



An
Bord
Pleanála

Inspector's Report ABP-302027-18

Development	Construction of a detached single storey family house within a green field site. (within the curtilage of a protected structure)
Location	Green field site with access off, Dun Emer View, Lusk, County Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0200
Applicant(s)	Conor and Philippa O'Dowd (née White)
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Conor and Philippa O'Dowd (née White)
Observer(s)	None
Date of Site Inspection	23 rd October 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.1932 ha, is an irregularly shaped greenfield site within the curtilage of Glebe House, a Protected Structure (Ref. 309) which is located to the south of Minister's Road on the western outskirts of Lusk, Co. Dublin.
- 1.2. The northern and eastern boundaries of the appeal site comprise mature trees and hedgerows, while the southern and western boundaries are currently undefined. The Protected Structure (Glebe House), which is stated as being owned by one of the applicant's parents is located c. 90m west of the appeal site, and a tree line runs in a north/south direction between Glebe House and the appeal site. Another house, which is also stated as being owned by family members of the applicants, is located c. 115m to the north and appears to comprise an extended gate lodge.
- 1.3. An existing residential development of semi-detached and terraced houses known as Dun Emer adjoins the appeal site to the east and north, with agricultural lands further to the west and south.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached single storey house with three bedrooms and a stated gross floor space of 235 sq m. The proposed house would have a dogleg shape on plan with pitched, monopitch and flat roof areas, and a maximum height of 5.8m. The proposed finishes comprise a mix of render, charred timber cladding and stonework, with standing seam metal cladding and numerous rooflights to the roof.
- 2.2. It is proposed to connect to an existing foul sewer which will be diverted around the proposed house and also to the public surface water network at Dun Emer to the east. Access to the proposed development is proposed from the existing entrance to Glebe House, off Minister's Road, and a right of way is indicated on the application drawings.

- 2.3. The planning application was accompanied by a planning report, a letter of consent from the landowners (parents of Philippa O’Dowd), Arboricultural Impact Assessment and a report entitled Vehicular Site Access Appraisal.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council decided to refuse planning permission for the following reason:

- The development results in the intensification of an existing substandard vehicular access where sight visibility lines onto Minister’s Road do not achieve the required standards. Further intensification of this access in the absence of works to address substandard sightlines to the west of the entrance would increase the likelihood/risk of an incident occurring at this location. The development as proposed would therefore endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Planning Officer’s report can be summarised as follows:

- Proposed development is acceptable having regard to the RS zoning.
- Proposed development accords with Objective DMS24 in terms of room sizes and storage space.
- Proposed development complies with Objective DMS87 in terms of private open space.
- Parking is in accordance with Development Plan standards.
- Having regard to one storey height and low ridge height, proposed development is visually acceptable and will integrate well into the site.

- Proposed development will not impact the residential amenity of the area. It is not considered that overlooking leading to a loss of privacy or overshadowing will occur.
- No negative impacts on Natura 2000 sites are anticipated.
- Proposed development is generally acceptable, however the refusal reason in respect of the previous application has not been overcome. The proposed access is problematic as it is considered that further intensification of the existing access would increase the likelihood of an incident occurring at this location.
- Permission should be refused.

3.3. Other Technical Reports

- 3.3.1. **Transportation Planning:** Refusal recommended.
- 3.3.2. **Water Services:** No objection, subject to conditions.
- 3.3.3. **Parks Department:** No objection, subject to conditions.
- 3.3.4. **Conservation Officer:** No objection.

3.4. Prescribed Bodies

- 3.4.1. **Irish Water:** No objection.

3.5. Third Party Observations

- 3.5.1. One third party observation was submitted. The issues raised can be summarised as follows:
 - Excessive size of the proposed development.
 - Close proximity of the proposed development to existing property.
 - Noise and light pollution.
 - Impact of proposed development on privacy.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. F17A/0161:** Permission refused for the construction of a detached single storey house. Permission was refused due to substandard sightlines and the creation of a traffic hazard.

4.2. Surrounding Area

- 4.2.1. **Reg. Ref. F13A/0025:** Permission granted for a single storey extension to Glebe Cottage, located within the curtilage of Glebe House.
- 4.2.2. **Reg. Ref. F01A/0908:** Permission granted for gate lodge, sewage treatment plant and front boundary wall on road side of proposed gate lodge.
- 4.2.3. **Ref. ABP-301001-18 (Reg. Ref. F17A/0327):** Permission refused for 228 No. dwellings, creche and associated works on a site on the northern side of Minister's Road.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

- 5.1.1. The appeal site is zoned 'RS', to provide for residential development and protect and improve residential amenity. The vision for this zoning objective is to ensure that new development in existing residential areas has a minimal impact on existing amenity. The development boundary for Lusk effectively defines the shape of the appeal site, with lands to the west and south zoned 'RU', to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.
- 5.1.2. A 'road proposal' marking is included along Minister's Road on Sheet No. 6 of the Development Plan. Table 7.1 of the Plan sets out a list of road schemes, which includes 'Ministers Road upgrade'.
- 5.1.3. The Development Strategy for Lusk, contained in Chapter 4 'Urban Fingal' seeks to conserve and enhance the unique character of the town core, consolidate the

planned growth of the town and to ensure that the level of retail and local services grows to serve the expanding town population. The following objectives are also considered relevant:

- **SS20:** Manage the development and growth of Lusk, Rush and Skerries in a planned manner linked to the capacity of local infrastructure to support new development.
- **LUSK 4:** Retain the traditional hedgerow boundary treatment characteristic of the town, the protection and enhancement of existing boundary hedgerows and trees shall be required save where limited removal is necessary for the provision of access and promote the planting of hedgerows and trees using native species within new developments.
- **MT41:** Seek to implement the Road Improvement Schemes indicated in Table 7.1 within the Plan period, subject to assessment against the criteria set out in Section 5.8.3 of the NTA Transport Strategy for the GDA, where appropriate and where resources permit. Reserve the corridors of the proposed road improvements free of development.

5.1.4. The appeal site is also within the curtilage of Glebe House, which is a Protected Structure (RPS No. 309).

5.2. **Greater Dublin Area Cycle Network Plan 2013**

5.2.1. A 'primary/secondary' cycle route is shown on Minster's Road in Sheet N10 of the Plan.

5.3. **Natural Heritage Designations**

5.3.1. The appeal site is not located within or immediately adjacent to any sites with a natural heritage designation. The closest such sites are the Rogerstown Estuary SAC and SPA (Site Codes 000208 and 004015, respectively), c. 2.5km to the south east.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was submitted on behalf of the applicants by Shane Kelly. The issues raised can be summarised as follows:

- Proposed development pays homage to all aspects of appropriate development with a level of sensitivity to building forms.
- Proposed development uses vernacular forms and materials that echo many of the materials used on the existing gate lodge.
- All services connections are to existing main lines.
- Applicant engaged in pre-application consultation with various departments of Planning Authority. No objection to the proposed access arrangements was raised.
- Road edge has an existing setback which the Transportation Department has not reviewed in its full environment.
- West wing wall is set back from the road edge.
- Road edge is located past the line of cobble stones. The area around the Gate Lodge, access gate and road edge has been maintained as a hard standing by cutting back the grass berm, thus setting back the cobble line.
- To the west there are full sightlines available. This is assisted by the location of the existing entrance on the outer side of the bend, accommodating greater sightlines than required.
- Despite the preservation order on the existing entrance, there is an existing regular maintenance schedule for trimming the hedgerow. This is not subject to conservation requirements.
- Section 12.6 of the Development Plan states that the sharing of vehicular entrances will be encouraged.

- There is an insignificant/minor intensification of the entrance, which only equates to 2 No. additional cars. Existing entrance complies with NRA Design Manual for Roads and Bridges, including its sightline.

6.1.2. The appeal was accompanied by a copy of the Vehicular Site Access Appraisal, previously submitted to the Planning Authority, and a cover letter from the Consulting Engineers stating that:

- Sightlines of 120m are achievable in both directions while retaining the existing entrance walls.
- Minister's Road is subject to a 50kph speed limit and the visibility sightlines have been evaluated to the NRA DMRB.
- To achieve full sightlines to the west it is proposed to cut back the vegetation locally, while maintaining low level vegetation where possible. This was included in the original report, but not mentioned in the FCC Transportation Report.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The sightlines west from the proposed vehicular entrance, when measured to the nearside edge of the road as per the required standards, would be significantly restricted by the wing walls and the existing tree lined boundary.
- The main house is a Protected Structure and this would restrict any works which may be required at the entrance to enhance visibility.
- The Engineer's report submitted with the appeal states that vegetation to the west would be cut back and maintained at low level.
- The works required to achieved necessary sightlines would involve more significant alterations to the wing walls and tree lined boundary to the west.
- The appellants have not proposed any changes to the existing access or boundary treatment, and the previous Transport Planning Section report still applies.

- Further intensification of the access in the absence of works to address sightlines to the west would increase the likelihood/risk of an incident at this location and would be a traffic hazard.
- Board is asked to uphold the Planning Authority's decision. However, if the appeal is successful, the Board is asked to apply a development contribution condition.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. I consider that the key planning issues arising are as follows:

- Principle of proposed development.
- Site access.
- Other issues:
 - Design and layout.
 - Architectural heritage.
 - Residential amenity.
- Appropriate Assessment.
- Environmental Impact Assessment.

7.2. **Principle of Proposed Development**

7.2.1. The proposed house would be located on a wedge-shaped area of 'RS' residentially zoned lands, which cut across the field within which the site is located. The remainder of the field is zoned 'RU', rural, and the boundary between the two land use zoning objectives comprises the development boundary for Lusk. The majority of

the right of way access to the proposed house and the existing entrance that it is proposed to utilise would be located within the 'RU' zoned lands. A small triangular area of the rear garden of the proposed house would also be located within the 'RU' zoned area, but I note that no structures are proposed in this area.

7.2.2. Having regard to the site zoning, and the proposed use of an existing entrance point, I consider that the proposed development is acceptable in principle, subject to consideration of the planning issues set out in Section 7.1 above.

7.3. Site Access

7.3.1. It is proposed to access the appeal site from an existing vehicular access point on Minister's Road which currently serves Glebe House and Glebe Lodge. This entrance comprises a cobbled area with wing walls to east and west and an iron gate. Further to the west the roadside comprises mature trees and planting, while to the east there is a cobbled setback area, with a low wall and iron railing to the front of Glebe Lodge.

7.3.2. I note that the 'Vehicular Site Access Appraisal' report submitted by the applicant refers to the sightlines required under the Design Manual for Roads and Bridges (DMRB). However, while the appeal site is located at the western edge of Lusk, both it, and the existing entrance that it is proposed to utilise, are within the 50 km/hr speed limit zone. As a result, I consider that the provisions of the Design Manual for Urban Roads and Streets (DMURS) are applicable, rather than the more onerous DMRB standards. In this regard I note that Section 1.3 of DMURS states:

"The principles, approaches and standards set out in this Manual apply to the design of all urban roads and streets (that is streets and roads with a speed limit of 60 km/h or less), except:

- (a) Motorways.
- (b) In exceptional circumstances, certain urban roads and streets with the written consent of Sanctioning Authorities."

7.3.3. Section 4.4.5 of DMURS relates to Visibility Splays. For a 50 km/hr design speed, and in the more conservative case where the road is a bus route, a visibility splay

(i.e. Y-distance) of 49m is required. This compares to the 70m Y-distance required under the DMRB.

- 7.3.4. With regard to the X-distance, it states that a maximum distance of 2.4m should be used, but that in difficult circumstances this may be reduced to 2.0m where vehicle speeds are slow and flows on the minor arm are low. In this instance, given the semi-rural character of the area, vehicle speeds appear higher than a more urban area, and I consider that an X-distance of 2.4m is suitable.
- 7.3.5. On my site inspection I noted that several trees immediately to the west of the entrance which would otherwise have impacted on visibility in this direction appear to have been recently felled. It is not entirely clear from the photographs on file when this occurred. I also noted the presence of a vertical cut in the western wing wall towards its roadside end, although it appears that the wall has not been shortened or otherwise altered since the application was submitted.
- 7.3.6. The 'Vehicular Site Access Appraisal' includes photographs of the sightlines. These are stated as being taken at a 2.4m set back from the edge of the road, however having inspected the site I do not accept that these accurately reflect the sightlines. At a 2.4m setback, I consider that sightlines would be generally adequate at an elevated standing position, particularly due to the removal of roadside trees, however at the required 1.05m height (i.e. driver's eye height), the wing walls obstruct visibility in both directions.
- 7.3.7. Drawing C02 purports to show the available sightlines, but I note that it does not measure them to the nearside edge of the road, as highlighted by the Transportation Planning Section.
- 7.3.8. Having reviewed the information submitted with the appeal, the report of the Transportation Planning Section, and having inspected the site, I would concur with the Planning Authority that the proposed development would result in the intensification of an existing substandard vehicular access where visibility splays onto Minister's Road do not achieve the required standards of the Design Manual for Urban Roads and Streets. Notwithstanding that the appeal relates to a single additional house, I consider that intensification of the use of this access in the absence of a proposal to address the substandard sightlines at the entrance would

endanger public safety by reason of a traffic hazard and I recommend that planning permission be refused on this basis.

7.4. **Other Issues**

7.4.1. While I am recommending that the Planning Authority's decision should be upheld, and that permission should be refused on the basis of inadequate visibility splays, I have considered the other key planning issues relating to the proposed development below, should the Board not agree with my recommendation.

7.4.2. **Design and Layout**

7.4.3. The proposed house is contemporary in design, and is of single storey design with a range of finishes including timber, stone and zinc cladding. I consider that the breaking-up of the house into a number of forms with various roof types and a variety of finishes is effective in creating visual interest, and that it would respond well to the site characteristics and the presence of the extended gate lodge to the north. The house would be well-located in a corner of the field, where it can avail of existing mature planting and minimise the impact on the open nature of the surrounding lands. I consider that the proposed house is a relatively high quality design and that it would offer a high level of residential amenity to future occupants.

7.4.4. With regard to residential quality standards, the room sizes and storage provision would be compliant with the requirements set out in Objective DMS24 of the Development Plan. Significant off-street car parking space is available, and the proposed house would have a substantial amount of private open space in excess of the requirements of Objective DMS87. Glebe House would also be left with large areas of open space.

7.4.5. In conclusion, therefore, I consider the design and layout of the proposed development to be acceptable.

7.4.6. **Architectural Heritage**

7.4.7. The appeal site is located on lands associated with Glebe House, a Protected Structure (Ref. 309) which is described in the Record of Protected Structures as a former early 19th century Glebe House, outbuildings and gate lodge. Glebe House is in the ownership of the applicants' family and comprises a two storey Georgian style

detached house. It is located to the west of the appeal site, with its front elevation facing south and it features a number of outbuildings and extensions to the rear (north). Glebe House is accessed from an existing avenue and entrance point on Minister's Road to the north, and as noted above it is proposed to also use this entrance and avenue to serve the proposed development. The gate lodge referred to in the RPS description is located to the north of the appeal site and has had a substantial contemporary style extension added to the rear.

7.4.8. There is a dense line of mature trees along the western boundary of the field within which the appeal site is located which serves to eliminate views between the appeal site and Glebe House. These trees are generally deciduous, so there may be limited intervisibility between the two houses in the winter months. Having regard to the c. 90m separation distance between Glebe House and the proposed house, I do not consider that this will be significant. The proposed access route to the new house utilises the existing avenue for approximately half its length, before turning 90 degrees, to pass through an existing gated opening in the treeline, to the rear of Glebe Lodge (the extended gate lodge which is also in the ownership of the applicants' family). The access route would comprise a gravel finish, similar to the existing avenue, and only a small number of trees within the treeline are proposed to be felled to accommodate the development and for health and safety reasons. The Arboricultural Impact Assessment and drawings outline how the existing trees will be protected during construction, and if the Board is minded to grant permission, I recommend that a suitable Condition be included in this regard.

7.4.9. As noted above, the design of the proposed house is contemporary, but is relatively low-profile and understated, with a mix of monopitch and pitched roofs and timber, stone and render finishes. It also includes the retention of the existing boundary trees and hedgerow and the planting of additional trees, which I consider will be effective in embedding the house within the landscape and mitigating its visual impact. I consider that the design also complements the existing extension to the gate lodge in terms of scale, massing and materials. Finally, I note that the Conservation Officer had no objection to the proposed development.

7.4.10. Having regard to the north/south alignment of Glebe House, the presence of considerable areas of open land to all sides, and the presence of mature tree planting which will generally be retained, I am satisfied that the proposed

development will not unduly impact upon the character and setting of Glebe House or Glebe Lodge.

7.4.11. **Residential Amenity**

7.4.12. Having regard to the nature and scale of the proposed development, the generally low-profile design of the house, the presence of mature boundary planting and the separation distances with existing dwellings in the vicinity, I am satisfied that the proposed development would not seriously injure the visual or residential amenities of any existing properties.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development, which relates to a single house on a zoned and serviced site within the development boundary of Lusk and noting that the site is not within or immediately adjacent to any Natura 2000 sites, I am satisfied that 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.

7.6. **Environmental Impact Assessment**

7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive locations, 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. I recommend that planning permission be refused for the reason set out below.

9.0 **Reasons and Considerations**

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at an existing substandard vehicular access

point where sightlines are restricted in both directions and where the applicant has not proposed any substantive measures to improve visibility.

Niall Haverty
Planning Inspector

24th October 2018