



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307713-20

---

<b>Development</b>	Construction of 2 storey apartment building, comprising 6 apartments
<b>Location</b>	5 Ballalease West, Donabate, Co Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0123
<b>Applicant(s)</b>	Cathal Glackin.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cathal Glackin.
<b>Observer(s)</b>	Susan Brown James & Yvonne Dunne Cllr. Adrian Henchy Damien Brennan
<b>Date of Site Inspection</b>	29 <sup>th</sup> September 2020.

**Inspector**

Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0768ha and is located on a corner site on New Road, on the outskirts of Donabate Village. It is positioned on the eastern corner of the access road to St. Partick's Park, which is an established residential development of single storey bungalows set around a central green directly to the north of the site.
- 1.2. The site is currently vacant and is subdivided by a wall along the north-south axis. It is enclosed by a low boundary wall with hedging behind to the west and south. Directly to the east is a bungalow facing onto New Road and to the north is a one and a half storey dwelling facing onto St. Patrick's Park.
- 1.3. The new Donabate Distributor Road is approximately 480m to the east of the site and Donabate Train Station is approximately 450m to the east.

## 2.0 Proposed Development

- 2.1. The application is for permission for the following;
  - The demolition of existing boundary wall and the construction of a 2 storey apartment building comprising 6 apartments, (4 x 1 bed units of 45m<sup>2</sup> & 2 x 2 bed units of 79m<sup>2</sup>).
  - The provision of 1 vehicular entrance on St. Patrick's Park and 2 no. vehicular entrances on New Road to provide access to 6 no. surface car parking spaces located along the site boundary.
  - Additional works include the construction of a public footpath on the sites western boundary, SuDS surface water drainage, site works, landscaping and boundary treatments.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused by the Local Authority for the following reasons;

1. The subject site is within the RS zoning objective under the Fingal Development Plan, 2017 - 2023, the objective of which is 'to provide for residential development and protect and improve residential amenity.' The scale and design of the proposed block is at variance with the character of the area, is incongruous with the established pattern of development of the area and would cause harm to the visual amenities of the area. The proposal, by virtue of the car parking/access arrangement, the occurrence of overlooking within the scheme, the absence of public open space and location of bin storage and communal amenity space would constitute overdevelopment of the site, provide an unacceptable level of amenity for residents, be detrimental to amenities of adjoining property and therefore contravene materially the 'RS' zoning objective for the area and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is not provided with any public open space and would therefore contravene materially Objective DMS57 of the Fingal Development Plan 2017 - 2023 and would be contrary to the proper planning and sustainable development of the area.
3. The subject development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area, would seriously injure the amenities and depreciate the value of property in the vicinity.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The recommendation to refuse permission in the Planning Officer's report, (June 2020), reflects the decision of the Planning Authority. The report concluded the following;

- Whilst the proposed use is in accordance with the zoning objective for the site, the Planning Officer had serious concerns regarding the overall design and layout of the scheme as follows

- The 2-storey design is incongruous with the surrounding pattern of single storey development. The positioning of the proposal on the site, forward of the established building line further accentuates its dominance in the streetscape.
- A large portion of the western boundary would be removed to facilitate perpendicular car parking which would be unscreened and would result in a negative visual impact on the surrounding area. This arrangement could also result in a traffic hazard due to vehicular and pedestrian conflict.
- The positioning of the bin and bicycle store areas behind the car spaces would also result in a negative visual impact and would be impact on the residential amenity of the adjoining property to the north.
- Additional concerns with regard to the impact on exiting residential amenity included the positioning of the communal open for the development directly adjacent to the adjoining house to the north. It was also considered that the first floor balconies would result in overlooking of this property.
- The Planning Officer also raised concerns regarding the residential amenity of the proposal for future residents as the first floor balconies would directly overlook the private open space for the units below.

### 3.2.2. Other Technical Reports

- Water Services Department – Further information is requested with regard to the surface water drainage arrangements for the site.
- Transportation Department – Further information is requested with regard to the proposed public footpath and the parking layout, which would result in traffic hazard and pedestrian conflict. A swept path analysis is also requested.
- Parks and Green Infrastructure Division – A landscaping plan in accordance with Objective DMS03 of the Development Plan was not submitted. A financial contribution under Section 48 of the Planning & Development Act should be required to cover the shortfall in public open space.

### 3.3. Prescribed Bodies

- Irish Water – Further Information is requested with regard to water supply and foul drainage layout.

### 3.4. Third Party Observations

Observations received can be summarised as follows;

- The proposed units do not comply with the 'Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities', and in particular with SPPR2 as the number of 1 bed exceeds the maximum of 50% provision for 1 bed units.
- The density proposed is approximately 78 units per hectare, which is excessive for the character and location of the site.
- It would be out of character with the pattern of development in the surrounding area and the materials proposed are uncharacteristic of the area.
- The parking arrangements for the site do not meet the Development Plan requirements and are awkward and sub-standard. This would result in a traffic hazard and pedestrian conflict.
- An apartment development at this established residential area is an inappropriate design response.
- The proposal would have a negative impact on the residential amenity of adjoining properties by virtue of overlooking, overshadowing and nuisance from the positioning of bin and bicycle storage.

## 4.0 Planning History

**FS97/20/018** – A Social Housing Exemption Certificate was issued by the Local Authority this year.

**F07A/1700** – Planning permission granted by the Local Authority on the 16<sup>th</sup> July 2008 for a single storey detached dwelling with on-site parking for two cars, new vehicular entrance, boundary walls and associated works.

## 5.0 Policy Context

### 5.1. Development Plan

The appeal site is zoned 'RS – Residential' in the Fingal County Development Plan, (FCDP), 2017-2023. The objective of which is *'To ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'*.

It is located within the 'Development Boundary' of Donabate as per Sheet 7 of the FCDP. It is also within an area designated as a 'Highly Sensitive Landscape' within Sheet 7 of the Development Plan.

**Objective PM41** - Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

In determining residential densities, regard should be given to Sustainable Residential Development in Urban Areas (2009) and its companion document Urban Design Manual.

**Section 12.4 – Design Criteria for Residential Development** – This section provides guidance on residential development within the RS and RA (for new residential development) zoning objectives to ensure high quality development with good layout and design. The following objectives relate to apartment developments;

**Objective DMS20** - Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.

**Objective DMS22** - Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.

**Objective DMS24** - Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

**Objective DMS28** - A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

**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.

**Objective DMS40** - New corner site development shall have regard to:

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

**Objective DMS57A** - Require a minimum 10% of a proposed development site area be designated for use as public open space. (Note; the Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5).

**Objective DMS66** - Ensure open spaces are not located to the side or the rear of housing units.

**Objective DMS85** - Ensure private open spaces for all residential unit types are not unduly overshadowed.

**Objective DMS86** - Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.

**Objective DMS89** - Require private balconies, roof terraces or winter gardens for all apartments and duplexes comply with or exceed the minimum standards set out in Table 12.6.



**Objective DMS91** - Require communal amenity space within apartment developments, in the form of semiprivate zones such as secluded retreats and sitting out areas, complies with or exceeds the minimum standards set out in Table 12.6.

**Objective DMS92** - Permit in appropriate layouts (e.g. courtyard layouts) the provision of a combination of private and semi-private open spaces.

**Table 12.8 – Car Parking Standards:** 1 bed apt = 1 car space + 1 visitor space per 5 units; 2 bed apt = 1.5 car spaces +1 visitor space per 5 units.

**Table 12.9 – Bicycle Parking Standards:** Apt / Townhouse 1 bedroom = 1 bicycle space + 1 space per 5 units.

## 5.2. National Guidance

### **Sustainable Urban Housing; Design Standards for New Apartments –**

Guidelines for Planning Authorities, (Department of Housing, Planning and Local Government, 2018). In particular the following standards and Specific Planning Policy Requirements (SPPR) are relevant;

- Under the Guidelines, the site can be considered to be 'Intermediate Urban Location' given its location within walking distance (approximately 450m) of Donabate Train Station. The Guidelines recommend that the density of these sites should broadly be >45 dwellings per hectare.
- **SPPR1** - Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms
- **SPPR2** - For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha: • Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;
- **SPPR3** – Sets out the Minimum Apartment Floor Areas – (1 bed = 45m<sup>2</sup> & 2 bed = 73m<sup>2</sup>).

- **SPPR5** - Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use.
- Appendix 1 sets out the development standards required with regard to floor area, storage space, private & communal amenity space.

### 5.3. **Natural Heritage Designations**

No designations apply to the site.

The closest European site is the Malahide Estuary SPA & SAC, which is approximately 1km to the south of the site. Rogerstown Estuary SPA & SAC is approximately 1.75km to the north of the site.

Both Rogerstown and Malahide Estuaries are also Proposed Natural Heritage Areas.

### 5.4. **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 and the absence of direct connection to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal, as raised in the submission from the first party appellant can be summarised as follows;

- The proposal is consistent with the RS – Residential zoning for the site. It is also consistent with the various quantitative standards contained in the Fingal Development Plan and is an efficient use of zoned and serviced land.

- The proposal is consistent with the policies and objectives of the Development Plan, in particular with Objective SS15 and Objective PM39.
- The built form and scale is consistent with the character of the area and would not give rise to any undue impacts on adjacent residential amenities.
- The development complies with the Regional Planning Guidelines, the National Planning Framework and the Guidelines for Sustainable Residential Development in Urban Areas.
- The Planning Officer did not take the pre-application consultation into consideration as the advice given was taken on board and implemented.
- Communal open space in the order of 21% is provided by the development.
- The proposed development has been amended to take account of comments from the Transportation Planning Section. The amendments are listed as follows;
  - the front wall of the building is now in line with the adjoining property,
  - the bin store and bike lockers have been moved and are positioned directly against the rear boundary of the site and directly adjacent to the site boundary wall with No's 18 & 18A St. Patrick's Park to the north,
  - the parking space to the front of the site has been rearranged and the 'drop-off' arrangement has been revised to provide a perpendicular parking space directly in front of Unit 4.
  - A swept path analysis has been carried out for the perpendicular spaces along the side / western boundary and the new public footpath is now shown as 2m in width.
  - The applicant has also proposed to provide 2 no. mirrors directly adjacent to the parking spaces to help avoid conflict with pedestrians when manoeuvring out of the parking areas / spaces.
  - The front doors and private open space to the front of the ground floor units have been rearranged to avoid direct overlooking from the balconies above.

## 6.2. Planning Authority Response

The Planning Authority had no further comment to make. Correspondence notes that, in the event that a decision to grant permission is issued, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

## 6.3. Observations

- **Mr. Damien Brennan, 3 New Road, Donabate;** The scale and design is at variance with the established pattern of development. The minor changes to the scheme submitted under the appeal do not resolve the car parking and access arrangements which still remain awkward and sub-standard. Public open space in accordance with Objective DMS57 is not provided.
- **Cllr Adrian Henchy;** The proposed development is completely out of context with the existing residential area and would have a negative visual impact on the surrounding area. The revised car parking arrangements would still result in a traffic hazard.
- **James & Yvonne Dunne, 5 Ballease West, Donabate;** The revised plans will not remediate the dangers that the parking arrangement will create.
- **Susan E Brown, 3A New Road, Donabate;** The proposed development is completely out of character with the existing buildings. The parking provision is insufficient and will result in additional parking pressure on the surrounding area. The proposal to provide two mirrors will not alleviate the safety threat posed by the parking arrangements.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development,
- Design & Layout

- Residential Amenity,
- Drainage
- Appropriate Assessment

## 7.2. Principle of Development

The appeal site is located on the outskirts of Donabate village and is zoned RS - Residential in the Development Plan. The proposed development is in accordance with this zoning objective, which seeks to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'.

The development proposal is also in accordance with Objective PM 44, which seeks to encourage the development of infill, corner and backland sites in existing residential areas.

A density of c. 78 units per hectare (upha) would be provided by the development. The Design Standards for New Apartments Guidelines recommends a density in excess of 45 upha for a site of this nature. Within the context of the site, the proposed density is considered to be acceptable.

## 7.3. Design & Layout

The initial design has been amended under the appeal. Minor changes have been made to the layout of the scheme, which include repositioning the front building line, altering the location of the bin and bicycle stores, revising the layout of the parking space to the front and altering the access arrangements to the ground floor units to prevent overlooking from the balconies above. However, in my opinion these alterations are minor and do little to alleviate the reasons for refusal as set out in the Planning Officers report.

It is my view that the visual impact of the proposal would be the most significant impact of the development on the surrounding area. Whilst the established building line to the south and west would be retained, the building would be positioned to the front of the corner site and just 1m away from the site boundary to St. Patrick's Park. It would also be 2.5m taller than the surrounding houses on New Road and St. Patrick's Park. The bulk and mass of the building also contributes to the overall

negative impact of the building and leads to an incongruous form of development within the low-rise area.

Approximately 13m of the western site boundary would comprise perpendicular car parking positioned behind the public footpath. It would comprise 5 parking spaces which would be accessed from St. Patrick's Park. In my view, this extent and layout of car parking, which would comprise mainly hard landscaping, would be visually intrusive and is an unsuitable design response to the residential area.

The parking space positioned in the northern corner of the site is approximately 400mm forward of the adjoining site boundary wall to No. 18A St. Patrick's Park. This would result in a blind spot for any motorist manoeuvring out of the space and would create a traffic hazard.

The applicant has proposed to provide a mirror at this location and to the front of the site to aid visibility. However, in my view this is an insufficient response to the unsatisfactory parking arrangement, which alone is grounds for refusal.

#### **7.4. Residential Amenity**

Overall, the units meet the standards set out in the Design Standards for New Apartments guidance document. There is some shortfall in the storage requirements for the 2 bedroom units as the provision includes 1.6m<sup>2</sup> of kitchen units in the calculation, which I consider to be unreasonable.

I would have a concern regarding the amenity of the first floor balconies on the front elevation in terms of privacy. The low-level screens to the side could result in overlooking from one balcony to the other. However, if the Bord were minded to grant permission, this issue could be overcome by the provision of privacy screens of 1.8m in height on the sides of the balconies.

Communal open space in the order of 147m<sup>2</sup> would be provided to the rear of the site, which is in excess of the minimum requirement of 54m<sup>2</sup>. Objections were raised by third parties that public open space was not provided within the development as required by Objective DMS57.

The report from the Parks and Green Infrastructure Division of the Local Authority recognises the shortfall in the provision of public open space and requires that the

applicant make up this shortfall by way of a financial contribution which would be applied to the continued upgrade of local class 1 open space facilities in the Donabate area.

I consider this approach to be reasonable as I would question whether good quality usable public open space could be provided within a development of this size. There is also a large area of open space directly to the north of the site, at the centre of St. Patrick's Park.

Whilst the provision of communal open space is sufficient to provide amenity to future residents, the development itself does little to contribute to the overall amenity of the wider area in terms of landscaping. Given the extent of car parking along the western boundary and the proximity of the building to the side boundary, the layout of the development offers little opportunity for soft landscaping.

Concerns were raised in third party submissions with regard to the impact on the existing residential amenity of adjoining properties. In my opinion, apart from the unsatisfactory parking provision, the impact of the development on existing residential amenity would not be significant. There is sufficient separation distance between opposing first floor windows to mitigate against overlooking and, given the positioning of the building within the site, it would not result in significant overshadowing of the adjoining properties.

#### **7.5. Drainage**

The development would be connected to the mains water supply and also the foul water system. It is proposed to deal with surface water runoff by way of a soakway and a rain-water harvesting system that would be installed in the open space to the rear of the site. Soil infiltration tests as per BRE Digest 365 were carried out on the site to inform the design of the soakway and the rainwater harvesting system. However, the capacity was calculated using the surface runoff area of the roof only and not the other areas of hard standing throughout the development such as the parking area and the footpaths. The Council's Water Services Section did not object to the proposal but requested that the figures be recalculated to include the additional hard surfacing areas.

Given the nature and scale of the site, I am satisfied subject to appropriate conditions such as prevention of discharge of surface water outside of the site, the systems proposed would be satisfactory with regard to drainage.

#### **7.6. Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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.

#### **8.0 Recommendation**

I recommend that planning permission should be refused for the reasons as set out below;

#### **9.0 Reasons and Considerations**

1. Having regard to the nature and scale of the proposed development, it is considered that the proposed development, by reason of its bulk and mass relative to surrounding buildings and the extent of car parking that would be provided immediately adjoining the public street, would be out of keeping with the established residential character of the area and would have a significant negative visual impact that would be contrary to the RS – Residential zoning for the area as set out in the Fingal County Development Plan 2017-2023.
2. It is considered that the car parking layout for the development is unsatisfactory and would lead to conflict between vehicles and pedestrians which would create a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



---

Elaine Sullivan  
Planning Inspector

8<sup>th</sup> October 2020