



An
Bord
Pleanála

Inspector's Report ABP-306798-20

Development	Sub-division of existing garden and construction of a detached dwelling.
Location	Beál na Bláth, Rush Road, Hacketstown, Skerries, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0594
Applicant(s)	Derek & Jackie Drumm
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Derek & Jackie Drumm
Observer(s)	1-Alison Ryan
Date of Site Inspection	11 th May 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.17 hectares, is located on the western side of Rush Road (R128), approximately 1.5 kilometres south of Skerries Town Centre. The site is in the side garden of a two-storey detached dwelling, Béal na Bláth, at Rush Road, and currently forms part of the private open space associated with the house. There are two garden sheds, a ball court, some hard and soft landscaping where the proposed dwelling would be constructed.
- 1.2. Immediately north of the appeal site is an agricultural access track, used to access the agricultural lands to the rear (west) of the appeal site, and there is a dwelling north of the agricultural access track. To the south, is the existing dwelling where the appellants reside, to the east is the public roadway, the R128.
- 1.3. The appeal site and the existing house to the side (south) are within the Holmpatrick rural cluster, a rural settlement that extends along both sides of the R128. The cluster comprises a mix of semi-detached cottage type houses and more recently constructed two storey detached houses. The rural cluster includes footpaths and bus stops (one hundred metres south of the appeal site) on both sides of the R128.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a two-storey detached dwelling. The proposed house would have four bedrooms and extends to approximately 250 square metres, with a maximum ridge height of 9.6 metres and a render and brick external finish and slate roof. It is proposed to share an existing domestic entrance that serves two dwellings, one, immediately south of the appeal site (current home of the appellants) and the other north of the appeal site.

3.0 Planning Authority Decision

- 3.1. **Decision**

3.1.1. Fingal County Council refused planning permission for one reason as follows:

1. The proposed vehicular entrance has restricted sightlines in a southerly direction and the proposed development would therefore endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The report of the area planner can be summarised as follows:

- The applicants have demonstrated continuous residency for a minimum period of 10 years, as required by County Development Plan.
- The site area at 0.17 hectares, is within the recommended site area required for dwellings within rural clusters when connecting to a public sewer as set out within specific objective RF20.
- The design of proposal is generally acceptable.
- The principle of an infill dwelling is acceptable.
- No undue impacts on residential amenity are anticipated.

3.3. Other Technical Reports

- Irish Water: Further information recommended.
- Water Services: No objection, subject to conditions.
- Transportation Planning Section: Refusal recommended.

3.4. Third Party Observations

- 3.4.1. One observation was received from a resident who resides on the opposite side of the R128. The observation raised matters similar to those raised within the third-party observation received by the Board.

4.0 Planning History

4.1. Subject Site

Planning Authority reference number F02B/0011: Planning permission was granted in 2011 to the current applicants for the demolition of a garage and construction of a two-storey extension to the side and a single storey extension to the rear of Beál na Bláth.

4.2. Adjacent Sites

Planning Authority reference number F16A/0312 and An Bord Pleanála reference number PL 06F 247328: In 2017, planning permission was refused for the construction of a house to the rear of an existing house at Rush Road, approximately two hundred metres south-east of the appeal site.

Planning Authority reference number F16A/0085 and An Bord Pleanála reference number PL 06F 247928: In 2017, planning permission was refused for the development of a hotel and twenty-four houses on the opposite (eastern) side of the R128 to the appeal site.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

- 5.1.1. The site is located within the Holmpatrick Rural Cluster and is zoned 'RC', To provide for small scale infill development serving local needs while maintaining the

rural nature of the cluster. The site is also located within an area designated as a highly sensitive landscape.

- 5.1.2. Objective RF19 is to: Encourage consolidation of rural housing within existing Rural Clusters which will cater for rural generated housing demand, as an alternative to housing in the open countryside, and encourage the reuse of existing buildings within the cluster over any new development.
- 5.1.3. Objective RF20 relates to housing within a Rural Cluster and states that the Planning Authority will permit only persons with a rural-generated housing need planning permission for a house within a Rural Cluster where the site size is a minimum of 0.2 hectares for on-site treatment systems, and conforms to the drainage and design standards required by the Council, and 0.125 hectares where connecting to a public sewer.
- 5.1.4. A rural-generated housing need is defined in the Development Plan as persons currently living and who have lived continuously for the past ten years or have previously lived for a minimum of ten continuous years, or persons working continuously for the past ten years, within areas of the County that are currently zoned rural.
- 5.1.5. Lands opposite the appeal site, on the eastern side of the R128 are designated as a Masterplan area, with residential and open space zonings, and local objectives supporting the development of a hotel and limited residential development.
- 5.1.6. Other relevant Objectives can be summarised as follows:
 - RC04: Permit only development within the Rural Clusters which has regard to the existing character and role of the cluster.
 - RF23: Ensure that proposed new dwellings do not compromise the development potential of adjoining sites by means of on-site layout and house

design and both vehicular and pedestrian access. All sites must provide sustainable drainage infrastructure.

- RF24: Minimise the number of new entrances to sites within a Rural Cluster with a preference for sharing accesses with existing dwellings or using existing entrances. Any removal of hedgerows, trees, walls etc. to accommodate sightlines must be limited in extent and replaced by the same type of boundary treatment. The use of native species for replacement planting shall be used where appropriate.

Section 12.6 of the Development Plan provides design criteria for housing in the countryside, specifically in respect of siting, materials and boundary treatment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal was submitted by a Planning Consultant on behalf of the appellants. The grounds of appeal can be summarised as follows:

- The appellants reside in Beál na Bláth, the detached dwelling immediately south of the appeal site.
- Proposal is for an infill development that is in accordance with the Development Plan policy for development within Rural Clusters.
- The Planning Authority has adopted the incorrect sight visibility distance as the basis for the refusal of planning permission.
- Adequate visibility in both directions can be achieved.
- The existing vehicular entrance is shared with the neighbouring residential property to the north and has been used without incident.

- A widening of the public footpath would be achieved by the setting back of the front boundary wall and sufficient tree screening would be maintained in the interest of visual amenities.
- The widened footpath would benefit traffic and pedestrian safety.

6.2. Planning Authority Response

6.2.1. The Planning Authority had no further comments to make in relation to the development.

6.3. Observations

6.3.1. One observation was received. The issues raised within the observation may be summarised as follows:

- The appellants have not demonstrated a rural generated housing need in accordance with the Development Plan.
- The site area does not credibly amount to 0.125 hectares as part of the appeal site takes up part of the front garden area of the existing residential property.
- The appellants narrative in relation to traffic safety and access which they set out in relation to a previous appeal for a mixed use hotel and residential development (opposite the appeal site in 2017) is very different to what they presently set out in relation to traffic safety and access within their current appeal.
- The appellants do not have full control of lands within the sight visibility triangle and that trees and a wall outside of their ownership would block visibility.

- Excessive speeds are experienced on this stretch of road which would require the introduction of traffic calming measures.

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Compliance with Development Plan Objectives.
- Access & Sight Distances.
- Design and layout.
- Appropriate Assessment.

7.2. **Compliance with Development Plan Objectives**

7.2.1. The appeal site is located within the Holmpatrick Rural Cluster as set out within the Development Plan. The Rural clusters provide for infill development and an alternative to one-off housing in the Countryside. Specific objective RF19 encourages consolidation within Rural Clusters and RF 20 provides for rural housing, once a site area of 0.125 hectares can be achieved where connecting to a public sewer. The stated site area is 0.17 hectares, which is in excess of the stated minimum site area requirement.

7.2.2. I consider that the proposed development, by reason of its adequate site size, would be compliant with Objective RF20 of the Development Plan. It would adhere to the Development Plan requirements and respect the rural character of the cluster and I am satisfied that the current proposals adhere to the Rural Cluster policy of the Plan.

7.3. **Access & Sight Distances**

- 7.3.1. The appeal site is located within the 60 kilometre per hour speed control zone. The appellants propose to utilise an existing domestic entrance which serves two existing dwellings. The proposals will result in an intensification of use of the existing entrance. However, this is something that is encouraged within specific policy objective RF24 where infill development within rural clusters and the sharing of existing domestic entrances is the preferred option, rather than creating new additional entrance points onto the R128 regional route.
- 7.3.2. The Transportation Planning Department within their referral report state that: Sightlines to the north are achievable, however sightlines to the south are effectively limited to c.22 metres, that being the area within the applicants' control/ownership. The appellants make specific reference to a sightline drawing D1185-15 illustrating the set back of the boundary wall of Béal na Bláth (by approximately one metre). This would increase visibility along the appellants site frontage to approximately ninety metres (forty metres of which is within their ownership), when measured from the centre point of the existing shared splayed access onto the R128, from a point 2.4 metres back from the carriageway edge. The setting back of the front roadside boundary will increase the footpath width to a stated width of two metres along the full frontage of the site of Béal na Bláth and would benefit both pedestrian and traffic safety and convenience in the area.
- 7.3.3. The existing roadside boundary wall beyond the ownership of the appellants to the south (serving the cluster of dwellings south of the appeal site) is approximately 700 millimetres in height. This is within the acceptable range height for the measurement of a sightline triangle, where obstructions should be less than 1.05 metres in height (Section 4.4.6 Design Manual for Urban Roads and Streets, 2013). Therefore, I am satisfied that adequate sight distances are achievable from the existing shared domestic entrance within the 60-kilometre speed control zone. I am also satisfied that the roadside boundary wall to the south of the property would not form an obstruction within the sight visibility triangle.

- 7.3.4. Sight visibility distance standards can be reduced to 65 metres on bus routes in urban areas, which includes villages within its definition within (Table 2, Page 107 of the Design Manual for Urban Roads and Streets, 2013).
- 7.3.5. The setting back of the front roadside boundary will increase the footpath width to a stated width of two metres along the full frontage of the site of Béal na Bláth and would benefit both pedestrian and traffic safety and convenience in the area.
- 7.3.6. The appellants state that most of the trees along the site frontage will not be required to be removed as part of the proposed roadside boundary set back. The quality of the trees/planting along the roadside boundary is not considered to be of high quality nor mature, and in any event may need to be removed for safety reasons, due to their proximity to the existing footpath and carriageway. There are several mature trees and shrubs located further back west (within the front garden area of the existing dwelling and appeal site). These should be retained to provide natural screening within the site. Additional screening is a matter that can be dealt with by means of an appropriate planning condition.
- 7.3.7. I am, therefore, satisfied that the access proposals are acceptable and in accordance with specific policy objective RF 24 and would be acceptable in terms of sharing an existing access within a Rural Cluster, where the 60km/h speed control zone applies and would therefore not result in the creation of a traffic hazard and would accord with the proper planning and sustainable development of the area.

7.4. **Other Issues**

- 7.4.1. I am satisfied from the details submitted with the appeal that the proposals would constitute an infill site and the applicants have demonstrated compliance with the local needs criteria set out within the Development Plan. The proposed design is considered satisfactory and respects the established building line and is removed from neighbouring residential properties so as not to infringe upon their amenities.

The proposals will also connect into the public services. I note that Irish Water sought further details of foul sewer and watermain layouts, however this matter can be addressed by means of an appropriate planning condition.

- 7.4.2. The existing Beál na Bláth dwelling would have sufficient private open space remaining upon construction of the proposed dwelling, approximately one thousand square metres in each of the front and rear garden space areas. Private open space provision for the proposed dwelling would be approximately six hundred square metres of rear garden space and three hundred and fifty square metres of amenity space to the front. The open space provision would exceed with the Development Plan standards.
- 7.4.3. The appeal site is within a designated highly sensitive landscape with objectives to preserve the views along the R128. The proposed development is located on the northern side of an existing house, on the western side of the R128, it will not be visually prominent when seen from the R128 (by virtue of the mature landscaping on site) which would be conditioned to be retained. I do not consider that it would negatively impact on views along the R128 or on the sensitive landscape.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, which comprises an infill development within a serviced rural cluster, outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the infill site within the identified Rural Cluster of Holmpatrick, within the 60 km/h speed control zone, the satisfactory contemporary design and layout, the scale and siting of the house and the existing pattern of development within the area, it is considered that the proposed development would be acceptable and would not adversely impact on the residential amenities of neighbouring properties and would not adversely impact upon the adjacent road network capacity or safety or result in the creation of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the Planning Authority, on the 9th day of December 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 the 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 Details of boundary treatments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

- 3 Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

- 4 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The existing mature trees shall be retained within the site save for where their removal is required to respect the sight visibility triangle or to enable the construction of the proposed dwelling.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and in the interest of visual amenity.

- 5 Prior to the commencement of development, the developer shall submit and agree in writing with the Planning Authority precise details for the setting back of the front boundary within the full extent of the land holding frontage along the R128. These works shall also provide for the widening the public footpath to a minimum of two metres and shall be set out as provided for on Drawing number D-1185-15 submitted to An Bord Pleanála on the 4th March 2020. The cost of these works shall be fully borne by the developer and at no cost to the Local Authority.

Reason: In the interest of orderly development and traffic safety.

- 6 Site development and building works shall be carried out only between the hours of 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 and 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 7 Drainage requirements, including the disposal and attenuation of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

- 8 Water supply and foul sewer arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

- 9 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 Contributions Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

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 Contributions Scheme made under Section 48 of the Act be applied to the permission.

Fergal O'Bric

Planning Inspector