



An
Bord
Pleanála

Inspector's Report ABP 305269-19

Development	Construction of a 2 storey dwelling to the side of existing house.
Location	23A Saint Patrick Park, Dublin 15, D15 XC5C
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW19A/0094
Applicant	A Keating & E Scully
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	A Keating & E Scully
Observer(s)	None
Date of Site Inspection	6 th December 2019
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.03 Ha) is located on corner junction along St. Patrick's Park and contains a detached two-storey 3-bedroom dwelling (No. 23A). The roof profile of the dwelling is hipped, and its front elevations comprise pebble dash finishing. A hard-surfaced car parking area is provided to the front of the dwelling and the front roadside boundary is undefined. The western side boundary is defined with a wall, 1.8m high for the length behind the front building line of the dwelling, and 1.2m high for the length forward of its front building line. The rear garden of the site contains a small block built shed, located along its eastern boundary. A street light and utility pole are located along the western side boundary and 2 no. semi-mature street trees are located on the adjacent grass verge. A laneway adjoins the rear northern boundary. The pattern of development in the surrounding area comprises a terrace of two-storey dwellings to both the rear and western side of the site. An area of public open space is located opposite the site, to the south.

2.0 Proposed Development

- 2.1. Original proposal as submitted on the 10/06/2019 - Permission sought for the following;
- Construction of a 2 storey 3 no. bedroom dwelling (83.1 sq.m.) attached to the side of the existing dwelling,
 - Provision of a new vehicular entrance, front boundary wall, and 1 no. car parking space to the front of both the existing and proposed new dwelling,
 - Demolition of the existing single storey kitchen extension and shed structure to the rear of the existing dwelling,
 - Provision of 1 no. new window ope to the rear elevation of the existing dwelling, at first floor level.
 - Provision of SUDS drainage and associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council refused permission for the proposed development. The reasons for refusal were as follows;

- 1. The proposed house does not have regard to the building line established by numbers 19A to 22 Saint Patricks Park and the proposed house would therefore be visually incongruous and contravene objective DMS40 of the Fingal Development Plan 2017-2023 and if permitted would therefore not be in accordance with the proper planning and sustainable development of the area.*
- 2. By virtue of the structures in the rear garden of the house no. 23A the proposed development if permitted would have inadequate private open space and would therefore materially contravene Objective DMS 87 of the Fingal Development Plan 2017 – 2023 and therefore would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the Planning Authority Decision. Includes:

- The proposed dwelling would break the established building line of the row of houses to the rear of the site, No.'s 19A to 22 St. Patricks Park.
- There are a number of structures in the rear garden of the existing dwelling. These reduce the private open space to the rear of the dwelling to below the minimum 60 sq.m. standard required. The applicant has not demonstrated which shed is proposed to be demolished. As such, the quantum of private open space to be maintained to the rear of the existing dwelling is unknown.

3.2.2. **Other Technical Reports**

3.2.3. **Transportation Planning Section:**

No objection subject to Conditions including, inter alia, the provision of 2 no. car parking spaces for both the existing and proposed new dwelling.

3.2.4. **Parks Division:**

No objection subject to Conditions including, inter alia, the lodgement of a tree bond of €1,000 to the Council prior to commencement of development, in order to protect the trees on the grass verge to the side of the dwelling.

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**

P.A. Ref. F00B/0349 Permission granted for the construction of a garden shed to the side of No. 23A. Permission approved on the 24th Aug. 2000.

P.A. Ref. F96A/0120 Permission granted for the construction of a 2 storey 3 bedroomed house to the side of No.23 St. Patrick's Park. Permission approved on the 05th June 1996. This is permission for No. 23A Saint Patricks Park, as constructed.

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 DMS40 New corner site development shall have regard to:

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

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

- 3-bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.

Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

Table 12.8 Car Parking Standards

5.1. Natural Heritage Designations

5.1.1. None relevant.

6.0 EIA Screening

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A first-party appeal was received from Paul Sheehy of Architectural & Project Management Services representing the applicants A Keating & E Scully, 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.

Re. Building Line

- The break in the building line of dwellings to the rear is minor and softened considerably by the obtuse angle of the side building line of the proposed dwelling.
- The proposal would break the building line by 1.8m at ground floor level and 3.4m at first floor level, from the closest dwelling to the rear, No. 22.
- The rear elevation of the proposed dwelling will not be visible from the street to the rear of the site.
- The building line would be broken by the side elevation of the proposal, which is not unusual in itself.

Re. Open Space

- It is proposed to demolish the single storey rear extension and shed in the rear garden of the existing dwelling to provide 60sq.m. private amenity space.

7.2. Planning Authority Response

The Planning Authority considers that the issues raised in the appeal were adequately raised in the Planner's Report and request that An Bord Pleanála uphold its decision to refuse permission.

7.3. Observations

None

8.0 Assessment

8.1. The main issues for consideration in this appeal can be considered under the following headings;

- Building Lines,
- Private Amenity Space,

These are addressed under the headings below.

8.2. Building Lines

8.2.1. The front and rear building lines of the proposed dwelling would align with the front and rear building lines of the existing dwelling No. 23A, to which it would be attached. The proposal would extend 5.3 metres to the side of the existing dwelling. Its side elevation would have a length of 9.1m and would incorporate 2 no. window opes at first floor level and a bay window (0.6m deep) and patio doors at ground floor level. The roof profile of the proposal is hip-ended with a roof ridge height of 8.4m. Elevation finishes are stated as matching the existing dwelling.

8.2.2. The side building line of the proposal would provide a setback from the angled western side boundary, ranging from 2.2m to 7m. The rear building line of the

proposal would be setback 6m, at its closest point, from the side elevation of the neighbouring dwelling to its rear, No. 22. A laneway separates the subject site from dwelling No. 22.

- 8.2.3. The established building line of the row of dwellings to the rear is straight. The western side elevation of the proposed dwelling would extend at a 60° angle, forward of the front building line of the row of dwellings to its rear, by 3.2m at first floor level and 1.6m at ground floor level, taking into consideration porch extensions to the front of the row of dwellings.
- 8.2.4. I consider that the angle, width, height and massing of the proposed dwelling would not significantly break the established building line along St. Patrick's Park to the rear and would not create a significant intrusion in streetscape. Given its setback from the western side boundary, overbearing impact on the public footpath would not occur. The side elevation of the proposal provides an active frontage with windows open, thereby providing dual frontage in accordance with the requirements of Objective DMS40 of the Development Plan which requires that new corner site development provide dual frontage development in order to avoid blank facades and maximise surveillance of the public domain. The window open on the side elevation would not result in direct overlooking of the front garden of dwelling No. 22 or create a significant increase of perceived overlooking to that of the existing window open on the side elevation of No. 23A at first floor level. There are no window opens serving habitable rooms on the rear elevation of the proposal at first floor, therefore overlooking of No. 22 to the rear would not occur.
- 8.2.5. It is my view that the layout, form and design of the proposed dwelling would integrate fully with the existing dwelling and would not detract from the character or visual amenity of the surrounding streetscape along St. Patrick's Park. I consider that the proposed development accords with the requirement of Objective DMS40 of the Development Plan which refers to new corner site development. I recommend, therefore, that the appeal should succeed in relation to the Planning Authority's first reason for refusal.

8.3. Private Amenity Space

- 8.3.1. The Planning Authority refused permission for the proposed development on the grounds that inadequate private amenity space would be maintained to the rear of the existing dwelling by reason of the shed structures in the rear garden of the site, and that such development would be contrary to Objective DMS 87 of the Development Plan
- 8.3.2. In the grounds of appeal, the applicants put forward that it is their intention to demolish the existing single storey rear extension and the shed in the rear garden to provide 60sq.m. private amenity space.
- 8.3.3. Objective DMS87 of the Development Plan requires that 3-bedroom houses or less have a minimum of 60 sq.m. of private open space located behind the front building line of the house. Subject to the demolition of the single storey rear extension and rear garden shed, the proposed development would maintain 60 sq.m. to the rear of the existing 3 bedroom and 65 sq.m. for the side and rear of the proposed new dwelling. The private amenity space to the side and rear of the proposed new dwelling would be screened by the existing 2m high wall along its rear and western side boundary.
- 8.3.4. It is my view that adequate private amenity space would be provided for both the existing and proposed new dwelling and would accord with the requirements of Objective DMS87 of the Development Plan. Permitting such development would, therefore, not materially contravene Objective DMS87 of the Development Plan, as stated in the Planning Authority's reason for refusal. I recommend, therefore, that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

8.4. **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 and the 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.

9.0 Recommendation

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

10.0 Reasons and Considerations

10.1. Having regard to the residential land use zoning of the site, the pattern of development in the area, the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the visual or residential amenity of the area 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.

11.0 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. Reason: To ensure adequate servicing of the development, and to prevent pollution.
3.	The applicant or developer shall enter into a water connection

	<p>agreement with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The following requirements of the Planning Authority shall be adhered to in full;</p> <p>(i) The dividing / boundary wall between the driveways shall not exceed a height of 0.9 metres over the last 3 metres adjacent to the public footpath.</p> <p>(ii) The vehicular access, serving the proposed development, shall comply with the requirements of the Planning Authority for such road works.</p> <p>(iii) Any gate to be installed shall be inwards opening only and shall not open across the public footpath or the shared vehicular access driveway.</p> <p>Reason: In the interest of traffic and pedestrian safety.</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>All public service cables to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p>Reason: In the interest of visual amenity.</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>

<p>8.</p>	<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

12th December 2019