



An
Bord
Pleanála

Inspector's Report ABP-308956-20

Development	Rear extension to existing house with dormer window. Demolition of outbuildings and construction of 3 houses in a single terrace in the side garden.
Location	26 St Patricks Park, Blanchardstown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0162
Applicant(s)	Caroga Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Caroga Limited.
Observer(s)	Deborah & David Farnan.
Date of Site Inspection	6 th April 2021.

Inspector

Elaine Sullivan

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.0344ha and is located to the side of No. 26 St. Patrick's Park. The site is triangular in shape and currently comprises a 2 storey end of terrace dwelling and large garden area to the side and rear. There are currently a number of outbuildings in place on the site, which would be removed to facilitate the development.
- 1.2. The site faces onto a large area of open green space to the south. This area extends to Church Avenue and allows for open views from of the site from Church Avenue. To the west of the site is a terrace of traditional 2 storey dwellings with some infill development at the most westerly corner. An access laneway runs along the back of this terrace and allows for rear access to the site. Vehicular access is from a narrow cul-de-sac to the front of the terrace and there is a turning circle in place to the front of the site.
- 1.3. There is residential development in place to the rear of the site and to the north. The site directly to the east has not been developed and appears to form part of the open space attached to the HSE building facing onto Church Avenue.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following development;
- 2.2. The demolition of existing outbuildings to the side of No. 26 St. Patrick's Park, (c. 55sqm) and the construction of 3 no. 2 and a half storey, 2 bedroom, plus study, houses of 121sqm. The houses would form a single terrace and would have individual dormer windows to the front and a continuous dormer window to the rear.
- 2.3. All houses would have private gardens to the rear of 48-49sqm with access to the rear laneway. Off-street parking for 6 cars would be provided to the front of the development.
- 2.4. The houses would connect to the existing 150mm public foul sewer and manhole in the rear garden of the subject site. Mains water supply would be provided through a connection to the existing 110mm diameter public watermain fronting the site. Surface water drainage would be dealt with through on-site SuDS with any excess water draining to the existing surface water sewer to the front of the site.

- 2.5. Works to the existing house at No. 26 include the demolition of existing porch to the front and single storey extension to the rear, and the construction new part single / part 2 storey extension of c.17sqm to the rear. The attic space would be converted to provide an en-suite bedroom, which would include the installation of a dormer window on the rear elevation and raising the existing ridge height by 0.5m.

3.0 Planning Authority Decision

3.1. Decision

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

1. The proposed development, by way of the proposed height, design and layout, would fail to create a sense of visual harmony with adjoining development, would significantly detract from existing residential amenity, would have a negative impact on the visual amenities of the area and would represent overdevelopment of the site in an area which maintains a distinct residential character. The proposed development is considered to materially contravene the RS zoning objective for the site and Objectives DMS29 and DMS39 of the Fingal Development Plan 2017-2023, would set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.
2. The proposed dormer extensions to the front and rear roof slopes of the existing house would, by reason of the scale, height and width of these features, result in the creation of an incongruous extension to the property which would dominate the roofscape. The proposal would contravene materially Objective DMS41 of the Fingal Development Plan with regard to the design of dormer extensions and would seriously injure the visual amenities of the area. The development would therefore be contrary to the proper planning and sustainable development.
3. Based on the information submitted, the Planning Authority is not satisfied that the necessary legal consent to undertake all such works for the proposed development has been obtained and as such that the development can be carried out with the provision of all necessary infrastructure. The proposed

development would therefore be contrary to the proper planning and sustainable development of the area.

4. Based on the information submitted, the Planning Authority is not satisfied that water and wastewater services can be provided to the proposed dwellings. The proposed development would therefore be prejudicial to public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority to refuse permission was informed by the report of the Planning Officer from the 24th November 2020, which includes the following comments;

- The proposed development is in accordance with the zoning for the site.
- Works to the existing house include the provision of a dormer window to the rear, which is assessed under Objective DMS41 of the CDP.
- The proposed rear dormer would form a dominant part of the roof and by virtue of its design and scale would be visually obtrusive. Both dormer extensions would exceed the height of the existing roof ridge and would set an undesirable precedent.
- The proposed dwellings to the side of the terrace would be at variance to the existing character of development in the area and would be contrary to Objective DMS39, which requires that infill development respect the height and massing of existing residential development.
- Private open space has been provided to minimum standards, with the space to Unit 1 constrained and unusable. Bin storage has not been provided.
- An extension of the existing footpath and road would be required to provide access to the new units. In order to access the public road, access over lands owned by the PA would be required. A letter of consent has not been submitted.

- The existing road serving the houses would require upgrading as would the turning circle. Details of these works have not been supplied.
- The proposed parking layout is not ideal and swept path analysis should be provided.
- A mains/sewer extension would be required to serve the proposed development.

3.2.2. Other Technical Reports

Transportation Planning Section – Access to the new units would require an extension of the existing road and footpath into the open space to the front of the development. This land is owned by Fingal County Council and consent has not been sought. The existing access road has no kerb or drainage and would require upgrading. Design details in relation to footpath connectivity, road extension or how parking for the units would be accessed have not been provided. Further information is recommended.

Water Services Department – Further information is requested with regard to the surface water design and detail for the proposed dwellings.

3.3. Prescribed Bodies

Irish Water – Further information is required. The applicant is requested to engage with Irish Water to determine the feasibility of connection to the public water / waste water infrastructure. Where Irish Water does not have infrastructure in the public road fronting the development a mains/sewer extension will be required.

3.4. Third Party Observations

Two third party observations were received by the Planning Authority during the public consultation phase. They were submitted by neighbouring residents and are summarised as follows;

- The access road is very narrow, with only enough space for one car at a time. Additional traffic will exacerbate this situation. There is a lack of on-street parking at the moment.
- Concerns regarding the impact of the additional houses on the existing drainage systems.
- The design and height of the houses is out of character with the existing housing on the street and is excessive.
- The proposed dormer to No. 26 is bulky and would exceed the current ridge height. It will impact on the privacy of the adjoining houses.

4.0 Planning History

No planning history for the subject site.

On sites nearby and referenced in the appeal;

ABP- 305269/19, (PA Ref. FW19A/0094) – Planning permission granted by An Bord Pleanála on the 20th December 2019 on foot of a First Party appeal for the construction of a 2 storey, 3 bedroom dwelling to the side of 23A Saint Patricks Park.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

The subject site is zoned 'RS' – Residential, the objective of which is to 'Provide for residential development and protect and improve residential amenity'.

It is also located in an area identified for an Urban Framework Plan.

The following objectives are relevant to the appeal;

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 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, which relate to gross floor area, aggregate living and bedroom areas, storage and room size.

Objective DMS29 - Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

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 – Contains design guidance on new corner site development.

Objective DMS41 - Dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house.

Objective DMS88 – Allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/ corner sites. In no instance will the provision of less than 48 sq m of private open space be accepted per house

National Planning Framework 2040

National planning policy seeks to consolidate development and promote efficient use of land by utilising infill and brownfield sites.

The National Planning Framework, (NPF), contains policies that relate to the promotion of compact growth and making better use of under-utilised land, including ‘infill’ and ‘brownfield’ sites. Objective 3b seeks to ‘Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.2. Natural Heritage Designations

No designations apply to the site.

5.3. EIA Screening

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity 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 main grounds of the First Party appeal can be summarised as follows;

- Development of infill sites is in line with government policy with regard to the utilisation of land.
- The proposed houses comply with all the regulations and guidelines with regard to room sizes, garden sizes etc. and have been designed to be a sympathetic addition while complimenting the existing streetscape.
- Reference is made to development at 23A/23B St. Patrick's Terrace which was granted permission under ABP305268/20, PA Ref. FW19/0094, which has a ridge height in excess of the original terrace.
- The proposed front dormer on the existing house has been removed in response to Reason 2 for refusal. The revised design is shown on Drawings PL02A and PL03A which are submitted with the appeal.
- The proposed access to the development is across an existing footpath and not over any green space or grassed area. It is not intended to cross over any third party lands in order to access the development. Drawing PL01A Site Plan has been included for clarity and highlights the access point for clarity.

The access is just under 3.4m in width and can easily allow for the 2 no. proposed car park spaces.

- A shadow analysis has been prepared and submitted with the appeal.
- The applicant contends that the surface water drainage system as shown is adequate. It is confirmed that no surface water/rainwater shall discharge into the foul sewer system.
- The applicant has engaged with Irish Water and correspondence has been submitted with the appeal.
- Car parking for 6 cars would be provided and is considered adequate for the development. Bin and bicycle storage provisions have been shown on the architects drawings.
- The applicant is happy to consider upgrades to the roadway and turning area and this can be included in a planning condition.

6.2. Planning Authority Response

A response was received from the Planning Authority on the 28th January 2021 and includes the following;

- Having reviewed the grounds of the first party appeal, the PA remain of the opinion that the proposed development would represent an overdevelopment of the site and is unsuitable for the location.
- The proposed height, roof profiles and elevations do not represent a sufficient response to the character of adjacent dwellings and would significantly detract from existing residential amenity and set an undesirable precedent for development at this location.
- The proposed development would materially contravene the RS zoning objective for the area and would materially contravene Objectives DMS 29 and DMS 39 of the Fingal CDP.
- In the event that planning permission is granted for the development, the PA requests that Condition No. 15 in respect of the Section 48 Development

Contribution and Condition No. 16 in respect of the Bond/Cash Security are included in the determination of An Bord Pleanála.

6.3. Observations

One observation was received from the residents at 23 St. Patrick's Park and is summarised as follows;

- The development for 3 no. houses is excessive for the site and the height is totally out of character with the adjoining terrace.
- Although the developer has highlighted other development within the area that exceed the height of the terrace, the proposal is nearly 2m higher than the existing houses. This would impact on existing sunlight to rear gardens.
- Works to the existing house would also be excessive in terms of height.
- 6 car parking spaces are shown for 4 houses, which is insufficient. Car spaces 3 & 4 impinge on the existing house at No. 26 to allow for spaces 5 & 6.
- Landscaping has been removed to provide bin and bicycle storage.

7.0 Assessment

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

- Principle of Development
- Design & Scale
- Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

The proposed development for amendments to an existing house and the construction of 3 new houses, is in accordance with the RS – residential zoning objective for the site. Objective PM44 of the CDP also seeks to ‘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’. Therefore, the principle of the development is acceptable subject to compliance with the relevant standards / policies and objectives which are assessed in detail below.

7.3. Design & Scale

The development proposal contains two main elements; works to the existing house and the development of 3 new houses on the adjoining site.

Existing House

Works to the existing house include the demolition of existing structures to the front and rear and the construction of a part single, part two storey extension to the rear. The rear extensions are minor in scale and would be in the order of 11sqm and 6 sqm respectively. Given the nature and scale of the extension and the orientation of the site, it is unlikely to result in any undue negative impact on the amenity of adjoining properties.

It is also proposed to convert the existing attic space to provide an en-suite bedroom with a dormer window extending to almost the full width of the rear roof plane. These works would require raising the roof ridge by 0.5m. In my opinion, the scale of the dormer window to the rear is excessive as it extends to the almost the full width of the roof. The proposal to increase the ridge height within the terrace would result in an unbalanced form of development which would have a negative visual impact on the existing terrace when viewed from St. Patrick’s Park. As such, the scale of the dormer window and the extent of development at roof level, would be contrary to the guidance set out in Objective DMS41 of the CDP.

Proposed Houses

The new houses would form a small terrace which would be physically separated from the existing terrace by a side access laneway to the rear garden of No. 26. All

three houses would be of uniform design and finish, with individual dormer windows to the front and a long continuous dormer on the rear elevation. In order to accommodate the third level of the houses, the ridge height would be 1.9m higher than the existing terrace to the west.

The nature and location of the infill site which, presents an opportunity for development adjacent to Blanchardstown Village is noted. However, it is my view the subject proposal is unsuitable for the site in terms of its height, massing and design. The combination of the increase in established height, and the front dormer windows, would result in a built form that would dominate the existing streetscape to the west. In comparison to the adjacent terrace, the two and a half storey houses would be excessively bulky in terms of their design and massing and would result in an incongruous form of development. This would have a negative visual impact when viewed from Church Avenue or across the open green space to the front.

I note that the appellant references precedent for increasing the established ridge height on the western end of the terrace, under a permitted development at No. 23A, (ABP 305269/19, PA Ref. FW19A/0094). Development permitted under ABP 305269/19 is for one additional house that would form part of a pair of semi-detached houses with a ridge height of 0.8m higher than the adjacent terrace. This development is of a much smaller, more mannered scale, which, in my opinion, is a more appropriate response to the infill site.

Off-street parking for 6 cars would be provided to the front of the development and would require the removal of 13m of the front boundary wall to the west of the site. The existing front garden to No. 26 would be completely removed and replaced with 4 perpendicular parking spaces which would be 1.2m from the front of the house. An additional 2 parallel parking spaces would be provided in the south-eastern corner of the site, with parking space No. 5 positioned just 1m away from the front living room window of Unit 3.

In my opinion the overall layout to the front of the development is out of character with the existing pattern of development on the street. The proposed layout would result in the removal of the front garden to No. 26 and its conversion to a parking area for adjoining property. The extent of parking to the front of No. 26 is disproportionate to the dwelling and is wholly inappropriate within the existing pattern

of development. This hard landscaping required for the layout would be excessive and would offer no opportunity for planting or visual softening of the proposal.

The proposed development, represents a clear overdevelopment of the site in terms of the proposed height, massing and excessive hard landscaping to the front. It is not in accordance with the guidance contained in Objectives DMS39 and DMS40 of the CDP with regard to infill development and would result in an inappropriate form of development that would have a significant negative visual impact on the existing streetscape.

I note that the absence of a separation distance of at least 2.3 metres between the side walls of detached or end of terrace dwellings, as per Objective DMS29, is included in the PA's reasons for refusal. In my opinion the development of a constrained infill site offers some opportunity to relax this requirement subject to good quality design and layout.

7.4. Residential Amenity

Existing Residents

Concerns were raised by third parties regarding the impact of the development on adjoining properties in terms of overshadowing and loss of privacy. A shadow study was submitted with the appeal and shows that the adjoining properties to the west would suffer very little, if any, overshadowing from the development. The new houses would be oriented to face south with the rear elevations and private open space facing north. Given the orientation of the site, I am satisfied that the proposed houses would not result in any significant overshadowing of existing properties on the existing terrace to the west. The adjoining site to the east would experience some overshadowing from the development. However, this area comprises open space to the rear of a HSE building and would not be a sensitive receptor in terms of overshadowing. There is also sufficient separation distance to prevent any undue overlooking of adjoining properties.

In my opinion, the biggest impact the proposal would have on the existing residential amenity would be in terms of its visual impact on the streetscape and the excessive parking to the front, which is addressed elsewhere in the report.

Future Residents

A Housing Quality Assessment was submitted with the application and assesses the development against the minimum standards required for 2 bedroom houses as set out in Table 12.1 of the CDP. It is my view that the definition of the houses as 2 bedroom units is somewhat ambiguous. All of the houses have generous floor areas of 121m², which is in excess of the 80m² required for a 2 bedroom houses, and all units also have 4 rooms on the upper levels, which are separate to the main living areas at ground floor level.

Units 1 & 2 have the same layout with a combined living/dining/kitchen area at ground floor level and two large rooms on each of the two levels above. The rooms on the upper floors are generous in size and range in size from 11.8m² to 13.7m². Whilst all four rooms are of sufficient size to function as double bedrooms, it is not unreasonable to conclude that one or more rooms could be used as an additional living area given the open plan nature of the ground floor.

Unit 3 has a similar layout but has a more constrained floor plan given its corner location. Room sizes for this unit are smaller with the rooms on the upper levels ranging in size from 6.7m² to 17.5m². In this instance, it would be possible to use three of the rooms as bedrooms, (2 double and 1 single). Irrespective of the particular functions of the rooms on the upper levels of this unit, the kitchen area is very constrained and is just 2.3m in width at its narrowest point.

Given the generous room sizes, all houses have the capacity to accommodate at least three bedrooms whilst still retaining one room for flexible use. In my opinion, the assessment of the houses as 3 bedroom units is a more accurate reflection of their capacity based on room sized and floor plan layouts. When assessed as 3-bedroom houses, none of the units meet the minimum standards for aggregate living areas as set out in Table 12.1 of the CDP, which are 37m² and 34m² respectively.

Private open space for each unit is provided to the rear and would be in the order of 48-49m² per unit, which is the minimum required for infill development of 1 and 2 bedroom townhouses as per Objective DMS87 of the CDP. A minimum standard of 60m² private open space is required for a 3 bedroom house.

I am not satisfied that the private open space as shown can yield a sufficient level of amenity for future residents in terms of its orientation, layout and quantum. The

gardens would have a northerly orientation and would have irregular boundaries which do not directly align with the rear of each unit. This could result in some overlooking of the garden to Unit 3 as the rooms on the upper levels of Unit 2 would have a direct sightline over this space.

The design also seeks to provide access to the rear laneway from each garden. In my view, this results in a convoluted arrangement of space towards the rear boundary of the site which further impacts on the functionality of the amenity space.

In an attempt to achieve 3 additional units within the corner site, the proposal has resulted in a constrained and overly complicated design, which would not provide a good standard of residential amenity for future residents in terms of access to good quality private open space. The dominance of parking to the front of the site would also result in a negative visual impact on the existing terrace and the amenity for the new houses, given the proximity of the parking area to the living room window of Unit 3.

I note to the Board that the quality of the private amenity space for future residents is a new issue and the Board may wish to seek the views of the parties. However, having regard to other substantive issues for refusal set out below, and throughout the report, it may not be considered necessary to pursue the matter.

7.5. Other Issues

Additional issues raised in the notification of refusal by the PA, related to the proposed drainage for the site and the access arrangements that would require permission to access third party lands.

Drainage

It is proposed to connect the new houses with the existing public watermain to the front of the site and with the foul drainage system in the rear garden of No. 26. Surface water drainage would be attenuated through the use of permeable paving with excess run-off to be discharged to the public surface water sewer at the front of the site. The applicant has engaged with Irish Water and has submitted a Confirmation of Feasibility letter from them with regard to the future connection. I am

satisfied that the drainage for the site can be facilitated in accordance with the requirements of the PA.

Third Party Lands

Drawings submitted to the PA were unclear as to how the development would be accessed and appeared to show vehicular access across the green space to the front of the site. As part of the appeal, the applicant has clarified that this is not the case and an extension of the existing public road and footpath is not required. It is proposed to remove 13m of the site boundary to the front of No. 26, which would allow for vehicular access over the existing footpath. The applicant has stated that he is willing to consider upgrades to the roadway and turning circle should that be required.

Whilst the applicant has demonstrated that it would be possible to access the development from the existing public road, the proposed layout does not demonstrate good planning practice or consideration of the surrounding environment. This is discussed in detail above.

Material Contravention

I note that the PA's reason for refusal states that the proposed development materially contravenes the RS zoning for the site and Objectives DMS29 and DMS39. The RS zoning for the site seeks to 'Provide for residential development and protect and improve residential amenity', and, Objectives DMS29 and DMS39 relate to the provision of a separation distance between the side walls of houses and to the design of new infill development, and is not, in my view, sufficiently specific so as to justify the use of the term 'materially contravene' in normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

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

8.1. I recommend that planning permission be refused.

9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, for 3 houses on a corner site, it is considered that, by reason of its design, height, massing and extent of parking to the front, that the proposed development would have a significant and negative visual impact on the existing streetscape and would represent an overdevelopment of the site. It would therefore be contrary Objectives DMS39 & DMA40, of the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed alterations to the existing roof to raise the ridge height and provide a dormer window to the rear would result in an overly dominant form of development that would be incongruous to the adjoining residential development and would have a significant negative visual impact on the character of the area. This would be contrary to Objective DMS41 of the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

26th April 2021