



An  
Bord  
Pleanála

## Inspector's Report ABP-303111-18.

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<b>Development</b>	Part demolition of existing dwelling, construction of a detached 4-bedroom two storey dwelling to the side and all associated works.
<b>Location</b>	2 Dunsandle Grove, Castleknock, Dublin 15.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	FW18A/0136.
<b>Applicant(s)</b>	Kieran & Maeve McLoughlin.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David Orr.
<b>Observer(s)</b>	Deer Park Area Residents Association.
<b>Date of Site Inspection</b>	20 <sup>th</sup> February 2019.
<b>Inspector</b>	Karen Kenny.

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## 1.0 Site Location and Description

- 1.1. The site is located in a mature residential area in Castleknock to the east of Castleknock Village and north of Castleknock Road. This area is suburban in character.
- 1.2. The site is a corner site located at the entrance to Dunsandle Grove, a cul-de-sac of ten detached houses. The site contains a two-storey detached dwelling set within a large plot (0.7 ha). The rear garden is bounded by a high boundary wall of c. 2 metres in height, while the front garden is bounded by a lower wall of c. 1 metre in height that is back planted with (leylandii) hedging. There is a single vehicular access to the site from Dunsandle Grove. The site is bounded by roadways to the north (Castleknock Green), east (Dunsandle Grove) and west (Peck's Lane) and by a residential property to the south (No. 4 Dunsandle Grove). There is a large public open space to the north.

## 2.0 Proposed Development

- 2.1. Permission is sought for:
  - Modifications to existing dwelling to include part demolition (garage, playroom and dining area on northern side) and the construction of an extension to the rear;
  - The construction of a new two storey dwelling (inc. attic accommodation) to the north; and
  - A new vehicular entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant Permission subject to 15 no. conditions. The following conditions are of note:

4. Applicant to submit a tree survey and proposals to protect existing trees.

8. (a). Boundary walls to front of the proposed dwelling adjacent to the footpath and between the driveways of the existing and proposed dwelling not to exceed 0.9 metres.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's Report generally reflects the decision to grant permission.

#### 3.2.2. Other Technical Reports

**Transportation:** No objection.

**Water Services:** No objection.

#### 3.2.3. Prescribed Bodies

**Irish Water:** No objection.

### 3.3. Third Party Observations

A total of 3 no. submissions / observations were received and considered by the Planning Authority. The issues raised are similar to those set out in the grounds of appeal as summarised in Section 6.0 below.

## 4.0 Planning History

- 4.1.1. There is no planning history pertaining to the appeal site. Planning applications for infill dwellings in the area are detailed below:

**PA Ref. F07A/0925:** Application for demolition of existing dwelling and construction of 3 no. detached two storey dwellings (inc. attic space) at no. 5 Dunsandle Grove. Permission granted by the Planning Authority. This permission was not implemented.

**PA Ref. FW09A/0004:** Application for demolition of existing dwelling and replacement with 2 no. two storey dwellings (inc. attic space and dormer windows and a basement under one dwelling) at 6 no. Castleknock Green. Permission refused by the Planning Authority. The reasons for refusal can be summarised as follows:

1. The dwellings would result in a cramped form of development, would be visually intrusive and out of character with the surrounding area, and would adversely impact on the residential amenities and property values of the surrounding houses.
2. The development is visually out of character with the existing houses and pattern of development in the area.

**PA Ref. FW12A/008:** Application for demolition of existing 2 storey extension and construction of two storey detached dwelling (inc. attic space) to side of no. 2 Peck's Lane. Permission granted by the Planning Authority.

**PA Ref. FW15A/003:** Application for a detached two storey dwelling (inc. attic space and dormer) to side of no. 1 Stockton Park, Castleknock. Permission granted by the Planning Authority.

**FW17A/0018:** Application for demolition of garage and construction of new detached two storey dwelling to side of no. 12 Dunsandle Grove. Permission granted by the Planning Authority.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Fingal County Development Plan 2017 – 2023. The subject site is zoned 'RS' with an objective "to provide for residential development and to protect and improve residential amenity". I consider the following objectives to be relevant:

- Objective PM44: Encourage and promote the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character.
- Objective PM45: Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- Objective DMS39: 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.

- Objective DMS44: 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 that any new development in such areas respects this distinctive character.
- Objective DMS40: New corner site development shall have regard to:
  - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
  - Impact on the amenities of neighbouring residents.
  - The existing building line and respond to 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.
- Objective DMS24: Require 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.
- Objective PM65: Ensure 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.

## 5.2. Natural Heritage Designations

None.

### 5.3. Environment Impact Assessment

- 5.3.1. Having regard to the nature and scale of the proposed development of housing on zoned and serviced land and nature of the receiving environment, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal has been received from a resident of no. 6 Dunsandle Grove. The grounds of appeal, that are considered to be relevant to the appeal, can be summarised as follows:

- The estate comprises large detached houses on spacious sites with generous gardens. Opposed to new houses in gardens, where they do not conform to the character of other housing in the area and have similar open spaces.
- No objection to infill development on larger sites (reference to dwellings approved at numbers 5 and 12 Dunsandle Grove).
- Development is contrary to the RS zoning objective to 'protect and improve residential amenity'.
- The design does not respect the character and architectural heritage of the area contrary to Objective PM45 of the Development Plan.
- The development is contrary to Objective DMS39, which seeks to respect height and massing and retain physical character. The high roof line will be very dominating, and the proposed dwelling will break the building line on Castleknock Green by 7 metres. The narrow sites will not retain the physical character of the area.
- Car parking of 2 no. spaces to front of each dwelling is impractical.
- The development is contrary to Objective DMS40 of the Development Plan. The size, design, layout and relationship with existing dwellings and



immediately adjacent properties is not compatible and the development will impact on the amenities of neighbouring residents.

- The development does not respect the distinctive character of the area, contrary to Objective DMS44, as the dwellings would be cramped and squeezed onto the site.
- Reasons for refusal of an infill dwelling to side of no. 6 Castleknock Green to the east (PA Ref. FW09A/004) apply in this instance.

## 6.2. Applicant Response

6.2.1. Downey Planning, has submitted a response to the appeal on behalf of the applicant. The response can be summarised as follows:

- The proposed development is in accordance with the zoning objective, development standards and the principle of this form of development has been established within the surrounding area (Section 3.0 sets out the planning history in the vicinity of the site).
- The proposed development would not give rise to any negative impact on surrounding residential property in terms of overlooking, overshadowing or loss of daylight.
- Objectives PM44 and PM45 of the Fingal County Development Plan encourages the development of underutilised infill, corner and backland sites in existing residential areas.
- The National Planning Framework (National Policy Objective's No. 33 and 35) targets a significant proportion of future urban development on infill / brownfield development sites within the built footprint of existing urban areas.
- The site and surrounding area consists of large suburban style houses that do not make the most efficient use of scarce zoned and serviced lands. To continue developing at this scale would only give rise to a continuation of suburban sprawl.

- There is a diverse range of housing designs in the area. The proposed development is compatible with the character of the area and has taken account of the prevailing design and pattern of development.
- The proposed dwelling matches the height of the existing dwelling and would not be out of scale with the pattern of development in the vicinity.
- The building line on College Green addresses an area of public open space and ends c. 30 metres away from the proposed dwelling. The development will not project forward of the building line along Dunsandle Grove and there is no strong building line along Castleknock Green where existing houses already project forward on this road.
- The Planner's Report concludes that the site is relatively well screened by existing boundary walls and mature planting which would aid the assimilation of the new dwelling into the streetscape.
- The National Planning Framework signals a move away from rigid application of design standards, in favour of performance-based standards.
- The refusal of permission for infill dwellings at no. 6 Castleknock Green (PA Ref. FW09A/0004) relates to the particulars of that application.

### **6.3. Planning Authority Response**

- The issues raised in the third-party appeal were fully assessed during the planning application process.
- Subdivision of the existing property is considered acceptable. Both plots are capable of accommodating dwellings of the scale proposed without causing undue harm to the amenities of neighbouring properties.
- The design is visually acceptable. The proposal will not detract from the character of the area or local streetscape where a variety of house designs exist.
- There is a precedent of several grants of permission for dwellings of this nature on corner sites in the area and the current proposal has been assessed on its own merits.

- Respectfully request that An Bord Pleanála uphold the decision to grant permission.

#### 6.4. **Observations**

An observation was received from the Deerpark Area Residents Association. The observation expresses concerns in relation to infill dwellings on smaller sites, which are out of character with the area in terms of house design and garden space, resulting in encroachment and in certain cases breaching the building lines.

Considered that the view expressed by the Planning Authority under a previous application PA Ref. FW09A/0004 has relevance to all applications in the area.

### 7.0 **Assessment**

7.1. I have read the entire contents of the file, visited the site and its surroundings, have had regard to the issues raised in the grounds of appeal and to planning history in the area. I consider that the relevant issues in determining the current application and appeal are as follows:

- Principle of Development
- Impact on Character of the Area
- Residential Amenity
- Other Issues
- Appropriate Assessment Screening

#### 7.2. **Principle of Development**

7.2.1. The subject site is zoned 'RS' with an objective "to provide for residential development and to protect and improve residential amenity". Residential development is acceptable in principle in this area and Objective PM44 of the Fingal Development Plan 2017-2023 specifically encourages the development of infill, corner and backland sites in existing residential areas. The proposed development is therefore acceptable in principle in my view.

### **7.3. Impact on Character of the Area**

- 7.3.1. The appeal site is situated in a mature residential area that is characterised by two-storey detached and semi-detached housing. There is variety in the area in terms of house design and plot sizes. The grounds of appeal argue that the form of development proposed does not respect the character and physical form of development in the area. The appeal refers to plot size, design, building height and building line. The applicant in response contends that the development makes efficient use of serviced zoned land, that infill development is supported by national and local planning policy and that the development is generally in keeping with the character and pattern of development in the area.
- 7.3.2. The appeal site is a generous corner site that is suitable for infill development in my view. The proposed dwellings are suburban in character and reflect the general architectural style of dwellings in the area. While the height of the existing and proposed dwelling would be marginally higher than that of adjacent dwellings, the dwellings are two-storey in character and would not be out of scale or appear dominant in my view. In terms of building line, the appellant argues that the northern building line extends forward of dwellings on Castleknock Green to the east by c. 7 metres and that this is at odds with the physical character of the area. The applicant in response argues that building lines along Castleknock Green are not strong and that the building line to the east fronts onto a public open space and ends c. 30 metres to the east of the proposed development. I would concur with the applicants view. Building lines in the area are variable and I would note that the dwellings to the east fronting onto Peck's Lane extend further north. I am therefore satisfied that the proposed development would not appear incongruous or alter the character of the area.
- 7.3.3. In conclusion, I consider that the proposed development represents an appropriate form of infill development and that it would contribute positively to the character of the area.

### **7.4. Residential Amenity**

- 7.4.1. The grounds of appeal raise concerns in relation to the impact of the proposed development on the amenities of the properties in the area. I am satisfied that the

proposed dwellings are set back from adjacent dwellings and that they would not result in overlooking, overshadowing or overbearing impacts.

- 7.4.2. In terms of the amenities of prospective occupants, both dwellings meet the internal space standards and private open space standards set out in the Fingal County Development Plan. While the separation between the side walls of the existing and proposed dwelling is below the 2.3 metre standard detailed in Objective DMS29 of the Development Plan, I consider the separation of 2 metres to be sufficient and would not recommend that permission is refused on this basis.

#### 7.5. **Other Issues**

- 7.5.1. The adequacy of accesses and parking arrangements have been raised by the appellant. Car parking is provided in accordance with the requirements set out in Table 12.8 of the Development Plan and I consider the level of provision to be adequate.

#### 7.6. **Appropriate Assessment**

- 7.7. The development comes forward on land that is zoned for residential development. I consider the proposed houses to be well designed and to be of a nature and scale that would integrate well with existing development. Furthermore, the development would exceed the minimum development plan standards in relation to internal space, private open space, car parking and privacy and is acceptable from an access and drainage perspective, subject to conditions.

#### **Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced urban 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 is granted subject to the conditions set out below.

## 9.0 Reasons and Considerations

9.1.1. Having regard to the location of the site in Castleknock and the pattern of existing development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the objectives of the Fingal County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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

**Reason:** In the interest of the visual amenity.

3. Proposals for a name / house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and house

numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only 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 property in the vicinity.

6. All necessary measures shall be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of works.

**Reason:** To protect the amenities of the area.

7. 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.

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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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.

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Karen Kenny,  
Senior Planning Inspector

25<sup>th</sup> February 2019