



An
Bord
Pleanála

Inspector's Report

ABP-309184-21

Development	Demolition of dwelling and construction of a replacement two-storey dwelling, also 2 detached and 4 semi-detached dwellings.
Location	'Ducalla', Castleknock Road and Ashleigh Grove, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0101
Applicant(s)	Bryan and Cliona Fox.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Observer(s)	The Fitzpatrick family, Ashleigh Residents Association, Mark Kenny, Gabriel Reilly, John Harty,

Mary Sloan,
Michael Walsh,
Anthony and Anne Lalor.

Date of Site Inspection

7th April 2021.

Inspector

Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site, Ducalla, has a stated area of 0.269ha and is located west of the M50, between Castleknock and Blanchardstown, on Castleknock Road. The site contains a detached, 2-storey house, which has a cruciform shape, and its attendant garden. The site is accessed via a shared access with the property formerly known as Claremont, which is itself currently undergoing construction for a residential development of 4 houses.
- 1.2. The site is enclosed along the west boundary by a hedgerow, which forms the townland boundary between Castleknock and Blanchardstown; along the north boundary by a mature stand of Leylandii trees which I would estimate are approx. 12-15m in height and a closeboard timber fence; and along the east and south boundaries by block walls which vary between 2-2.5m in height.
- 1.3. The site is adjoined by the Ashleigh estate to the north and east, by the under-construction housing site and a detached property 'Greenwood' to the south and by the Huntington Lodge estate to the west. Houses at Ashleigh Grove, which adjoin the site to the east, are a traditional detached design and measure approx. 8m to the ridge.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of an existing two-storey detached house, known as 'Ducalla', to be replaced by a new two-storey detached house accessed from Castleknock Road, together with the construction of 6 houses (2 detached and 4 semi-detached), with dormer style roofs, accessed from Ashleigh Grove.
- 2.2. 'Ducalla', the house proposed to be demolished, has a stated area of 329sqm. The proposed replacement house has a stated area of 320sqm. It is of a traditional pitched roof design; it would be L-shaped and with a ridge height of approx. 9.3m.
- 2.3. The 2 no. proposed detached houses, identified as Nos. 17 and 19, have stated areas of 225.5sqm. They are 3-storey design, incorporating a mansard roof and with the attic space converted to provide a second floor level and incorporating a box-dormer window on the front roof plane.

- 2.4. The 4 no. proposed semi-detached houses, identified as 21, 23, 25 and 27, each have a stated area of 200sqm. They are an effective 3-storey design, incorporating a pitched roof and with the attic space converted to provide a second floor level and incorporating a box-dormer window on the front roof plane.
- 2.5. At the further information stage, the proposal was amended, in particular with 6 no. semi-detached houses proposed in lieu of the initially proposed arrangement of 2 detached and 4 semi-detached houses. Amendments to the height of the proposed semi-detached houses were also proposed at this stage, reduced to a uniform height of 10.375m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission, for 3 reasons as follows: -

- 1. Having regard to the established pattern of development in Ashleigh Grove, it is considered that the proposed development by reason of its design, scale, height and position in the streetscape forward of the established building line on Ashleigh Grove, would be out of character with the residential properties in Ashleigh Grove and would be visually obtrusive and overbearing to these dwellings. The proposed development would materially contravene the 'RS' zoning objective which seeks 'to provide for residential development and protect and improve residential amenity' and 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.' The proposed development would be contrary to Objective DMS39 which states that 'new infill development shall respect the height and massing of existing residential units.' The proposed development would set an undesirable precedent for other similar development and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The layout of the proposed development fails to properly preserve and incorporate the existing townland boundary along the western boundary of the site, to maximise the opportunities for enhancement of this existing townland hedgerow and to protect and incorporate it as part of the County's Green*

Infrastructure network. As such, the proposed development would therefore be contrary to Objectives DMS80 and CH34 of the Fingal Development Plan 2017-2023, which seeks to 'ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.' The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. *The proposed development layout includes land demarcated within the curtilage of the proposed houses outside the application site boundary and land ownership of the applicant. The proposed development would therefore result in multiple landownerships over individual property driveways. This would be seriously injurious to the amenities of future residents and an inappropriate and unacceptable arrangement. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 26th August 2020 and 10th December 2020.

The first report recommended that additional information be sought, relating to a number of aspects of the proposed development, in addition to those requested by internal technical departments as summarised below.

- The applicant was requested to demonstrate title or consent to undertake works outside of the application boundary, with particular reference to the boundary onto Ashleigh Grove.
- Revised house designs were requested, to mitigate the impact of the development on the character of the area and the amenity of adjacent property.
- A tree and hedgerow survey were requested, which should include an impact assessment, tree constraints plan, tree protection plan and method statement.
- A landscape plan was requested, which should take account of the western site boundary.
- The applicant was requested to give consideration to the impact of a requirement for a pumping station, on the proposed site layout.

- The applicant was invited to respond to the concerns raised by third party observers on the application.

The second report followed receipt of the additional information response and followed the submission of revised public notices. Regarding the issue of title, the report outlined that the curtilage of individual properties within the development (Nos. 17, 19, 21, 23 and 27) are not contained within the application site boundary and would require the transfer of land to ensure that the driveway to each property is in the ownership of the homeowner. Regarding house designs, the report outlined that the proposed development had been amended, with 6 no. semi-detached houses proposed instead of the initially proposed 2 no. detached house and 4 no. semi-detached houses, with associated revisions to the proposed site layout. The report considered that the revised proposals did not adequately address the concerns outlined within the further information request, and that the proposal did not comply with development plan Objective DMS39. The report outlined that by reason of the design, scale, height, massing and proposed position within the street, forward of the building line, the development would be visually dominant and overbearing and did not consider or respect the visual or functional relationship with Ashleigh Grove. Regarding the proposed replacement house, the Report expressed the view that dwelling should be reduced, so as to break up its massing. The Report also outlined that, whilst there was reference within the further information response to a tree survey and report, no such report was provided. Regarding the western site boundary, the report referenced comments provided by the Parks and Green Infrastructure division and outlined that development failed to adequately preserve or incorporate the existing townland boundary, where it was considered that a 3m grassy margin at the base of the hedgerow or room for the hedgerow to grow were required. Concerns were also expressed that proposals for maintenance and upkeep of the hedgerow, in the future, had not been provided. The report recommended that permission should be refused for 3 reasons and the recommended reasons were generally in accordance with the Planning Authority's refusal reasons.

3.2.2. Other Technical Reports

Water Services reports dated 18th August 2020 and 17th November 2020. Both reports outlined no objection, subject to a number of standard recommended planning conditions.

Transportation Planning reports dated 13th August 2020 and undated. The first report questioned whether the development provided for a continuation of the footpath and verge arrangement currently at Ashleigh Grove and also advised that the access to the proposed replacement house should tie-in with the access permitted as part of permission Reg. Ref. FW19A/0122. A request for further information was recommended, to seek further details relating to the means of access and layout of same, to serve the development. The second report followed receipt of the further information response and outlined no objection to the development, subject to a number of standard recommended planning conditions.

Parks Division reports dated 20th August 2020 and 8th December 2020. The first report stated that there is a townland boundary along the west site boundary and that it should determine the layout of the development and be a defining character, whilst also acting as a wildlife corridor, a landscape feature and a screening device. The report expressed concern that the layout proposed did not provide for the retention of the hedgerow. A request for further information was recommended, to seek (a) a complete tree report and (b) revised landscape plan to include retention of the western boundary. The second report followed receipt of the further information response restated the importance of the hedgerow as part of the development. The report outlined that the proposed layout does not allow adequate space for a 3m grassy margin at the base of the hedgerow or room for the hedgerow to grow. Further consideration of the proposed layout was recommended, to preserve the townland boundary. It was also outlined that existing hedgerows and trees should be retained insofar as possible, in accordance with Objective DMS80 of the development plan. Regarding trees, the report outlined that, whilst there was reference within the further information response, to a tree survey and report, no such report was provided. Regarding proposed tree pits, it was recommended that pits with a minimum rooting volume of 16m³ should be constructed. A number of planning conditions were recommended, in the event of a grant of permission.

Environment report dated 13th August 2020 which recommended a number of planning conditions, to control the construction phase of the development.

The Planning Report indicates that the **Economic Development/Property** section was also consulted on the application, but a responding report was not provided.

3.3. Prescribed Bodies

- 3.3.1. Irish Water made submissions on 19th August 2020 and 17th November 2020. Both submissions outlined no objection to the development, subject to a standard recommended planning condition.

3.4. Third Party Observations

- 3.4.1. A number of third party letters of observation were received, the issues raised within which can be summarised as follows: -

- The proposal was considered inconsistent with the 'RS' zoning objective for the area.
- The proposal was considered out of character and represented a sub-standard design and layout for the site.
- The development would not be integrated with Ashleigh Grove, due to the proposed design and landscaping.
- The proposal was considered to constitute overdevelopment of the site.
- The scale and height of the development were considered visually intrusive and would lead to overlooking, overshadowing and loss of privacy.
- The proposal was considered contrary to a number of development plan objectives.
- Proposed parking provision was considered inadequate and together with increased car movements, would contribute to a traffic hazard and would impact on road safety. The previously approved redevelopment on the site, Reg. Ref. F06A/1875, involved access/egress from Castleknock Road, where the junction has been reconfigured.
- The road within the Ashleigh was considered incapable of accommodating additional traffic at the construction phase.
- Construction traffic should not be allowed access the site, through the Ashleigh estate.
- The site does not have a right of access through the Ashleigh estate.

- Consideration should be given to the impact of tree removal on biodiversity and carbon sequestration. Consideration should also be given to a Tree Preservation Order.
- The proposed development would contribute to existing problems with potable water and foul water drainage in the area.
- The proposal required an environmental impact assessment.
- The application documents were considered to be ambiguous. A number of submissions outlined that the proposed houses addressing Ashleigh Grove are 3-storey, not 2-storey as advertised.
- It was considered unreasonable of the applicant to include housing at Huntington Lodge in the contiguous elevation drawing, where these houses are not part of the estate and are not visible from the estate either.
- Surface water drainage proposals were considered inadequate.
- Compliance with ongoing public health advice related to Covid19 should be observed.
- Concerns were expressed regarding construction phase impacts, such as impacts arising from tree felling, noise, dust, vibration, etc.
- Observers suggested a number of alternative proposals for the development of the site.
- The development would lead to devaluation of adjacent property.

3.4.2. A number of additional observations were received following the submission of revised public notices, the issues raised within which can be summarised as follows:

- The proposed amendments did not address concerns expressed by the Planning Authority and third party observers.
- The revised mass and scale of the development remained excessive.
- The proposed houses were considered incompatible with the existing residential character of Ashleigh Grove.
- The proposed height is the equivalent of a 3-storey house and this will overbear existing houses at Ashleigh Grove, which have a maximum height of 8m.

- The scale and height of the development were considered visually intrusive and would lead to overlooking, overshadowing and loss of privacy.
- A development of 5 detached houses would be more appropriate for the site.
- The height analysis submitted as part of the further information response did not consider properties at Ashleigh Grove.
- The proposal was considered contrary to a number of development plan objectives.
- Proposals to encroach onto land taken in charge by the Council should not be permitted.
- Surface water drainage proposals were considered inadequate, where the area has experienced flooding.
- The solar analysis report provided was considered inadequate.
- Proposed roof finishes should match those of existing properties at Ashleigh Grove.
- Consideration should be given to the impact of tree removal on biodiversity and carbon sequestration.
- Consideration should be given to a Tree Preservation Order.
- Tree removal from within the subject site may impact cause adjoining boundary walls to subside and cause other damage at adjacent property.
- The proposed development would contribute to existing problems with potable water and foul water drainage in the area.
- Foul water drainage should connect to Castleknock Road, via the Claremont site.
- A proposed gravity based foul drainage system did not appear achievable.
- Concerns were expressed regarding damage caused by the removal of trees at Ashleigh Grove.
- Proposed parking provision was considered inadequate and will contribute to a traffic hazard.
- The development would increase noise levels in the area.

- Landscaping should be provided along the Ashleigh Grove frontage.

4.0 Planning History

4.1. I encountered the following records in my review of the site's planning history: -

F06A/1875 - Permission granted on 13th September 2007 for demolition of existing house and the construction of a residential development on the subject site and on lands formerly known as Middlewood, Whitethorn Cottage & Braganza, consisting of 22 No. 3-storey houses. Permission was granted on 12th June 2012 for an extension of duration, which extended the lifetime of the permission for a further 5 years. Permission was also granted on a number of occasions for amendments to the approved development.

Relevant Nearby Planning History

FW19A/0122 - *Claremont, Castleknock Road*: Permission granted on 5th March 2020 for demolition of house and outbuildings and construction of 4 houses (3 No. 3-storey and 1 No. 2-storey)

FW13A/0082 - *Green Valley House*: Permission granted on 3rd March 2014 for a detached house. Permission was granted for amendments to the approved development, under Reg. Ref. FW14A/0136.

5.0 Policy Context

5.1. Ministerial Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

5.1.1. The Guidelines set out key planning principles to guide the preparation and assessment of planning applications for residential development in urban areas. Of relevance to the current appeal, the Guidelines promote, in relation to the design and layout of residential developments in Cities and Larger Towns, the achievement of an efficient use of land appropriate to its context, while avoiding the problems of

over-development. Whilst promoting higher densities, the Guidelines identify a number of safeguards, as follows:

- *'compliance with the policies and standards of public and private open space adopted by development plans;*
- *avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*
- *good internal space standards of development;*
- *conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*
- *recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and*
- *compliance with plot ratio and site coverage standards adopted in development plans.'*

5.2. Development Plan

5.2.1. 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.*"

5.2.2. 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.'*

5.2.3. Objective DMS39 is also relevant to infill developments, outlining that it is an objective that:

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.'

5.2.4. Section 4.2 contains development strategies for each of the towns and villages within the County, including Castleknock Village. The development plan notes that there is potential for enhanced commercial, retail and community facilities in Castleknock, in the form of sensitive infill and redevelopment opportunities which respect the established village environment. Sensitive infill and backland development will be encouraged. The strategy is supported by a number of Objectives, which can be summarised as follows:

- **CASTLEKNOCK 1:** Prepare an Urban Framework Plan for Castleknock.
- **CASTLEKNOCK 2:** Improve the physical and environmental character of Castleknock through sensitive infill development that enhances village facilities and amenities.
- **CASTLEKNOCK 3:** Promote sympathetic cycle integration between Castleknock and both Blanchardstown Village and the Phoenix Park.
- **CASTLEKNOCK 4:** Promote and facilitate pedestrian movement to and from back-land sites to the rear of the Ashleigh and Castleknock shopping centres while maintaining integrity and privacy of existing residential development.
- **CASTLEKNOCK 5:** Encourage sensitive redevelopment of key sites within village for mixed use which includes an appropriate residential component to enhance viability and vitality of the village.
- **CASTLEKNOCK 6:** Promote and enhance the village ACA.
- **CASTLEKNOCK 7:** Prevent access to/from the retail face of Castleknock Road to Castleknock Park.

5.3. Natural Heritage Designations

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

5.4. EIA Screening

5.4.1. The proposed development falls within the categories of an '*Extractive Industry*' and '*Infrastructural Projects*', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10(b) (i) Construction of more than 500 dwelling units.

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.4.2. The proposal is for 7 residential units on a site of 0.27ha. The proposed development falls below the above-outlined development thresholds and mandatory EIA is therefore not required.

5.4.3. Having regard to the limited nature and scale of the proposed development, which is on zoned and serviced lands, 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

The Grounds of Appeal can be summarised as follows: -

- Refusal reason No. 1
 - The development is not a material contravention of the development plan as residential development is permitted in principle under the zoning and the broad requirements of the development plan, in relation to layout and siting, have been complied with.
 - The development of infill sites is supported by the development plan.
 - The proposed layout and design have been carefully considered and would not be visually obtrusive or overbearing or incompatible with the massing and

scale of adjacent properties. This is demonstrated by the photomontages and visual impact assessment provided at the further information stage and by additional photomontages provided as part of the appeal.

- The proposed houses do not replicate the architecture of Ashleigh Grove, but the design will complement the character of the estate.
- The proposed stepping forward of the building line by c.1m from the front of 15 Ashleigh Grove will not be visually obtrusive or overbearing. The nearest adjoining house would also have an appropriate relationship to the development, as it is located 3.8m from the side boundary of the nearest plot.
- The Planning Authority did not take into consideration the site context, in particular proximity to recently permitted 3-storey houses, the ground level difference of 1m between the site and 15 Ashleigh Grove, the level of separation between the proposal and 15 Ashleigh Grove and the planning gain of removing non-native, overgrown trees on the site boundary.
- The site and surrounding area are not in an architectural conservation area and are not of any unique architectural heritage value. The existing overgrown trees provide a dark and overbearing impact and the proposed development, which will animate and enliven the streetscape, and will not have any significant negative impact on the character of the estate.
- Infill housing is by its nature different, in terms of design, scale and massing, to the established dwelling type. At the further information stage, a review of heights in the vicinity was undertaken. Whilst the proposed houses are taller, it should be acknowledged that there is a fall across the site from east to west, which provides for a transition in height. The height difference to the nearest house, at 15 Ashleigh Grove, is 1.375m. This is not excessive and is similar to other housing developments in the vicinity. A comparison to a number of other houses in the area is provided.
- The design and materials palette chosen are of their time and would complement the established character of Ashleigh Grove, rather than replicating it. The houses will have their own identity, whilst responding to construction requirements and also the setting of existing houses.

- The use of the attic space is a more efficient and economic form of construction and it releases more site area for garden space. The tighter form of development is consistent with planning policy on housing and density and on delivering sustainable development.
- The surrounding area has seen a number of infill developments. The proposed development is of an appropriate and complementary scale and the design and detailing are typical of that seen in the Castleknock area.
- The relative positioning of houses north and west of their neighbours ensures that overshadowing is not an issue and is less impactful than the 18m tall Leylandii currently on the northern boundary of the site. Separation distances to adjoining houses exceed the minimum 22m back-to-back separation distance required. Window-to-window distances are also substantial, at a minimum of almost 35m.
- Concerns over overbearing are not substantiated and the locational context and proposed design would not result in an obtrusive or overbearing development.
- The development would not set an undesirable precedent. There is precedent for infill development to the south and east of the site.
- The applicants also wish to build a more efficient home and the existing plot size is not an efficient use of zoned land. The proposed family home layout represents a more efficient use of the site.
- The development is consistent with the National Planning Framework and Regional Spatial and Economic Strategy, which promote the development of infill sites.
- Refusal reason No. 2
 - The proposed layout was amended at the further information stage, so that it does not encroach on the townland boundary.
 - The proposed landscape plan proposes the retention and rejuvenation of the hedgerow, which is in a poor condition with dead elm trees and some non-native species.

- The proposed landscape plan has been informed by the recent development to the rear of Claremont (Reg. Ref. FW19A/0122), where a 3m corridor was indicated along the western boundary. The proposed 3m corridor forming part of the proposed development ties in with this approach. The Planning Authority's assessment of the Claremont application made no reference to reinforced planting of the ditch or that the layout failed to preserve and incorporate the townland boundary.
- The proposed layout allows for enhancement of the townland boundary and allows for a 3m planting zone. Detailed planting proposals are set out in the landscape drawings provided at the further information stage.
- It is questioned how similar 3m wayleaves proposed can be dealt with in a different manner by the Planning Authority.
- The proposed layout is consistent with relevant development plan policies and objectives.
- Refusal Reason No. 3
 - At the further information stage, the applicant provided a letter from Fingal County Council, dated 17/5/20, stating that the Ashleigh Grove boundary have been taken in charge by the Council.
 - Works outside the legal site boundary include works to remove the Leylandii trees and to replace with a footpath abutting the site boundary.
 - An error on the site plan (Dwg. No. 1810/403) submitted at the further information stage has been corrected as part of the appeal, showing that all plots are fully contained within the application site boundary. This clarifies any ambiguity in relation to the site boundaries of plot Nos. 17, 19, 21 and 23.

6.2. Planning Authority Response

6.2.1. A submission was received on 22nd February 2021, the contents of which can be summarised as follows: -

- The proposal was assessed having regard to national and regional planning policy and guidelines, the 'RS' zoning applying to the site, development plan policies, the locational context, the pattern of development in the area, 3rd party

submissions, the previous planning history of the site and the scale and design of the proposal and its relationship with adjoining residential development.

- The development is not considered to take due cognisance of its immediate context. The applicants were afforded an opportunity to revise the proposal, through further information, however; the changes made did not address the Planning Authority's concerns and the proposal remains visually dominant and overbearing and would be out of character and visually obtrusive with the residential properties in Ashleigh Grove. The proposal is considered to materially contravene the 'RS' zoning objective and objective DMS39 in relation to infill development.
- The proposed layout fails to properly preserve and incorporate the existing townland boundary along the west boundary. The current layout does not allow for adequate space for a 3m grassy margin at the base of the hedgerow or room for it to mature. The proposal is considered to contravene development plan objectives DMS39 and CH34.
- The proposed layout included land shown as within the curtilage of proposed houses which is outside of the application site and applicant's ownership. The Planning Authority was not satisfied, on the basis of the information available, that the proposal could be implemented as shown.
- In the event the appeal is successful, the Board is requested to attach a condition requiring payment of a financial contribution in accordance with the Planning Authority's Section 48 development contribution scheme.

6.3. Observations

6.3.1. A number of observations have been received, the issues raised within which can be summarised as follows: -

- The development contravenes the 'RS' zoning objective and also contravenes Objective DMS39, whilst failing to satisfy Objectives PM44 and PM45 and other development plan objectives.
- The development is not infill.

- The development fails to protect and improve the amenity of residents at Ashleigh Grove, due to the height, massing, density and design of the proposed houses. The development is overbearing and visually obtrusive and will reduce privacy, with reference to overlooking.
- The style and form of housing are not in keeping with the character of the Ashleigh estate and neither replicate nor complement the existing houses. The development would not be a positive contribution to the streetscape.
- The proposed height and massing are justified by other nearby developments, including Claremont and Huntington, which have no relevance to the location. Attempts to justify the proposed height based on the height of the Leylandii trees are also irrelevant, as it has been confirmed that the trees are on public land and could be felled and replaced by the Council.
- The development would set an undesirable precedent.
- An amended housing design was requested at the further information stage, but substantial changes to address concerns were not provided.
- The photomontages provided do not accurately reflect the impact of the development.
- The solar analysis shows that the proposed design is of excessive height and mass.
- The proposed layout fails to properly preserve and incorporate the existing townland boundary along the west boundary. The current layout does not allow for adequate space for a 3m wayleave.
- Previous applications at the site proposed to use a different access, that did not impact on Ashleigh Grove. The junction at Castleknock Road was upgraded, with a new traffic light system, to allow for safe access to the site. These traffic lights currently only serve 7 houses.
- An alternative layout for the site is available and has previously been approved. Most, if not all, issues can be addressed by gaining access to the site from Castleknock Road. The Board is urged to suggest an alternative layout, which is mutually beneficial to the developer and existing residents.

- The development is likely to give rise to over 30 additional cars, with parking available for only 12 cars. This volume of additional cars cannot be accommodated.
- The trees proposed to be demolished are an amenity and provide for a variety of birds and are a carbon sink and should not be destroyed unnecessarily. No attempt has been made to incorporate them or compensate for their loss. The tree survey requested by the Planning Authority was not provided.
- The removal of Ash trees adjacent to the east west boundary would impact on environmental amenity. No attempt has been made to incorporate them into the development.
- The Leylandii trees act as a sound barrier, screening noise from the M50, Castleknock and Navan Roads and the Dublin-Sligo rail line.
- Foul drainage at Ashleigh Grove is inadequate to accommodate the development and the applicant's proposals for a gravity system are questioned.
- The developer has not addressed the issue of land ownership.
- The development fails to provide for a continuation of the 1.5m grass verge from No. 15.
- The development will result in the devaluation of property.
- Conflation of inert shadowing with overlooking and additional light and noise is unconvincing.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

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

- Principle of development;
- Ownership of the site;

- Residential amenity;
- Impact on the character of the area and neighbouring properties;
- Protection and incorporation of the townland boundary
- Road Safety, access and parking;
- Other Issues;
- Appropriate Assessment.

7.2. Principle of development

7.2.1. The proposed development is consistent with the 'RS' zoning which applies under the Fingal County Development Plan 2017-2023, under which residential development is permitted in principle.

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 the 'RS' zoning objective and Objective DMS39. I am of the opinion that the development does not constitute a Material Contravention of the development plan, where residential development is permitted in principle under the zoning and where the broad requirements of the development plan, in terms of internal layout, private open space and parking, 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. Ownership of the site

7.3.1. Refusal reason No. 3 of the Planning Authority's decision refers to the proposed development incorporating lands which are outside of the application site boundary and the applicant's ownership. A number of observers have also stated that the issue of land ownership has not been resolved.

7.3.2. I note that as part of the appeal, the applicant has outlined that an error on the revised site plan (Dwg No 1810/403) provided at the further information stage indicated that the boundary line for houses 17, 19, 21 and 23 continued to run beyond the site boundary and that this has been corrected as part of the appeal, shown on a further revised site plan (Dwg No 1810/403 A).

- 7.3.3. Having reviewed the revised site plan provided as part of the appeal, I note that the drawing depicts none of the proposed plots extending beyond the applicant's landholding, appearing to remove front boundaries from a number of the proposed plots in order that the development is contained within the landholding.
- 7.3.4. The proposed felling of the existing Leylandii trees and vehicular crossover to the site from Ashleigh Grove is a matter for the applicant to agree with the Planning Authority, as the area in question has been confirmed as taken in charge by the Council.
- 7.3.5. I am satisfied that there is a reasonable prospect that the development can proceed, should permission be granted.

7.4. Residential Amenity

- 7.4.1. Regarding the semi-detached houses, the development plan does not outline minimum standards for the internal layout of 5-bed houses, but I am satisfied that each house is adequately sized, internally, in relation to its overall size, the size and layout of individual rooms and the level of storage space provided. Private open space ranging between 75sqm and 114sqm would be provided, meeting or exceeding the minimum requirements of the development plan.
- 7.4.2. Regarding the replacement house, which is similarly a 5-bed house, I am also satisfied that each house is adequately sized, internally, in relation to its overall size, the size and layout of individual rooms and the level of storage space provided. The application drawings outline that a rear garden of 375sqm would be provided for the replacement house, far in excess of the development plan requirement.
- 7.4.3. No public open space is proposed. In my opinion it is not unreasonable to propose no public open space on a small site such as this and I note that Planning Authority considered it acceptable that a financial contribution should be paid, in lieu of the provision of public open space on the site. Should the Board decide to grant permission, I would recommend a condition be attached requiring the payment of a financial contribution in lieu of the provision of public open space on the site.

7.5. Impact on the Character of the Area and Neighbouring Properties

- 7.5.1. The proposed replacement house would be largely concealed from public view, by both the proposed semi-detached houses and the under-construction houses at Claremont, the south-west. It would be visible from Huntington Lodge, to the north-

west, but I consider its visual impact would be limited. I am satisfied that the replacement house would have no significant or undue impact on the character of the area.

- 7.5.2. A number of rear-facing, first floor windows would look towards the rear gardens of the under-construction houses, but they are set away from the shared boundary by a minimum of c.11m and I am satisfied that the relationship to this adjacent development would be acceptable. There are opposing windows within the adjoining development, so overlooking between properties would be mutual.
- 7.5.3. The proposed semi-detached houses would be both visually and functionally part of the Ashleigh Grove development. They are taller than existing houses in the estate and are of a more contemporary design, incorporating projecting zinc-clad elements and a zinc-clad box dormer on the front roof plane. I have no particular concerns relating to the effective 3-storey height proposed, the elevational treatment and use of contemporary materials, or the provision of a dormer structure on the front roof plane. The design and detailing are of their time and are now commonplace, as part of modern housing developments.
- 7.5.4. I have concerns regarding the proposed mansard roof profile for each of the houses, which has the effect of increasing the bulk and massing of the houses, the impact of which would be exacerbated by their position forward of the building line and above the ridge line of existing housing. This is particularly the case for unit No. 17. The site section drawings submitted with the application indicate that there is a 1m drop in level between the subject site and 15 Ashleigh Grove and that levels continue to fall toward the west, with the result that plots 21 and 23 and 25 and 27 are progressively reduced in height. The issue of the acceptability of the proposed mansard roof profile is, in my opinion, finely balanced, but, taking particular account of the changes in site level, which partly offset the change in building height and provide for a transition in scale, I consider the mansard roof profile and the associated bulk and massing of the houses are, on balance, acceptable.
- 7.5.5. Regarding the relationship of the proposed houses to neighbouring properties, the provision of bedroom windows at second floor level will increase the level of overlooking of neighbouring properties, particularly at 'Greenwood', which is south-west of the proposed houses and which would be directly overlooked by units 17 and

19. It appeared to me, at the time of inspection, that the area which would be overlooked is the front garden for Greenwood and this area incorporates a parking area. Available aerial photograph imagery also suggests this area is used for car parking and that the primary garden area for the property is south-west of the house. The impact of such overlooking is therefore unlikely to be significant. The nearest adjoining properties within Ashleigh Grove and Ashleigh Green would also likely experience additional overlooking, but I do not consider the impact would be significant, where there is already mutual overlooking between properties at first floor level.

7.5.6. Adjacent properties are unlikely to experience any significant overshadowing by the development. The properties which may potentially have been affected by overshadowing are on the opposite side of the road, approx. 30m away. The closest adjoining house, 15 Ashleigh Grove is east of the proposed development and any limited shadowing which may arise would be in the evening and would be cast onto the gable end of the house and the front garden area.

7.6. Protection and Incorporation of the Townland Boundary

- 7.6.1. The townland boundary between Blanchardstown and Castleknock forms the western boundary of the site and it currently contains a mix of hedging and trees. The hedgerow frames the west end of the Ashleigh Grove and Ashleigh Green estates and routes along the western boundary of the subject site and the south-adjointing site, which is being developed pursuant to Reg. Ref. FW19A/0122, before terminating at Castleknock Road. Development plan Objective CH34 seeks to incorporate ancient boundaries or layouts, including townland boundaries, into redevelopments.
- 7.6.2. The development proposes a wayleave of 3m between the gable end of proposed house No. 27 and the townland boundary and proposals have also been put forward to retain and improve the hedge, through replacement of dead and inappropriate tree planting. I note, however, that the unscaled landscape drawing submitted as part of the further information response indicated that a side access path would be provided to the west of house No. 27, which is not shown on the proposed site layout drawing. This access would result in built form extending to within c.2m of the hedge.

- 7.6.3. I have reviewed the approved layout for permission Reg. Ref. FW19A/0122 and I note that that approved development contains a wayleave of up to 3m, from the centre of the hedge, in the area closest to the subject site, whilst the hedge will be removed and filled, closer to Castleknock Road.
- 7.6.4. The Planning Authority's Parks Division sought the provision of a 3m grassy margin at the base of the hedgerow and whilst the proposed layout appears to only allow for a 2m setback, I am satisfied that adequate provision has been made to retain and incorporate the hedgerow as part of the development.

7.7. Road Safety, Access and Parking

- 7.7.1. Access to the proposed replacement house is to be taken from the existing Castleknock Road access, which is shared with the under-construction site to the south and 'Greenwood'. The development will not give rise to any material increase in the number of vehicle movements along the access and whilst parking bays have not been identified, there is adequate space for parking to the rear.
- 7.7.2. The proposed semi-detached houses would be accessed from Ashleigh Grove and each would be provided with 2 parking spaces to the front. I am satisfied that the development will not create any road safety or traffic hazard and, whilst the front garden areas are tight, the proposed layout shows that parking spaces can be contained within the application site boundaries.
- 7.7.3. The landscape drawings provided at the further information stage indicate that the vehicular crossover would be developed as effectively a single pavement, with small verge areas provided adjacent to plot Nos. 17 and 19. The crossover ranges in width, from 2m wide at its narrowest adjacent to plot No. 25, to 5m wide adjacent to plot No. 17. It appears to me that there is limited opportunity for additional soft landscaping along the crossover, due to the number of accesses and parking bays provided. This is regrettable and may give rise to use of the widest sections of the crossover for car parking. Should the Board decide to grant permission, I would recommend that a condition be attached, requiring that the layout of the vehicular crossover and front garden including boundary treatments should be agreed with the Planning Authority and should include soft landscaping within the crossover, where possible.

7.7.4. A number of the observers have raised concerns regarding the ability of the Ashleigh estate to accommodate the development and also that the number of bedspaces provided by the development is likely to lead to a significant increase in parking demand within the estate. Regarding the condition of the road and its ability to accommodate the development, I am satisfied that it is adequate to accommodate this smallscale residential development. Regarding concerns over increased parking demands, the development incorporates adequate parking, in accordance with development plan requirements, and whilst it may be that, over time, there may be additional demand for parking, I do not consider that a failure to provide further parking for each house would represent a justifiable reason for refusal of the development.

7.8. Other Issues

7.8.1. The issue of surface water and foul drainage in the area was raised in a number of the observer submissions on the file, where concerns were raised that existing infrastructure already experiences issues and that further development cannot be accommodated. Foul water is proposed to drain to the public sewer system and surface water is to be drained separately, within each plot, through the use of SuDS. I note that neither Irish Water nor the Water Services department of the planning authority expressed any concerns in relation to foul and surface water drainage proposals and I am satisfied that the development has made adequate provision in this respect.

7.8.2. A number of the observers expressed concerns that the photomontages do not adequately depict the development. Whilst I note that there are errors on the photomontages, for example depicting the semi-detached houses with pitched roof profiles rather than a mansard roof, I am satisfied that there is adequate information to assess the appeal.

7.8.3. There are a number of large trees within the site and one observer has expressed concerns that the felling of these trees may result in subsidence issues for adjoining properties. I am satisfied that the development can be undertaken without any undue impact on neighbouring properties but I would recommend that, should the Board decide to grant permission, a condition should attach requiring the submission of a

method statement to control the felling of trees on the site, as part of the development.

- 7.8.4. Observers have also raised concerns regarding the impact of tree loss on biodiversity and also in terms of their contribution towards addressing climate change. Regarding the felling of trees, I would firstly note that these trees are on public lands and it is a matter for the applicant to agree proposed felling with the Planning Authority. In terms of their biodiversity value, an ecological survey was not submitted with the application, to assist in the assessment of the ecological potential however; the site is not subject to any environmental designation, nor are adjoining lands. It is a brownfield site in close proximity to the centre of Castleknock. I do not consider that any impacts on biodiversity would arise, which would justify a refusal of permission.
- 7.8.5. One observer expressed concerns that the development would devalue property in the area. I have assessed the merits of the proposal and do not consider the development would give rise to any unacceptable overlooking, overshadowing or overbearing impacts. I therefore see no basis for concerns regarding devaluation of property.

7.9. **Appropriate Assessment**

- 7.9.1. The site is not within or directly adjacent to any Natura 2000 site. The closest Natura 2000 sites to the appeal site are the Rye Water Valley/Carton Special Area of Conservation (Site Code 001398), which is c.8km south-west and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), which is c.9.5km east.
- 7.9.2. The subject site is in an urban location, on zoned and serviced lands. Having regard to the intervening distances between sites, the nature of adjoining and surrounding land uses, together with the scale of the proposed development, I am satisfied that the development would not be likely to have a significant impact on any Natura 2000 site. I can therefore determine that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 site and a Stage 2 Appropriate Assessment is not required.

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 represent an appropriate form of development, which would not be visually obtrusive or overbearing to adjacent houses at Ashleigh Grove and which would not seriously injure the amenities of the area or the amenities of property 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the submission of further information on 6th November 2020, 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>Proposed front garden boundary treatments for the semi-detached houses and the layout of the proposed vehicular crossover from Ashleigh Grove, which should include a grass verge where possible, shall be agreed with the Planning Authority prior to the commencement of development.</p>

	Reason: In the interests of public safety and residential amenity.
3.	The access to the proposed replacement house from Castleknock Road shall comply with the requirements of the planning authority, details of which shall be agreed in writing prior to the commencement of development. Reason: In the interests of road and pedestrian safety.
4.	Tree felling shall be undertaken in accordance with a method statement which shall be prepared by a suitably qualified professional and which shall be submitted to and agreed in writing with the Planning Authority, prior to the commencement of development. Reason: In the interests of public safety and residential amenity.
5.	Details of proposed landscaping, including proposals relating to the improvement and enhancement of the townland boundary hedgerow along the west site boundary, shall be agreed with the Planning Authority prior to the commencement of development. Reason: In the interest of visual amenity and to protect residential amenity
6.	Water supply and drainage arrangements 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. Reason: In the interest of public health.
7.	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. Reason: In the interests of orderly development and the visual amenities of the area.
8.	Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with

	<p>the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of intended construction practice, noise management measures, parking proposals for construction workers on the site and storage of materials and waste within the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<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>
12.	<p>Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house / unit within the relevant phase of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and</p>

	<p>Development Act 2000, in lieu of the provision of public open space within the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
14.	<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

20th April 2021.