



An
Bord
Pleanála

Inspector's Report ABP302412-18

Development	Demolition of garage and construction of two-storey detached dwelling with vehicular access off Castleknock Lodge and associated site works.
Location	Side of 28 Castleknock Lodge, Castleknock, Dublin 15.
Planning Authority	Fingal City Council.
Planning Authority Reg. Ref.	FW17A/0224.
Applicant	Ian + Yvonne Donohue.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellants	Fergus McDonnell Linda McNulty
Observers	Cahal Mac Canna.
Date of Site Inspection	24 th November, 2018.
Inspector	Rachel Kenny.

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning Authority's Decision	4
4.1. Decision	4
4.2. Initial Assessment by Planning Authority	4
4.3. Observations.....	5
4.4. Additional Information Request	5
4.5. Further Information Response.....	5
4.6. Planning Authority's Decision.....	6
5.0 Planning History.....	6
6.0 Grounds of Appeal.....	7
7.0 Development Plan Policy.....	9
8.0 Assessment.....	10
11.0 Conclusions and Recommendation.....	12
12.0 Reasons and Considerations	12
13.0 Conditions	12

1.0 Introduction

ABP 302412-18 relates to two third-party appeals by Fergus McDonnell and Linda McNulty against the decision of Fingal City Council to issue notification to grant planning permission for the demolition of an existing garage and the construction of a two-storey dwelling to the side of 28 Castleknock Lodge, Castleknock, Dublin 15. The grounds of appeal argue that the proposal fails to respect the character of the area, would give rise to drainage problems and fails to comply with the Fingal Development plan due to the proposal's design and the resultant increase in density in the area and would set a negative precedent for similar development in the future.

2.0 Site Location and Description

- 2.1. No. 28 Castleknock Lodge is located within a residential cul-de-sac containing 46 all of which are detached. The main entrance to the estate is from the west where it meets College Road. No. 28 is in the middle of this cul-de-sac on the eastern side of the road. The subject site incorporates a large side garden to the north approximately 20 metres in width. No 27 lies to the east of the existing house and No 29 lies to the north adjacent to the side garden.
- 2.2. The houses within Castleknock Lodge are characterised as large 2 storey detached houses. The architectural style of dwellings within the estate is not uniform with additions and extensions and differing finishes and fenestration types evident from my site visit.

3.0 Proposed Development

The application seeks permission for the demolition of the existing garage and for the construction of a two-storey dwelling-house to the side of and to the immediate north of No. 28 Castleknock Lodge. It is also proposed to provide two off-street car parking spaces to the front of the dwelling and a new vehicular access 3m in width. The dwelling is to accommodate a kitchen, lounge and dining area together with a living room to the front at ground floor level. Four bedrooms with one en-suite

bathroom and an additional bathroom are proposed at first floor level. The external elevations are to incorporate a mixture of brick and self coloured finish to reflect the external finishes on the existing houses. The ridge height of proposed dwellinghouse is 295mm below the ridge height of the adjoining dwelling No. 29 to the immediate north and 885mm below the ridge height of No 28 to the immediate south.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Fingal County Council's decision dated 2nd August, 2018 issued notification to grant planning permission subject to 16 conditions.

4.2. Initial Assessment by Planning Authority

- 4.2.1. The case planner considered that the proposed site could in principle accommodate an appropriately designed dwelling and was consistent with the RS zoning. Concern was raised about the size and siting of the proposed dwellinghouse which it was considered compromised the building line
- 4.2.2. It was considered that no overshadowing issues arose and that the separation distances were acceptable. However, it was considered that some overlooking occurred of the garden of no 27 from two first floor windows. A request for additional information would therefore be required.
- 4.2.3. It was further noted that the private open space provision at 86m² exceeded the required amount set out in the Development Plan and the quantum of open space reserved for no 28 at 270m² was also acceptable.
- 4.2.4. A report from the Transportation Planning Section requested the proposed 1.8m wall be offset 1m to the north to maintain visibility of pedestrians and had no objections subject to conditions.
- 4.2.5. A report from the Water Services Section stated that there is no objection subject to standard conditions.
- 4.2.6. A report from Irish Water stated that there is no objection subject to standard conditions.

4.2.7. It was considered that no AA issues arose.

4.3. **Observations**

4.3.1. A number of observations were submitted, including the current appellants objecting to the proposed development. The grounds on all observations have been read and noted.

4.4. **Additional Information Request**

4.4.1. The planning report assessed the proposed development and considered that there are were number of outstanding issues which need to be addressed and these include:

- A revised site layout plan with the dwelling set back and/or reduced in size to match the side building line of no 28
- Revised site layout with new 1.8m boundary wall set in 1m from the southern gable of the application site
- Revised design to offset the potential for undue overlooking of the garden of no 27 Castleknock lodge.
- Further details of mitigating possible pedestrian/vehicle conflict at the existing western access to the site.

4.5. **Further Information Response**

4.5.1. Further information was submitted on 26th January, 2018 which is briefly summarised below:

- The front façade has been set back by 1.8m on the northside and 0.6m on the southside and the front porch projection has been omitted resulting in a reduced floor area.
- A 1m wide side passage has been included along with a 1.8m wide capped and rendered wall.

- Design has been modified so that two 1st floor windows comprise a fixed louvered section and fixed translucent section. It is further proposed to implement a detailed landscape plan to further ensure the privacy of no 27 Castleknock Lodge.
- The boundary wall to the north of the existing western entrance to be designed to create vision splays to the footpath.

4.6. Planning Authority's Decision

- 4.6.1. A further planner's report concludes that the applicants have addressed the issues raised at further information adequately. It is considered that the proposed dwelling would not have an undue negative impact on the residential amenity of neighbouring properties and the proposal fully accords with the relevant development management objectives of the development plan and it is considered that the proposed infill dwelling would not be contrary to the proper planning and sustainable development of the area. On foot of this assessment Fingal County Council issued notification to grant planning permission.

5.0 Planning History

- 5.1. Three relevant planning history files are attached.

FS97W/17/26: A Section 97 "Exemption" Certificate was granted for the demolition of the garage and the construction of a two storey detached dwelling with vehicular access off Castleknock lodge and associated site works at the side of 28 Castleknock lodge.

FW14A/0085. Permission was granted at no 28 for retention of changes to front (south) elevation including pitched roof to porch and modifications to windows and three new windows to side (west) elevation, 2 no at first floor and 1 no at ground floor and permission for a new vehicular entrance off Castleknock lodge at the southern boundary and associated site works.

ABP 301375-18. Permission granted in 2018 for demolition of garage and construction of a three storey 5-bedroom house in side garden of 12 Farmleigh Close, Farmleigh Woods, Castleknock.

6.0 Grounds of Appeal

6.1. The decision of Fingal County Council to issue notification to grant planning permission for the proposed dwellinghouse was the subject of two third-party appeals by Fergus McDonnell and Linda McNulty. The grounds of appeal are outlined below:

- It is argued that the proposed development failed to respect the established character of the area and is not in accordance with the provisions of the Fingal Development Plan with regard to infill, corner and backland sites.
- A balance needs to be struck between new infill and the protection of the amenities, privacy and established character of the area.
- A similar application for permissions within the estate was refused in 2000 for the reason that it “would be out of character with the established pattern of development in the area which is characterised by detached dwellings on large individual sites and as such would seriously injure the amenities and the depreciate the value of properties in the vicinity”.
- The character of the area has remained the same since 2000. Map attached to the appeal indicating pattern of development. The proposed development is out of character with the estate in terms of site size and relative density. It is stated that it would be half the size of next smallest site in Castleknock Lodge. The proposal is therefore unsympathetic.
- The small plot size and high density has led to a compromised design with opaque and louvered windows. It is evidence of the constraints of the site.
- The Planning Authority has failed in their obligation to ensure WT07 of the CDP is complied with. Relates to SUDs and surface water drainage.
- No testing of ground conditions were submitted as part of further information. If site conditions are impermeable then there is a question of efficacy of such a small site.

- Negative precedent would be set if the appeal board uphold the decision of the Planning Authority which will lead to the “hiving off” of pieces of land in an unsustainable manner.

6.2. Response from Fingal County Council

- 6.2.1. The PA had careful regard to the plot size and remains of the opinion that the subdivision of this corner site for a single dwelling would not adversely affect the character of the area. It is considered that the site is of sufficient width to allow the dwelling fit into the streetscape. Overlooking has been avoided at first floor level and the revised design is considered acceptable.
- 6.2.2. Surface water requirements are governed by condition 13 which is considered appropriate and achievable. The PA is also satisfied that the distances have been met within the site. Room is available for a soakaway.
- 6.2.3. Request that the Board uphold the decision of the Planning Authority to grant permission.

6.3. Applicant’s Response to the Grounds of Appeal

- 6.3.1. Reference to decision of Planning Authority in 2000 not relevant. It was an outline permission with no design detail. It was also made under a different Development Plan. 18 years later housing requirements, land use and sustainability have changed dramatically.
- 6.3.2. The scale and size of the proposed dwelling (209m²) is similar to some of the houses in the estate including the appellant at no 25 (210m²).
- 6.3.3. It is argued that the proposed dwelling has been carefully designed and respectful of and retains the character of surrounding dwellings including their proportions, scale and visual appearance. It is in keeping with Policy PM44
- 6.3.4. There is market for smaller sized plots. Planning authority has a policy to develop large sites for infill houses.
- 6.3.5. The dwelling complies with all standards in the development plan including parking, room sizes open space requirements etc.
- 6.3.6. Issue of overlooking was addressed to the satisfaction of the PA at FI stage.

- 6.3.7. PA have attached conditions 13 and 14 to address the drainage and the development is subject to compliance with these conditions.
- 6.3.8. The proposed development is very similar in size and scale to its immediate neighbours and sympathetic to their character. Therefore, there will be no impact on the visual amenities of adjoining properties.

7.0 Development Plan Policy

- 7.1. The site is governed by the policies and provisions contained in the Fingal County Development Plan 2017 – 2023. The subject site is zoned 'RS' to provide for residential development and to protect and improve residential amenity. The vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.
- 7.2. With regard to infill corner and backland sites, the County Development Plan states that development of an underutilised infill corner and backland site in existing residential areas is generally encouraged. 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 considered for this type of development.
- 7.3. 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 the environment being protected.
- 7.4. Objective DMS39 seeks to ensure 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.
- 7.5. Objective DMS40 seeks to ensure that new corner site developments shall have regard:
- Size, design, layout, relationship with existing dwellings and immediately adjacent properties.
 - The impact on the amenities of neighbouring residents.

- The existing building line and the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony including external finishes and colours.

7.6. Objective DMS24 requires that all new residential units comply with or exceed the minimum standards set out in Tables 12.1, 12.2 and 12.3 of the development plan.

7.7. Objective PM65 seeks to ensure that all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

8.0 **Assessment**

I have read the entire contents of the file, visited the site and its surroundings, have had particular regard to the issues raised in the grounds of appeal and the planning history and the precedent decision under ABP 301375-18. I consider that the pertinent issues in determining the current application and appeal are as follows:

- Principle of development.
- Surface water.
- Density, residential amenities and character of the area.
- AA.

9.1 **Principle of development**

9.1.1. The subject site is zoned 'RS' to provide for residential development and to protect and improve residential amenity. The vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. The proposed development in the side garden of No 28 is in my opinion in accordance with the provisions of the Fingal

Development Plan The principle of development of this site is therefore accepted.

9.2 Surface water

9.2.1 The planning authority had assessed the Surface water requirements for the site and attached a number of conditions which it is considered are appropriate and achievable.

9.2.2 I consider that the matter of surface water and SUDS can be adequately dealt with by way of condition and the lack of onsite testing would not represent sufficient grounds to warrant a refusal of permission.

9.3 Density, residential amenities and character of the area

9.3.1 With regard to the issue of relative density and having regard to the infill nature of the development it is considered that it would be acceptable in this instance and would be in accordance with the pattern of development in the area. It does not represent an unacceptable increase in density.

9.3.2 Having regard to the modifications made at additional information stage with regard to first floor windows I consider that the final design solution is acceptable in terms of privacy, overlooking and the protection of the residential amenities of adjoining properties.

9.2.3 I do not consider that the proposed construction of the proposed two storey dwelling on this generous side garden site sets a negative precedent. Furthermore, the proposed dwelling would contribute positively to the character and setting of the streetscape which has a wide variety of styles and plot sizes.

10.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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.

11.0 Conclusions and Recommendation

Arising from my assessment above I consider the decision of Fingal County Council should be upheld in this instance as it is considered that the proposed development will not adversely impact on adjoining residential amenities, would respect the character of the area and would not be prejudicial to public health, would not set a negative precedent and would therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Reasons and Considerations

Having regard to the zoning objectives for the area and the pattern of development in the area it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health, and would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 6th day of December, 2017 and 11th day of July, 2018, except as may otherwise be required in order to comply with the following conditions.
Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
Reason: In the interest of amenity.
2. Details of the proposed numbering of the dwelling shall be agreed in writing with the planning authority prior to the occupation of the dwelling.
Reason: In the interest of orderly development.

3. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. The works to the footpath and roadway to serve the proposed development, including the provision of parking areas and the height of boundary walls, shall comply with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of properties in the vicinity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Rachel Kenny,
Director of Planning .

25th November 2018.