



An
Bord
Pleanála

Inspector's Report ABP-309548-21

Development	Construction of a two and single storey dwelling house with vehicular entrance. Demolish and alter an existing boundary wall.
Location	26 St Brigids Park, Blanchardstown, D15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0204
Applicant(s)	Keon Smet
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party
Appellant	Michael Keating
Date of Site Inspection	8 th May 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises part of the garden of no. 26 St. Brigid's Park, Blanchardstown, Co. Dublin, with a stated area of 436.8 sq m. No. 26 is a two-storey semi-detached house located on the southern side of this residential street. St. Brigid's Park is located to approximately 250 m to the south west of Blanchardstown Main Street and is in a mature urban area. Blanchardstown village is very well served by public transport in the form of bus services.
- 1.2. This residential development of two storey houses consists primarily of terraced houses though like the subject site, there are semi-detached units also. There are some detached houses to the eastern side, these may be infill housing.
- 1.3. The house is located on a corner site and as such it has a generous area of private amenity located to the side/ north west. A high boundary wall provides privacy for the rear garden. The front garden is bound by a plinth wall with railings over and hence is relatively open to the street. The adjoining unit/ site to the west, which has a similarly generous side garden, have provided a high wall around this space and hence is not easily visible from the public street.
- 1.4. Many of the houses in St. Brigid's Park have been extended with front extensions/ porches evident. Infill housing is not so common due to the nature of the layout of the area, however 55A located to the south of the residential estate is such an example.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The subdivision of the existing site, removal of existing boundaries and the provision of a revised boundary treatment.
 - Part single and part two storey house located to the side of no. 26 St. Brigid's Park. The proposed house to provide for two bedrooms and is to have a stated floor area of 88.5 sq m. The bedrooms will provide for three bed spaces.

- An area of 63.5 sq m of private amenity space is to be allocated to the new house. The existing house, no. 26, will retain an area of 60 sq m as private amenity space.
- A cover letter sets out the development and includes some additional photographs and images of 3D modelling.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant subject to conditions. The conditions are generally standard. Condition no. 2 requires revised plans demonstrating that no part of the development will overhang/ encroach over the boundary line. Condition no.4 refers to requirements for access, sightlines and other Transportation details. Condition no.5 refers to surface water drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission for the proposed development. The development is considered to be visually acceptable and will not impact on existing residential amenity. Adequate private amenity is provided and whilst garden depths are short, they are similar to that of the existing property. It is noted that a small part of the roof of the new house may overhang into the adjoining property, no.1 St Brigid's Park and a condition is provided to address this matter.

3.2.2. Other Technical Reports

Water Services Department: No objection subject to recommended conditions.

Transportation Planning Section: No objection subject to recommended conditions.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to recommended conditions.

3.2.4. Observations/ Objections

Two letters of objection were received, one from M. Keating, the appellant, and the other from June Casey & Suzanne O'Sullivan. Issues raised include the following:

- The proposed house will oversail/ encroach onto the objector's property.
- The proposed development will not have adequate separation distances and open space and will therefore be injurious to the value and amenity of the objector's property. The development would not be in accordance with the proper planning and development of the area.
- Concern raised about the number of houses built in the area, which has grown over the years.
- Traffic is a problem in the area especially during school and mass times.

4.0 Planning History

P.A. Ref. F03A/0948 refers to a September 2003 decision to refuse permission at 26 St. Brigid's Park, for a two-storey dwelling with a single storey side annexe. The following reasons for refusal were issued:

1. The site of the proposed development is zoned 'A', the objective of which is to 'To protect and improve residential amenity in established residential areas'. It is considered that the proposed new dwelling, by reason of its excessive height and the fact that it will infringe upon an established building line, would materially contravene the zoning objective for the area and is deemed contrary to the proper planning and sustainable development of the area.

2. Section 4.7.4 of the current Development Plan states that 'The Council will require that all houses (terraced, semi-detached, detached) will have an area of private open space behind the building line. In general the minimum requirement will be 60 square metres for each house (exclusive of car parking area) to provide for an adequate level of residential amenity.' In this regard it is considered that the private open space provision to the rear of the new dwelling does meet the minimum private open space requirement. As such the proposed development materially contravenes the

Development Plan and is therefore considered to be contrary to the proper planning and development of the area.

3. It is considered that the length of the rear garden at approximately 4 metres is wholly substandard and would give rise to overlooking of the property directly to the rear from the first floor window in Bedroom 2. As such it is considered that the proposed development would seriously injure the existing residential amenity of the adjoining property owners.

4. It is considered that the proposed new annexe, by reason of its blank and featureless façade, would present a negative frontage to the public street at a highly prominent location. It is therefore considered to be contrary to the proper planning and development of the area.

5. The proposed new development is located within 5 metres of a surface water sewer. In this regard it is considered that the proposed new development would prejudice public health and safety and is therefore contrary to the proper planning and development of the area.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Fingal Development Plan 2017 – 2023, the site is zoned 'RS' Residential, and which seeks to 'Provide for residential development and protect and improve residential amenity'.

5.1.2. Chapter 3: 'Placemaking' is noted, and the following is relevant:

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'.

- 5.1.3. Chapter 12: 'Development Management Standards' is relevant. The following objectives are noted:

Objective DMS24

'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 DMS28

'A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs'.

Objective DMS30

'Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents'.

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’.

DMS87

‘Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.
- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house.

Narrow strips of open space to the side of houses shall not be included in the private open space calculations’.

Table 12.3 sets out the ‘Minimum Room Sizes and Widths for Houses and Apartments’. A single bedroom to have a minimum floor area of 7.1 sq m, a double to be 11.4 sq m and a double with en-suite to be 13 sq m.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appellant has engaged the services of Louis Burke – Architects & Interior Designers to appeal the decision of Fingal County Council to grant permission for a house on this site.

Issues raised in the appeal include:

- Refer to the previous refusal of permission on this site and the applicant has now attempted to address these issues by moving the house forward of an established building line. This will set an undesirable precedent.
- The restricted nature of the site results in a negative impact on the appellants property, no. 1 St Brigid's Park.
- The open space is of a poor quality and is not fully accessible.
- Potential services (150 diameter foul drain pipe) may pass under the proposed house. A report by David O'Sullivan, Engineer, is included with the appeal.
- Mr O'Sullivan also refers to the issue of encroachment and in particular the impact on the boundary wall.
- The proposed development will impact negatively on the visual and residential amenity of the area.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority have responded that the development was considered in the context of the Fingal Development Plan 2017 – 2023 in addition to the impact on adjoining properties and the character of the area. It remains the opinion of the Planning Authority that the development is in accordance with Objectives PM44 and DMS40 and it is requested that the decision of the Planning Authority be upheld.

6.3. Response of the Applicant

- 6.3.1. The applicant's agent, Bright Design Architects, have responded to the issues raised in the appeal and the following points are made in summary:
- The previous application on site is not relevant to the current situation, following pre-planning consultation etc.
 - Adequate open space is proposed to serve this house.
 - Irish Water and the Fingal County Council Water Services Section have reported no objection to the development. Options exist for addressing such services and in any case measures have been considered in this regard.

- The proposed development is considered to be visually acceptable and will not impact on the residential amenity of the area. This is confirmed by the Planning Authority Case Officer's report.
- Notes the comments regarding encroachment and this will be addressed in full.
- Overlooking is not an issue.
- There is no proposal to demolish any boundary walls.
- The development is in compliance with the requirements of the Fingal Development Plan 2017 – 2023.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Principle of Development
- Design/ Impact on the Character of the Area
- Residential Amenity
- Infrastructure Provision
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. The proposed development is for an infill house on this site in St. Brigid's Park, Blanchardstown. The site is zoned 'RS' for residential development and therefore the provision of a new house is acceptable in principle.

7.2.2. The site is facilitated by public services and I am not aware of any particular restrictions on development in the area, such as density requirements etc. I note the references in the appeal to the previous 2003 application. Standards etc. have changed over that time and the Fingal Development Plan of that time has been superseded by a number of plans with significant changes in standards etc. National policy is to encourage the development of infill sites and Fingal County Council have taken full regard of this in their development plans.

7.3. Design, Impact on the Character of the Area

- 7.3.1. The area is characterised by two storey houses in the form of terraces, semi-detached and detached units. The Fingal Development Plan 2017 – 2023 promotes the provision of infill houses in appropriate locations and in accordance with specified standards/ requirements. Objectives PM44 and DMS40 refer specifically to infill development and corner site houses.
- 7.3.2. Many sites that have been developed with infill housing do not successfully work as compromises in the design have to be made to achieve standards. I have no such concern in this case as the infill house replicates many of the key features of the existing houses in the area. Whilst a modest two storey unit is proposed, it will provide for a similar height, mass and design to that of the existing houses. I therefore consider that it will successfully integrate into the streetscape.
- 7.3.3. Reference is made in the appeal to the breaking of the building line. The building line in this residential estate, which is common in many similar developments in Dublin, does not provide for a fixed building line. This is evident from the site plan with inset houses to the end of the street (33 to 40A). The projection forward at less than 1.5 m is of no significance considering the number of porches provided to the front of houses that project further than this modest distance. It should be noted that the first floor aligns with the existing no. 26 etc. to the south east.
- 7.3.4. In addition to the design of the house, material finishes of render and the use of tiles/ slates will ensure that the house will integrate with its surroundings.

7.4. Residential Amenity

- 7.4.1. The proposed development will provide for a two-bedroom house and the room sizes are in accordance with Table 12.3 of the Fingal Development Plan 2017 – 2023. The habitable floor area is generous, and storage is provided at ground floor level in the form of a Utility Room with additional storage available.
- 7.4.2. Adequate private amenity is proposed to serve this house and the existing house will also retain adequate space. I note the comments made in the appeal to the quality of open space and its accessibility. I have no such concerns; the main area of open space is large and is useable for the future occupants of the house. A small courtyard is provided which is accessible from the Kitchen/ Dining area and will

provide for an additional amenity in summer evenings as it is on the west elevation of the house. In compliance with Objective DMS24, a separation of 2.3 m is provided between the existing and proposed houses.

- 7.4.3. The requirement for a 22 m separation distance in accordance with Objective DMS28 only applies in the case of 'directly opposing rear first floor windows', this is not the case as the angle of the existing houses and the proposed unit do not give rise to such. I do not foresee any greater loss of privacy from the proposed house than is the case at present. The layout of this residential estate is such that overlooking is a feature of the area in a number of cases.
- 7.4.4. The location of the proposed house will ensure that overshadowing and loss of daylight is not an issue of concern. I note the concerns regarding encroachment – Drawing No. 20018-202 indicates that this may occur in a very small section of the site/ neighbouring site. It appears to be where the roof overhangs the house. I have no concerns in this regard as it should be easily addressed at construction stage.

7.5. Infrastructure Provision

- 7.5.1. Adequate room is available on site for the parking of cars off-street. The Transportation Section did not raise any issues of concern in this regard. I note comments made previously to traffic in the area. The proposed development is not going to result in any noticeable increase in traffic and unfortunately considering the location of the site to Main Street Blanchardstown, traffic is an inevitable feature of the area, much of which is not generated by the residents of St. Brigid's Park.
- 7.5.2. Concern was raised about the impact on foul drainage infrastructure from the proposed development. I note the comments made in support of the application by the applicant's agent and I agree fully. It is inevitable in such established urban areas that underground services may not be in the most appropriate locations and it is also often the case that there are not accurate survey drawings of these. The applicant has proposed measures to address this including diversion of pipes or provision of measures that will protect these services, and these are standard solutions that I have no concern regarding.
- 7.5.3. The Fingal Water Services and Irish Water have reported no objection to the development subject to conditions. One of the reasons for refusal under the 2003 application was the proximity of the development to services; this is an example of

where processes have developed to an extent that such issues can be addressed with an acceptable engineering solution.

7.6. Other Issues

- 7.6.1. Reference by made to Material Contravention in the appeal. This is not correct, the site is suitably zoned for residential development and considering the established urban nature of the area, it is an appropriate development for this site.
- 7.6.2. The impact on boundary walls was raised in the appeal. This is not a planning issue as it is covered under other legislation. I can only expect that all development is constructed in accordance with such requirements. The applicant has considered this matter in their response to the appeal and I am satisfied that no issue arises here.
- 7.6.3. I have commented on the design of the house and its acceptability. In addition to its integration with the existing streetscape, it will provide for a suitable design upon entry to this side of St. Brigid's Park.

7.7. Appropriate Assessment Screening

- 7.7.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, it is considered that the development would not give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Fingal Development Plan 2017 - 2023 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of public transport and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not

seriously injure the residential or visual amenities of the area. 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 submitted on the 9th of December 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>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority:</p> <p>a) Revised plans and elevations demonstrating that no part of the new house encroaches onto/ over third-party lands.</p> <p>b) Full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p> <p>Reason: In the interest of residential and visual amenity.</p>
3.	<p>i) The vehicular access, including the dishing of the grass verge, serving the proposed development, shall comply with the requirements of the Planning Authority for such road works. The driveway to be a maximum width of 4 m.</p> <p>ii) Any gate to be installed shall be inwards opening only and shall not open across the public footpath.</p> <p>iii) The front boundary wall shall be rendered and capped to a maximum height of 0.9 m.</p>

	Reason: In the interest of traffic and pedestrian safety.
4.	Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Reason: In the interest of public health.
5.	The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development. Reason: In the interest of public health.
6.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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. Reason: In order to safeguard the amenities of property in the vicinity.
7.	That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area.
8.	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 interest of orderly development and the visual amenities of the area.
9.	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.

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.

Paul O'Brien

Planning Inspector

8th May 2021