



An
Bord
Pleanála

Inspector's Report ABP-303765-19

Development	Construction of a single storey, detached infill dwelling with a flat roof and rooflights;
Location	Site to the rear/side of No. 2, 2A and 2B Woodvale Grove, Clonsilla, Dublin 15 (with 2B Woodvale Grove being a corner proeprty with Woodvale Avenue, Clonsilla, Dublin 15)
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW18A/0072
Applicant(s)	Paul and Eileen Corr
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Jennifer Ryan
Observer(s)	Leo & Rita Shore James Ryan Thomas & Irene O'Toole
Date of Site Inspection	29 th of May 2019
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The proposed development site is located within the established residential area of Woodvale, Clonsilla. The area consists of cul-de-sacs, terraced and semi-detached houses, many of which have been extended. There are also a number of 'infill' dwellings in the area including some two storey detached houses on corner sites. The site is sub-divided and walled off from the rear gardens of adjoining properties and appears as a separate plot and is currently overgrown. It is located on the western side of Woodvale Avenue, close to the junction with Woodvale Park, which is on the opposite side of the road.
- 1.2. There is a detached two storey dwelling on the corner opposite the site, while to the south are the rear gardens of nos. 2,2A and 2B Woodvale Grove. An ESB Sub Station and large pylon and the rear gardens of nos.1 & 2 Woodvale Green are located to the north of the site. The gated entrance to the ESB site is alongside. There is a grass verge and footpath and a roadside tree in proximity to the site frontage.

2.0 Proposed Development

- 2.1. This proposal consists of the following:
- 2.2. (i) construction of a single storey, three-bedroom, contemporary style, detached infill dwelling with a flat roof and rooflights;
(ii) formation of a new vehicular entrance with gates on Woodvale Avenue;
(iii) 2no. on-curtilage car parking spaces; private amenity space, boundary treatment, landscaping, SuDS drainage and all associated works necessary to facilitate the development.
- 2.3. The application form notes that the area of the site is 0.353ha and the g.f.a of the proposed works is 101sq.m. Detailed drawings have been submitted.
- 2.4. The following have been also been submitted with the application:
 - A Planning Report on Infill Residential Development by Hughes Planning & Development Consultants.
 - A Traffic Report by TPS for OC Architects

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council granted permission for the proposed development subject to 12no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report had regard to the locational context of the site, planning history and policy and to the inter departmental reports and to the submissions made. Their assessment included the following:

- The principle of the proposed development is acceptable in this residential zoning.
- They recommend that additional information be sought to include the following issues:
- Details relative to the proximity to the ESB Substation and High Voltage Overhead Lines.
- Clarification be sought relative to the issue of the boundary wall, where it abuts the rear gardens of Nos. 1 & 2 Woodvale Green.
- Details to ensure the proposed development will not result in traffic hazard.
- Details relative to the proposed water services provision, including water supply, and foul and surface water drainage.
- To address the issue of non-compliance with Condition no.4 of Reg.Ref. F06A/1125.

Further Information response includes the following:

- Updated Site Layout Plan showing pylon, ESB substation and associated high voltage overhead wires. An ESB plan showing underground cables in the immediate vicinity of the application site. A letter from the ESB to confirm the proposal is acceptable.

- They include photos to show that the sheds do not break through the wall, rather they abut this wall bounding nos. 1&2 Woodvale Green. The northern boundary wall is as shown on the drawings.
- The traffic consultant undertook the speed surveys and they provide details and enclose a copy of this.
- They enclose an Engineers report and drawings relative to the drainage issues raised.
- They refer to and provide details to address Condition no. 4 of the planning permission granted under Reg.Ref. F06A/1125.

Planner's Response

The Planner had regard to the F.I submitted, and their Assessment included the following:

- They note the revisions made in the revised plans and the relocation of the dwelling on site.
- Given the single storey design of the proposed dwelling it will not impact unduly, on the visual amenities of the area, surrounding properties or the street scene generally.
- It will not be overbearing, lead to overlooking or overshadowing and will not impact adversely on neighbouring properties.
- They note the ESB written response and consider that the applicant's submissions are acceptable with respect to the location of the proposed development relative to electric cable hardware on site.
- They provide that the requirement of ESB Networks with regard to the proposed development can be addressed by condition.
- They note the revised plans submitted and that the site boundaries have not been infringed by sheds of the adjoining properties.
- They refer to the Transportation Planning Section which confirms the submission of the speed survey and has no objection to the proposed development subject to conditions.

- They refer to the Engineering Report submitted on surface and foul water drainage and the drinking water supply. They provide that the applicant's response is acceptable subject to conditions as confirmed in reports from the Water Services Department and from Irish Water.
- They note the applicant's submission relative to the boundary issues in response to Condition no.4 of Reg.Ref. F06A/1125 and recommend a condition in this respect.
- They conclude that the proposed development will not detract unduly from the character and amenity of adjoining development. Also, that it is in accordance with the proper planning and sustainable development of the area and recommended permission subject to conditions.

3.3. Other Technical Reports

Internal

The Transportation Planning Section note the location of the site relative to the bend, staggered junction and within the 50km/hr speed limit. They have regard to the planning history relative to transportation issues then raised and to previous refusals on the grounds of restricted sightlines and traffic hazard. They recommended that the applicant be requested to submit the source data for the speed survey to support the reduction in sightline requirements.

In response to the F.I submitted they noted that a speed survey had been carried out and the results would be considered to compare to the ambient speed of approx. 40km/hr observed on site during site visits. They provided that, they had no objections subject to recommended conditions.

The Water Service's Department recommended that the applicant be requested to submit further details on drainage including a surface water drainage proposal in compliance with current standards. In response to the F.I submitted they have no objections to the proposed surface water drainage system subject to conditions.

Parks Division

They recommend conditions relative to the boundary wall having a rendered and capped finish and replacement of the roadside boundary tree.

3.4. **Prescribed Bodies**

Irish Water recommended that further information be submitted relative to details on foul, surface water drainage and connections to these and to the public water network. In response to the F.I submitted they have no objection subject to conditions.

3.5. **Third Party Observations**

Submissions have been made by local residents and this includes a signed petition by the Woodvale Residents Association broadly expressing concerns about the adverse impact of the proposed development on the residential character and amenities of the area and on traffic safety. The issues raised have been noted in the Planner's Report and are discussed further in the context of the Third Party grounds of appeal below.

4.0 **Planning History**

4.1.1. The Planner's Report and the Planning Report submitted with the application notes the extensive planning history of the site and proximate dwellings. This includes the following:

- Reg.Ref. F06A/1125 – Permission granted subject to conditions for the construction of two semi-detached, two storey houses on a site (0.1184ha), at the corner of Woodvale Grove and Woodvale Avenue, formerly part of the side garden of no. 2 Woodvale Grove, Clonsilla with vehicular access to the new front gardens of the houses from Woodvale Grove and Woodvale Avenue on a site to the south of the current site. This site has been developed and the now extended properties nos. 2A & 2B Woodvale Grove are located to the south of the subject site.
- Reg.Ref.F07A/0559 – Permission was refused to Mr Corr by the Council and subsequently by the Board (Ref. PL06F.224542 refers) for the erection to two semi-detached two-storey houses. This site is stated as being at Woodvale Avenue corner of no. 2 Woodvale Grove. The Board refused permission for 2no. reasons including overdevelopment and crammed form of development,

would seriously injure the amenities of the area and of property in the vicinity and be contrary to the 'RS' Residential zoning objective and traffic hazard.

- Reg.Ref. F08A/1052 – The Council refused permission to Mr Corr for a detached two storey and new vehicular entrance on a site which is approx. the site of the subject planning permission. The reasons for refusal included would appear visually incongruous, fails to respect the established pattern/character of the area, would seriously injure the amenities of the area and create an undesirable form of infill, would lead to traffic hazard.
- Reg.Ref. FW09A/0015 –The Council refused permission to Mr Corr for the retention of a new vehicular entrance to a site (which is the subject site) at Woodvale Avenue for reasons including lack of rationale for the creation of the entrance and would endanger public safety by reasons of a traffic hazard and the obstruction of road users.
- Reg.Ref. FW09A/0080 – The Council refused permission for a two storey house on a garden site of no. 2 Woodvale Grove at the corner of Woodvale Grove and Woodvale Avenue (subject site) and this was subsequently refused by the Board (PL06F.234667 refers) for reasons of design and layout, would appear camped and seriously injure the amenities of the area and create an undesirable precedent, and result in traffic hazard.
- Reg.Ref. FW11A/0079 – The Council refused permission for the construction of a detached single storey house with vehicular access from Woodvale Avenue, moving the existing rear boundary walls of the gardens at 2A and 2B Woodvale Grove back in a northerly direction by 1m to comply with condition 4 of permission granted to application Reg. no. F06A/1125 and drainage works at the corner of Woodvale Grove and Woodvale Avenue, part of the rear garden of 2 Woodvale Grove, Clonsilla (subject site). This was subsequently refused PL06F.239570 refers for reason of inadequate sightlines and traffic hazard.
- Reg.Ref. FW15A/0058 – permission refused by the Council for a detached two storey dwelling and a new vehicular access on the subject site and subsequently by the Board (Ref. PL06F.245160 refers) for reasons including

that the use of the proposed access would endanger public safety by reason of traffic hazard.

- Reg.Ref.FW16A/0130 – permission refused by the Council for the construction of a two storey house on the subject site and subsequently by the Board (Ref. PL06F.248027 refers). The reasons for refusal include traffic hazard in view of restricted sightlines and proximity to the road junction, and that to include a house and the realignment of the existing boundary wall along the public road would be incongruous and at variance with the established rhythm and pattern of development in the area.

Copies of the above, Board decisions are included in the History Appendix to this Report.

5.0 Policy and Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).

5.2. Fingal County Development Plan 2017-2023

Chapter 3 refers to Placemaking and includes regard to infill, corner and backland sites and to extensions.

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 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.*

Zoning

Located in an area zoned 'RS' with a stated objective to 'provide for residential development and protect and improve residential amenity' and with a vision to 'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity';

Design Criteria for Residential Development

Section 12.4 includes that all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden size and car parking.

Dwellings should also be designed to provide adequate room sizes that create good quality and adaptable living spaces.

Objective DMS24 - Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3;

Objective DMS39 provides: *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 DMS 40 provides guidelines for new corner site development.

Overlooking/Overshadowing

Objective DMS28 - *A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.*

Daylight, Sunlight and Overshadowing

Objective DMS30 - Ensure all new residential units comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.209, 2011) and *B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

Private Open Space - Houses

Objective DMS87 seeks to: Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.
- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house.
- Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

5.3. **Natural Heritage Designations**

There are no Natura 2000 sites in proximity to the subject site.

5.4. **EIA Screening**

Having regard to the nature and scale of the development and the fact that it is for the construction of a dwelling which is connected to the public water and drainage network, it is considered that 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 Jennifer Ryan c/o Woodvale Residents Association and their grounds of appeal include the following:

- Over development of the site fails to respect the established pattern, character and form of the streetscape.
- Will adversely impact on the visual amenities and character of the area and will set an undesirable precedent.
- Concern about access and traffic hazard and the use of TRICS data.
- The volume of traffic is not reflected in the speed count and they refer to volume of traffic and parking relative to the use of sports pitches in the vicinity.

- They refer to the previous planning history of refusals relative to this site, including on the grounds of traffic hazard and cannot understand how the Council has granted permission for the current application when nothing has changed since the previous refusals.
- Concern about procedures and irregularities relative to previous history files.
- Health and Safety concerns relative to the proximity to the ESB substation and high voltage cables running overhead very close to the proposed new build.

6.2. Applicant Response

Hughes Planning & Development Consultants have submitted a First Party response to the Grounds of Appeal which includes the following:

- They provide a detailed analysis of the planning history relative to this site and refer to previous Board reasons for refusal and include illustrations showing the varying house types from two storey to single storey.
- A detailed description is provided of the proposed works and the amendments included in response to the Council's F.I request and they include illustrations and a contextual elevation in the Figures submitted.
- They have regard to the revisions in the F.I submitted and consider that the proposal has been designed to a high standard and will be a positive addition to the streetscape.
- They consider that the proposed development has due regard to separation distance of adjacent properties that protects the residential amenity of Woodvale. It is also not forward of the building line.
- They note the Council's Transportation Section does not object and provide that the proposal will not cause traffic hazard and will allow for parking within the curtilage of the site.
- The proposal has due regard to the residential character of the area and they note the low traffic speeds that are prevalent in the vicinity.

- They consider that the issues raised by the appellants have been sufficiently addressed. They submit that the proposed development represents an appropriately scaled development which will not give rise to any undue impacts on the amenity of adjacent properties.

6.3. **Planning Authority Response**

Fingal County Council notes the Appellants comments. The Planning Authority considers that the issues raised within the Third Party Appeal were fully assessed during their consideration of this application as detailed in the Planning Officer's Report. The application was assessed on its own merits and accords with the provision of the Fingal DP 2017-2023. They request the Board to uphold their decision and to grant permission and that Condition no.12 (development contributions) be included. In addition, they request the Board to take due cognisance of the street tree adjacent to the site.

6.4. **Observations**

Three separate Observations have been submitted from local residents: James Ryan, Leo and Rita Shore and Thomas and Irene O'Toole. As they raise similar type concerns these are considered together under the following headings:

Access

- The proposed entrance to the house is located in proximity to a bad bend and to the T-junction made by Woodvale Avenue/Woodvale Park.
- There is an issue for road users and pedestrians with traffic safety and roadside parking in the area.
- Substandard sightlines due to the road alignment and height of the boundary walls will result in traffic hazard at the entrance.
- They are concerned that the Council have accepted a report by traffic consultants on behalf of the applicant who have used TRICS to generate their report and provide that the Council does not subscribe to TRICS so they would have no way to corroborate the report's findings.

Impact on the Character and Amenities of the area

- Overdevelopment of the site, not in keeping with the character of the estate and will devalue property in the area.
- This will be the first single storey flat roof property that will be developed in their area. Undesirable precedent for this type of development which does not integrate and is detrimental to the character of the area.
- Overlooking issues.
- Removal of roadside tree to allow for access will have a detrimental impact on the visual amenities of the area.

Health & Safety

- There are no other residential properties in the vicinity or in the Dublin 15 area that are located in such close proximity to a pylon and associated overhead cables.
- They are concerned about health & safety issues relative to this issue.

Planning History

- There is an issue of non-compliance, the applicant hasn't adhered to conditions in his previous permissions and their worry is that he will not do so relative to the current application.
- Nos. 2A and 2B have not adhered to the conditions of their permission Reg.Ref.F06A/1125. These houses were to have one entrance and share a large garden and the plots have been subdivided with separate entrances. Other issues with this development are also noted.
- They cannot understand taking into consideration the previous history of refusals relative to the subject site, how the Council has granted permission for the current application.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The appeal site is located on lands that are zoned Objective 'RS' Residential Development with a stated objective '*to provide for residential development and to protect and improve residential amenity*' under the provisions of the Fingal Development Plan, 2017-2023. Under this land use zoning objective '*Residential*' development is identified as a permissible use. Section 12.4 provides the Design Criteria for Residential Development. The First Party contend that the proposal is for an appropriately scaled infill development and that the design will respect the built pattern of residential development in the immediate area and make the most efficient use of serviced lands in the wider 'Woodvale' area.
- 7.1.2. Regard is also had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- 7.1.3. Also, of note is Section 5.9 of the 'Sustainable Residential Development in Urban Areas Guidelines, 2009' which provides: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- 7.1.4. It is considered that the principle of an infill residential development is acceptable relative to the residential land use zoning. Regard is had further to the documentation submitted and to the issues raised by the Third Party and Observers including regard to planning history, compliance with planning policy and guidelines, design and layout, impact on the residential amenities of neighbouring properties, proximity to the ESB substation, pylon etc, access and drainage and impact on the pattern of development and character and amenities of the area in this Assessment below.

7.2. Regard to Planning History

- 7.2.1. Submissions made request that the Board take the planning history of the site into account in its assessment of this application. The Third Party notes that in 2009 and 2010 Reg.Ref. 09A/0080 (Ref.PL06F.234667 relates) a two storey and in 2011 and 2012 Reg.Ref. FW11A/0079 (Ref.PL06F.239570) a single storey house has been refused on this site. The proposed entrance from the site was in the same position as what is being proposed in the current application. They provide that since these were refused circumstances have not changed in any way to warrant granting planning permission.
- 7.2.2. The considerable previous planning history relative to this site has been noted in the Planning History Section of this Report. Details have been given in the Planner's Report and in the Planning Reports submitted by the applicant and subsequently in the First Party response to the grounds of appeal. The latter provides a more detailed analysis of all the previous refusals on this site, quoting the Board reasons for refusal and providing figures to illustrate the varying house types from two to single storey then proposed. In general, most of the reasons for refusal have centred around design and layout and adverse impact on the character and amenities of the area and issues of inadequate sightlines and traffic hazard relative to the creation of the new access. The issue in this case is whether, or not, the current proposal can now be deemed sufficient to address the previous reasons for refusal. Regard is also had to the policy and objectives relative to National Planning Policy and Guidelines and in the current Fingal Development Plan 2017-2023.

7.3. Proximity to the ESB substation and High Voltage overhead lines

- 7.3.1. The site is located adjacent to an ESB substation with high voltage cables running overhead. There is concern that this proposal, relative to the proximity of the proposed new build will be a health and safety risk for existing local residents and future occupants. It is noted on the Site Layout Plan that the subject site does not directly adjoin the rear gardens of nos. 1 & 2 Woodvale Green to the north on account of the access to the electricity pylon structure which while not on the site is in direct proximity to the northern boundary. A contiguous elevation showing the proposed dwelling relative to the pylon and adjacent houses has been included in

the F.I submitted. There is also an issue of how desirable the proposal will be relative to its proximity to the pylon and overhead high voltage cables. However, this is an issue for the future occupants rather than a planning issue.

- 7.3.2. The F.I response provides that the design proposal has been revised in order to conform to ESB requirements. They enclose a letter from the ESB confirming the proposal is acceptable. They note that the revised Site Layout Plan indicates that the proposed dwelling is at 10m from the centreline of the existing 110kV Electrical Safety Clearance and that the ESB does not object provided these drawings and distances are adhered to. They also recommend that all finalised drawings be submitted to ESB Networks prior to any construction works taking place. If the Board decides to permit in view of the location of the site, it is recommended that a condition relative to compliance with ESB requirements be included.

7.4. Design and Layout

- 7.4.1. The proposed dwelling is to be located on the western side of Woodvale Avenue on site that encompasses the former rear gardens of nos. 2, 2A & 2B Woodvale Grove. The site (0.3530ha) is bounded by a block wall from these properties and the ESB substation and the rear of nos. 1 & 2 Woodvale Green to the north. The site which as it has been cordoned off, appears as a development plot, has been in situ for some time and is currently overgrown.
- 7.4.2. This application as originally submitted was for a flat roofed single storey (3.4m in height) 3 bedroom house (101sq.m in g.f.a) and parking for 2 cars in the curtilage. The dwelling comprised three bedrooms, a sitting room and a combined kitchen/diner. Tables 12.1.12.2 and 12.3 of the Fingal DP have regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. The First Party provide that the dwelling is of a modest scale and has been designed to meet minimum standards as per the housing guidelines.
- 7.4.3. The additional information submitted includes a relocation of the proposed dwelling on site and an amended design and floor plans. It is noted that the proposal is now for a reduced floor area two bedroom dwelling, located adjacent to the southern site boundary. These amendments have been necessitated relative to the need to obtain distances for the ESB centreline clearance requirements as noted above. Carparking

in the site frontage has not been affected. The revised Site Layout Plan includes a swept path analysis and has regard to the need to move the boundary wall to comply with condition no. 4 of Reg.Ref. F06A/1125.

- 7.4.4. The eastern and southern elevations of the proposed dwelling are to be finished with timber cladding; with the northern and western elevations also having a render cladding finish. It is considered important that there be high quality external finishes and if the Board decide to permit it is recommended that a condition relative to external finishes be included.
- 7.4.5. As shown on the revised plans the proposed dwelling will be served by a private amenity space of c.110sq.m located to the side of the dwelling which will be both patio and grassed. While not to the rear of the house, it constitutes a sizeable open space and is considered to be compliant with private open space minimum standard of 60sq.m for a 3no.bedroom house Objective DMS87 refers.
- 7.4.6. The proposed access is shown close to the southern site boundary and will necessitate the removal of a roadside tree. 2no. on site carparking spaces are proposed within the frontage of the site which is in accordance with standards in Table 12.8 of the Fingal CDP.

7.5. Compliance issues

- 7.5.1. There is concern relative to compliance with Condition no. 4 of Reg.Ref. F06A/1125 i.e: *The rear (northern) boundary wall shall be extended northwards for the 2no. dwellings by 1 metre in order to ensure that the proposed development complies with Objective OSO29 of the Fingal County Development Plan 2001-2005.*
- 7.5.2. In response to Third Party submission reference was made to this issue in the Inspector's Report in Ref. PL06F.248027. The Board's Direction then included: *The Board noted the submissions made during the course of the application and appeal in relation to apparent non-compliance with condition number 4 of the grant of planning permission by Fingal County Council on 8th November 2006, under F06A/1125, and considered that this matter (which would have an impact on the area of the subject site) requires to be regularised. The Board noted that this issue was previously referred to by it, in its Direction of 15th September 2015, on previous appeal ref. PL06F.245160, but that no action appears to have been taken in relation to this matter to date.*

- 7.5.3. In the current application the Council requested the applicant to address the issue of the non-compliance of Condition no.4 of Reg.Ref. F06A/1125 relating to development to the south and the implications it has both for the residents of No. 2 Woodvale Grove and any implications it may have on the proposed layout of the current application. They provide that as shown on the revised drawings the rear (northern) boundary of the two properties in question has been amended in line with this condition, giving their garden space an extra 1m in length. Also, that this boundary wall will be reconstructed on site prior to commencement of development. If the Board decide to permit it is recommended that this be conditioned.
- 7.5.4. Other issues relative to non-compliance with previous permissions including Reg.Ref. F06A/1125 have been noted by the Third Parties. This includes regard to the separate entrances and subdivision of the rear garden areas of the semi-detached pair Nos. 2A & 2B Woodvale Grove. It is noted that any issues relative to planning enforcement are not within the remit of the Board, rather the appropriate section of the Council.

7.6. **Access and Parking**

- 7.6.1. There is concern that the proposed entrance to this new build would be located in close proximity to a bend on Woodvale Avenue, and at the staggered T- junction with Woodvale Park. Woodvale Avenue is the major road running through the estate linking the other cul-de-sac roads. It is contended that the break in the continuous wall line that would be made by the proposed entrance to this new dwelling would be a danger to passing traffic and other road users. Also, that there would be inadequate visibility at the access and this would create an added danger to passing traffic and pedestrian uses. That this proposal would lead to additional street parking and increase reversing manoeuvres onto the public road and would be highly detrimental to the public safety. The Third Party notes high levels of street parking in the area at the end of the avenue with football teams playing in the evenings which use Woodvale Avenue/Park and Green to park there and change to play their matches across the park. They are concerned about the authenticity of the findings and the use of TRICS data in the traffic consultant's report.
- 7.6.2. Section 11.0 of the Planning Report submitted with the application has regard to Traffic and Access. This includes that the proposed development seeks to address

the previous reasons for refusal by appropriately considering the access/egress arrangement for the proposed development. The development includes a new vehicular entrance onto Woodvale Avenue which is located some 20m from the junction with Woodvale Avenue and Woodvale Green, which they provide exceeds the distance in previous applications by c.10m. The access is to be situated behind the pedestrian walkway/footpath for safe access to the front of the development for vehicular use. They contend that the design overcomes the previous reasons for refusal and meets the criteria in terms of layout and design as set out in DMURS. The design and layout has been altered in order to allow for two onsite parking spaces. Parking is in accordance with Development Plan Management standards.

- 7.6.3. A Traffic Report by TPS is included with the application. This has regard to the issues raised by the previous refusals on traffic grounds and to the advice provided by DMURS. The Inspector's concerns relative to the need for a set back to provide 45m sightlines in accordance with DMURS are noted in Ref. PL06F.248027. This would necessitate a set back of the roadside boundary wall of no. 2B Woodvale Grove and a letter of consent for such works has not been submitted. The Traffic Surveys carried out note a low volume of traffic along Woodvale Avenue. It is provided that from these vehicular speed surveys that the speeds are lower than 50kph at c. 37kph. They note the use of the TRICS database in order to establish the low levels of traffic that this single residential development could generate during an average day or the critical AM and PM peak traffic periods. They provide that the proposed site access meets the criteria in DMURS in terms of design and layout.
- 7.6.4. The Transportation Planning Section Report noted the proposed development is located in a residential area with a speed limit of 50km/hr. Also, that the site is located on the inside of a bend and is only slightly staggered from a junction of two of the internal roads of the estate. There are no other site entrances on the west side of the road onto which the proposed development accesses. They note that there is a history of refusals including Board refusals including on the grounds of restricted sightlines resulting in traffic hazard. They had regard to the sightlines issue and the low volume of traffic reported and requested that the applicant submit the source data for the speed surveys to support the reduction in sightline requirements. They also requested that the access be constructed as a crossover of the footpath to

reduce the length of the pedestrian conflict and a reduction in the front boundary wall to 900mm.

- 7.6.5. In response to the F.I the Transportation Planning Section noted the TPS speed survey results and provide that they would be considered to compare to the ambient speed of approx. 40km/hr observed on site during the site visits. They did not object to the proposed development subject to recommended conditions. It is recommended that if the Board decides to permit that a condition regarding the issues to be agreed relative to the proposed access be included.

7.7. Impact on the Character and Amenities of the Area

- 7.7.1. Woodvale Avenue is to the main road through the Woodvale residential estate. There is a grass verge with roadside trees and pedestrian footpaths on either side. The housing in the area is primarily two storey semi-detached or terraced with some detached houses on infill corner sites. This house will be the first such single storey dwelling in a rear garden area in the vicinity and as such the Third Parties are concerned that it will set an undesirable precedent that does not integrate well with existing housing stock.
- 7.7.2. The First Party provide that the proposed development has been designed to contribute to the urban form along Woodvale Avenue whilst protecting the residential amenity of nearby properties and would not detrimentally harm the character and appearance of the area. The layout of the proposed development is contemporary and not forward of the building line in view of the orientation of the dwelling on the site which faces Woodvale Avenue.
- 7.7.3. The dwelling has been further reduced in scale as shown on the revised plans submitted as has the width of the proposed elevation facing the road which further reduces its impact on the street scape. The impact of the side elevation to the rear of nos. 2, 2A & 2B Woodvale Grove will not be excessive in view of the single storey flat roofed low profile and boundary walls. I would consider that as shown on the contiguous elevations that in view of its contemporary design and layout and low profile nature that it will not be visually obtrusive or detract from the visual appearance or character of the area.

7.7.4. It is noted that the Council's Parks Division recommends that in the event of permission being granted that there be a condition relative to the boundary walls being capped and rendered. Also, that provision be made for a replacement street tree and that the grass verge must be reinstated to the satisfaction of the Council. If the Board decides to permit in the interests of the visual amenity of the area, I would recommend the inclusion of such conditions.

7.8. Drainage issues

7.8.1. The Planning Report submitted provides that the development will be served by a connection to the existing water supply network and will utilise best practice in water conservation. They provide that there are no difficulties expected with regard to water supply have regard to the scale, extent and nature of the proposed development.

7.8.2. The site has no existing foul or surface water sewers and a main exists in the road on Woodvale Avenue. In response to the Council's F.I request the applicants submitted an Engineers Report and revised drawings, which they provide are to current standards. This has regard to foul and surface water drainage and notes these will be on separate systems. Regard is also had to surface water attenuation and application of SUDS.

7.8.3. Having regard to the Additional Information submitted it is noted that Irish Water and the Council's Water Services Department have no objection subject to conditions. It is recommended that if the Board decide to permit that a condition relative to drainage be included.

7.9. Screening for Appropriate Assessment

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2017 - 2023 and to the nature and scale of the proposed development on residentially zoned land, 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 of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 [as amended by the further plans and particulars submitted on the 20th day of December 2018 and by the further plans and particulars received by An Bord Pleanála on the 13th day of March, 2019, 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 (a) The entire premises shall be used as a single dwelling unit.

(b) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, including the garden area without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

3. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority, details of the external finishes of the proposed dwelling. This shall include gates and entrance and front boundary treatment to the proposed house. The gates shall be of metal bar, reflect existing patterns evident on the Avenue and shall not be solid.

Reason: In the interest of visual amenity.

4. (a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
(b) The position of the northern boundary of units 2, 2A and 2B Woodvale Grove shall comply in full with Site Layout Plan, drawing no.108 PL001 submitted on the 20th of December 2018.

Reason: In the interest of visual amenity and clarity.

5. (a) The vehicular access, serving the proposed development, shall comply with the requirements of the planning authority for such road works.
(b) Details for the road frontage and replacement of the roadside tree and grass verge shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

6. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of visual amenity.

7. Prior to the commencement of development the developer shall submit details in writing to the planning authority to confirm that the proposal complies fully with the requirements of ESB International Networks.

Reason: In the interests of clarity.

8. 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.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. 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.

11. 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.

Angela Brereton
Planning Inspector

6th of June 2019