



An
Bord
Pleanála

Inspector's Report ABP – 303890 – 19

Development	Demolition of an existing dwelling house, the construction of 7 no. dwelling houses together with all associated site works and services.
Location	'St. Judes', Portrane Road, Donabate, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F18A/0481.
Applicant	The Reilly Family.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellant	The Reilly Family.
Observer(s)	None.
Date of Site Inspection	18 th June 2019.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1.1. The appeal site, which has a stated area of 0.25ha, fronts onto the heavily trafficked Portrane Road (R126) at a point where it intersects with 'The Links' road. It is located on the north-eastern side of the settlement of Donabate in north County Dublin, c0.5km from its centre and c0.7km from Donabate Train Station.
- 1.1.2. The site has an irregular rectangular shape that widens out towards its rear boundary. It contains a single storey detached dwelling house that is referred to as 'St. Jude's' with the main site area comprised of grass lawns which are in a maintained state around the dwelling house but are overgrown towards the southern boundary of the site where the boundary contains several mature trees. Near the rear elevation of the detached dwelling there are two additional structures on site. Both are modest single storey structures with one being a gable shaped timber shed structure and the other a gable shaped glass house.
- 1.1.3. The site is relatively flat containing a mature weeping willow in the front garden area and a number of different boundary types including a low solid boundary alongside a setback roadside boundary that also contains a roughly centrally located vehicle entrance, a recently constructed concrete block wall along the northern boundary and a mixture of hedging and trees in the remainder of the boundaries. In addition, part of the north-western most corner as well as a section of the eastern boundary is open to the adjoining land. This adjoining land is currently being residentially developed on foot of a recent grant of permission from the Board (Note: ABP-302635-18 (P.A. Reg. Ref. No. F18A/0302)). The entrance serving this development runs alongside the northern boundary of the site and the northern boundary contains a recently constructed staggered in height solid boundary consisting of a brick finish on its northern side; unfinished concrete block on its southern side and brick capping over.
- 1.1.4. The adjoining property to the south consists of a mainly 2-storey substantial detached dwelling house (Graniteville House) on a large plot and to the north there is the residential estate of 'Somerton'. This estate is comprised of mainly 2-storey semi-detached pairs that share a coherent design and layout. Along the Portrane Road it includes a large communal open space.
- 1.1.5. On the opposite side of the road there is a mixture of detached one-off dwellings; a number of completed residential schemes; and, a graveyard. In close proximity to the

south of the site and adjoining the curtilage of Graniteville House there is 'Donabate Portrane Community and Leisure Centre and Donabate Post Primary School.

- 1.1.6. The surrounding area is predominantly suburban in character with some commercial, institutional and leisure uses present.

2.0 Proposed Development

- 2.1. The original application seeks planning permission for a development described as the demolition of an existing dwelling house with a stated 133m² floor area and the construction of 7 No. 2.5-storey dwelling houses (Note: consisting of 6 no. 2.5-storey semi-detached dwelling houses with a stated 202m² floor area and 1 no. 2.5-storey detached dwelling house with a stated 223m² floor area) together with all associated site works and services.

- 2.2. On foot of the Planning Authority's request for further information significant further information was submitted consisting of a revised site layout; revised landscaping; revised dwelling designs and layout; together with an arborist report, additional drainage information and a swept analysis of the in-curtilage car parking spaces. In relation to the design and layout changes of the dwelling units this included the provision of:

- 3 No. House Type A described as 2.5-storey semi-detached, 4-bedroom dwelling house with a stated 175m² floor area;
- 1 No. House Type B described as 2.5-storey, detached, 5-bedroom dwelling house with a stated 170m² floor area;
- 2 No. House Type C described as 2.5-storeys, semi-detached, 4-bedroom dwelling house with a stated 170m² floor area; and,
- 1 No. House Type D described as 2.5-storeys, semi-detached, 4-bedroom dwelling house with a stated 185m² floor area.

This additional information was accompanied by the provision of revised public notices.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority **refused** planning permission for the proposed development for the following stated reasons:

“1. Having regard to the pattern of development in the area, it is considered that the proposed development of seven large three storey houses on a site with no useable public open space represents over-development of a restricted site, would be out of character with development in the area by reason of exaggerated height and bulk due to the proportions of the proposed houses and would be visually obtrusive when viewed from the adjoining properties in Somerton and along the Portrane Road. The proposed development would seriously injure the amenities of and depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would provide a substandard layout of private amenity space to the rear of the proposed houses with north facing rear garden depths of less than 9m. Much of this open space would be unusable through overshadowing and would provide a poor level of amenity for future residents. The proposed development is contrary to the proper planning and sustainable development of the area through substandard design of private open space.

3. The proposed development indicates the provision of areas of public open space to the front of the site. Much of this would be deficient in terms of size and layout and would not be useable for play and other amenity uses. The proposed development would therefore be contrary to Table 12.5 Open Space Hierarchy and Accessibility and Objective DMS57A of the Fingal Development Plan 2017-2023 with regard to the provision of public open space to serve residential development. The proposed development, would, therefore be contrary to the proper planning and sustainable development of the area.

4. Access to the proposed car parking spaces is substandard as insufficient space is provided to allow for simple manoeuvres into these parking areas. The layout as proposed, would require excessive manoeuvres directly in front of the entrances to the dwellings and pedestrian paths and the proposed development would endanger public

safety by reason of traffic hazard or obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Initial Planning Officer’s Report** concluded with a request for further information to deal with the following matters:

Item No. 1 Design and Layout of the 7 proposed dwellings was considered to be unacceptable. As such the applicant was requested to address concerns with regards to the depth of the rear gardens; width, depth and height of the dwellings; and, the omission of the detached dwelling house was also sought.

Item No. 2 Concerns were raised in relation to the proposed future cycle lane along the Portrane Road. In addition, demonstration that all vehicles can access the shared road and public road in a forward gear; and, revised site layout plan sought to show all in-curtilage car parking spaces was sought.

Item No. 3 Concerns were expressed in relation to the adequacy of Drainage/Infrastructure and further information was therefore sought.

Item No. 4 Water Supply Details clarification was sought.

Item No. 5 Demonstration of Open Space Development Plan requirements was sought alongside a revised landscape plan.

The **Final Planning Officers Report** considered that while the site is suitable for residential development, a more appropriate form of development is required and that this could take the form of housing or apartments. It also noted that whilst higher density housing is to be encouraged that this shall not be at the expense of the established character and residential amenity of the area. This report concludes that the proposed development would result in a substandard residential development on this section of the Portrane Road.

3.2.2. Other Technical Reports

Parks & Green Infrastructure Division: Their final report can be summarised as follows:

- No useable public open space has been provided and that the open space provided consists of a narrow strip of grass used to locate a water attenuation system. The latter can only be considered as environmental open space.
- The grass margin to the roadside edge (south-eastern boundary) is reserved for the future provision of cycle path which would further reduce the area of open space as well as the possibility for tree planting on site.
- Concern is raised that insufficient space has been provided for tree planting and as a result it is considered that the proposed development would result in a very hard edge to the Portrane Road at this location.
- The proposed boundary treatment to the adjoining public open space is not acceptable.
- The proposed landscaping along the roadside boundary appears not to be feasible due to the conflicting proposals for an underground Stormtech unit and the future provision of a cycle path. Such infrastructure provisions are not deemed acceptable under public open space and reference is therefore made to Objective DMS74 of the Development Plan.
- The 1m grass margin strip to the front of each proposed dwelling is of no functional use and it would be more appropriate that this space is incorporated into each dwelling unit.

Planning & Strategic Infrastructure Department – Transportation Planning

Section: Their final report concludes with a request for clarification of additional information in relation to the parking; road layout; front boundary; and, shared surface materials.

Water Services Department: The final report concluded with a request for clarification of additional information in relation to ownership of ditch along the western boundary of the site and the infrastructure proposed for the same; further demonstration of how the overall surface water drainage will function on site is sought; concerns in relation to taking in charge open space that contains attenuation tanks

below it are raised; and, concern is raised that there are missing details in the additional information response submitted.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection.

3.4. Third Party Observations

3.4.1. A 3rd Party objected to the proposed development on several grounds which can be summarised as follows:

- It was considered that the overall design and layout of the proposed development was poor;
- It was considered that the proposed development would be visually obtrusive and out of character with its setting;
- It was considered that there was a lack of mixture of housing type;
- Concerns were raised in relation to the adequacy of the boundary treatments;
- Concerns were raised that the proposed development would result in a loss of trees;
- Traffic and pedestrian safety issues were raised;
- Concerns were raised as to how the proposed development would impact on the adjoining public footpath of the Portrane Road.

4.0 Planning History

- **ABP Ref. No. 302365 (P.A. Reg. Ref. No. F18A/0302):** On appeal to the Board permission was **granted** for a development which is described as on foot of permission granted under planning register reference number P.A. Reg. Ref. No. F15A/0456, for six number residential dwellings (one number detached two-storey five bed dwelling, one number detached two-storey four bed dwelling, two number semi-detached two-storey four bed dwellings and two number semi-detached two-storey three bed dwellings) with associated car parking, utilisation of access from Portrane Road granted under planning register reference number F15A/0456, landscaping,

boundary treatments and all associated work necessary to facilitate the development on lands at 'The Paddocks' and adjacent to the residential development of Somerton, Portrane Road.

Condition No. 2(a) of this grant of permission required the omission of House Number 1 and House Number 6. In their place it required that the space created shall be integrated into amenity areas within the scheme. The stated reason was in the interest of residential and visual amenity alongside to provide a functional and useable level of public open space that included the provision of a children's play area.

- **P.A. Reg. Ref. No. F15A/0456:** Planning permission was **granted** subject to conditions for forty-three dwelling units. Condition No. 2 required the omission of seven residential units, realignment of the roadway, the creation of a public open space and retention of a pedestrian footpath.

5.0 Policy and Context

5.1. National Policy Provisions

5.1.1. The following are relevant to the development sought under this application:

- Project Ireland 2040.
- Urban Development & Building Heights Guidelines for Planning Authorities, (2018).
- Sustainable Residential Development in Urban Areas, (2006).
- Urban Design Manual – A Best Practice Guide, (2009).
- Design Manual for Urban Roads and Streets, (2013).

5.2. Regional Planning Guidelines

5.2.1. The Regional Planning Guidelines (RPGs) for the Greater Dublin Area 2010-2022 outline the settlement hierarchy for the Greater Dublin Area (GDA). Donabate is designated as a 'Moderate Sustainable Growth Town' in the Metropolitan Area of Dublin.

- 5.2.2. Moderate Sustainable Growth Towns are described as the strong edge of metropolitan area district service centres that benefit from high quality linkages and increased densities at nodes on public transport corridors.
- 5.2.3. The RGPs state that these settlements will continue to have a strong role as commuter locations within the fabric of continued consolidation of the metropolitan area.
- 5.2.4. They further indicate that growth and expansion is based on and related to the capacity of high-quality public transport connections alongside the capacity of social infrastructure.

5.3. Development Plan

- 5.3.1. The Fingal County Development Plan, 2017 to 2023, is the relevant statutory plan for the appeal site. Under this plan the site forms part of a larger parcel of land zoned 'TC' – Town and District Centre. The objective for such lands is to "*protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities*". Residential development is permitted in principle in this zone, subject to safeguards.
- 5.3.2. The vision set out in the plan for 'TC' zoned land is to maintain and build on the accessibility, vitality and viability of the existing Urban Centres within the County. In addition, to develop and consolidate these centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses alongside enhancing and developing their urban fabric in accordance with the principles of urban design, conservation and sustainable development.
- 5.3.3. Chapter 3 sets out the design criteria for residential development including but not limited to the following:

Density: Higher densities within walking distance of town centres & public transport facilities.

Dwelling Mix: Balanced range of dwelling types & sizes.

Floor areas:

5 bedroom – 110m²

4 bedroom – 97-105m²

3 bedroom – 92-100m²

Separation distances: 22m normally required.

Rear garden depth: 11m normally required.

Gable separation: 2.3m normally required.

Private open space: 60-75m² per 3/4 bed units.

Public open space: 2.5 ha/1000 (3.5 persons/unit) & 10% of site area

Car parking: 2 spaces per unit

5.3.4. **Objective PM44:** Encourage and promote the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character.

5.3.5. **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.

5.3.6. **Sheet No.7 Donabate/Portrane:** The site is within the development boundary of Donabate. There is an indicative cycle / pedestrian route shown along the Portrane Road to the front of the site.

5.4. **Donabate Local Area Plan, 2016.**

5.4.1. No specific objectives for the site.

5.5. **Natural Heritage Designations**

5.5.1. No SPAs or SACs in the immediate vicinity of the site and the following European sites are located within a 15km radius of the lands:

- Rogerstown Estuary SPA & SAC to c.2km to North.
- Malahide Estuary SPA & SAC to c.1.5km to South
- Rockabill to Dalkey Island SAC c.6km to East.

5.6. **EIA Screening**

5.6.1. Having regard to the nature, scale and scope of the proposed development within the development boundary of Donabate, north County Dublin, the nature of the receiving environment, the serviced nature of the site and its setting, the separation distance between the site to the nearest sensitive location, the lack of any hydrological link, I

consider 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

6.1.1. The grounds of appeal can be summarised as follows:

- The site is located close to all urban services including rail services, schools and extensive tracks of Class 1 Public Open Space including Newbridge Demesne and amenity areas extending to the coast at Portrane.
- The lands immediate to the northwest boundary have recently been granted permission for 44 dwelling houses (P.A. Reg. Ref. No. F15A/0456) and an additional 4 were granted on appeal to the Board under (ABP Ref. No. PL06F.302365). The context of the later was pairs of semi-detached dwellings and open space serving the larger development.
- As part of the further information response a provision was made for a 2-meter cycle lane along the Portrane Road. This is a contribution to the public realm.
- The Planning Authority have not had regard to Governments guidance in reaching its decision which advocates that the current pattern of development is unsustainable. The 2-storey pattern of residential development is no longer a reference point for height and the default at such locations, i.e. in a town centre land that is served by a mainline rail line with commuter services with the station located 1km from the site. Moreover, the site is located at a junction where it is considered that the urban closure along this axial view is weak. It is considered that 3-storeys is appropriate in this context.
- The proposed development would give rise to no undue adverse residential amenity impact.
- The orientation of the rear garden areas is northwest and not north. This provides the best orientation to receive all the summer sun to sunset which occurs in the

northwest throughout the summer. It is also noted that the angle of the rear elevation is 42 degrees west of north and the adjoining development permitted by the Board under ABP Ref. No. 302365 preserves sunlight due to the location of the open space amenity.

- The request to provide for unusable public open space within this site is unreasonable and the Planning Authority has discretion to accept a financial contribution in lieu of the open space requirement under Objective DMS57B of the Development Plan.
- The centre of Portrane is excellently provided for in terms of public open space and meaningful open space can not be provided on this site.
- The parking bays are not considered to be difficult to manoeuvre from and no manoeuvring is required onto the public road as all access to the public road network would be in the forward gear.
- It is requested that the Board grant permission for the proposed development.

6.2. Planning Authority Response

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

- The appellants comments in relation to National Policy are noted; however, it is contended that full regard was had to the character of the immediate area which is defined by 2-storey buildings. In this context the insertion of 3-storey buildings may be acceptable, notwithstanding, the site area restricts the width to height ratio. Therefore, if granted it would result in a visually obtrusive form of development.
- In relation to the terminal views it is considered that the existing trees currently enclose the view at this location.
- The provision of 3-storey dwelling units with insufficient garden depth will result in poor residential amenity, particularly in terms of useable rear garden space.
- The proposed development due to the short depth and the orientation of the rear gardens will give rise to significant overshadowing of the open space areas. The high-quality sunlight referred to in the summer months is of limited duration when

consideration is given to the sunlight over the remainder of the year. It is contended that for most of the year that the proposed rear garden spaces would be in shadow.

- The appellant has misinterpreted Objective DMS57B of the Development Plan.
- The Parks and Green Infrastructure Division reported that the proposed open space area is unacceptable.
- The open space provided can only be considered as environmental as it does not provide for public amenity.
- Insufficient space has been provided to accommodate the cycle route and to provide for open space to serve this development.
- It has been demonstrated that the access to some of the in-curtilage parking spaces was complex and while it is accepted that all movements can be accommodated away from the public road, the proposed development may give rise to traffic congestion and be a potential traffic hazard.
- The Board is requested to uphold its decision; however, should permission be granted it is requested that a Section 48 financial contribution be imposed.

7.0 **Assessment**

7.1. Introduction

7.1.1. I consider that the substantive planning issues in this appeal case are:

- Principle of the Proposed Development
- Design and Layout
- Car Parking
- Traffic and Road Safety

7.1.2. I also consider that the matter of Appropriate Assessment requires assessment.

7.1.3. Before I commence my assessment, I note that the proposed development was subject to significant revisions to the original scheme on foot of the Planning Authority's request for further information. These revisions were submitted to the Planning Authority on the 21st December 2018, and I acknowledge that they resulted

in qualitative improvements to the overall design and layout of the proposed development.

- 7.1.4. In general, the proposed development exceeds the minimum quantitative and qualitative standards for residential dwellings for the type of dwelling units proposed in the said Development Plan and the provision of 3-storey is in keeping with guidance set out in the Urban Development & Building Heights Guidelines for Planning Authorities, 2018, subject to safeguards. It is my view that the substantive issues for consideration as set out above relate to the reasons for refusal.

7.2. Principle of the Proposed Development

- 7.2.1. This appeal site is located on lands zoned 'TC' – Town and District Centre. Residential development is deemed to be an acceptable use within this zone subject to safeguards. Given the context of the site, which I consider is one that is predominated by residential uses alongside is well served by institutional, leisure, is within an easy walking distance to public transport and the village centre of Donabate, I consider the proposed residential use to be a suitable use at this location.
- 7.2.2. In relation to the matter of demolition, the existing house which is referred to in the description of the proposed development as 'St. Judes' and having inspected the site, I consider that whilst this building is a modest and not an unattractive building of its type and period within its streetscape setting, it is notwithstanding a building of no particular architectural or vernacular quality or other merit that would warrant its retention.
- 7.2.3. I am also cognisant that it is not afforded protected structure status, nor is it included in any proposed list for such protection and that the site which has a stated 0.25ha is serviced land and is currently a parcel of land that is underutilised particularly its southern portion.
- 7.2.4. Therefore, the use of the site for additional dwelling units houses rather than one is a more sustainable use of the land in principle and accords with local through to national planning policy and guidance.
- 7.2.5. Based on the above factors, I consider that the proposal to demolish the existing dwelling house on site as part of the proposed development sought is acceptable subject to standard safeguards.

7.3. Design and Layout

- 7.3.1. The first reason for refusal relates to the impact of the proposed development on the pattern of development in the area and it considers that the proposed development which essentially consists of the provision of seven three storey dwelling houses with no provision made for public open space would represent overdevelopment of the 0.25ha site.
- 7.3.2. It also considered that it would be out of character with development in this area because of its exaggerated height and the bulk of the proposed dwellings when viewed from adjoining properties of Somerton and along the Portrane Road.
- 7.3.3. The revised scheme seeks permission for what are essentially three pairs of three storey (by virtue of their three floor levels of habitable accommodation) semi-detached dwellings and one three storey (by virtue of its three floor levels of habitable accommodation) detached dwellings that would be setback to share a similar building line to the existing dwelling house to the south with principal facades facing the Portrane Road and directly onto a new internal access road.
- 7.3.4. These dwellings in comparison to dwellings permitted and existing in the surrounding area are a storey higher to that characterising residential development in this area; they contain no front garden areas; and, they do not benefit from any provision of functional recreational or passive amenity space within their defined residential scheme.
- 7.3.5. Moreover, their provision of off-street car parking is provided within highly restricted spaces that are designed in such a manner that the spaces that are closest to the side passageways providing access to the rear garden spaces can not function independently without the car parking space directly behind them or to the side of them (which I note is outside of the curtilage) being free. I am also cognisant that the manoeuvring required would also be relative to the vehicle being parked.
- 7.3.6. Furthermore, access to these car parking spaces is highly dependent upon the internal access “shared surface” area to the front of them and from which access onto the public roadway is dependent upon. There is also a potential for vehicle parking to encroach out onto the shared surface area dependent on the vehicles being parked.
- 7.3.7. The absence of front gardens, the provision of passive and/or recreational public open space, sufficient on-site turning areas for car off-street car parking are some of the

proposed scheme's characteristics that arise from the restricted site area relative to the type and number of dwelling units proposed within it.

- 7.3.8. I consider that these design characteristics of the proposed scheme are at odds with the pattern of development both permitted and existing in this area. Against this context it is not unreasonable for the Planning Authority to make a similar conclusion and in turn one that as examined through the following sections of this assessment is a development, if permitted, would give rise to a type and quantum of residential development that cannot be provided on such a restricted in size and shape site without adverse amenity issues and road safety concerns arising.
- 7.3.9. The Planning Authority's second reason of refusal relates to what they consider to be the substandard layout of the rear private amenity spaces provided for the proposed dwellings and the Planning Authority's third reason of refusal relates to the lack of public open space amenity provision.
- 7.3.10. In relation to the private amenity space provision to the rear of the proposed dwelling units within this scheme I note that the rear boundary alignment is not of a regular alignment in terms of its depth relative to the rear elevation of the proposed dwelling houses. This as a result gives rise to a fact that outside of House labelled No. 7 in the submitted plans that the remaining dwelling units do not have a lateral separation distance of the recommended 11m rear garden depth. This lack of depth together with the presence of mature trees along the southern boundary and in proximity to the western boundary for its southern most side would result in the diminished amenity value of these spaces despite them being of a size that meets the quantitative standards set out in the Development Plan.
- 7.3.11. Of additional concern the under-construction dwelling units to the rear do not appear to be as depicted in the submitted drawings in terms of lateral separation and appear to be located much closer to the rear boundary. This potentially gives rise to a level of overlooking and privacy issues which is above that which generally exists in this type of suburban context where a lateral separation distance of 22m is recommended under the Development Plan for this type of development and in this type of setting.
- 7.3.12. I also raise a concern that whilst I agree with the appellant that the Planning Authority have not accurately made reference to the exact correct orientation of the rear garden areas; notwithstanding, I share the concerns of the Planning Authority that having

regard to the north west orientation, natural and built features (both existing, under construction and proposed) in the vicinity of these garden areas that outside of the summer months the proposed rear garden spaces would be negatively impacted by overshadowing and reduced levels of sunlight.

- 7.3.13. In relation to the public open space provision I raise a concern that the Development Plan seeks the provision of at least 10% of the proposed site area to be provided as open space and I would share the view of the Planning Authority that no functional passive or recreational public open space has been provided within the scheme as revised.
- 7.3.14. I also agree with the Planning Authority in that the green area indicated along the road frontage of the site should not be considered as public open space due to its limited size, its restricted depth and linear in nature alongside the presence of an underground Stormtech chamber along its full length and the requirement for the provision of a cycle path along the roadside edge in future. The latter two concerns also reduce the potential types of greening that could be provided at this location and would mean that the loss of the attractive mature willow tree that currently exists to the front of St. Jude's could not be compensated for by future landscaping due to the insufficient deep soil and space that would remain.
- 7.3.15. I also agree with the Planning Authority that the restricted in depth and size linear strips of green space to the front of the pairs of semi-detached are also of limited greening value within the overall design and layout of the proposed scheme.
- 7.3.16. The appellant in this case refers to Objective DMS57B of the Development which require a minimum 10% of a proposed development site area be designated for use as public open space. This objective states that "*the Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks,*

local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space ‘accessibility from homes’ standard specified in Table 12.5.”

- 7.3.17. I note that Table 12.5 of the Development Plan sets out the open space and hierarchy. In relation to a site of this size, i.e. a site specified as between 0.2 and 2ha, it indicates a requirement for a “*small park*” which it defines as “*Class 2 as per the Development Contribution Scheme*” and it states that depending on their size, these will accommodate playground facilities, kick about areas, and passive recreation and that these shall be within no more than 400m walking distance from homes. The footnotes for Table 12.5 indicate that areas that are not counted in the Open Space calculation include “*Environmental Open Space, i.e. incidental or narrow pieces of open space used for the preservation of trees and or as a visual relief and screen planting e.g. along roads*”. Moreover, it does not indicate a provision for a financial contribution in lieu of the provision of open space.
- 7.3.18. Chapter 12 on the matter of quantity states the following “*for all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/ amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area*”.
- 7.3.19. Objective DMS57 also sets out a minimum public open space requirement of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. This would equate to an occupancy of 24 persons and therefore a minimum requirement of 150m² of open space.
- 7.3.20. There is no shortfall between either the 10% open space provision and the minimum 150m² open space provision based on the residential schemes occupancy as no Class 2 open space is proposed and the green linear strips along the roadside frontage for the reasons discussed does not form part of any public open space calculation as they

are considered to be environmental open space. Further in relation to the later there is also an issue in terms of taking in charge.

7.3.21. Based on the above considerations I am not satisfied that it has been demonstrated that private and public open space provision of a quantitative and qualitative standard has been provided to meet the needs of future occupants of the scheme. Further, there are no exceptional circumstances indicated that would justify the lack of the minimum quantum of 10% of the site area to be provided as open space. I therefore consider the reasons for refusal set out under the first three reasons of refusal by the Planning Authority in their notification to be reasonable and that the proposed development, if permitted, would give rise to a substandard quality of residential development and it would also represent overdevelopment of the site.

7.4. Car Parking

7.4.1. I share the view of the Planning Authority that whilst the auto-tracking data drawings provided with the applicant's further information response demonstrates it is possible to access the parking spaces proposed to serve the dwelling units proposed they would require excessive manoeuvring directly in front of the dwellings onto the shared surface area. I do not consider this acceptable.

7.4.2. I further consider having regard to the restricted length of the shared surface area, its access onto the public road network and the proximity of the dwelling units to this access point I consider that that the requirement of 2 car parking spaces for each of the dwelling units can not be safely accommodated on such a restricted site without resulting in road and traffic safety issues either within the confines of the site or within the vicinity of the access point onto the public road network which in time will also accommodate a cycle lane.

7.4.3. I also raise a concern that any potential conflict in movement of road users in the vicinity of the proposed entrance onto the heavily Portrane Road at a point where there are also multiple entrances in close proximity with some serving residential developments both existing and under construction is not acceptable. Further, I am not satisfied that the design and layout of the proposed development together with the documentation submitted substantiates that this would not be an issue.

7.4.4. I consider that this concern can not be overcome by way of condition and by omitting a dwelling or dwellings and that it would require a fundamental rethinking of the design,

layout, type and quantum of residential development that can be accommodated in sustainable manner on this site.

- 7.4.5. Based on the above considerations I concur with the Planning Authority's fourth reason for refusal which concludes that the proposed car parking spaces is substandard as insufficient space is provided to allow simple manoeuvres into the proposed car parking spaces serving each of the seven dwelling units proposed and that the proposed development would result in excessive manoeuvring directly in front of the entrances to the dwellings and pedestrian pathways. I therefore concur with the Planning Authority that in this case the proposed development, if permitted would, endanger public safety by reason of a traffic hazard and would also have the potential to give rise to obstruction of road users. Moreover, this also bolsters the conclusions made in my assessment above that the proposed development represents overdevelopment of the site and that the site cannot sustainably accommodate the type and quantum of residential development proposed.

7.5. **Other Matters Arising**

7.5.1. **Visual Amenity Impact:**

I raise a concern that the principal façade of the proposed development lacks sufficient levels of visual activation and interaction with the streetscape scene of the Portrane Road that it would form part of to the extent it looks visually monotonous and has a relatively blank streetscape expression. Further, the design resolution in my view could have benefitted from improved variety in terms of appearance, modulation, built form through to variety of dwelling unit type. I also raise a concern that the proposed scheme, if permitted, would not provide any compensation for the current sylvan character the site currently contributes to this streetscape scene. On this point I concur with the Planning Authority that the proposed development, if permitted, would result in a harsh urban edge and I further question the quality as well as the robustness of the landscaping scheme put forward. I am cognisant that these are new issues.

7.5.2. **Legal Interest**

A concern was raised that the applicant had not demonstrated sufficient interest over the existing ditch along the western boundary. This I consider requires clarification should the Board be minded to grant permission as under this scheme it is proposed to provide an 800mm diameter pipe adjacent to this ditch. This piece of proposed

infrastructure is an important component of the overall drainage solution proposed as part of this scheme. I therefore consider it is important that clarity be provided by the applicant on this concern or an amended drainage scheme submitted that meets the needs of the proposed development.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment, the discharge of foul and water arising from the proposed development to treatment facilities and proximity to the nearest European 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 either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be **refused**, for the reasons and considerations, as set out below.

9.0 Reasons and Considerations

1. Having regard to its location, it is considered that the proposed development would be out of character with the pattern of development in the area and would result in the poor disposition, quantity and quality of private and communal open space and an internal road layout that would not be conducive to pedestrian safety and the safety of road users within the proposed residential scheme and in the vicinity of its proposed entrance onto the heavily trafficked Portrane Road (R126) at a point where it intersects with 'The Links' road and in the vicinity of a multiple entrances. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young

Planning Inspector – 26/06/2019.