



An
Bord
Pleanála

Inspector's Report

ABP-309181-21

Development	Demolition of existing garage attached to No. 44 Grange Park. The construction of a new end of terrace two storey, three bedroom infill house attached to the existing house.
Location	44 Grange Park, Baldoyle, Dublin 13, D13 W6F5
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0524
Applicant	Lorna Guirke.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Lorna Guirke
Date of Site Inspection	8 th March 2021
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located on the inside of a sharp bend on the residential road Grange Park, Baldoyle, where the site boundary continues along the curve of the road to join the north facing dwellings, no's 66-68, to the west, with the west facing nos 39-44. The subject site occupies the southernmost position in the run of semi detached houses. The southern boundary of the site adjoins the rear boundaries of two house plots facing south to Grange Road. The eastern boundary adjoins La Verna, a sheltered housing development, with access to Grange Road. A primary school adjoins La Verna and there is a neighbourhood centre on the opposite side of the road. A Dublin Bus route (No 29) operates along Grange Road.
- 1.1.2. Overhead electricity lines traverse the site close to the southern boundary.
- 1.1.3. The site is long and narrow. The southern boundary extends in a straight line from a point at the western end to the building line, where there is a set back in the boundary (widening the site); continuing in a straight line to a point close to the rear boundary, where there is a set forward, (narrowing the site).
- 1.1.4. The site (which includes the existing house) is given as 0.05325ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing garage attached to No. 44 Grange Park, and the construction of a new end of terrace two storey, three bedroom infill house attached to the existing house.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse planning permission for three reasons:

1 creating a terrace,

2 overdevelopment and precedent,

3 the flat roof profile with the parapet level approx. 600mm above the eaves level of the existing dwelling would create an incongruous feature within Grange Park estate.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report recommending refusal, includes:

- The subject site, within the RS zoning objective where the provision of a residential unit, is considered to be acceptable in principle, however having regard to the restrictive nature of the subject site it is considered that the provision of a terrace of three units would seriously injure the amenities or depreciate the value of property in the vicinity.
- In addition no documentary evidence has been submitted to demonstrate to the satisfaction of the planning authority that all of the lands where the proposed development is to occur is within the control or ownership of the applicant.

3.2.2. Other Technical Reports

3.2.3. Water Services Department – no objection subject to conditions:

1) The development to comply with BRE Digest 365, the GDSDS, designed to accommodate the 30-year critical duration storm event, include for climate change, use local rainfall data, and be at least 5m from any structure and 3m from any boundary. A high-level overflow to the surface water sewer shall be provided should soil investigations not be favourable to provided full infiltration.

2) no surface water / rainwater to discharge to the foul sewer system.

3) surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0 FCC April 2006.

3.2.4. Planning & Strategic Infrastructure Department, Transport Planning Section:

2 parking spaces provided in compliance with standards.

Sightlines are acceptable.

The boundary wall between the new and existing units to the front of the site that divides the parking areas should not exceed a maximum height of 900mm to facilitate inter-visibility between vehicles leaving the site.

Conditions 1- 4

- 1) The boundary wall between the two parking areas shall not exceed a maximum height of 900mm.
- 2) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- 3) The footpath and kerb shall be dishd at the developer's expense to the satisfaction of the Planning Authority.
- 4) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.

4.0 Planning History

F20A/0093 permission refused for demolition of existing garage attached to No. 44 Grange Park. The construction of a new detached two storey, two bedroom infill house adjacent to the existing house, for three reasons:

- 1 shortfall in storage,
- 2 1m separation distance below minimum of 2.3m, overdevelopment.
- 3 overdevelopment, precedent and impact on residential amenity.

F19A/0571 permission refused for demolition of existing garage attached to No. 44 Grange Park. The construction of a new detached two storey, two bedroom infill house adjacent to the existing house, for four reasons:

- 1 shortfall in minimum room widths,
- 2 overshadowing
- 3 overlooking from second floor rear windows, and precedent.
- 4 lack of information re foul sewer, surface water drainage and water supply.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Fingal Development Plan 2017-2023 is the operative plan relevant provisions include:

Zoned RS - Residential: 'Provide for residential development and protect and improve residential amenity.

Consolidate the vast majority of the County's future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the hinterland to towns and villages, as advocated by national and regional planning guidance - Objective SS02

Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres. Objective SS15

Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services. Objective SS16

Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

Objective SS03 Infill, Corner and Backland Sites

The development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be considered for this type of development.

Objective PM44

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective PM45

Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

Other Residential Development

The development of underutilised infill and corner sites in existing residential areas is generally encouraged. However, it is recognised that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be encouraged for this type of development.

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas.

All new dwellings shall comply with Development Plan standards in relation to accommodation size, garden size and car parking. Where the proposed height is greater than that of the surrounding area a transitional element should be provided.

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.

5.2. Fingal County Council Development Contribution Scheme 2021-2025

5.2.1. Rate applicable €98.21 per sq metre.

5.3. Natural Heritage Designations

5.3.1. The nearest Natura sites are-Baldoyle Bay SAC and Baldoyle Bay SPA (site code 00) located c 1km away.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. O'Neill Town Planning have submitted the appeal against the planning authority's decision to refuse permission on behalf of the first party. The grounds includes:

- The site is of a type that should be developed in line with the National Planning Framework 2040, the Regional Strategy, and the Ministerial Guidelines and Rebuilding Ireland, Action Plan for Housing and Homelessness.
- The site is close to public transport links, community, commercial and retail services and is within a residentially zoned part of the site. It has public drainage services.
- The proposed development is in full compliance with the policies and objectives of the Fingal Development Plan 2017-2023 as they apply to density, room sizes, storage space, private open space, and car parking and bicycle parking.
- Re. Reason no. 1 - the addition of a sensitively designed corner house will increase the value of No 43 Grange Park.

- Re. Reason no. 2 – the proposed development is in full compliance with standards.
- Re. Reason no. 3 – the small difference in levels, the parapet level of the link roof would be sitting 550mm above the eaves level of the existing dwelling, is minor. Because of its length and the fact that it is set back from the front of the building it will neither be incongruous nor visually discordant.
- The red line defining the previous application sites was solely based on the particular architect at the time. the boundaries have been defined and are shown on a map extract submitted. This defined boundary can also be seen in a previous application, F19A/0537, for the site to the south, an extract from which is presented; and which corresponds with the applicant's map.

6.2. Planning Authority Response

- 6.2.1. The planning authority have responded to the grounds of appeal, which includes:
- If permitted the development would offer a reduced level of residential amenity for the occupants than that afforded to existing residents of the area.
 - Given the planning history and the number of refusals the planning authority is of the opinion that it is a very restrictive site and an extension to the existing house may be acceptable. The provision of a separate unit would suggest overdevelopment of the site, erroneously called by the appellant a 'corner site'

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, residential amenities of future residents, impact on neighbours and on the character of the area, site boundary, and precedent and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

7.3. Residential Amenities of Future Residents

- 7.3.1. it is stated in the planning authority's response to the grounds of appeal that the development would offer a reduced level of residential amenity for the occupants than that afforded to existing residents of the area. The proposal was examined in the planner's report and the was found to be in compliance with the residential standards set out in the development plan.
- 7.3.2. The grounds of appeal states that residential standards are met.
- 7.3.3. In my opinion there is nothing to suggest that the development would offer a substandard level of residential amenity for the occupants. The residential amenities of future residents should not be a reason to refuse or modify the proposed development.

7.4. Impact on Neighbours and on the Character of the Area

- 7.4.1. Refusal reason no. 1 refers to injuring the amenities of the area and depreciating the value of the property, no 43 Grange Park, by creating a terrace, and refusal reason no. 2 refers to setting an undesirable precedent for similar substandard development. In the planner's report under the heading residential amenity it is noted that the plans comply will the requirements of Table 12.1 and Table 12.2 of the Fingal Development Plan 2017-2023 and that there are no issues re. overlooking or overshadowing.

Refusal reason no. 3 states that the flat roof profile with the parapet level, approx. 600mm above the eaves level of the existing dwelling, would create an incongruous feature within Grange Park estate.

Objective DMS40 of the Fingal Development Plan 2017-2023 refers to new corner site development which it states 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.

With the exception of the provision of dual frontage development, which is not feasible in this case, in my opinion the proposed development addresses all of these recommendations.

I am satisfied that the proposed design is compatible with the character of the existing built form in the area and that the slight setback in the front building line provided in the link between the existing building and new, will ensure that the flat roof profile and the parapet level approx. 550mm above the eaves level of the existing dwelling will not create an incongruous feature within Grange Park estate.

- 7.4.2. Impact on Neighbours or on the Character of the Area should not be reasons to refuse or modify the proposed development.

7.5. Refusal History

- 7.5.1. The history of refusals of permission is referred to in planning authority response to the grounds of appeal.
- 7.5.2. It is clear from these refusals that the proposed development has evolved over the course of this history, and that the modifications arrived at from previous application decisions and pre planning consultation have resulted in a design which is acceptable for this site as well as addressing minimum residential standards.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed additional dwelling, on an infill site in an established, centrally located, residential area where public transport and a range of services are within walking distance and where infrastructural facilities are available, would provide future residents with an acceptable level of residential amenity, would not detract from the character of the area, the value of property, or the residential amenities of adjoining residents; would comply with the residential standards and zoning objectives of the Fingal Development Plan 2017-2023, and would, subject to the following conditions, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>

3.	<p>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall liaise with ESB Networks and shall comply with any requirements in relation to the overhead system which traverses the site.</p> <p>Reason: In the interest of safety.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
6.	<p>a) The boundary wall between the two parking areas shall not exceed a maximum height of 900mm.</p> <p>b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>c) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the Planning Authority.</p> <p>d) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.</p> <p>Reason: In the interest of orderly development and the traffic safety.</p>

7.	<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>

Planning Inspector

10 March 2021

Appendices

Appendix 1: photographs

Appendix 2: Fingal Development Plan 2017-2023, as varied, extract.