



An
Bord
Pleanála

inspector's Report ABP-304017-19

Development	Partial demolition of dwelling facing the Dublin Road and reconstruction to provide a detached dormer house and construction of 3 dormer bungalows to rear of site.
Location	Saint Anthony's, 51, Dublin Road, Swords, County Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0755
Applicants	LDC Developments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	LDC Developments Ltd
Observers	Alex & Anne Brennan James Elliott Bernadette & Tahar Belkebla
Date of Site Inspection	31 st May 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the town of Swords, on the eastern side of the Dublin Road (R836), just north of the Pinnock Hill Roundabout (R125/R132/R836), to the south of the town. The site is occupied by a single storey, bungalow type dwelling, one of 12 similar dwellings (c. 1940's /1950's), all with direct access from the Dublin Road. The R836 is a busy, heavily trafficked road. This stretch, which is within the 50k/hr speed limit, has roadside parking along this side. There are two accesses from the site to the public road, the one to the south being narrow; that to the north being vehicular.
- 1.1.2. The site extends some 150m from the road. Immediately to the rear of the dwelling it narrows to a linear strip and is bounded by the flanks of long adjoining sites: No 53 to the south and No 49 to the north, before widening and extending across the rear of Nos. 47 and 49. The flank of the very long site at No 45 bounds the site at this wider rear portion together with the side boundaries of smaller, more recent house sites in Carlton Crescent (some in the former back gardens of Dublin Rd houses). The wider rectangular area of the site extends as far as a small green at the end of a residential road in Carlton Crescent, a large housing estate accessed from the Dublin Road north of the site and lying mainly to the east. The garden of No. 45, although not as wide, similarly extends to the green and to a laneway along the green which joins two cul-de-sacs in the estate.
- 1.1.3. Within the subject site the existing vehicular access continues as a driveway along the gable of the house to a metal gate beyond which the rear yard includes a large shed, formerly used as a garage / motor repair business. There are a number of other sheds to the rear. The wider area at the western end of the site is very overgrown and a glasshouse, referred to on the drawings, has been partly removed. A high Leyland cypress hedge grows along the northern and southern boundaries of the wider site area.
- 1.1.4. On the opposite side of the Dublin Road, a three-storey apartment block, Milton Hall, contains 36no. apartments. Less than 100m to the north is Colaiste Cholim Secondary School and a short distance to the south there is a Lidl discount store. Swords Town Centre, accessed from the R 132 to the east, lies north of the site.
- 1.1.5. The site is given as 0.26ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the partial demolition of the dwelling facing the Dublin Road, in order to provide an access road to the rear, its reconstruction to provide a detached dormer house, and the construction of 3 dormer bungalows in the wider site area at the rear of site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse permission for the proposed development for 3 no. reasons: that it would materially contravene Objectives DMS39 and DMS44 of the Fingal CDP; the proposed access road would seriously injure the residential amenity of property in the vicinity; it would constitute a haphazard piecemeal form of infill development and would set an undesirable precedent; and the applicant has failed to demonstrate compliance with the Sanitary Services Acts re. foul and surface water drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report recommending refusal of permission includes:

There are lands adjoining the subject site that may allow for future development. Concern must be expressed that to permit the proposed development may prevent the future development of adjoining lands. Although the houses at this point on the Dublin Road are provided with extensive private amenity space, it is only a small number that will allow for sustainable back-land development. It is therefore considered that a comprehensive plan led approach for these backland sites would represent a more desirable and sustainable design solution than the current proposal.

The current proposal has not overcome the previous reason for refusal and would set an undesirable precedent for further such uncoordinated backland development

in the rear gardens of these properties by reason of the design and layout which it is considered would create a cul-de-sac / dead end rather than maximising permeability for pedestrians and connectivity to existing street and roads (as recommended in Section 6.3 of the Sustainable Residential Development in Urban Areas Guidelines).

The alterations to No 51 will result in loss of character and have a negative impact on the streetscape; contrary to objective DMS44.

The visual appearance of the 3 proposed dwellings is of concern vis a vis DMS39.

The applicant has attempted to address the reasons for refusal under Reg F17A/0734 through a revision in the site layout plan and a reduction in the number of units, from 5 to 3. The proposed development has not sufficiently overcome the previous reasons for refusal on this backland site and has failed to provide adequate foul/surface water drainage and water supply details; issues raised under Reg F17A/0734.

3.3. Other Technical Reports

3.3.1. Water Services -

- Surface Water further information requested: Surface Water drainage proposal including design calculations, following the principles of Sustainable Drainage Systems and in compliance with the principles outlined in the GDSDS Regional Drainage Policies Volume 2 New Development, Aug 2005. The planning report supplied refers under item 10 to an engineering appraisal by Kavanagh Ryan & Assocs. The submission presented however does not contain this report or any engineering report or drawings.
- Water Supply – drawing required for taking in charge purposes.

3.3.2. Transportation Planning Section –

The access road should be a minimum of 4.8m wide from the rear of the private open space for the existing house, as this is the minimum width needed for a service vehicle and a car to pass each other. This leaves the short section of road running beside the existing house operating as a shuttle run for service vehicles, as 4.5m is sufficient for two cars to pass each other. The footpath should be a minimum of 1.8m east of the private open space for the existing house. The proposed layout has made

provision for access to the adjoining lands to the north to facilitate future development.

- Conditions.

3.3.3. Parks Division – conditions:

- A contribution towards shortfall in public open space provision. Tree survey, tree bond; how will communal open space be maintained; the proposed internal boundary treatment of a 1.2m high rendered walls enclosing the communal open space is visually intrusive and unnecessary. This linear strip should not be enclosed along the access driveway. A landscape plan, prepared by a landscape professional showing an appropriate landscape design and planting plan, is required.
- A 1.8m high enclosing garden wall to house No 1 would have a negative visual impact. Re-orientation of house No 1 to provide a dual aspect would enable a reduction in height of the proposed 1.8m wall.
- The proposed boundary wall at the rear of houses 2 and 3 shall be omitted, eastern boundary and replaced by a 1.8m mesh panel fence finished black. To enable the boundary hedgerow to be maintained. Similar recommended where boundary trees and hedgerows are being retained or as specified by the arborist. Boundary walls to be rendered both sides.

3.4. Prescribed Bodies

Irish Water – further information:

Applicant to submit water supply layout drawing and details. IW standard details document IW-CDS-5020-01 and IW CoP IW-CDS-5020-03 apply.

Applicant to submit foul drainage layout and details, including pipe size, gradient and levels, up to the proposed connection into the IW network. IW standard details document IW-CDS-5030-01 and IW CoP IW-CDS-5030-03 apply.

3.5. Third Party Observations

- 3.5.1. Third party observations on the file have been read and noted.

4.0 Planning History

ABP 301082, PA Reg Ref No F17A/0734 for demolition of existing dwelling and sheds and construction of replacement dormer dwelling and 5no. contemporary dwellings at the rear, alterations to vehicular entrances, provision of car parking and all ancillary works. The Board refused permission for two reasons (1) non compliance with the established character and pattern of development in the area and material contravention of objectives DMS39 and DMS44 of the Fingal Development Plan; and (2) that the scale and nature of the development would constitute piecemeal backland development.

Reg.Ref.F07B/0332 – Permission (no.47 Dublin Road to the north) sought to build a rear extension, part 1 storey and part dormer construction, of living room and bedrooms, with alterations to the existing house. Permission was granted following additional information for the proposal, with dormer omitted.

Reg.Ref.F16A/0011 – Permission granted at No.55 Dublin Road, Swords for a single storey rear extension, refurbishment and alterations to existing dwelling, widening of the existing entrance gate and all associated site works.

Reg.Ref. F96A/0329 – Permission was granted for a dormer bungalow – Site adjoining Nos.162 and 164 Carlton Court.

Reg.Ref.F02A/1510 – Permission granted for 2no. 4 bed bungalows to the rear of Nos. 59 and 61 Dublin Road, with access from Carlton Court.

Reg.Ref.F15A/0081 – Permission granted for a new single storey family unit to the side of the existing house and associated site works – No.194 Carlton Court Swords.

On the opposite side of the road within the MC zoning:

Reg.Ref. F99A/1171 – Permission granted for the construction of 36no. 1 and 2 bed apartments in a three-storey block, over basement carpark.

F14A/0492 -PL06F.244562 – Permission granted subject to conditions by the Board for the construction of a Lidl supermarket, (opposite side of the road to the south west of the subject site).

A development at Brackenstown Road is referred to in the appeal. This is north of the Ward River, west of the town centre, and some distance away from the site.

Reg.Ref.F14A/0298 – Permission granted for the demolition of existing dwelling and associated out buildings and the construction of 27no. units, accessed via a new access road from Brackenstown Road. This was subsequently upheld on appeal – Ref. PL06F.244368 relates.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Fingal County Development Plan 2017-2023 is the operative plan. Relevant provisions include:

Zoned 'RS' residential - provide for residential development and protect and improve residential amenity. The vision seeks to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity:

It is on the edge of the MC Major Town Centre zoning with MC zoned lands on the opposite side of the road and a short distance to the north.

Other relevant provisions include:

Introduction and Strategic Context – Chapter 1

High Quality Design

High quality design adds quality to the places in which people live, work and enjoy. Ensuring high quality design adds value to towns, villages and the countryside and improves people's quality of life. High quality urban design is essential to achieving attractive, high quality places in which people will live, work and relax.

The Government Policy on Architecture 2009-2015 promotes the importance of good architecture in the creation of quality places. The Council promotes best practice contemporary architecture and the conservation of the County's architectural heritage throughout the Plan.

Facilitating and promoting good design is a cross cutting theme in the Development Plan. Good design, in terms of overall layouts and individual buildings is fundamental to placemaking and developing sustainable communities with a 'sense of place' and 'local distinctiveness'. "Placemaking", the process of creating great places and strong communities is essential in attracting and retaining strong enterprise and employment sectors. Placemaking builds the necessary foundation upon which new enterprises can be developed and can grow, creating lasting, sustainable prosperity for local communities. Urban areas with a vital sense of place and high quality design can take advantage of changes in the way business is done.

Through the Local Area Plan, Masterplan and Development Management processes, the Council promotes a high quality of design and standard of residential development. In rural areas of the County the Development Plan seeks to ensure sustainable patterns of development and high quality of design so that these areas remain attractive and retain their rural character. The Plan sets out a range of objectives aimed at creating well designed environments for both rural and urban settings. An overarching aim of the Plan is to create and sustain people- friendly places for the benefit of the residents and businesses of Fingal, whilst supporting developers seeking to deliver the highest quality design solutions. Investing in high quality urban design can create economically successful development that functions well and has a lasting effect into the future.

Core Strategy & Settlement Strategy – Chapter 2

Regional Planning Guidelines Settlement Hierarchy for the GDA Swords, Blanchardstown are Metropolitan Consolidation Towns

Swords is identified as a Primary Economic Growth Town within the polycentric gateway under the Regional Planning Guidelines for the GDA and a driver within the core of the Greater Dublin Area, for sustained international and regional economic development and growth. In order to fulfil this role and in light of the emerging role that settlements such as Swords will be required to play in maintaining the success of the GDA, a long term, adequately planned vision is necessary. In this regard, the long term strategic vision for Swords is to create a sustainable city with a commensurate level of jobs, services and infrastructure to support a potential population of 100,000.

Objective SS12 - Promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy.

Objective SS15

Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.

Objective SS16

Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

Placemaking Chapter 3

Good design, in terms of overall layouts and individual buildings is fundamental to placemaking and developing sustainable communities with a 'sense of place' and 'local distinctiveness', Placemaking, the process of creating great places and strong communities is essential.

Objective PM31 - Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).

Objective PM32 - Have regard to the joint Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government's Design Manual for Urban Streets and Roads (DMURS), (2013) and the National Transport Authority's Permeability Best Practice Guide (2015), in the provision of good urban design.

Objective PM33 - Enhance and develop the fabric of existing and developing rural and urban centres in accordance with the principles of good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns and villages.

Development Management – Chapter 12

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 any new development in such areas respects this distinctive character.

5.2. **National Planning Framework Project Ireland 2040 | Building Ireland's Future |**

- 5.2.1. This is the Government's planning framework to guide development and investment over the coming years and is a companion to the National Development Plan, a ten year strategy for public capital investment. It includes:

Compact Growth - carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing, jobs, amenities and services, but which need a streamlined and co-ordinated approach to their development, with investment in enabling infrastructure and supporting amenities, to realise their potential. Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.

In addition to scale and density, the attractiveness of places to highly skilled potential employees is important for economic prosperity.

Sustainable models of urban development can deliver quality and maximise the advantages and opportunities of more compact growth, based on increased population and employment density. Quality of design is critical for making places attractive and distinctive. Architectural quality and well-designed spaces can help to enhance our urban areas and create desirable places in which people want to live, work or visit and contribute to ongoing quality of life and well-being.

5.3. Sustainable Residential Development in Urban Areas Guidelines

- 5.3.1. Guidelines for planning authorities, to support the production of high quality sustainable developments which emphasise the need for higher density better layouts and urban design. The provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has a revitalising effect on such areas by utilising the capacity of existing social and physical infrastructure.

Infill residential development - The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc. Local authority intervention may be needed to facilitate this type of infill development, in particular with regard to the provision of access to backlands.

The guidelines are supported by the document 'Urban Design Manual, A best practice guide'.

5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura sites are Malahide Estuary SAC (Site Code 000205) and Malahide Estuary SPA (site Code 004025) which are c 2km, straight line distance, from the subject site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. Hughes Planning & Development Consultants have submitted this appeal on behalf of the First Party. The grounds includes:

- Residential zoning.
- The development has been re-designed on foot of the previous refusal; in terms of scale, massing and greater provision of open space.
- Laneway was in use as a mechanics for several years, confirmation by Fingal County Council, from records dating to 2004, of commercial use, is provided.
- The form and scale are consistent with the character of the area, representing efficient use of zoned and serviced land.
- It is consistent with quantitative standards set out in the development plan.
- It is supported by objective SS15.
- It complies with the Regional Planning Guidelines and the Guidelines on Sustainable Residential Development in Urban Areas.
- It complies with the principles set out in Project Ireland 2040-National Planning Framework.
- It will not lead to undue impacts on adjacent residential amenities.

6.2. Planning Authority Response

6.2.1. The planning authority has responded to the grounds of appeal. The response includes:

- While they agree that appropriate infill development is to be encouraged, the proposed development and revised plans do not address Objectives DMS39 and DMS44 of the Fingal CDP 2017-2023. The design does not take proper account of the context and does not provide for a suitably high quality of infill development in this location. The existing house forms part of a row of similar units that form a particular character of this section of the Dublin Road in south Swords. The proposed alterations to No 51 would erode this character and would set an undesirable precedent.
- The proposed development will result in a haphazard, piecemeal form of infill development that does not have sufficient regard to adjoining sites and the possibility of future development of adjacent lands. References to the planner's report on F17A/0734 are partial references.
- While they note the reference to commercial activity on site by the appellant, no record has been found to date of permission for such a development. The house was for sale for some time and the activity on site may have ceased operation in advance of the sale of this house/site.
- The applicant has failed to provide adequate details with regard to drainage and water supply serving this development and the appeal documentation makes no reference as to how these matters may be addressed.
- They request the Board to refuse permission. In the event that this appeal is successful they request that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contributions Scheme.

6.3. Observations

6.3.1. Observations have been received from Alex & Anne Brennan, 49 Dublin Road, Swords; James Elliott, Sancta Maria, 55 Dublin Road, Swords; and Bernadette & Tahar Belkebla, Abenglen Cottage, 47 Dublin Road, Swords. The observations include:

- Observations in relation to F17A/0734 have not been addressed in the new application.

Impact on the Character and Amenities of the Area

- Out of character with the area, erosion of privacy, seclusion, tranquillity and security and increased exposure to anti-social behaviour from the length and close proximity of the proposed path/laneway.

Boundary issues

- The boundary between the site and No. 47 Dublin Road is incorrectly shown. A section of their boundary currently runs under the existing glasshouse. A copy of the land registry map, attached to their letter of objection to the planning authority, is referred to.
- Concerns regarding negative impact of the boundary wall between No.51 and No.49 Dublin Road. The boundary is the main structural wall of No 49.
- There are concerns regarding negative impact from construction of the path and road on No 49, by exposing the side wall below current ground level.
- Concerns regarding negative impact from construction traffic, local traffic and large services vehicles on No 49.
- Drawings 2017-57-P-100, 102 & 105 are disputed regarding the provision of a minimum of 1.5m of permeable paving to the site of no 49. It is argued that an additional 430mm of demolition is required.
- The proposed raising of the roadside frontage boundary wall would impair visibility and be out of character with adjoining properties.
- The application should include who will be responsible for the boundary walls.
- Taking in charge drawings have not been submitted.
- Suggestions for stepping front wall.

Inadequate information

- Inadequate information is provided regarding planting & street lighting.

Access issues

- Removal of existing footpath will have a detrimental impact by prioritising motor vehicles over pedestrians. A clear area for pedestrians to view

oncoming traffic, without obstruction from the wall or entrance pillars, should be provided.

- The plans do not show the current on street parking bays that will obstruct the driver's view. The speed limit 50km/h requires a view of 40m in both directions; traffic hazard.
- There is no provision to prevent uncontrolled parking on the proposed road, which is foreseeable from the non-resident parking in Carlton Court.
- The existing footpath is tight to the boundary and any vehicle exiting will be blind.
- Regarding the previous use; the previous owner carried out a small-scale car mechanic activity. This was a one-man operation and disturbance to neighbouring properties was minimal and not comparable with the proposed development. The existing laneway referred to is the side entrance of the house. There was never any vehicular access by clients through this side entrance. There was no constant flow of cars and little if any noise or activity. The observer from No 47 was a client and outlines the modus operandi: by appointment clients left their cars in the driveway to the front; only two cars could park in the driveway at any time; when ready the mechanic would take a car and drive it into his garage to be serviced; he returned the car to No 47 on completion. The cars shown at Fig 2 page 4 of the applicant's appeal, belonged to the occupants of the house.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment and the principle of the development, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

7.3. Principle of Development

7.3.1. The site is centrally located, serviced and zoned. There is no objection in principle to residential development on these lands.

7.4. Design and Density

7.4.1. The grounds of appeal states that: the proposed development is consistent with quantitative standards set out in the development plan, is supported by objective SS15, complies with the Regional Planning Guidelines and the Guidelines on Sustainable Residential Development in Urban Areas, and with the principles set out in Project Ireland 2040-National Planning Framework.

7.4.2. The National Planning Framework places emphasis on compact form, scale and density and the importance of the attractiveness of places.

7.4.3. The Urban Design Manual, A best practice guide, which is a companion document to the Guidelines on Sustainable Residential Development in Urban Areas, sets out principles of good design, which include 'efficiency - how does the development make appropriate use of resources, including land'; 'inclusivity - how easily can people use and access the development' and 'privacy and amenity - how does the scheme provide a decent standard of amenity'.

7.4.4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas state that higher density housing has proven capable of supporting sustainable and inclusive communities; that in general, increased densities should be encouraged on residentially zoned lands and particularly in city and town centres on brownfield sites and near public transport corridors. The subject site fits within each category.

7.4.5. As referenced in the grounds SS12 is an objective to 'promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy', which supports the achievement of development of adequate density on this site.

Objective SS15 is also relevant, to 'strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services'. Objective SS16 is equally relevant, to 'examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities or would otherwise be appropriate in the context of the site'.

- 7.4.6. In the context of the desirability of maximising the development potential of centrally located brownfield sites a proposal which would provide less than 10 units per hectare (4 units on 0.26ha) is below what might be expected, or would be acceptable.
- 7.4.7. The various guidelines and the provisions of the Fingal County Development Plan emphasise the importance of quality in urban design: the creation places where communities are happy to live. This involves providing for permeability and connectivity, as well as protecting residential amenities. The proposed development, involving a long cul-de-sac access road, would not provide for permeability or accessibility. The long roadway, to serve only three houses, is wasteful of scarce urban land. Although, as mentioned in the Transportation Planning Section report, by virtue of the proposed layout, there is a possibility that access could be provided to the adjoining lands to the north, to facilitate future development, the development does not provide for the comprehensive development of these lands and would limit any such future development.
- 7.4.8. I concur with the planning report where it states that lands are available adjoining the subject site that may allow for future development, and that to permit the proposed development may prevent the future development of adjoining lands; and also that a comprehensive plan led approach for these backland sites would represent a more desirable and sustainable design solution than the current proposal.
- 7.4.9. In this regard I note the statement in the Sustainable Residential Development in Urban Areas Guidelines in relation to infill residential development, that local authority intervention may be needed to facilitate this type of infill development, in particular with regard to the provision of access to backlands.

7.4.10. In my opinion the proposed development does not meet the standards of density or design required for this infill site and this is a reason to refuse permission.

7.5. Residential Amenity and Impact on the Character of the Area.

7.5.1. Many of the concerns expressed by observers relate to the impact on the character of the area and on their privacy, particularly the provision of the long access roadway.

7.5.2. The provision of an access road at this location has given rise to concerns from observers including in relation to the safety of the junction with the public road and in particular pedestrian safety.

7.5.3. It should be noted that the Transportation Planning Section are satisfied with the traffic and pedestrian safety aspects in this regard. It is also considered that the avoidance of unauthorised parking is amenable to management and detailed design.

7.5.4. Observers have concerns in relation to the provision of a road and footpath beside the wall of their dwelling. I share the concern that the proposed road and footpath runs directly along an existing dwelling where the dwelling is the boundary and where outward opening windows are part of that boundary. The current layout was not conceived with the provision of a roadway in mind and in my opinion the proposed layout does not adequately address the boundary conditions.

7.5.5. The Sustainable Residential Development in Urban Areas Guidelines states in relation to infill residential development, that the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.

7.5.6. The provision of this long access road would open up adjoining rear gardens to overlooking, where currently these amenity spaces enjoy a considerable degree of privacy.

7.5.7. In my opinion the poor layout, relying on such a long access road, which gives rise to excessive overlooking of adjoining rear gardens, fails to protect the amenities of adjoining properties or the character of the area and does not overcome the previous refusal reasons.

7.6. Drainage

- 7.6.1. The lack of information regarding drainage is referred to in the third refusal reason; that the applicant has failed to demonstrate compliance with the Sanitary Services Acts re. foul and surface water drainage.
- 7.6.2. The Water Services report refers to an engineering appraisal by Kavanagh Ryan & Assocs, which is referred to in the planning report supplied with the application under item 10, whereas the engineering report or drawings are not included in the application.
- 7.6.3. A report titled 'Services Report' by Kavanagh, Ryan & Associates Limited and a drawing titled Drainage Details' by Kavanagh, Ryan & Associates Limited were submitted with the previous application. The Water Services report in that case found the proposal contrary to the taking in charge standard with regard to the following:
- Permeable paving in the access road.
 - Permeable paving in the footpath
 - Wavin aquacell
 - The location of the soakway/attenuation within the access road
 - The pumping of surface water
 - The allowable discharge rate of 0.5l/s cannot reasonably be achieved through the use of a hydrobrake or similar flow control device. The applicant should either consider an integrated catchment approach, or alternative SuDS devices with inherent slow release characteristics (swales, permeable pavements etc).
- 7.6.4. Although referred to in the planning report which accompanies this application, as forming part of the submitted documentation, no documentation prepared by Kavanagh, Ryan & Associates Limited was not submitted with this application and the issue of surface water disposal has not been resolved. This issue arose in the previous application and the current application appeal does not address it. This deficiency of itself would demand a request for additional information rather than a refusal.

7.7. Other issue

- 7.7.1. Another boundary issue has been raised by observers in relation to the boundary with No 47. It is stated the existing glasshouse sits on the boundary. The Board does not have a function in relation to disputes over land ownership. Section 34 (130 of the Planning Act applies.

8.0 Recommendation

- 8.1. In accordance with the foregoing I recommend that permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1 The proposed development, by reason of the its impact on the established character and pattern of development in the area, the proposed means of access, and the piecemeal and haphazard form, would materially contravene Objectives DMS39 and DMS44 of the Fingal Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2 Having regard to the design and layout including the provision of a long access road to the rear of the site and the lack of any usable public open space to serve the future residents of the estate, it is considered that the proposed development would constitute piecemeal backland development which would seriously injure the amenities of the area, would result in substandard residential amenity for future occupants, and would set an undesirable precedent for further such uncoordinated backland development in the rear gardens of these properties. The proposed development would, therefore, be contrary to the provisions of the

Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

Planning Inspector

27 June 2019

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023 extract.

Appendix 3 Sustainable Residential Development in Urban Areas Guidelines

Appendix 4 National Planning Framework