



An
Bord
Pleanála

Inspector's Report ABP 305167-19

Development	Construction of a 2-storey semi-detached dwelling and all associated site works.
Location	No. 48a St Brigid's Park, Blanchardstown, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW19A/0091
Applicant	Sean Shields
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Sean Shields
Observer(s)	None
Date of Site Inspection	29 th November 2019
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.05 Ha) is located on the southern side of St. Brigid's Park on a junction with a cul-de-sac known as 'The Court'. The site contains an end-of-terrace two-storey 2-bedroom dwelling (No. 48). The roof profile of the dwelling is pitched, and its front elevations comprise pebble dash finishing. A single storey flat roofed garage is attached to the eastern side of the dwelling. Vehicular access to the site is provided from St. Brigid's Park. The eastern side boundary along 'The Court' is defined with a blank wall c. 1.8m high and the blank side gable wall of the garage. The front / northern boundary of the site is defined with a low-rise wall, c. 0.9m high. The rear garden of the site contains 2 no. timber sheds, located along its eastern side boundary. 'The Court' cul-de-sac is characterised with two storey duplex type dwellings. There are 3 no. semi-mature street trees located on the street, along the eastern boundary of the site. A parking bay with 4 no. car parking spaces is provided to the north of the site.

2.0 Proposed Development

2.1. Permission sought for the following;

- Construction of a 2 storey 2 no. bedroom dwelling (143.8 sq.m.) attached to the side of the existing dwelling,
- Demolition of the existing porch to the front of the dwelling and the relocation of the entrance door to its front elevation,
- Demolition of the garage to the side of the dwelling,
- The setting back of the existing front boundary wall, the re-location of the existing vehicular entrance to serve the proposed new dwelling and the provision of a new pedestrian entrance to serve the existing dwelling,
- The provision of in-curtilage parking to the front of the proposed new dwelling and the provision of on-street parking to the front of the existing dwelling,
- Amendment to the layout of the on-street footpath.
- Associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council refused permission for the proposed development. The reason for refusal was as follows;

Having regard to the character and appearance of the area, the proposal, if permitted, would be over bearing on immediately adjacent properties, by virtue of its size, design, layout and relationship with the established built character of the area. The proposal if permitted would seriously injure the amenities of property in the vicinity, be visually incongruous and give the appearance of overdevelopment of the site. The proposal is contrary to the policy and objectives of the Fingal Development Plan 2017-2023, the proper planning and sustainable development of the area, and, if permitted, would create an undesirable precedent for future development within the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Report

The basis for the Planning Authority decision includes:

- The proposed 2 storey dwelling would impact on the amenity of 'The Court' by way of overbearing impact, by reason of its extent c. 15m along the eastern site boundary.
- The proposed dwelling would impact on the residential amenity of the existing dwelling by way of overshadowing, by reason of its extent, 9m beyond its rear building line and its proximity, 1.2m from the common boundary.
- The box bay window serving Bedroom No.1 would impact on the amenity of the occupants of the subject house.
- The proposed development does not comply with Objective DMS24 of the Development Plan by reason that the floor area of bedroom no. 2 at 11sq.m. does not comply with the minimum standard of 13 sq.m. required, and inadequate storage has been provided.

3.2.2. **Other Technical Reports**

3.2.3. ***Transportation Planning Section:***

- In order to improve visibility for pedestrians and vehicles using 'The Court', the wall along the eastern boundary should be reduced to a height of 900mm.
- In order to improve footpath connectivity and eliminate pedestrian / vehicle conflict points, the front boundary of the proposed new dwelling should be set back, and on-street parking should be provided to the front of both the existing and proposed new dwelling.

3.2.4. ***Parks Division:***

There are 2 no. street trees located along the eastern boundary of the site. The applicant should ensure that these are protected from accidental damage during construction works.

3.2.5. ***Water Services Section:***

No objection subject to Conditions.

3.2.6. ***Irish Water:***

No objection subject to Conditions.

4.0 **Planning History**

F18A/0147 Permission refused in November 2018 to Sean Shields for the construction of a new 2 storey 3-bedroom dwelling (146.8 sq.m.) attached to the side of No. 48 St. Brigid's Park, for similar reasons to those cited in the current case.

5.0 **Policy and Context**

Fingal County Development Plan 2017-2023

Zoning: The site is zoned objective 'RS' which seeks 'to provide for residential development and protect and improve residential amenity'.

Objective PM44 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 PM65 Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

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 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 DMS40 New corner site development shall have regard to:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.

Table 12.8 Car Parking Standards

5.1. Natural Heritage Designations

None relevant

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal was received from Vincent JP Farry Planning and Development Consultant representing the applicant Sean Shields, against the decision made by the Planning Authority to refuse permission for the proposed development.

The following is a summary of the grounds of appeal.

- The existing eastern boundary treatment of the site provides a low level of visual amenity. The proposed development would provide a positive impact on the public realm.
- The proposed dwelling, by reason of its position to the south-east of the terrace, would not unduly impact on the residential amenity of the existing dwelling No. 48 by way of overshadowing.
- The proposed 'box bay' window, by reason of its orientation, would not result in overlooking of neighbouring property.
- In lieu of a refusal of planning permission, the Board is requested to consider imposing a Condition requiring the omission of the ground floor lounge and stipulate that the first floor ensuite accommodation be subsumed into the master bedroom. These simple changes would reduce the depth of the house by a distance of 3.5m.
- The floor space of bedroom no. 2 can be conditioned to contain a single bed, and thereby would comply with minimum room size standards.
- There are no technical / engineering objections to the proposal from the Council's technical divisions.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

None

7.0 Assessment

7.1. The main issue for consideration is the reason for refusal as cited by the Planning Authority. This is addressed under the heading below.

7.2. Reason for Refusal

7.2.1. The Planning Authority refused permission for the proposed development on the grounds that its size, design and layout would;

- Have an overbearing on immediately adjacent properties,
- Be visually incongruous,
- Give the appearance of overdevelopment of the site,
- Be contrary to the policy and objectives of the Fingal Development Plan 2017-2023,
- Create an undesirable precedent for future development within the vicinity.

7.2.2. The width of the front elevation of the proposed dwelling at 6.5m would be the same as the existing dwelling No. 48, to which it would be attached. Its front building line would align with and continue the front building line of No. 48, albeit providing a porch and bay window extending 1.1m to its front, at ground floor level. The roof line and pitched roof profile of the proposal would continue the roof line and roof profile of No. 48. The elevation finishes of the proposed dwelling would comprise rendered finishing and its roof tiles would match dwelling No. 48.

7.2.3. It is my view that the scale, form and design of the proposed dwelling, as viewed from the front, would integrate with the form and design of the existing dwelling No. 48, and would not detract from the character and visual amenity of the surrounding streetscape. The proposal would not impact on the residential amenity of No. 48 to its front by way of overbearing impact or loss of outlook.

7.2.4. When viewed from the side along 'The Court' cul-de-sac, the proposal would have a total length of 19.9m at ground floor level and 17.9m at first floor level. The proposal would extend for a length of 14.9m along the eastern side boundary at both ground and first floor level. The proposal would provide a blank elevation, without any window opens, and would present a double pitched and flat roof profile. The pitched

roof gable elevations have heights of 7.3m and 6.6m respectively and the flat roof sections are 5.9m high.

- 7.2.5. The proposal would provide a 2.1m high wall along the remainder of the eastern side boundary to the rear of the dwelling. The existing eastern side boundary is defined with a blank wall c. 1.8m high and the blank side gable wall of the garage and sheds to the side/rear of the existing dwelling, which is c. 2.6m high.
- 7.2.6. Objective DMS40 of the Development Plan requires that new corner site development provide dual frontage development in order to avoid blank facades and maximise surveillance of the public domain. Given a) the poor blank elevation treatment of the existing eastern side boundary wall and the improved elevation treatment that the proposal would provide, and b) the existing street trees along the eastern boundary, which would screen some of the extent of the proposed development, it is my view that the scale and extent of the blank façade of the proposal along the eastern side boundary would not detract from the character and visual amenity of the streetscape along 'The Court' or create an overbearing impact on the public realm at this location. Adequate surveillance of the public domain is provided from residential units within 'The Court' cul-de-sac.
- 7.2.7. The proposal provides for the removal of the existing 1.8m high wall along the eastern boundary, forward of the front building of the proposed new dwelling, for a length of 7.8 metres, and its replacement with a new low-rise wall 0.9m high, for a distance of 5.6 metres. The proposal also provides for the setting back of the front boundary wall by 1.8m at the north-eastern front corner and the continuation of the public footpath to its front (which currently does not exist). It is my view that this would improve the visual amenity and pedestrian connectivity of the streetscape at this location, and would improve sightlines for vehicles at this road junction.
- 7.2.8. When viewed from the rear garden of dwelling No. 48, the proposal would extend for a length of 11.5m from the main 2-storey rear building line of No. 48 at ground floor level and 9m at first floor level. Dwelling no. 48 has a single storey flat roof rear extension, which extends 3.1m along the common boundary shared with the proposed dwelling. At ground floor level, the proposal would maintain setbacks ranging from 1.1m (for a depth of 8.5m) to 3.1m (for a depth of 2.9m) from the common side boundary shared with No. 48. At first floor level, the proposal would

maintain setbacks ranging from 0.2m (for a length of 2.9m) to 3.2m (for a length of 2.9m) to 1.1m (for a length of 2.6m) from the common boundary. The height of the proposal ranges from 6.6m (the pitched roof section) to 5.9m (the flat roof section) to 5.2m (the parapet height of the projecting 'box' window) to 3.5m (the flat roof single storey rear element).

- 7.2.9. In the Grounds of Appeal, the applicant addresses the scale of the proposed dwelling and proposes, that in lieu of a refusal of planning permission, the Board might consider imposing a Condition requiring the omission of the rear ground floor lounge and requiring that the first floor ensuite accommodation serving be subsumed into the master bedroom. The omission of these elements would reduce the length of the proposal by 3.5m. I consider that the omission of both of these elements would sufficiently reduce the scale of the proposed dwelling to such an extent that its layout, length and height would not adversely impact on the residential amenity of dwelling No. 48 by way of overbearing impact or loss of outlook. This can be dealt with by way of Condition in the event of a grant of permission.
- 7.2.10. Given the position of the proposed dwelling, to the south-east of No. 48 and having regard to its height and setback from the common boundary, it is my view that the proposed development would not impact on the residential amenity of dwelling No. 48 by way of overshadowing.
- 7.2.11. Having regard to the 20 metres length of rear garden that would be maintained to the rear of the proposed dwelling, it is my view that the proposed dwelling would not comprise overdevelopment of the site.
- 7.2.12. The Planning Authority Planning Report states that the windows within the 'box bay' window serving bedroom no. 1 would have a negative impact on the residential amenity of the occupants of the subject house. It is my view that the window opening serving bedroom no.1 would provide adequate daylight and sunlight to this room. By reason of their positioning, the window opening within this room would not result in direct overlooking of adjacent first floor rooms within both the existing and proposed new dwelling.
- 7.2.13. The floor area of the proposed 2 storey 2-bedroom dwelling is 143.8 sq.m. This complies with the requirements of Table 12.1 of the Development Plan which

requires that a 2 storey 2 bed / 4-person house provide a minimum 80sq.m. internal floor area.

- 7.2.14. The Planning Authority Planning Report states that the floor area of Bedroom No. 2 at 11sq.m. does not comply with the minimum standard of 13 sq.m. required for a double bedroom (including ensuite), and inadequate storage has been provided. Bedroom No. 2 (which does not have an ensuite w.c.) has a floor area of 10.5 sq.m. and provides a wardrobe / storage space of 1.2 sq.m., thereby providing an aggregate total of 11.7 sq.m. This complies with Table 12.3 of the Development Plan which requires that a double bedroom provide a minimum of 11.4 sq.m. The room width of the Bedroom No. 2 at 3.2m complies with Table 12.3 of the Development Plan which requires that a double bedroom have a minimum width of 2.8m. As such, it is my view that the size of Bedroom no. 2 complies with the minimum room size requirements of the Development Plan and Government Guidelines.
- 7.2.15. Having regard to the size of the study room (c. 10.5 sq.m), the wardrobe / storage space provided within the two bedrooms and possible storage space under the stairwell, I consider that adequate storage space would be provided in the proposed dwelling, in accordance with the requirements of Table 12.1 of the Development Plan which requires a minimum of 4.5 sq.m. for a 2 storey 2-bedroom dwelling.
- 7.2.16. In conclusion, it is my view that the proposed development complies with the policy requirement and standards of the Fingal County Development Plan and would not create an undesirable precedent for future development within the vicinity. I recommend, therefore, that the appeal should succeed.

7.3. Screening for Appropriate Assessment

Having regard to nature and scale of the proposed development to provide one additional house in a fully serviced and zoned residential area, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the residential land use zoning of the site, the context and size of the site and its capacity to accommodate an additional dwelling, it is considered that the proposed development would be consistent with Objective PM44 of the Development Plan which seeks to encourage and promote the development of underutilised infill / corner sites, subject to the character of the area and environment being protected. The layout, scale, form and design of the proposed development would not detract from the character or visual amenity of the surrounding streetscape and would not adversely impact on the residential amenity of neighbouring property. The proposed development would be consistent with the policies and objectives of the Fingal County Development Plan 2017-2023 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, 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.	Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

	<p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
3.	<p>The applicant or developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The lounge extension to the rear of the dwelling at ground floor level and the first floor ensuite w.c. serving Bedroom no. 01 shall be omitted.</p> <p>Revised Drawings showing these omissions shall be submitted for the written agreement of the Planning Authority, prior to commencement of development.</p> <p>Reason: In the interest of visual and residential amenity.</p>
5.	<p>All external finishes, including roof tiles, shall harmonise in colour and texture with the existing dwelling on the site.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>(i) Any entrance gates shall open inwards towards the site and not outwards onto the public road.</p> <p>(ii) All works shall be carried out at the developer's expense and to the requirements of the planning authority.</p> <p>Reason: To ensure a satisfactory standard of development and in the interest of traffic safety.</p>
7.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the</p>

	<p>provision of broadband infrastructure within the proposed development.</p> <p>All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>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.</p> <p>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.</p>

Brendan Coyne
Planning Inspector

19th December 2019