



An
Bord
Pleanála

Inspector's Report ABP-305578-19

Development	Construction of detached dwelling using existing entrance and gates.
Location	Glendowan, Baskin Lane, Kinsealy, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0340
Applicant	David Maguire
Type of Application	Permission
Planning Authority Decision	Refuse permission (1 no. reason)
Type of Appeal	First Party
Appellant	David Maguire
Observers	Dublin Airport Authority
Date of Site Inspection	05/12/2019
Inspector	Conor McGrath

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1.0 Site Location and Description

1.1. The appeal site comprises a stated area of 0.09ha, located off Baskin Lane, Kinsealy in north county Dublin. The site is located to the rear of no. 3 Baskin Cottages, a single-storey, semi-detached dwelling. These original houses were provided with long rear gardens and there is a pattern of backland development in the surrounding area. One dormer dwelling has already been constructed in this rear garden, Glendowan, with a separate entrance and driveway to the existing cottage. There are a number of mature evergreen trees along the rear boundary of no. 3. The appeal site occupies part of the rear garden of no.3 and the front garden of Glendowan. At time of inspection, I noted approx. 20 no. cars on the site of Glendowan which appeared to be under repair or service.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a new dormer dwelling on the site, with a floor area of 179-sq.m. Access is proposed over the existing Glendowan entrance and driveway. The house is oriented north-south with the gable facing south toward the road. An existing foul sewer runs east-west across the site, subject to a 3m wayleave, and the proposed dwelling is located on the northern side of this line.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the proposed development for one reason as follows:

The entrance serving the subject site from Baskin Lane suffers from inadequate sightlines. The proposed development would represent an intensification of the use of this substandard access / egress. The applicant has not demonstrated that sufficient amendment could be carried out to land within their ownership such that

revisions to the substandard sightlines to achieve 90m in each direction as required by TII Standard DW-GEO-03660, could be carried out to ensure that the intensified use of the access / egress point would be safe. As such the proposed development would endanger public safety by reason of a traffic hazard and as such is not in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

The report notes errors on the drawings including section drawings and inclusion of dormer structures in site plan drawings.

Matters relating to aircraft noise levels within the house can be dealt with by condition. The prevailing pattern of development is infill dormer dwellings. Adjoining ridge heights are similar to the proposed dwelling. Permitted infill development has created two building lines to the rear of the original houses. The existing house (F01A/01451) is in keeping with the central building line.

It is not considered that there would be any overlooking from gable windows. There is adequate separation from existing dwellings. The dwelling would not impact on residential or visual amenities or neighbouring properties. Having regard to the levels of infill housing in the area the dwelling would not be out of character with the pattern of development in the vicinity.

The development is acceptable in principle but the shortfall in sightlines cannot be overcome. Provision of a traffic mirror is not acceptable and the provision of a single ramp is not acceptable. Use of ramps is only permitted in 50kph zone or less. A change of speed limits would be required for such works.

3.2.2. Other Technical Reports

Water Services: No objection subject to conditions.

Transportation: It is not within the applicant's control to address the shortfall in sightlines. Speeds along Baskin Lane are high and generally exceed the posted

speed limit. The proposed development would be a traffic hazard. Refusal recommended.

3.3. **Prescribed Bodies**

Irish Water: No objection.

DAA: Requirements relating to the achievement of appropriate internal noise levels should be implemented by way of further information or condition.

4.0 **Planning History**

4.1. **Subject lands**

PA ref. F18A/0461: Permission refused for construction of a dwelling and use of the existing Glendowan entrance for the same reasons as the subject case.

PA ref. F01/1451: Permission granted for a dormer dwelling to the rear of no. 3 Baskin Cottages.

ABP ref. 6/5/48819: Permission granted on appeal for a bungalow to the rear of no. 3 Baskin lane in November 1980.

4.1.1. **Adjoining lands**

There is a pattern of backland developmnet along this road. Planning authority reports identify the numerous planning cases on adjoining lands including the following:

No. 4 Baskin Cottages: Permission granted for two dormer dwellings to the rear of no. 4 Baskin Lane, to the east of the appeal site, under PA ref. F00A/01921, F01A/0046, and subsequently amended under F04A/0046.

No. 5 Baskin Cottages: PA ref. F00A/0974: Permission refused for 3 dwellings to the rear of no. 5 Baskin Cottages on the basis of overdevelopment of the site and substandard access.

Permission subsequently granted for two dormer dwellings to the rear of no. 5 under PA ref. FA/1680 and F15A/0030.

5.0 Policy Context

5.1. Development Plan – Fingal County Development Plan 2017 - 2023

The appeal site is zoned RS: To provide for residential development and to protect and improve residential amenity.

Lands surrounding this area of residentially zoned lands are zoned as Greenbelt: To protect and provide for a greenbelt.

The site lies within the Outer Airport Noise Protection Zone

Objective DA07: Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps,.....

Other Residential Development

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 PM45: Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

5.2. Natural Heritage Designations

The appeal site is not subject to any designations for any natural heritage conservation purposes. The closest sites are Baldoyle Bay SAC 0199 and Baldoyle

Bay SPA 004016, approx. 3.5km east of the site. The Mayne River, approx. 1km south of the appeal site, and the Sluice River 0.5km to northeast, flow east to these European Sites. There is no direct connection between the appeal site and these watercourses.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity / 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 environment 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

The first party appellants make the following points in their appeal against the decision to refuse permission for the proposed development:

- There were no objections to the planning application.
- The applicants are currently living in the adjoining parents' house, Glendowan, and are therefore already using the entrance.
- All houses along this stretch of road have the same issue with sightlines, including new build houses.
- The planning authority have indicated that they are satisfied with ramps on the road and are in the process of reducing the speed limit.
- A mirror will be installed at the entrance, notwithstanding Council dissatisfaction with this measure.

6.2. **Planning Authority Response**

The planning authority remain of the opinion that the proposed development would give rise to the creation of a traffic hazard at this location and as such is not acceptable.

6.3. **Observations**

On observation was received on the appeal from the DAA. The observation notes that the appeal site is located within the Outer Airport Noise Zone. In accordance with development plan objectives, appropriate internal noise levels within the proposed dwelling should be demonstrated and appropriate noise mitigation should be implemented.

7.0 **Assessment**

7.1. It is proposed to consider the appeal under the following broad headings:

- Land use and development principle
- Design and layout
- Access and Traffic

7.2. **Land Use and Development Principle**

The subject lands are zoned for residential use. There is an established pattern of ad hoc backland development on the large rear sites of the original cottages. These sites vary in width and length and there is little pattern or structure to the development which has taken place.

The pattern of individual housing development which has taken place at this location is considered to be substandard and disorderly. While acknowledging that there is a historic basis to this pattern, I note that there remains potential for further individual, backland development in this location and consider that it is reasonable to question the appropriateness of the continuation of this ad hoc form of development. I

consider that the coordinated development of such sites in terms of layout and access would result in a higher standard of development and road safety.

7.3. Design and Layout

- 7.3.1. The site area is stated to be 0.09ha, however, this includes the entrance driveway of Glendowan, such that the usable site area more closely equates to approx. 680-sq.m. The proposed house is provided with approx. 200-sq.m. of open space on its eastern side which area includes a proposed soakaway. The development would remove an under-used area of open space serving the original cottage on the lands, while that house would retain the use of a rear yard area of approx. 90-sq.m. I note that the application drawings do not indicate whether existing trees on the site will be retained. The site occupies the current front garden / open space of Glendowan, although this dwelling is provided with an area open space to the rear.
- 7.3.2. As noted by the planning authority, the site plans suggest the provision of east facing dormer windows. The elevation drawings provide four dormer roof lights on the eastern and western roof slopes, however. Direct overlooking of adjoining houses should not arise, however, the site is constrained and the relationship with surrounding development is poor. The house lies to the front, and within approx. 10-11m, of Glendowan. Similarly, the adjoining dormer dwelling to the east immediately adjoins the rear open space of the house. While I note that other adjacent cottage sites accommodate more than one backland dwelling, those sites are considerably longer than the subject site. In this case I consider that the development of a further backland dwelling would give rise to over-development of this site and result in a disorderly form of development.
- 7.3.3. This is a new issue in the consideration of this appeal.

7.4. Access and Traffic

- 7.4.1. Access to the site from Baskin Lane and the adequacy of sightlines at this entrance comprises the only reason for refusal by the planning authority in this case. The speed limit in force along this stretch of road is 60kph. Forward visibility for traffic travelling east along Baskin Lane toward Baskin Cottages / appeal site is deficient.

At time of inspection the road was busy, with traffic travelling at speeds which would be considered high for this location.

- 7.4.2. The existing entrance to Glendowan adjoins but is separate from the entrance to the original house, no. 3 Baskin Cottages. Sightlines at the entrance are restricted, particularly in a westerly direction, by adjoining walls and vegetation while the vertical alignment of the road also constrains visibility. A traffic speed counter has recently been installed to the west of the entrance within the sightline envelope.
- 7.4.3. This is not a town or village scenario and a requirement for sightlines of 90m would be appropriate in this scenario. This is not achieved at this location. I note that the TII standard referenced in the planning authority decision appears to be incorrect and should more properly read as DN-Geo-03060 - Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions).
- 7.4.4. The appellants argue that they are already resident at Glendowan and that there will therefore be no additional loading on this entrance. While I acknowledge this argument, the issue relates to the provision of a further dwelling on this site and the potential additional vehicle movements arising therefrom. It is not related to individual occupants. I note that planning authority reports do not make reference to existing on-site activities at Glendowan. Where commercial car servicing / repairs are undertaken, these would have the potential to contribute to additional movements at this entrance.
- 7.4.5. Reference is made in the appeal to measures being undertaken by County Council to reduce traffic speeds and install traffic calming measures along this stretch of road, however, the planning authority make no reference to such measures in reports or submissions on the file. In the absence of any confirmed design and / or timetable for completion of such works, it is not possible to take such matters into account in the consideration of this appeal.
- 7.4.6. I have reservations in relation to the continued pattern of ad hoc backland development at Baskin Cottages. Where further such development was to be considered, opportunities for the coordinated development of sites should be sought and encouraged. In this instance, I note that the current entrance is constrained by the site of the original cottage and the adjoining site to the west, which has similar

backland potential. There may be scope to achieve a combined or coordinated entrance of an appropriate standard to serve all of these sites.

8.0 **Appropriate Assessment Screening**

8.1. The proposed development relates to the construction of a single-dwelling within an existing residential area, with connections to mains sewerage services. The closest European sites to the appeal site are:

- Baldoyle Bay SAC 00199 and Baldoyle Bay SPA 04016, approx. 3.6km east of the site.
- Malahide Estuary SAC 000205, approx. 5km northeast and 3.5km north of the appeal site.
- Malahide Estuary SPA 004025, approx. 3.5km north of the appeal site.

The development will not result in any loss of habitat or disturbance of species of conservation interest, and there is no direction connection to these European sites.

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate to issue a screening determination that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site Baldoyle Bay SAC 00199, Baldoyle Bay SPA 04016, Malahide Estuary SAC 000205 or Malahide Estuary SPA 004025, or on any other European Site in view of the site's Conservation Objectives and that a stage II appropriate assessment (and submission of a NIS) is not therefore required.

9.0 **Recommendation**

9.1. The permission be refused for the proposed development for the reasons and considerations set out below. Note that reason no. 1 is a new issue in the consideration of this appeal.

10.0 Reasons

1.	It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at a point where sightlines are seriously restricted.
2.	Having regard to the limited area and access arrangements associated with the site and its relationship with adjoining property, the proposed development would continue a pattern of substandard backland development which would result in disorderly development and would be contrary to the proper planning and sustainable development of the area.

Conor McGrath

Senior Planning Inspector

09/12/2019