



An
Bord
Pleanála

Inspector's Report ABP-305833-19.

Development

Amendments to previously approved planning application P.A. Reg. Ref. No. F18/0162 to subdivide an approved 1 no. dwelling into 2 no. dwellings together with all associated site works.

Location

Appeal site located to the front of 'Boreen House', Thormanby Road, Howth, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F19A/0376.

Applicant(s)

Alan Kelly.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party

Appellant

Alan Kelly.

Observer

Christopher Cameron.

Date of Site Inspection

24th day of January, 2020.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. This irregular shaped appeal site has a stated 0.083ha and it fronts onto the heavily trafficked 'Thormanby Road', circa 194m from its junction with Dungan Road, which lies to the south of the site; and, c170m from its junction with Asgard Road, which lies to the north of the site, in Howth, County Dublin.
- 1.2. In its current form it consists of a well-maintained front garden area, driveway and entrance onto the western side of Thormanby Road which at this point is setback from the roadside edge by way of a significant in width pedestrian footpath and it forms part of the current curtilage of 'Boreen House'. 'Boreen House' can be described as a part 2-storey and part single storey detached dwelling house with a detached single storey garage.
- 1.3. The western boundary separating the site from 'Boreen House' is not demarcated and the land at this point is significantly elevated above Thormanby Road. The southern boundary of the site contains a mature tall evergreen hedge, the southern boundary consists of part mature tall evergreen hedge but also contains a low timber ranch style fence and the roadside boundary consists of a solid retaining wall of plaster concrete construction that is capped and painted.
- 1.4. Detached houses predominate to the north; south; and, on the opposite side of the road from the site. The immediate area has a mature residential character with houses generally benefitting from being well setback from the public road.

2.0 Proposed Development

- 2.1. Planning permission is sought for a development described as amendments to previously approved planning application P.A. Reg. Ref. No. F18/0162 which consists of:
 - Subdivision of the previously granted 1 no. dwelling into 2 no. dwellings comprising 3 no. bedrooms each (House A with a stated 170.8m² and House B with a stated 116.5m²);
 - Amendments to the front and rear elevations to introduce a new front door and revised window to the rear;

- Alterations to front landscaped area providing for an additional 2 no. car parking spaces;
- Subdivision of previously approved rear garden into two private open space amenities serving each of the proposed dwellings;
- Provision of a 1.8m height boundary wall between each dwelling to the rear;
- Relocation of the roof lights; and,
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused permission for the following reasons:

- “1. *The pattern of development in the immediate adjoining area consist of established large single 2 storey and dormer detached houses with landscaped front gardens. The construction of two semi-detached dwellings would be out of character and inconsistent with the pattern of development in the immediate area and accordingly would contravene objectives DMS39 and PM44 of the Fingal Development Plan 2017-2023.*
2. *The applicant has not demonstrated to the satisfaction of the Planning Authority that they can provide for the required in-curtilage parking provision in line with Table 12.8 of the Fingal Development Plan 2017-2023 in addition to providing for sufficient turning space which allows all vehicles to leave the site in a forward movement. As such to permit the proposed development would be contrary to Table 12.8 of the Fingal Development Plan 2017-2023, would lead to a conflict between pedestrian and road user and would be contrary to the proper planning and sustainable development of the area.*
3. *The subject site is zoned objective ‘RS’ – to ‘Provide for residential development and protect and improve residential amenity’ under the Fingal Development Plan 2017-2023. The proposed dwelling, particularly dwelling B, would give rise to significant negative impact upon residential amenities of any future potential residents in terms of the provision of timber louvres on the*

rear elevation of windows serving habitable accommodation and on the residents of Boreen House in terms of overlooking. In addition the applicant has failed to comply with all floor areas associated with new dwellings e.g. provision of acceptable storage areas. The proposed development offers a substandard form of residential amenity and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.

4. *The proposed development would constitute overdevelopment of the site and set an undesirable precedent for other similar developments, which would in themselves and cumulatively seriously injure the visual amenities of the area and property in the vicinity, and be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report formed the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

Water Services Department: No objection subject to conditions.

Parks: No objection subject to conditions.

Transportation: I note the following comments from this report:

- The parking arrangement does not provide sufficient space for manoeuvring vehicles on site to allow them to leave in a forward gear.
- Additional information requested.

3.3. Prescribed Bodies

3.3.1. Irish Water: No objection.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one 3rd Party submission during their determination of this application. This party also submitted an observation to the Board. I consider that the concerns raised in both submissions are similar in nature.

4.0 Planning History

- 4.1. The following two Planning Authority decisions are relevant:

- **P.A. Reg. Ref. No. F18A/0162:** Planning permission was **granted** subject to conditions for a development consisting of the construction of 1 no. 2-storey 3-bedroom dwelling house, the creation of a new vehicular access on Thormanby Road and ramped driveway to the northern side of the site to serve Boreen House; together with all associated site works and services.
- **P.A. Reg. Ref. No. F17A/0470:** Planning permission was **refused** for a development consisting of the construction of 2 no. 2-storey 3-bedroom semi-detached dwelling houses, the creation of a new vehicular entrances onto Thormanby Road (Note: in total the amended roadside boundary would result in three separate entrances) together with all associated site works.

4.2. In the vicinity

- 4.3. **ABP Ref No. 304958 (P.A. Reg. Ref. No. F19A/0185) - Site on the opposite side of Thormanby Road:** On appeal to the Board planning permission was **granted** subject to conditions for a development consisting of the construction of three dwellings, entrances, parking and all associated works (Note: this site is adjacent to 'Bodeen', Thormanby Road, Howth, Dublin).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Fingal Development Plan 2017-2023 is the current development plan for the area. The site is zoned objective 'RS' under the said plan which seeks "*to provide for residential development and protect and improve residential amenity*". Residential use is 'permitted in principle' under this zoning objective. There is a Specific Objective to

'Preserve Views' across the site from the Thormanby Road (See: Sheet 10 of the Development Plan Maps). The subject site is located within the Howth 1999 Howth Special Amenity Area Order (SAAO) Buffer Zone – as detailed on Sheet 10 of the Development Plan.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or immediately adjacent to any sites with a natural heritage designation. However, there are a number of designated sites in the vicinity of Howth. This includes Howth Head SAC; Howth Head Coast SPA; Rockabill to Dalkey Island SAC; North Bull Island SPA; North Dublin Bay SAC; and, Baldoyle Bay SAC, Baldoyle Bay pNHA.

5.3. Environmental Impact Assessment - Preliminary Examination

- 5.3.1. Notwithstanding the proximity of the proposed development to a number of Natura 2000 sites as set out in Section 5.2.1 above, given the modest nature and extent of the proposed development and the site's location within a fully serviced urban environment, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appellants grounds of appeal can be summarised as follows:
- The proposed development supports the consolidation of Fingal in a manner consistent with planning provisions.
 - This development would not result in any negative impacts on adjoining dwellings.
 - The footprint, mass and scale of the proposed structure under P.A. Reg. Ref. No. F19A/0376 is identical to that approved under P.A. Reg. Ref. No. F18A/0162. Only minor alterations are proposed under this application.

- The proposed development has a built form as well as scale that is consistent with the character of the area; and, the dwellings meet the standards set out in the Development Plan for such development.
- The widening of the entrance will allow for vehicles entering and leaving the site to do so safely.
- This current proposal would have an overall roof height below that of the adjoining properties to the north and south.
- The applicants and their respective families will live in Boreen House and the proposed dwellings.
- Both dwellings provide adequate storage space for future occupants and the dwellings meet the required Development Plan standards.
- This development provides the required car parking spaces under the Development Plan and allows for access as well as egress in the forward gear.
- This proposal would not have any negative impacts on preserved views.
- The proposed development would result in overdevelopment of the site as the proposal maintains the same footprint of the previous permitted development.
- There will be no increase in floor area arising under this development proposal.
- Reference is made to the sites planning history.
- It is requested that the Board overturn the Planning Authority's decision in this case.
- This submission is accompanied by a letter prepared by Pinnacle Consulting Engineers which responds to the second reason for refusal. It indicates that the car parking provision meets the required local planning standards and that each car parking space can be accessed via Thormanby Road in forward gear in either direction. It also indicates that it would be possible to egress also in forward gear in either direction onto Thormanby Road.
- This submission is accompanied by revised site layout plan addressing access and parking concerns. This is also accompanied by a revised internal floor layout and external elevation drawings.

6.2. **Planning Authority Response**

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

- The proposed development would be out of character and inconsistent with the pattern of development in the immediate area.
- The proposed development would contravene objectives DMS39 of the Development Plan.
- The appellant has not provided new evidence that they can overcome the reasons stated for refusal.
- The Board is requested to uphold their decision; however, should the Board be minded to grant permission it is requested that a Section 48 condition be imposed.

6.3. **Observations**

6.3.1. The observation received by Christopher Cameron can be summarised as follows:

- The Board is sought to uphold the decision of the Planning Authority.
- It is highlighted that previously permission was refused for 2 no. 2-storey 3-bedroom contemporary style semi-detached dwellings on site under P.A. Reg. Ref. No. F17A/0470 in this site. With the stated reasons for refusal being similar to that provided by the Planning Authority for this application.
- It is not accepted that the proposed development would not have a negative impact on his residential amenities. Concerns are therefore raised in relation to loss of views, daylight, overlooking, structural implications of the build, potential adverse impact on shared boundary and the like.
- The layout for the proposed car parking is not acceptable for a road as busy as Thormanby Road and with the increased number of dwellings on this road there has also been an increase in on-street car parking which in turn creates further hazards for road users.
- The impact of the development on shared boundaries without consent is a cause of concern.

- A front garden cannot be classified as a Brownfield or vacant site as it forms part of the amenity associated with Boreen House.
- If permitted this development has the potential to give rise to an undesirable precedent for similar developments in front gardens and that encroachment the front building line.
- The proposed development would be contrary to the land use zoning of the site.
- Reference is made to the planning history of the site.
- The proposed development represents overdevelopment of the subject property.

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. The main issues in this appeal case are those raised in the grounds of appeal and by the observer. They correlate with the four reasons cited by the Planning Authority in their notification to refuse permission for the proposed development which is described as amendments to a previously approved development under P.A. Reg. Ref. No. F18/0162 which essentially granted permission, subject to conditions, for the subdivision of the curtilage of Boreen House to accommodate a detached 1 no. 2-storey dwelling house within the front garden area together with a new entrance onto the public road and all associated site works.
- 7.1.2. For clarity I propose to assess the proposed development under each of the four separate reasons for refusal and I am satisfied that no other substantive issues arise in this case.
- 7.1.3. In addition, the matter of appropriate assessment also needs to be addressed.

7.2. **First Reason for Refusal by the Planning Authority**

- 7.2.1. The first reason for refusal considered that the proposed development would, if permitted, in an area whose pattern of development is characterised by large single storey 2 storey and dormer detached houses with landscaped front gardens would be out of character; and, for this reason it would contravene Objectives DMS39 and PM44 of the Development Plan.

- 7.2.2. The subject site lies within an area of suburban land zoned 'RS' which aims to: *"provide for residential development and protect and improve residential amenity"*. Under this land use zoning objective residential developments are deemed to be generally acceptable in principle subject to the proposed development not adversely impacting on the visual and residential amenities of the area. In addition, the site is located on lands that form part of the Howth Special Amenity Area Order (SAAO) Buffer Zone under the current Development Plan. This plan also includes a specific objective to preserve views from Thormanby Road; and, having inspected the site's setting I note that it is bound on three sides by mature detached residential dwellings on large garden plots that are elevated as well as setback from the western side of Thormanby Road by well-maintained front garden areas. Moreover, this pattern of development extends on either side of the site along Thormanby Road. It is therefore reasonable conclude that this pattern of development is one of the key defining characteristics of this site's streetscape scene. As a result of these factors the site's setting is vulnerable and sensitive to change where the proposed change is out of character with this pattern of development. As such it is incumbent on any application for development within this setting to demonstrate that it is consistent with the 'RS' zoning objective.
- 7.2.3. I acknowledge that the proposed development which is residential in its nature and is deemed to be permissible in principal. I further acknowledge that Chapter 12 of the Development Plan also indicates that it encourages development on underutilised sites in existing residential areas. Notwithstanding, Chapter 12 of the Development Plan also recognises that *"a balance is needed between protection of amenities, privacy, the established character of the area and new development"*.
- 7.2.4. Further, Objective DMS39 of the Development Plan states that *"new infill development shall respect the height and massing of existing residential units"*; and, that *"infill development shall retail the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings"*.
- 7.2.5. Moreover, similarly Chapter 3 of the Development Plan also encourages development on underutilised land and states that *"a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill"*.

7.2.6. This approach is reiterated in Objective PM44 and DMS44 of the Development Plan which states that the Planning Authority shall seek to “*encourage and promote development of underutilised infill, corner and backland sites in existing residential areas subject to the character to the character of the area and environment being protected*”; and, “*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*” respectively.

7.2.7. Having regard to the planning history of the site I note that planning permission was refused for the construction of 2 no. 2-storey 3-bedroom contemporary style semi-detached dwellings for similar reasons to that cited for this current proposal under P.A. Reg. Ref. No. F17A/0470. Of note the first refusal reason reads as follows:

“The pattern of development in the immediate adjoining area consists of established 2 storey and dormer detached houses with landscaped front gardens. The construction of two semi-detached dwellings significantly forward of the building line to the north would be out of character and inconsistent with the pattern of development in the immediate area and would seriously injure the character of the area in the vicinity and accordingly would contravene objectives DMS39 and PM44 of the Fingal Development Plan 2017-2023”.

I note that the architectural resolution put forward under this current application is of a better contemporary quality and is more respectful of its site setting than that put forward under this previous application. It is further less legible as two distinct semi-detached properties. Notwithstanding these attributes, the Planning Authority considered this previous application under the same local planning policy provisions that they determined this current application upon.

7.2.8. Though the Board is not bound by precedent set by local authorities; however, having examined the history documentation relating to this previous application it arguably was a decision that was made in a manner consistent with the provisions of Fingal Development Plan 2017 to 2023. As this Development Plan whilst seeking to tap into the latent potential of existing residential developed land acknowledges that this has to be done in a balanced manner that is also respectful of the established character of the area.

- 7.2.9. Under a more recent application, i.e. P.A. Reg. Ref. No. F18A/0162, a 2-storey dwelling with a similar built form, site footprint, site layout and architectural expression to that proposed under this application, albeit with this application essentially seeking the subdivision of this approved dwelling into 2 no. semi-detached dwellings, less soft landscaping to the front and other revisions, was approved subject to conditions. Despite the physical similarities in overall built form I consider that the proposed development, if permitted, when viewed from the public domain of Thormanby Road would have a visibly different expression and contribution to the western side of this public road by way of its significant lack of semi-private and soft landscaping space to the front of each of the now proposed dwelling. This more intensive use of residential land is at odds with the established pattern of residential development to the north and south of the site which has a defined building to space relationship when appreciated from the public domain.
- 7.2.10. Moreover, the semi-private domain to the front of the proposed dwellings will be required to function as an area to accommodate four car parking spaces as well as sufficient turning space for these spaces. This results in very limited soft landscaping opportunities remaining when compared to the single detached dwelling permitted under P.A. Reg Ref. No. F18A/0162.
- 7.2.11. The provision of a 2-storey semi-detached dwellings, despite the use of a contemporary design with good quality finishes, if permitted, would be a type of building typology that is at odds with the detached nature of dwellings which in this streetscape scene are positioned setback from the roadside by mature landscaped generous front garden areas.
- 7.2.12. Based on the above considerations I concur with the Planning Authority's first reason for refusal and I further consider that to permit the proposed development in the manner proposed having regard to the prevailing pattern of development in this mature residential area would also be inconsistent with Objective DMS44 of the Development Plan as this area has a definite character that is defined by its building typologies alongside the relationship between buildings and spaces.

7.3. **Second Reason for Refusal by the Planning Authority**

- 7.3.1. The Planning Authority's second reason for refusal relates to their concerns that the applicant has not demonstrated in-curtilage parking provision in line with the

requirements set out in Table 12.8 of the Development Plan and that the design resolution put forward does not provide sufficient turning space which allows all vehicles to leave the site in a forward gear onto the public road. For these reasons it considers that to permit the proposed development would not only be in conflict with Table 12.8 of the Development but also it would lead to potential for conflict between pedestrians and road users.

- 7.3.2. Having regard to the proposed site layout plans, including those put forward by the appellant as part of their appeal submission. While the latter provides a larger area for turning into it reduces substantially the soft landscaping area in a manner that would further add to the proposed developments visual incongruity with the pattern of development in this area. Particularly in terms of the building to space relationship, whilst still not providing sufficient space that if all of the four car parking spaces required under Table 12.8 of the Development Plan were provided that all access and egress vehicles movement could be made safely from the site in forward gear without encroachment onto these spaces.
- 7.3.3. Further the Auto-Track analysis provided as part of this appeal submission appears to be based on the assumption that no other cars are parked when showing egress onto Thormanby Road from each of the proposed revised car parking spaces and revised front garden design (Note: Drg No. PIN-ZZ-ZZ-DR-D-S2-101 Revision 3).
- 7.3.4. In addition, both Auto-Track analyses are based on the revised proposal put forward to the Board and do not demonstrate that safe access and egress can be achieved whilst providing the minimum required standard of four car parking spaces under Table 12.8 of the Development Plan for the design put forward under this current application.
- 7.3.5. As such the appellant fails to demonstrate that a balance can be struck in terms of providing car parking spaces as well as safe access from and/onto the site in a forward gear without a significant loss of soft landscaping to the front of the proposed two dwelling units. As discussed, this is already provided in a manner that is out of character with prevailing character of the area.
- 7.3.6. I also observed that there appears to be a shortage of car parking along this stretch of Thormanby Road and the site is not served by nearby dedicated on-street car

parking spaces. This has resulted in the public footpath being used to meet this short fall.

- 7.3.7. Despite the width of the proposed entrance I consider that even in forward gear that there is potential for traffic accessing and egressing the site due to the design of the entrance serving the proposed dwellings alongside its close proximity to a separate entrance serving Boreen House. During my site inspection I did observe cyclists and walkers using Thormanby Road and that this road benefits from panoramic views in places in an easterly direction alongside generous in width footpaths on its western side.
- 7.3.8. I am not satisfied in this case that the proposed development can achieve the four car parking spaces required under Table 12.8 of the Development Plan and a safe as well as adequate turning area on site whilst providing a balance between this provision and the need to provide adequate levels of soft landscaping in the semi-private domain forward of the principal building line of the two semi-detached dwellings proposed in order to harmonise the development with the pattern of development that characterises the site's setting.
- 7.3.9. I also consider that the required provision of four car parking spaces and a shared turning area in the limited area to the front of the proposed semi-detached dwellings and their roadside boundary would result in overdevelopment of the site by way of diminishing the garden landscape setting of detached dwellings that characterise the visual amenity of the streetscape scene along this stretch of the Thormanby Road.
- 7.3.10. Moreover, I am not convinced that the additional traffic movements generated together with the entrance design serving the proposed development is such that it would not give rise to any road safety issues for existing road users. Particularly more vulnerable road users.
- 7.3.11. I therefore concur with the Planning Authority's second reason for refusal and I am of the view that this concern alone merits a refusal of the development proposed.

7.4. Third Reason for Refusal by the Planning Authority

- 7.4.1. This reason for refusal raises concerns that the proposed development would give rise to significant negative impact upon residential amenities in a manner that would be contrary to the 'RS' land use zoning objective. It makes particular reference to the residential unit labelled 'Dwelling B' in the suite of drawings submitted with this

application and it considers that, if permitted, it would give rise to overlooking of the property to the rear (Note: Boreen House).

- 7.4.2. Having regard to the similarities between the built form, position, layout, architectural expression through to the solid to void relationship in the rear elevation between the current proposal and the dwelling house permitted on this site under P.A. Reg. Ref. No. F18A/0162. Together with the requirements under Condition No. 2(a) and 2(b) of this grant of permission. I am not convinced that the proposed development, if permitted, would give rise to a greater level of overlooking to properties in its immediate vicinity.
- 7.4.3. I also consider that should the Board be minded to grant permission for the proposed development it could seek further improvements to the rear elevation to provide for more robust requirements to deal with any overlooking concerns they may have. However, I consider that the use of timber louvres can be effective in this situational context if properly designed and permanently maintained.
- 7.4.4. I also recognise that the site is located in a suburban area with changing topography over short distances. As such there is an established level of overlooking present and any development on this site would result in some additional levels of overlooking above that of the existing context.
- 7.4.5. In this instance I am not convinced that the proposed development, if permitted, and subject to appropriate conditions would give rise to significant additional levels of overlooking to properties in its vicinity. In particular, in the context of the residential unit labelled 'Dwelling B'; 'Boreen House'; and, the Observers property.
- 7.4.6. In addition, the Planning Authority's third reason for refusal considered that the applicant had failed to comply with the floor areas for new dwellings and for this reason considered that the proposed development would give rise to a substandard form of residential amenity if permitted.
- 7.4.7. Having regard to the internal layout of the two proposed semi-detached dwellings I consider them to be generally consistent with Table 12.2 of the Development Plan. This table sets out the internal standards for this type of dwelling unit. I note that both dwellings have floor areas exceeding the minimum floor area size for the type of residential developments proposed. In terms of storage area which the Planning Authority raise particular concerns on, I consider that there is sufficient floor space

within both of the dwellings proposed to provide the storage requirements set out in Table 12.2 of the Development Plan without diminishing their internal residential amenities.

- 7.4.8. I also note that both dwellings to the rear meet the required private open space amenity standards and as such I raise no particular concern on this matter.
- 7.4.9. What is concerning in the design resolution put forward in this application is the lack of waste storage for future occupants of the proposed dwellings. Notwithstanding, should the Board be minded to grant permission it could impose a condition ensuring that this provided and thus ensuring that the development is consistent with the requirements of Objective DMS36 and DMS147 of the Development Plan.
- 7.4.10. Based on the above considerations I do not concur with the Planning Authority's third reason for refusal.

7.5. Fourth Reason for Refusal by the Planning Authority

- 7.5.1. The Planning Authority in their fourth reason for refusal considered that the proposed development would constitute overdevelopment of the site and would set an undesirable precedent for other similar developments which cumulatively would seriously injure the visual amenities of the area as well as properties in the vicinity.
- 7.5.2. Having regard to my assessment above I consider that the site which is effectively a front garden that forms part of the curtilage of 'Boreen House', with 'Boreen House' having a significantly deeper setback from the roadside edge when compared to other existing detached dwellings to the north and south of it, the proposed provision of a semi-detached pair of dwellings would be consistent with the prevailing pattern of development that characterises this stretch of Thormanby Road in that it would result in significantly smaller residential plots with the dwellings having limited soft landscaping to the front with the front garden area primarily catering for access, egress and parking.
- 7.5.3. The resulting tighter grain that would arise together with the placement of 'Boreen House' towards the rear of its large garden plot, which is a placement that is already at odds with its streetscape scene as appreciated from the public domain of Thormanby Road has the potential to result in the precedent for further subdivisions to occur. In particular having regard to the placement of Boreen House and the

proposed two dwellings it could give rise to a precedent to open up rear gardens along this stretch of Thormanby Road for the provision of additional residential units.

7.5.4. In addition, the proposed development, if permitted, in the form proposed would generate additional car parking demands and traffic movements than the development permitted under P.A. Reg. Ref. No. F18A/0162. In turn this would give rise to greater potential for conflict to arise in the vicinity of the entrance serving the development and 'Boreen House'.

7.5.5. While I acknowledge that each development proposal should be determined on its individual merits arguably the proposed development has the potential, if permitted, to become a precedent for other similar developments in the area which cumulative would erode the defining characteristics of this area.

7.5.6. I therefore consider that in this case the concerns raised by the Planning Authority in their fourth reason for refusal are reasonable.

7.6. **Appropriate Assessment:**

7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location with the site not forming part of or within the immediate setting of any Natura 2000 or having any links to Natura 2000 sites within a 15km radius, 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.

7.7. **Other Matters Arising**

7.7.1. **Boundaries:** There are existing robust in width and height hedging *in situ*. Particularly along the shared southern boundary of the site. It would also appear from the inspection of the site that the central base of this hedgerow lies within the adjoining property to the south. Should the Board be minded to grant permission I recommend that this hedgerow which functionally provides visual screening is safeguarded and not interfered with save without consent of any other party that may have interest in it. Similarly, a condition should be imposed ensuring that the existing trees on site shown for retention are safeguarded during construction works.

7.7.2. **Planning Authority's Parks Division:** I note to the Board should they be minded to grant permission that the Parks Division recommended that the front boundary wall be reduced in height to a maximum of 900mm and constructed of Howth stone or similar in order to provide a continuity of boundaries along Thormanby Road. As already discussed in this report I consider that a redesign of the entrance is appropriate to accommodate the entrances serving Boreen House and the two semi-detached dwellings proposed. I also consider that the existing boundary treatment is not sympathetic to nor does it contribute to visual qualities of its streetscape scene and as such I consider that a revised boundary of the type proposed by the Planning Authority's Park division would be more site appropriate. Moreover, such a provision would be consistent with the land use zoning of the site.

8.0 Recommendation

8.1. I recommend that permission is refused.

9.0 Reasons and Considerations

1. Having regard to the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development would constitute overdevelopment of a limited site area, it would result in inadequate open space to the front of the proposed dwellings, it would provide insufficient turning area within the curtilage of the site to accommodate the safe access and egress of vehicles from the site without potential conflict with road users, and it would be visually incongruous and out of character with development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area, it would be inadequate to cater for the car parking demand generated by the proposed development which would be prejudicial to public safety by reason of traffic hazard, and, it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site, to the established built form, building to space relationship and character of this stretch of Thormanby Road which is characterised by detached dwellings on generous garden plots, it is considered that the proposed development, consisting of a 2-storey semi-

detached pair, would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area in a manner that would be inconsistent with the land use zoning for this site and setting which in part seeks to protect and improve residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young

Planning Inspector

11th day of February, 2020.