



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305941-19

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**Development**

Construction of 2 no. 2 storey detached dwellings and associated site works

**Location**

Woodside, 28 Coolmine Lawn,  
Snugborough Road, Blanchardstown,  
Dublin 15

**Planning Authority**

Fingal County Council

**Planning Authority Reg. Ref.**

FW19A/0107

**Applicant**

Dermot Brady

**Type of Application**

Permission

**Planning Authority Decision**

Grant permission (13 no. conditions)

**Type of Appeal**

Third Party

**Appellants**

Gerry Bellew

Joan McGowan

Sidney Shier

Niall and Helen Downes

John and Tina Davis

Frances McDonnell

**Observers**

Michael and Veronica Keogh

Lawrence and Catherine Judge

**Date of Site Inspection**

13/02/2020

**Inspector**

Conor McGrath

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at the end of a residential cul-de-sac, at Coolmine Lawn. No. 28 is a semi-detached two-storey suburban house which occupies a large site, extending to the west of the adjoining cul-de-sac hammerhead. The overall site outlined in red extends to 0.13ha. There is pedestrian access from no. 28 to Coolmine Lawn. A dished pavement indicates the location of an original vehicular access to the site, not used.
- 1.2. Lands to the west comprise an area of mature public park running between Clonsilla Road to the south and Snugborough Road to the north. A pedestrian route runs through this space. Vehicular access to no. 28 is provided from Snugborough Road, over a lane which is shared with the pedestrian route running through the public park at its northern end. Lands to the north of the site comprise an area of public open spaces associated with Summerfield residential development.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing side porch to no. 28 and construction of two semi-detached houses on this site, no. 28A & B, with access from Coolmine Lawn. The development involves the closure of the existing rear access to no. 28 from Snugborough Road and provision of access to all three houses existing and proposed houses from Coolmine Lawn. An area of ground to the west of the cul-de-sac end is to be transferred to the County Council as open space in accordance with its zoning.

## 3.0 Planning Authority Decision

### 3.1. Decision

In considering the application the planning authority sought further information on a number of issues. It was subsequently decided to grant permission for the proposed development subject to 13 no. conditions, including the following:

3. No dwelling shall be occupied until the area of open space is transferred free of charge to the ownership of the Local Authority.

6. Tree Bond.
- 7 (a) The existing vehicular entrance that accesses onto the lane leading to Snugborough Road shall be permanently closed over prior to occupation of the subject dwellings.
- (b) Footpath works to be agreed with the Area Engineer.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The principle of the proposed development is acceptable. The density is in line with surrounding and adjoining development. Concerns were expressed with regard to the original design of no. 28B. The development generally meets or exceeds development plan standards. Shadow analysis indicates that adjoining residential amenities will not be unduly impacted. The development will not have overbearing impacts. The revised development is not out of character with adjoining and neighbouring development or impact unduly on residential amenities. The revised layout is acceptable. A marginal incursion onto lands zoned as open space is required to access no. 28B. There is a net gain in public amenity in the ceding of open space lands to public use. No residential use is located on open space lands.

#### 3.2.2. Other Technical Reports

- **Transportation Planning:** The Additional information has addressed the Transport Section concerns. No objection subject to conditions.
- **Parks:** Public open space requirement for two dwellings is 175-sq.m. and a transfer of land would be accepted. In the Additional Information submission part of the driveway is on an area zoned Open Space. With the gain in open space this is acceptable. Boundary walls should match the existing dwelling. A tree bond to ensure the protection and maintenance of the existing street tree.
- **Water Services:** No objection subject to conditions.

### 3.3. **Prescribed Bodies**

- Irish Water: No objection subject to conditions.

### 3.4. **Third Party Observations**

Observations to the planning authority generally reflect the content of the third party appeals, also referencing issues regarding drainage capacity.

## 4.0 **Relevant Planning History**

### **PA ref. FW18A/0055 ABP ref. ABP-302636-18**

On appeal permission was refused for the construction of 3 no. two-storey houses on the site, new vehicular entrance and off-street parking, and the blocking up of existing secondary vehicular entrance from Snugborough Road. The reasons for refusal were as follows:

1. Having regard to the restricted nature of the site, to the nature and extent of the proposed development, and the area required for vehicular parking movements, it is considered that the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between vehicular traffic and pedestrians.
2. The proposed development by reason of its scale and location in relation to neighbouring dwelling, number 28 Coolmine Avenue, in particular, located to the east of the proposed terrace, would result in an unacceptable degree of overshadowing and overbearing, to such a degree that would seriously injure the residential amenities of existing and future occupants

## 5.0 **Policy Context**

### 5.1. **Fingal County Development Plan 2017 - 2023**

The appeal site is predominantly zoned RS: Provide for residential development and protect and improve residential amenity.

The southwestern part of the site, to the west of the cul-de-sac turning area is zoned as public open space. Preserve and provide for open space and recreational amenities. Adjoining parklands to the west are also zoned as OS.

## 1.6 Strategic Policy

The Strategic Policy will deliver on the Main Aims by seeking to:

5. Consolidate the growth of the major centres of Blanchardstown and Balbriggan by encouraging infill development and intensification of development within appropriate locations.

Chapter 3, Placemaking promotes Sustainable Placemaking the encouragement of infill and brownfield development to consolidate existing towns in preference to greenfield 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 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.

Tables 12.1 and 12.3 set out minimum design standards for new residential units.

## 5.2. Natural Heritage Designations

The appeal site is not designated for any nature conservation purposes. The closest site is the Royal Canal, Proposed Natural Heritage Area (Site Code: 002103), c0.8km to the south of the site. The Rye Water Valley/Carton SAC (001398) lies approx. 6.5km southwest of the site.

## 5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the serviced nature of the site, the distance between the site and sensitive receptors and the lack of any direct connectivity to any nearby sensitive receptors, I consider 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

Third party appeals have been received from the following parties

- Joan McGowan
- Gerry Bellew
- Niall and Helen Downes
- Sidney Shier
- John and Tina Davis
- Frances McDonnell

The points raised in appeals are summarised together below:

- The proposal is contrary to the RS zoning objective, to protect residential amenity.
- The design and layout, and the loss of vegetation and potential impact on trees will impact on visual amenities of the area and sense of open space.
- Land zoned as open space will be used for access to no. 28B and the extent of open space to be lost is unclear.
- Construction activity will encroach onto surrounding lands.
- The design will have overbearing impacts on the adjacent dwelling.
- Coolmine Lane has no capacity for infill development and this restricted site is not an underutilised or backland area.
- Providing a connection to the adjoining park will increase risk of break-in.
- Construction activity, including undergrounding of cables and service connections will result in disruption and disturbance.
- There is currently no vehicular access to no. 28 from Coolmine Lawn.
- The development will result in three additional accesses and associated traffic and on-street parking on Coolmine Lawn.



- No proper assessment of the traffic and parking impacts was carried out.
- Previous infill developments have already impacted on traffic in the area.
- Increased on-street parking will create access issues for service and emergency vehicles and use of the turning area.
- Access should be provided off Grove Road and Snugborough Road.
- Removal of boundary walls will result in the road being used as a drop-off point for adjoining college and shops, with safety impacts.
- Impact of construction activity and traffic on adjoining properties and road users, including road safety implications.
- Conditioned construction hours will conflict with peak hour movements in the area.

## 6.2. **Planning Authority Response**

The planning authority make no further comment in response to the third party appeals.

## 6.3. **Observations**

Observations on the appeal were received from

- Lawrence and Catherine Judge
- Michael and Veronica Keogh

These observations raise the following points:

- The development will result in three additional accesses and associated traffic and parking impacts on Coolmine Lawn.
- This will add to existing traffic safety and access issues on the road and impact on service and emergency vehicle access and use of the turning circle.
- Previous infill development have already impacted on traffic in the area, notwithstanding the provision of 2 no. off-street parking spaces on those sites.
- The proposed footpath extends into an area of planted open space which has been maintained by residents, with impacts on visual amenity.
- The entrance to no. 28B is located within an area of open space and there will be safety impacts for children accessing open space.

- The building is out of character with the area and provides shorter rear gardens.
- The development will impact on the residential amenities of no. 28 in terms of aspect and daylighting.
- Construction activities will impact on adjoining residential amenities.

## 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 impacts
- Other matters arising

### 7.2. **Land use and development principle**

The appeal site is unusual in terms of the surrounding pattern of development in terms of its area and shape. The site is predominantly zoned for residential use. The southern part of the site is zoned as openspace, however, this is currently in private ownership and enclosed by high walls. Two houses are proposed on the residential portion of the lands which is acceptable in principle. The southern part of the site is to be transferred to the local authority for use as public open space which will result in an increase in, and a rationalisation of, open space layout in this area. While there would appear to be some minor encroachment onto the zoned open space to facilitate access to proposed unit no. 28B, I do not regard this a material issue. Subject to the satisfactory treatment of the boundaries with this space, I do not regard the development as unacceptable in principle.

#### 7.2.1. **Design and Layout**

The development was revised at further information stage to address concerns regarding access, parking and residential amenity. The development for which the planning authority decided to grant permission provides two semi-detached dwellings which meet the development plan standards and requirements. The design of the

houses is not out of character with the surrounding area and will not negatively impact on the visual amenities of the area.

The houses are set-back approx. 3m behind the front building line of no. 28, while the two-storey elements generally reflect the rear building line of no. 28. The rear garden of no. 28 will be reduced to approx. 80-sq.m., however, this is in addition to an existing detached garage / granny flat and I regard this as acceptable. Adequate private open space for the proposed dwellings will be provided and no overlooking issues arise.

I note the current application excludes a 2.72m wide strip of land to the rear / north of the two proposed sites, connecting to the rear of no. 28. This strip of lands was included in the previous application on these lands. The reason for its exclusion is not identified in the application and it has not been outlined in blue as lands in the first party control. In the event of a decision to grant permission in this case, vehicular access along this area should be excluded.

### **7.3. Access and traffic impacts**

Third parties are predominantly concerned with the traffic and parking implications of the proposed development. Coolmine Lawn is a mature residential cul-de-sac directly serving 27 no. houses. The road is just over 6m wide and is provided with footpaths and grass verge on each side. A significant proportion of properties along the road are provided with paved front gardens providing two off-street car parking spaces.

No. 28 is provided with pedestrian access only from Coolmine Lawn. An existing historic vehicular entrance off Snugborough Road is to be closed. There is a benefit in terms of public safety in removing vehicular movements from this shared access route. The proposed development will therefore result in three additional vehicular entrances over Coolmine Lawn.

Each dwelling is to be provided with at least two no. off-street car parking spaces, while no. 28B will have additional provision. I do not consider that conflicts in terms of pedestrian and vehicular movements are likely to arise from the proposed layout of development. I note the concerns raised in third party submissions. I do not

consider that the level of development served by this road is excessive, however, having regard to the level of off-street parking currently available and to be provided as part of this development, I do not therefore consider that the proposed development would exceed the capacity of this road. I note that the previous decision of the Board did not reference the capacity of the road in its reasons for refusal, while the planning authority Transportation section raised no objection to the subject development on these grounds.

#### **7.4. Other Matters Arising**

The appeal site adjoins an area of open space to the west which includes mature trees. Impacts on these mature trees appear unlikely subject to appropriate conditions. I note the reports from the planning authority Parks Department and the requirement of the payment of a tree bond in respect of the development. There will be a loss of mature trees from within the site, however, this is not regarded as significant in terms of the amenities of the wider area.

Irish Water are the relevant authority for the collection of wastewater and I note that the report received on the file raised no objection to the proposed development.

Surface water is to be discharged to ground on-site, via soakpits in the rear gardens of the site and I note the proposed use of permeable paving on the site in this regard. I note the nature of adjoining uses to the north and west comprising open space and vegetation and consider that this is a reasonable proposal. In the event of a decision to grant permission on the site, conditions should be attached requiring the final design of the surface water management system be agreed with the planning authority.

#### **8.0 Appropriate Assessment Screening**

The appeal site is not designated for any nature conservation purposes. The closest Natura site is Rye Water Valley/Carton SAC (001398) lies approx. 6.5km southwest. Having regard to the nature and scale of the development sought and to the nature of the receiving environment, namely an urban and fully serviced location and the absence of any direct connection to European sites, 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. The permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below.

## 10.0 Reasons and Considerations

Having regard to the policies and objectives of the Fingal County Development Plan, 2017-2023, the nature and scale of development proposed and the surrounding pattern of development, it is considered that subject to compliance with the conditions set out below, the proposed development would accord with the zoning objectives for the site and relevant development standards, would not seriously injure the residential amenities of the area or of property in the vicinity 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 as amended by the further plans and particulars submitted on the 3 <sup>rd</sup> day of October 2019, 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.
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	<b>Reason:</b> In the interest of clarity.
2.	<p>Prior to occupation of the proposed dwellings, the area of open space detailed on site plan drawing no. 1701/02, submitted to the planning authority on 3<sup>rd</sup> October 2019, shall be transferred to the local authority free of charge. The developer shall be liable for all costs associated with the transfer.</p> <p><b>Reason:</b> In the interest of clarity and residential amenity.</p>
3.	<p>The existing vehicular entrance to No. 28 from the Snugborough Road shall be permanently closed prior to occupation of the proposed dwellings and the existing entrance shall be replaced with a block wall of height and finish to match the existing wall. No vehicular access to existing or proposed dwellings from the adjoining laneway leading to Snugborough Road shall be provided.</p> <p><b>Reason:</b> In the in the interests of vehicular and pedestrian safety</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement, final details of the surface water drainage arrangement shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in</p>

	<p>writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of pedestrian safety.</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 provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
9.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>The plan shall also detail specific measures for the protection from damage during the course of construction of existing trees within the adjoining public open space to the west.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity</p>
10.	<p>Prior to the commencement of development on the site, details of the design of the front boundaries of proposed dwellings and of the wall bounding the proposed area of public open space shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
11.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and on adjoining lands and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on</p>

	<p>the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To secure the protection of the trees on the site</p>
12.	<p>The developer shall pay to the planning authority a financial contribution of €21,512 (Twenty one thousand, five hundred and twelve euros) 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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>

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Conor McGrath  
Senior Planning Inspector

14/02/2020