



An
Bord
Pleanála

Inspector's Report

ABP-309396-21

Development	Construction of 2 dwellings and alterations to boundary wall.
Location	299 Elner Court, Portmarnock, Dublin 13, D13 YT44
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0588
Applicant(s)	Orla and Deirdre O'Reilly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Orla and Deirdre O'Reilly
Observer(s)	Arthur and Andrea Thompson
Date of Site Inspection	1 st of June 2021
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site is located at the northern side of Portmarnock, to the south of Robswall Malahide. Elner Court is a short cul-de-sac and is accessed via Limetree Avenue. It is within the established residential area, adjacent to Robswall Park, a High Amenity Area, which separates Portmarnock and Malahide.
- 1.2. The site has a stated area of c. 0.67ha, is located at the end of a cul-de-sac and to the side of 299 Elner Court, a two-storey semi-detached house. The site is triangular in shape and currently forms the side garden of no. 299. The area is partly overgrown and rises from the road in a northerly direction. No. 298 which also has a larger side garden area adjoins to the south.
- 1.3. The site is at the northern end of the cul-de-sac and there are separate vehicular accesses for the adjoining properties and on street parking in this hammer head area.

2.0 Proposed Development

This is to consist of the following on a site at 299 Elner Court, Portmarnock:

- a) The construction of 2no. two-storey three-bedroom semi-detached dwellings in the side garden of the existing dwelling, with rooflights to front of both houses in attic space and to single storey annex to side of House type A and rear of House type B,
- b) Alterations to existing boundary wall and footpath to front, to provide for 2no. new 3.1m vehicular entrances, one to each dwelling, to provide for sufficient off-street car parking, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 14th of January, 2021, Fingal County Council refused permission for the proposed development for 4no. reasons, which are summarised as follows:

1. The proposed development would contravene Objective DMS29 of the Fingal DP 2017-2023 and represent an ad-hoc form of overdevelopment of the subject site, which is restrictive in nature.
2. It would fall short of the required standards as set out under Table 12.1 and 12.3 of the Fingal DP 2017-2023 and would not provide adequate amenity for future residents, would also be contrary to Objective DMS24 of the said Plan.
3. The proposed design would be incongruous with the streetscape of Elner Court and would give rise to negative visual amenity and be contrary to Objective DMS39 of the said Plan.
4. It would set an undesirable precedent and not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context, planning history and policy, to the interdepartmental reports and the submissions made. Their Assessment included the following:

- They consider that the form of the proposed dwellings would be incongruous and give rise to negative visual impact upon the current level of amenities enjoyed at this location.
- There is a precedent for single infill dwellings in the vicinity.
- The proposed development would contravene objective DMS29 relative to separation distances between dwellings.
- The proposed dwellings would fall short of a number of standards for residential as set out in Tables 12.1 and 12.3 within the Fingal CDP 2017-2023. This includes regard to bedroom widths.
- Overlooking of private amenity open space between the dwellings.
- They consider that a single dwelling could be accommodated on this site and recommend refusal of the current proposal.
- They note Transportation considerations regarding parking and access.

- They do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European sites in the vicinity.
- They conclude that while the proposed development is acceptable in principle within the residential zoning, that having regard to the restrictive nature of the site it is considered that the provision of a pair of semi-detached houses would seriously injure the amenities and represent an overdevelopment of a restrictive site. They recommended refusal.

3.3. Other Technical Reports

Transportation Planning

They had some concerns about on-site parking provision and recommended that additional information be sought to include a revised plan that identifies the provision of two-in-curtilage parking spaces for the existing house to be provided.

Parks and Green Infrastructure

They note that the site adjoins the High Amenity lands of Robswall Park and is also within a Highly Sensitive Landscape as designated in Green Infrastructure Sheet 14. They recommended that additional information be sought to include the submission of a detailed Landscape Plan and boundary treatment details.

Water Services Department

They have no objections subject to recommended conditions.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to recommended conditions regarding connection agreements.

Dublin Airport Authority

They note that the proposed development is located with Nosie Zone C. They have regard to Objective DA07 of the Fingal CDP 2017-2023 relative to controls on development and mitigation measures.

3.5. Third Party Observations

A Submission has been received from adjacent local residents in Elner Court and their concerns have been noted in the Planner's Report. It is noted that they have made an Observation to the Board relative to the subject appeal and their concerns are considered further in the Assessment below.

4.0 Planning History

The Planner's Report notes that there is no planning history pertaining to the subject site. The following relates to sites within the vicinity:

- Reg.Ref. F05A/1607 – Permission granted subject to conditions for a new detached two storey house with ancillaries at site to side of 294 Elner Court.
- Reg.Ref. F04A/0124 – Permission granted for a two-storey detached house to side of existing house with pitched roof and to widen existing driveway to facilitate new vehicular entrance, with pedestrian entrance to rear of site and associated site works at 306 Elner Court.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Design Manual for Urban Roads and Streets (DMURS) 2019
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).

5.2. Fingal County Development Plan 2017-2023

Sheet 9 Malahide-Portmarnock

Zoning - The site is located within the northern boundaries of Portmarnock. It is within the 'RS' - Residential zoning where the Objective seeks to: *Provide for residential development and protect and improve residential amenity.*

The Vision seeks: *Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.*

Residential is permitted in principle within this zoning.

It is on the boundary with the area zoned 'HA' - High Amenity where the objective seeks to: *Protect and enhance high amenity areas.*

Airport Noise - The subject site is located in Zone C associated with Dublin Airport.

Objectives DA07 and DA08 refer to restrictions and controls for new development and this includes:

Objective DA07: *Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone....*

Placemaking

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.*

Chapter 12 – Development Management Standards

Section 12.3 provides the Design Criteria for Urban Development and seeks to promote High Quality Urban Design.

- Objective SS16 seeks to: *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.*

Section 12.4 provides the Design Criteria for Residential Development. This includes regard to the zoning objectives, mix of dwelling types and residential density. *In general the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). As a general principle and to promote sustainable forms of development, higher*

residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities.

- Objective DMS24 seeks to - *Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1 (Houses), 12.2 (Apartments/Duplexes) and 12.3 (Minimum Room sizes and widths for Houses and Apartments).*
- 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: New corner site development shall have regard to:
 - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
 - Impact on the amenities of neighbouring residents.
 - The existing building line and respond to the roof profile of adjoining dwellings.
 - The character of adjacent dwellings and create a sense of harmony.
 - The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
 - Side/gable and rear access/maintenance space.
 - Level of visual harmony, including external finishes and colours.
- Objective DMS44: *Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.*

It is of noted that as Section 1.6 refers to Strategic Policy and includes Portmarnock within these unique settlements - *Consolidate development and protect the unique identities of the settlements of ..Portmarnock..*

Objective DMS73 provides for the use of Sustainable Drainage Schemes (SuDS).

Objectives DMS84-86 refer to private open space and boundary treatment and to ensure that all residential unit types are not unduly overshadowed.

Objective DMS87 seeks to ensure minimum private open space provision for houses - 60sq.m for a 3 bedroom house. This includes that narrow strips to the side shall not be included in the private open space calculations.

Table 12.8 provides the Parking Standards. 2 spaces within the curtilage of the site would be required for 3 bedroom houses.

Objective MT44 refers to Development Contributions.

5.3. Natural Heritage Designations

The subject site is located to the south of the Malahide Estuary SAC (site code:000205) and the Malahide Estuary SPA (site code: 004025).

5.4. EIA Screening

- 5.5. Having regard to the nature of the proposed development and taking into account the residential land use zoning and the serviced nature of the site, and the distance of the site from nearby sensitive receptors, 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

Joe Fallon Design, have submitted a First Party Appeal on behalf of the Applicants Orla and Deirdre O'Reilly, to address the Council's reasons for refusal, which includes the following:

- They consider that the proposed development for 2no. houses would make the best use of this opportunity site and ask the Board to consider the proposal afresh.
- The proposed development would provide much needed family homes for each of the applicants.
- The proposal would be in character with the pattern of development of the area and would not impact adversely on the amenities of neighbouring properties.
- There are a number of detached infill houses in the vicinity and the proposal has been configured to address the road and be in keeping with the building line set by no. 299 Elner Court.
- The proposal for an infill development in the established residential area complies with planning policy and guidelines.
- The site represents a prime opportunity to take advantage of an underutilised site, with the existing development boundary of an established centre.
- They note good transport links within the vicinity of the site.
- They note the accommodation to be provided. They provide an alternative layout in revised plans has been prepared for consideration by the Board to address some of the design concerns of the Council. Figure 4.1 relates.
- They consider this is a more favourable layout than that proposed by the original scheme. That it addresses overlooking referred to and will successfully assimilate the set back within the existing streetscape.

Separation Distances

- They consider that the intent of the policy provision in the development plan is to ensure that proposals are not unduly cramped or close, so as to create the appearance of a terraced effect, and this objective is fully achieved.
- They quote a number of precedent examples of developments in the immediate vicinity of the site, where a flexible planning approach is taken to separation distances. These include nos. 294, 306 Elner Court and 284A Limetree Avenue.

- While they acknowledge these examples occurred prior to the adoption of the Fingal CDP 2017-2023, they nevertheless make up part of the existing pattern of development in the vicinity of the site.
- In summary they consider that the standard set by Objective DMS29 has been substantially met by both the original proposal and the alternative before the Board.

Minimum Standards

- The minimum standards for bedroom sizes and widths are robustly met by the proposal, providing for a high-quality internal accommodation for future occupiers.
- Table 5.1 of their Appeal Statement provides a Comparison of Original Proposal to the Development Plan Standards.
- They provide that given the width of the subject site, the layout/configuration proposed, it is not possible to increase the area of the bedrooms further nor do they consider any change needs to be made, given these standards have been comprehensively met.
- The Alternative Option provides the same room sizes across both houses, which mirror each other. As demonstrated in Table 5.1 this option also meets and surpasses all standards provided in Table 12.1 and Table 12.3 of the Fingal Development Plan.

Design Standard

- The proposal provides a good standard of design. Notwithstanding, a simplified elevational treatment is provided as an alternative for review and consideration by the Board.
- In preparing the original proposals their design approach was to provide for infill development which would be sensitive to and integrate with the visual amenity of the surrounding streetscape, and they provide details.
- A comparison of both the existing elevations and the alternative elevations are provided in Figure 5.3 and 5.4. They provide that they have simplified the design approach (original and suggested alternative).

- They consider that the amended design approach addresses the concerns raised in respect of the design approach. They will agree all materials and finishes with the planning authority post compliance.

Precedent

- The proposal provides a good example of what can be achieved on a suburban infill site and would set a positive precedent for similar developments in the area.
- It provides a sensitively designed infill development, and a good standard of accommodation for future occupants. It will not set a negative precedent.

Supplementary Planning Considerations

- They consider that the alternative layout removes any issue of overlooking, and rationalises the layouts for the rear gardens to ensure a high quality private amenity space to the rear of each house.
- They provide that they are willing to work with Fingal Drainage Department post planning to ensure their requirements are robustly met.
- They will submit a landscaping plan and ensure that any proposals of the site will provide for the planting of native Irish species and respect the site's location adjoining the high amenity area of Robswall Park.
- They provide clarification relative to the concerns of the Transportation Planning Section, concerning access and off-street parking.
- They note the location within Noise Zone C and will accept a noise related condition and provide mitigation measures.

Summary and Conclusion

- They consider that the proposal, having regard to the setback and locational context, will not impact adversely on adjoining properties and will not be overbearing or visually dominant.
- The proposal is in line with the pattern of development in the area, having regard to the semi-detached nature of the houses and the sizable site on which the houses are proposed.

- The proposal as originally submitted and the alternative complies with planning policy and guidelines and provides a good standard of residential development.
- They would welcome a grant of permission for either the scheme as originally proposed or as shown in the alternative option and have no preference in this respect. They include photographs.

6.2. Planning Authority Response

This includes the following:

- The application was assessed against the policies and objectives of the Fingal CDP 2017-2023 and existing government policy and guidelines.
- The proposal was assessed having regard to the development plan zoning objective as well as the impact on adjoining neighbours and the character of the area.
- They have regard to the further plans submitted and consider that the amended plans do overcome the ad-hoc nature of the private rear amenity space.
- However, they provide that it is still considered that the proposed development is overdevelopment of the subject site and does not comply with Objective DMS29, DMS39 and DMS44 of the Fingal CDP 2017-2023.
- They are concerned that Objective DMS29 relative to separation distances has not been overcome.
- They note that other applications referred to relative to the separation distances preceded the current development plan under which the separation distance requirement was introduced.
- They are of the opinion that the PA reasons for refusal have not been overcome and request the Board to uphold their decision and refuse permission for the proposed development.

- If the Board decides to grant permission, they request that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

6.3. **Observations**

Author and Andrea Thompson of no.298 Elner Court, and other residents have submitted an Observation relative to the First Party Grounds of Appeal. In summary, this includes the following:

Alternative

- The Appellants appear not to be appealing the original submission, refused by the Council, but are submitting an "alternative" (second design) proposal for the development of 2 houses through their appeal to the Board.
- The alternative proposal does not serve the public interest or give the Council the opportunity to assess and determine the proposed development in the correct manner. Such a significant amendment should therefore be seen as needing a new application and should not be included as an appeal to the original refused planning submission.
- They consider that the familial links of the Applicants must be disregarded when considering the merits of this case relative to the proper planning and sustainable development of the area.
- They consider that the proposed development does not comply with the policies and objectives of the Fingal CDP 2017-2023.

Separation Distances

- They concur with the Council's reason for refusal that the proposal would not comply with minimum separation distance in Objective DMS29.

- Given that the same distance is also shown on their alternative proposal, the Applicant's cannot say that it would meet Objective DMS29.
- The three separate examples given are all individual houses granted prior to the Fingal CDP 2017-2023.

Design Standard

- They consider that the alternative plans are not detailed enough to know if minimum standards are being met as per Tables 12.1 and 12.3 of the Fingal CDP 2017-2023. The applicants have not provided a full set of proposed "alternative" plans so it is not possible to fully evaluate them.
- They are concerned that the alternative proposal, would not allow neighbouring houses to have any consultation with these designs until after the planning process was completed.

Precedent

- The refused "original" or the "alternative" cannot be looked at in isolation and the precedent it would set could be replicated on other sites in Elner Court.
- It would visually impact on the proportional spacing of the houses within the cul-de-sac. They consider the proposal would be the antitheses of a positive precedent for similar developments in the area.

Traffic Concerns

- In order to create the two proposed site entrances, it will be necessary to open up the front boundary wall of House no.299, the roadway in front of which, is currently used as a parking area for the application site and the adjacent houses on Elner Court.

- The development of two additional houses will lead to additional on-street parking demands for visitors. This will impact on the safety and free flow of traffic. The precedent it would establish would also likely lead to additional housing in Elner Court and further traffic impacts in the future.
- They are concerned about the accuracy of the drawings submitted relative to the proposed access arrangements, and that it will restrict access movements for nos. 297 and 298 Elner Court.
- The proposal will make for tight entrances and sufficient account has not been taken of access relative to the existing house no.299 Elner Court.

Impact on Residential Amenity

- They consider that the proposed development will have an overbearing visual impact on the occupants of house no.298 and a significant loss of residential amenity. It would also impact no.300.
- As a full set of “alternative” drawings have not been submitted it is difficult to evaluate how this will impact on existing houses.
- In view of the lack of separation distances it will be hard to evaluate how comprehensive boundary treatment landscaping can be achieved.
- The proposal will impact on the amount of light available to the rear of house nos. 299 and 300 and will also overshadow both properties.
- The Applicants have not shown how the “alternative” proposal fits in with the Existing Contiguous Elevations (Front/Rear/West/East) of the existing immediate houses in Elner Court.

- The rear of the proposed houses in the “alternative” proposal will be visually dominant from adjacent properties.
- They are concerned about the impact of the construction of these houses on the residents of this cul-de-sac, relative to noise, traffic etc.
- The development of two houses in the side garden of no. 299 Elner Court is overdevelopment and if permitted would set a very poor precedent for similar development in the future. They request the Board to refuse permission.

7.0 Assessment

7.1. Context and Policy Considerations

- 7.1.1. The site is shown on Sheet 9 of the Fingal Development Plan 2017-2023 and is located within the ‘RS’ Residential Zoning where the objective is to: *Provide for residential development and protect and improve residential amenity*. This is at the edge of an established residential area, within the northern boundaries of Portmarnock. This area is separated from Malahide by Robswall Park to the north of the site which is within the ‘HA’ High Amenity land use zoning where the objective seeks to: *Protect and enhance high amenity areas*.
- 7.1.2. Regard is also had to the ‘National Planning Framework Plan 2040’ which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being*.
- 7.1.3. Also, of note is Section 5.9 of the ‘Sustainable Residential Development in Urban Areas Guidelines, 2009’ which provides: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between*

the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

- 7.1.4. The First Party considers that having regard to the locational context that the proposed development is appropriate for this site, is in accordance with planning policies of the Fingal CDP 2017-2023 and will be in keeping with the pattern of development in the area. In addition, that it would positively contribute to the streetscape, would provide a high level of accommodation for future occupants and would not injure the amenities of adjacent properties. They also refer the Board to consideration of their “alternative” plans submitted which they consider, address the Council’s reasons for refusal.
- 7.1.5. The Observers consider that the design and layout of the proposed houses which were refused is inconsistent with the design of the existing houses in Elner Court, would impact adversely on their residential amenities and does not respect the existing site context into which it must assimilate. They submit that the “alternative” design and layout, submitted with the appeal should be seen in the context of a new application, and as such no notification either to the Council or to neighbours in Elner Court has taken place and this undermines the purpose of the planning application process. That this is in effect, a second planning application and not a true appeal to the refusal of planning application.
- 7.1.6. It is considered that the principle of an infill residential development is acceptable relative to the residential land use zoning. Any new application on the ‘RS’ zoned lands will be assessed on its merits based on the land use zoning and its suitability having regard to its location within a sensitive landscape. Regard is had further to the documentation submitted and to the issues raised by the Council’s reasons for Refusal and by the Observer including relative to the original and alternative designs submitted. Issues include compliance with planning policy and guidelines, design and layout, impact on the residential amenities of neighbouring properties, access and drainage and impact on the pattern of development and character and amenities of the area in this Assessment below.

7.2. Design and Layout

- 7.2.1. The subject site comprises the side garden of a two-storey semi-detached dwelling, no. 299 Elner Court. It is located at the end of a short cul-de-sac, comprising 15no. houses. The site is roughly triangular in shape and slopes steeply upwards to the rear. It is at a higher level than no.299. It is noted that the Site Layout Plan submitted shows the site area c.0.067ha for both houses within the red line boundary. The blue line boundary relative to the landholding and the existing house, no.299 has not been included.

Original Design

- 7.2.2. The proposed development provides for a pair of 3-bed, semidetached dwellings. As originally shown House Type A included a single storey living room element to the west and the adjoining House Type B included a living/dining area to the rear. House A to the west of the site has a floor area of 136sq.m and in an L-shape configuration; and House B to the east of the site a floor area of 137.6sq.m and is rectangular in form. The latter is adjacent to no.299. It is noted that the Council are concerned about overlooking and that some of the room sizes are small and do not comply with Tables 12.1 and 12.3 of the Fingal CDP 2017-2023.
- 7.2.3. Having regard to the orientation and to the proposed design and layout, I would not consider that the semi-detached pair as originally submitted would be in character with the pattern of development or the character of the area. They would also be set back further than the building line of the adjoining properties at this end of the cul-de-sac. Separation distances in accordance with Objection DMS29 would not be achieved. There is also an issue relative to overlooking of the rear gardens of adjoining properties. The vehicular access arrangement is also not optimum.

Alternative

- 7.2.4. The First Party have submitted an alternative layout with their appeal to the Board. They provide that the revised layout has been submitted in response to the Council's reasons for refusal. The houses have been reorientated to better respond to the site configuration, and to address some of the design concerns expressed by FCC in their consideration of the case. It is noted that the revised layout, shows the proposed semi-detached pair further setback at an angle on the site to allow for

longer driveways in front and a different layout and distribution of private amenity open space at the rear. They consider that the alternative addresses any issues of overlooking of House B by House A, provides rationalised rear gardens to provide a high-quality amenity space for future occupiers and meets the standards in the Fingal CDP 2017-2023.

- 7.2.5. Details relative to Table 12.1 in the CDP and provided in Table 5.1 of the Appeal Statement set out a Comparison of Original Proposal to the Development Plan Standards and includes regard to the Alternative. They provide that this reflects the standards for a 2 storey, 3 bed property providing for 5no. bed spaces, such as is proposed in this case. I would consider that the alternative design and layout addresses these room sizes standard of accommodation issues.
- 7.2.6. It is noted that the Observers are concerned that the applicants have not provided the Existing Contiguous Elevations (Front/Rear/West/East) in the context of Nos. 298,299 or 300 with their alternative proposal, so it is difficult to get an understanding or show the impact on existing houses. I would consider that the design and external finishes provided by the alternative would be an improvement to that originally submitted.
- 7.2.7. However, I would be concerned that the proposed set-back does not respect the building line, also that the separation distances in accordance with Objective DMS29 are not met. I would consider that the new infill development will appear cramped into the site, in comparison to the pattern of development in the area. In this respect it will set an undesirable precedent and the Council's reasons for refusal have not been overcome.

7.3. Vehicular access and Parking issues

- 7.3.1. Permission is sought for alterations to the existing boundary wall and footpath to front to provide for 2no. new vehicular entrances – one to each dwelling. The proposed width of the vehicular access are both c.3.12m in width. As shown on the original Site Layout Plan, the configuration of the entrances and driveways are narrow and angular. I would not consider this to be a satisfactory layout.
- 7.3.2. It is noted that the parking provision for the existing house, has not been shown. The Council's Transportation Section provided that the proposed layout (original) would

appear to require some amendments to the existing parking arrangement as a result of the parking area for the proposed units being immediately adjoining the existing unit. They provide that there should be sufficient space in the existing layout to provide the parking area for the existing unit. However, they were concerned that the blue and redline boundaries do not encompass the parking area for the existing unit and the works to amend the parking layout have not been identified on the drawings. They advised that the Council request further information to include a revised site plan that identifies the provision of two in-curtilage parking spaces for the existing house.

- 7.3.3. Regard is had to the alternative layout submitted with the appeal and it is noted that the configuration of the driveways has been changed so that they are more similar and while narrow appear more workable. However, the Observers concerns about congestion and reduced roadside parking due to the number of accesses onto this cul-de-sac are noted. Instead of one no. access to no.299, there will be 3 separate accesses along the curtilage at the western side of the road frontage. It must be noted that this part of the cul-de-sac turning area, also serves as access for nos.298 and 297. Also no. 296 which is set further forward in the cul-de-sac and has separate side access to Elner Court.
- 7.3.4. There is concern that the proposal will take away on-street parking at the top of the cul de sac and that parking, in particular visitor parking, is very limited and will lead to overdevelopment and congestion. I would consider that if the proposal were for one no. detached house that the proposed access and parking arrangement would appear less congested. However, if the Board decides to permit, I would recommend, that the “alternative access” arrangement be conditioned.

7.4. Impact on the Character and Amenities of the Area and Precedent

- 7.4.1. The Planning Authority in their reasons for refusal are concerned about impact on visual amenity, ad-hoc development and over-development of this restricted site, and potential residential amenity for future residents. There are also concerns about the impact on the building line and that the proposed development would not integrate well into the pattern of residential development in the area.

7.4.2. The First Party provide that the proposed development is in keeping with the existing scale and pattern of development in the area and will not adversely impact on the character and amenities of the area. They also provide that the houses have been configured to address the road and the building line of no.299 Elner Court. In particular their “alternative design” where the semi-detached pair are shown further set back on the site.

7.5. They refer to other houses granted permission on infill or corner sites in the area. Also relative to separation distances being less than the 2.3m recommended as a minimum standard in Objective DMS29 of the Fingal CDP 2017-2023. These include 294 Elner Court (Reg.Ref.F05A/1607 refers); 306 Elner Court (Reg.Refs. F04B/0795 and FO4A/0124 refer); and 284A Limetree Avenue (Reg.Ref.F13A/0008 refers). It is of note that all of these permissions were granted prior to the current Fingal CDP 2017-2023, so the policies and objectives referred to in the Council’s refusal are not relevant to these earlier permissions.

7.6. There are 15no. houses in the cul-de-sac, these are a mixture of older well-spaced out semi-detached houses and a few more modern detached infills. None of the other sites have introduced a semi-detached pair, so there is currently no precedent for this type of development within the cul-de-sac. I would consider that having regard to the site context, and the pattern of development in the area that it would be preferable to site one detached house that would allow for adequate separation distances in accordance with Objective DMS29 on this site. I would be concerned that the semi-detached pair will appear crammed into the site and would be detrimental to the visual amenity and character and amenities of the area. It is of note that any proposal to site a detached dwelling on this site would be considered on its merits and would need to be submitted under a separate planning application.

7.7. Screening for Appropriate Assessment

7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity 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 permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the established pattern of residential development in the vicinity, the existing building line on this northern end of the cul-de-sac, to the east of the appeal site and the proximity to site boundaries, it is considered that the provision of two additional dwellings, albeit a semi-detached pair, at this location in the side garden of no.299 Elner Court, would constitute overdevelopment of this restricted site, would be visually discordant to the pattern of development in the area and would set an undesirable precedent and seriously injure the character and amenities of the area. As such, the proposal would not be in accordance with Objectives DMS29, DMS39, DMS40 and DMS44 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

2nd of June 2021