



An
Bord
Pleanála

Inspector's Report

ABP-307900-20

Development	Construction of a detached part 2-storey, part-single storey house within the side garden, together with associated development including a new vehicular entrance
Location	37 Castleknock Lodge, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0076
Applicant(s)	Arthur and Mary McGrail.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	20 th October 2020
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site is located at the north end of Castleknock Lodge and, measuring 0.05ha, consists of the side garden of an existing detached property, 37 Castleknock Lodge. Castleknock Lodge is characterised by large, detached properties and is located immediately south of Castleknock Road and the centre of the village. There is a footpath linking the estate to Castleknock Road immediately to the front of the site, running parallel to the front boundary.
- 1.2. The site currently contains a two-storey detached house and its associated garden areas to the rear and side, accessed from the turning circle at the end of the estate cul-de-sac. It is currently divided into a number of separate garden areas, with a block wall dividing the rear and north side gardens and also separating a grassed area adjacent to Castleknock Road, which is also in the appellants' ownership.
- 1.3. The site is slightly elevated above Castleknock Road and is visible in views from the village centre, contained behind a low-level wall and hedge which runs along the north site boundary.
- 1.4. Aerial photograph records indicate that the north boundary of the site previously contained a number of large trees, which would have screened the site from views along Castleknock Road. A number of these trees have been felled and the site is now visible from the village centre but, a number of mature trees both within the rear garden of the property and adjacent to the rear boundary, remain and which contribute to the character and setting of the village.

2.0 Proposed Development

- 2.1. Permission is sought for a detached part 2-storey, part-single storey house within the side garden of the subject site, together with associated development including a new vehicular entrance.
- 2.2. The proposed house would have an irregular shape, reflecting the irregular shape of the site, and would provide a gross floor area of 172sqm. It would have a stepped appearance, two storeys high adjacent the existing house and stepping down to single storey height adjacent to the north boundary, parallel to Castleknock Road. The two-storey and single storey elements would each have a shallow pitched roof

profile, linked by a flat roof section in the centre. Internally, the house would provide a large open-plan space, office/tv room, guest bedroom, bathroom and storage space at ground floor level, together with two bedrooms and a bathroom at first floor level.

- 2.3. Access would be taken from an existing vehicular crossover, to the north of the existing dwelling, with parking provided within the front garden area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 18th July 2020 Fingal County Council refused permission for two reasons, as follows:

'1. The proposed development by reason of an unequal subdivision of an existing plot would if permitted be contrary to the low density character of the existing layout of Castleknock Lodge. The proposed development would constitute an inappropriate form of development contrary to the character of the RS – residential zoning of the area, having regard to the context of the overall setting of this part of Castleknock. In addition, such subdivision could set an unacceptable precedent for other similar development in this part of Castleknock. The proposed development would therefore materially contravene the above zoning objective and as such would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by virtue of the scale, massing, design and layout of the proposed dwelling, which does not respect the siting and layout of existing adjoining development, would be inconsistent with the physical character of this area would result in a substandard level of residential amenity for future residents and overlooking of adjoining properties. It would seriously injure the visual amenities of the area and contravene materially Objectives DMS29, DMS39, DMS40 and DMS85 of the 'RS' site zoning which is to 'provide for residential development and protect and improve residential amenity' of the Fingal County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.'

3.2. **Planning Authority Reports**

3.2.1. Planning Report dated 14th July 2020, which reflects the decision to refuse permission. The report outlined that the proposal is acceptable in principle under the zoning but, expressed particular concerns in relation to the proposed site layout, impact on the privacy of adjoining properties and visual impact. The recommended reason for refusal is generally in accordance with the Planning Authority's decision to refuse.

3.2.2. Other Technical Reports

Water Services – Report dated 11th June 2020, outlining no objection to the proposed development, subject to a number of standard planning conditions.

Transportation Planning – Report dated 1st July 2020, outlining no objection to the proposed development, subject to a number of standard planning conditions.

Parks and Green Infrastructure – Report dated 3rd July 2020, which sought additional information in relation to tree impacts. The report requested that a tree survey, including arboricultural impact assessment, tree constraints plan, tree protection plan and arboricultural method statement should be provided.

3.3. **Prescribed Bodies**

Irish Water – Submission dated 12th June 2020 advising that records for the area indicate there is a 110mm watermain traversing the site and that a minimum clear distance of 3m should be maintained between it and the proposed house.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

FW19A/0012 - Permission refused on 27th March 2019 for a detached dwelling within the side garden of the subject site, for three reasons, relating to an unequal subdivision of the plot and an inappropriate form of development, the likely loss of a number of a significant number of

trees where it is an objective of the development to protect trees in this area and the absence of details relating to water supply, foul drainage and surface water drainage.

F96A/0511 – Permission granted for closure of a pedestrian way linking Castleknock Lodge & Castleknock Road by means of a lockable gate.

Relevant Nearby Planning History

FW17A/0236 – *40 Castleknock Lodge*: Permission granted on 22nd May 2018 for demolition of an existing house and construction of a replacement two-and-a-half storey house and including associated site works.

FW13A/0057 - *Lands between 4 and 6 College Road, Castleknock*: Permission granted on 14th August 2013 for two 2-storey houses and including associated site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is zoned 'RS' under the Fingal County Development Plan 2017-2023, with an objective to "*Provide for residential development and protect and improve residential amenity.*"
- 5.1.2. In relation to infill, corner and backland sites, Objectives PM44 and PM45 are relevant, stating that it is an Objective to:
- 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.*'
- PM45: '*Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.*'
- 5.1.3. Objective DMS40 is also relevant to corner site developments, controlling such developments as follows:
- '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.'*

5.1.4. The development plan zoning map also identifies a specific objective in the area of the site, to *'protect & preserve trees, woodlands and hedgerows.'*

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within or adjacent to any Natura 2000 sites.

5.3. **EIA Screening**

5.3.1. Having regard to the limited nature and scale of the proposed development it is considered that 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**

6.1.1. The grounds of appeal can be summarised as follows:

- Refusal reason one of the Planning Authority's decision:
 - The development is not a material contravention of the development plan, as residential development is permitted in principle under the zoning. The

Planner's Report is referenced, where under 'Impact on Visual Amenity' it is stated that future applications on the site should consider a more comprehensive redesign which complies with all relevant development plan objectives. It is contended that this is an indication of the acceptability of residential development on the site, provided relevant development plan objectives are complied with.

- The development plan encourages the development of corner sites within existing residential areas and provides a set of policy criteria which are to be applied to the assessment of such proposals. The proposed development satisfies these criteria.
- The development is consistent with the provisions of the National Planning Framework and the Eastern and Midlands Regional Spatial and Economic Strategy 2019-2031, which promote the development of infill sites.
- Following refusal of application Reg. Ref. FW19A/0012, the appellants met with the Planning Authority and arising from this, redesigned the proposed house in order to minimise its impact on the streetscape.
- The appellants wish to downsize, whilst seeking to remain within their community. There are no other options available, in terms of suitable housing in close proximity to the village. The development will also release a substantial family home.
- Castleknock Lodge is not within or adjacent to an architectural conservation area and does not contain any protected structures. It is therefore not of any unique architectural heritage value. In any case, the site occupies an inconspicuous location, along the curved alignment of the cul-de-sac, where it is concealed from views except those within the cul-de-sac. The development will therefore not have any significant impact on the overall character of the estate.
- Existing properties at Castleknock Lodge are generally low-density but there are opportunities available, for the provision of additional houses within certain plots. The subject site is one such site, comprising one third of the overall plot.

- Examples of similar developments, at 160 Delwood Park, 45 Castleknock Avenue, 1 Maple Avenue and 1 Castleknock Dale are referenced. It is also contended that the suitability of the subject site for a residential development should be determined on its own merits.
- Refusal reason two of the Planning Authority's decision:
 - The absolute application of the standard within DMS29, which requires a separation distance of 2.3m between side walls of houses, is considered to be unreasonable. The proposed separation distance is considered adequate. Should the Board wish to increase the level of separation by over 0.4m, the appellants would accept this.
 - The Planning Authority refers to the development being different to other properties in the area, which renders it out of character. It is contended that infill developments are by their nature generally different, in terms of design, scale and massing. Reference is made to the other example locations in the area where infill development has been permitted. The proposed house is smaller than the existing house on the site and is set behind the building line. The development will have no material impact on the character of the area.
 - The development incorporates 60sqm of private open space to the rear of the house and there is another 14sqm adjacent to the area along the boundary. There is a further 40sqm in the northern corner, which would function as private open space, due to the level of screening. There is adequate provision for private open space.
 - It is not considered that overlooking would arise. The window in question, to the rear of bedroom 2 primarily overlooks the entrance to the house onto Castleknock Road, which is not an area of private open space.
- Other issues
 - Should the Board consider the north-facing window within the guest bedroom in the single storey section to be unacceptable, it can be re-sited to the eastern wall of the house.

- The proposed timber deck will not interfere with the tree root protection area. Should the Board consider it necessary, it can be omitted by way of a planning condition. Roadside trees will also not be materially affected.
- The issue of the entrance width and details of the soakaway can be dealt with by condition.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the first-party appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development
- Design and layout
- Visual impact
- Impact on neighbouring properties
- Other issues
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The proposed development is consistent with the 'RS' zoning objective, as set out in the Fingal County Development Plan 2017-2023.

7.2.2. I note that the Planning Authority's refusal reasons identify that the development would represent a material contravention of the development plan, in relation to contravention of a number of objectives which relate to residential development. Having read the application and appeal documents, I am of the opinion that the

proposed development does not represent a Material Contravention of the development plan, since residential development is permitted in principle under the 'RS' zoning and the development plan's broad requirements in relation to layout and siting have been complied with. I am therefore satisfied that Section 37(2) of the Act is not applicable in this instance and the appeal can be considered on this basis.

7.3. Design and Layout

- 7.3.1. The design and layout of the proposed house are acceptable, incorporating a stepped profile which presents a two-storey mass adjacent to the existing dwelling and stepping down to single storey height adjacent to Castleknock Road. The mixed material palette and contemporary roof would also complement the streetscene setting.
- 7.3.2. The single storey element would be set forward of the building line but, I do not consider it would be overly prominent or incongruous in the limited views which are available from within Castleknock Lodge. The house would also encroach towards Castleknock Road, but as is discussed in the following section, I consider it would have an improved relationship to the village centre than the existing house on the site, which presents a blank gable wall to views from the village centre. The house would be set back from the cul-de-sac turning circle and footpath by approximately 8m
- 7.3.3. The house appears appropriately sized, internally, meeting or exceeding development plan minimum standards in relation to overall size, the size and layout of individual rooms and the level of storage space provided. Adequate private open space would also be provided and retained private open space for the donor property would also be adequate.
- 7.3.4. The house would also have an appropriate relationship to adjoining properties, incorporating limited openings on the east and south elevations. Whilst a first floor east-facing window, serving bedroom 2, may have views of the front section of the east-adjointing site, I do not consider it would increase the level of overlooking of this property, where the existing house incorporates east-facing windows at first floor level and has a broadly similar relationship to the adjoining property as the proposed house would. In any case, should be Board have concerns regarding potential overlooking of

this property, this window could be omitted, and the north-facing window serving bedroom 2 could be enlarged, to ensure adequate light levels within the room.

7.3.5. I note that the Planning Authority cited concerns in relation to the level of separation between the proposed and existing dwellings and the quality and usability of the private open space. In this urban location I consider the level of separation is adequate to allow service access to the rear of both properties and the level and layout of private open space is acceptable.

7.3.6. Other than general references to 'existing hedge' and 'new boundary wall', detailed proposals for front and rear garden boundary treatments have not been outlined on the application drawings. Careful consideration needs to be given to the north site boundary in particular, which is visible from Castleknock Road. The existing hedge along this boundary lies within less than 1m of the proposed house and it may be affected by construction. In my opinion, the retention of a landscaped boundary treatment along this boundary is important, in order to protect the visual amenity of the village centre. Should the existing hedge be impacted by construction, I am satisfied that there is sufficient space for replacement planting. A condition shall attach, specifying boundary treatments to be provided.

7.4. Visual Impact

7.4.1. The Planning Authority's refusal of the development referenced particular concerns in relation to the impact of a proposed house on the low density character of the existing layout of Castleknock Lodge and also the visual impact of its scale, massing, design and layout. I consider the site to be capable of accommodating an additional dwelling and, whilst I accept that there would be a minor impact in visual terms, it would not be detrimental to the visual amenity or character of the area.

7.4.2. The subject site is located at the end of a cul-de-sac and is only visible in immediate views from within Castleknock Lodge, around the turning circle at the end of the road. The site is visible from Castleknock Road, to the north, and the proposed house would be visible, but I do not consider it would have any greater impact than the existing dwelling, which presents a blank gable wall to such views. Indeed, I consider the relationship would be improved, with the architectural detailing provided by the development serving to animate and enliven these views.

7.5. Other Issues

- 7.5.1. There is a large tree within the rear garden of the property, which I note the Planning Authority's Parks and Green Infrastructure section sought to ensure would be protected by the development and sought additional information which would confirm that the development would not jeopardise its long-term health. I also note that the grounds of appeal outline that the closest element of the development to this tree is a timber deck and that this could be omitted, should the Board consider it necessary.
- 7.5.2. The rear wall of the proposed house would extend to within c. 6.5m of the trunk of this tree, based on the information supplied as part of the application. On my visit to the site I noted that the trees to the north-east of the existing dwelling are separated from existing rear garden area by a block wall which runs in east-west direction across the rear of the garden. This wall is likely to have impeded the growth of tree routes in a westerly direction. Subject to adequate protection measures being put in place to ensure the trees in this area are protected during construction, I am satisfied the tree can be retained as part of the development. I note, in saying this, that the Parks section outlined that it is the rear terrace which appears to be partially within the root protection area of the tree and the appellants have clarified that this is a timber deck.
- 7.5.3. Irish Water advised within their submission that there is a watermain traversing the site, through the north-west corner, and sought a condition as part of any grant to require demonstration that a 3m setback could be maintained from the proposed house. The drainage drawings submitted with the application do not identify any watermain within the site and the Planning Authority's Water Service department report did not address the issue. I am therefore unclear on whether this requirement can be achieved by the development. This may be an issue to be clarified by the Board, prior to any decision.
- 7.5.4. The Planning Authority's Transportation section sought to reduce the width of the vehicular access, from its existing c.5m width down to 4m, in order to reduce the risk of pedestrian/motor conflict. A 4m wide access would be adequate to serve the proposed development and such the requirement can be controlled by condition.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, which is a small-scale residential development, 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 permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the 'RS' zoning which applies to the site under the Fingal County Development Plan 2017-2023, under which residential development is permissible, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of the area or the amenities of properties in the vicinity. 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, 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. Reason: In the interest of clarity.
2.	Prior to the commencement of development details of the location of an existing Irish Water 110mm watermain on the site shall be provided, together

	<p>with confirmation that the proposed house would achieve a setback of not less than 3m from this Irish Water asset.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Boundary treatments shall be provided as follows:</p> <ul style="list-style-type: none"> • Along the north and north-west site boundaries native hedgerow planting shall be provided and maintained. Should the existing hedge be compromised by construction it shall be replaced in accordance with proposals agreed with the Planning Authority prior to occupation. • Along the shared boundary, behind the Castleknock Lodge building line, a wall or fence of minimum height 1.8m shall be provided. • Forward of the Castleknock Lodge building line, a capped and plastered wall of maximum height 900mm or hedging of maximum height 900mm shall be provided and maintained. <p>Reason: In the interest of visual amenity and to protect residential amenity.</p>
4.	<p>Measures to ensure the protection of an existing street tree adjacent to the site access during construction shall be agreed with the planning authority and implemented on the site prior to the commencement of development.</p> <p>Reason: In order to ensure the protection of retained trees on the site in the interests of biodiversity and visual amenity.</p>
5.	<p>The vehicular access serving the proposed house shall have a maximum internal width of 4m.</p> <p>Reason: In the interests of visual amenity and pedestrian safety.</p>
6.	<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, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>

7.	<p>A naming and numbering scheme for the development shall be submitted and agreed with the Planning Authority prior to occupation of the dwelling.</p> <p>Reason: In the interest of clarity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution 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. 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.</p> <p>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 Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Barry O'Donnell
 Planning Inspector

27th October 2020.

