exterior and slate roof. The cottages have a uniform building line set back from the roadside edge with small front garden typically bound by a low boundary wall and railings. They have a rural character.

- 7.3.2 The proposed development comprises a dormer bungalow. It effectively however, is a two storey dwelling with a maximum height of 7.2 metres. The adjoining bungalows are typically 5 metres in height. The dwelling is to be set back to the rear of no. 18, with a separation distance between the proposed and existing dwelling of c. 52 metres. The existing building line is broken. The dwelling is to be clad in Fingal Stone. The north and south elevations have limited fenestration and it will be opaque to prevent overlooking to adjoining properties.
- 7.3.3 Having regard to the height, layout, siting and materials proposed, I am not satisfied that the proposed development represents an appropriate design response having regard to the rural character of the site and its context. Notwithstanding its set back from the existing dwelling, it will be highly visible from the public road. I consider the design is incongruous and will detract from the particular character of the existing cottages. I would also have concerns regarding the impact of the development to the adjoining residence to the south – no. 17. Whilst the considerable set back from this existing dwelling is noted, the dwelling will be somewhat overbearing when viewed from the rear garden of this property due to its height. In this regard, I consider the development to constitute inappropriate backland development.
- 7.3.4 I also note that there is no information provided regarding proposed boundary treatments or landscaping details. It is unclear how car parking to serve the existing dwelling will be provided or how the existing dwelling is to be separated from the new house.
- 7.3.5 In conclusion, whilst the principle of a modest infill development may be appropriate on the subject site, the suburban design and scale of dwelling as proposed and its considerable set back would constitute inappropriate and unacceptable backland development, and would have a material adverse impact on the existing form and character of this rural cluster. It would be visually obtrusive and set an undesirable precedent for future infill development on adjoining sites. It is considered in this context, the proposed development is contrary to the proper planning and sustainable development of the area.

7.4 **Appropriate Assessment**

- 7.4.1 Having regard to the nature and scale of the proposed development, comprising an infill dwelling within an established urban area on zoned and serviced land, and the

distance to the nearest European site, 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.

7.5 EIA Screening

7.5.1 Having regard to nature of the development comprising an infill dwelling and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. It is recommended that permission be refused permission for the reason set out below.

9.0 Reasons and Considerations

1. The proposed design of the dwelling is considered inappropriate and unsympathetic to the form and character of the existing traditional cottages adjoining the site. It is considered that the proposed development, by reason of its location within the rear and side garden of an existing house and its incongruity in relation to the pattern and character of the existing residential development in the immediate vicinity would constitute undesirable backland development and set an undesirable precedent for similar development within the area. The proposed development would injure the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

18th November 2018