



An  
Bord  
Pleanála

## Inspector's Report ABP-309589-21

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<b>Development</b>	Demolition of garage and extension to house, and construction of a two-storey detached house with shared access.
<b>Location</b>	3 Porterstown Road, Clonsilla, D15.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW20A/0203
<b>Applicant(s)</b>	Ronan Flynn
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Date of Site Inspection</b>	8 <sup>th</sup> May 2021
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The site comprises of no.3 Porterstown Road, a single-storey detached house on a stated site area of 0.0360 hectares, located in Clonsilla, Co. Dublin. Porterstown Road is located to the southern side of the Clonsilla Road and which continues south, crossing the Royal Canal. The site is located to the southern side of Clonsilla Village and is opposite Saint Mochta's National School.
- 1.2. There are a mix of building types along this section of road including the school, apartments further to the south and detached houses similar to the subject unit. The site is located within an area that has undergone significant urban development over the last couple of decades, with significant large scale infill development provided over this time. The narrow nature of the road and the need to cross the railway line to the south resulted in the construction of the Diswellstown Road further to the east, effectively acting as a by-pass of this relatively narrow road.
- 1.3. The house includes an attached garage/ store/ utility room to the northern side and this is the location of the proposed development. A generous sized garden is located to the rear/ west.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - The demolition of an existing attached garage and extension to the northern side of the house. This has a stated floor area of 75 sq m.
  - The construction of a detached, two-storey, dormer type house. This unit will provide for three bedrooms at first floor level and has a stated floor area of 157 sq m.
  - A shared access will allow for vehicular parking off-road.
  - All necessary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for a single reason as follows:

‘Having regard to the character and appearance of the area, the proposal if permitted would be over bearing by virtue of its size, design, layout and relationship with the established built character of the area. Taking particular account of the front, rear, side building lines and ridge lines, the proposal if permitted would seriously injure the amenities of property in the vicinity and depreciate the value of same, be visually incongruous and represent overdevelopment of the site. The proposal is therefore contrary to objective DMS39 of the Fingal Development Plan 2017-2023, would create an undesirable precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area’.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission for the proposed development. The principle of development is accepted, impact on neighbouring properties is limited, more than adequate open space is provided and water/ drainage and parking are acceptable. Concern was expressed about overbearing on the adjoining property to the north and the design of house was considered to be out of character with the pattern of development in the area.

#### 3.2.2. Other Technical Reports

**Water Services Department:** No objection to this development subject to recommended conditions.

**Transportation Planning Section:** No objection subject to recommended conditions.

#### 3.2.3. Prescribed Bodies

- No reports received.

### 3.2.4. **Observations/ Objections**

None.

## 4.0 **Planning History**

**P.A. Ref. FW20A/0079** refers to a July 2020 decision to refuse permission for the demolition of a car port/ garage & extension to the rear of existing house, no. 3 Porterstown Road. Permission for a new two storey, detached, three-bedroom house with shared access and all associated works. A single reason for refusal was issued as follows:

‘Having regard to the character and appearance of the area, the proposal if permitted would be over bearing, by virtue of its size, design, layout and relationship with the established built character of the area. Taking particular account of the front, rear, side building lines and ridge lines, the proposal if permitted would seriously injure the amenities of property in the vicinity and depreciate the value of same, be visually incongruous and represent overdevelopment of the site. The proposal is therefore contrary to objective DMS39 of the Fingal Development Plan 2017-2023, would create an undesirable precedent for other similar development and would therefore be contrary to the proper planning and sustainable 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 ‘TC’ Town and District Centre, and which seeks to ‘Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities’. Residential development is listed within the ‘Permitted in Principle’ category.

5.1.2. There is an ‘Indicative Cycle/Pedestrian Route’ along the Porterstown Road and the site is located within an area designated for an ‘Urban Framework Plan’.

5.1.3. 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'.

- 5.1.4. 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 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'.

#### Objective 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. **Clonsilla Urban Centre Strategy**

The Clonsilla Urban Centre Strategy is dated to May 2008 and the site is located within 'Opportunity Area 4'. Residential development of two to three storeys was proposed, on the basis of a comprehensive redevelopment of the overall lands to the west of the Porterstown Road.

### 5.3. **Natural Heritage Designations**

**None.**

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The applicants have appealed the decision of Fingal County Council to refuse permission for an infill house on this site.

Issues raised in the appeal include:

- The applicant wishes to live next to his parents, the landowners, who are elderly. Mr Flynn and his fiancé have a son and have lived with his parents for the last five years.
- The proposed house will be constructed on the site of the extension/ garage of the existing house. The new house would be 1.7 m above the ridgeline of the existing garage which is 4.3 m in height.
- There is a mix of building types along the Porterstown Road and the proposed house would be out of character with the variety of house types in the area. The house will be very well screened from view from the public road.
- The applicants have included a number of letters of support for the development.
- Adequate separation distances are provided to the house to the north and this will be an improvement on the current situation.
- In addition to the family connections to the area, all services including the local school are within easy reach of this site.
- Accept that a 2.3 m separation cannot be provided between the existing and proposed houses, however access is available to the rear of the existing house from the southern side and although not intended as such, the access to the side of the proposed house could be shared.
- It is considered that the house has been sufficiently revised to overcome the reason for refusal issued under FW20A/0079 and it is not possible to provide a 'major redesign' due to the restrictions of the site in terms of width. A number of revisions made to the original design have been provided. A single storey house will not work on this site.

- There is a 3 m high boundary wall between the subject site and that to the north. It is considered that the proposed house will not be unduly overbearing on the occupants of the house to the north.

## 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 proposal would result in overdevelopment of this site, would be out of character with the existing, adjoining pattern of development and would be unduly overbearing on the residential and visual amenity of the dwelling to the north. It is also considered that the revised development does not overcome the reason for refusal as provided under FW20A/0079. The development is contrary to Objective DMS39 of the Fingal Development Plan 2017 – 2023 and it is requested that the decision to refuse permission be upheld.

## 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
- Appropriate Assessment Screening

### 7.2. **Principle of Development**

- 7.2.1. The proposed development is for an infill house on this site at no.3 Porterstown Road, Clonsilla. The site is zoned 'TC' for town and district centre development and as residential development is acceptable on such zoned lands, 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 also note that 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 a mix of building types/ uses and whilst residential development in the form of detached houses on generous sites may have been the predominant form of development in the area, this has changed over recent years.

7.3.2. Full regard has been had to Objectives PM43 and 44 and also DMS39 of the Fingal Development Plan 2017 – 2023. DMS39 states that ‘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’. The proposed development will retain the front boundary, which screens the site from public view.

7.3.3. The proposed house incorporates the footprint of the existing garage and stores etc. and is extended such that the front elevation is in line with that of the existing house. The rear boundary also aligns with the rear of the existing house and a separation of 1.1 m is provided to the side of the existing/ proposed houses.

7.3.4. As already reported, I am unaware of any restrictions on infill development in the area and Objective DMS39 guides development in areas such as this. I am satisfied that the height of the house respects that of the existing house and the unit to the north. I consider that the proposed house is a significant visual improvement on the unit proposed under FW20A/0079. The provision of a dormer unit allows for a reduced height whilst retaining an appropriate floor area. The proposed house has a width of 5.9 m and the height of the house at 6.79 m provides for an acceptable width to height ratio.

7.3.5. I accept that the house is not of a similar proportion/ width as the houses to the north and south. I consider though, that the proposed unit does not negatively impact on the visual amenity of the street. I do not consider that Objective DMS44 – protection of residential areas with a unique character, as the mix of unit types present does not create such conditions. The is located on an area zoned TC and it would be expected that an increased density/ intensity of development would be provided. I

am therefore satisfied that the site can accommodate a house of this scale and nature without negatively impacting on the established character of the area.

#### **7.4. Residential Amenity**

- 7.4.1. The proposed development will provide for a three-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 acceptable, and storage is provided at ground floor level in the form of a storeroom off the kitchen and a large hot press at first floor level.
- 7.4.2. Adequate private amenity is proposed to serve this house and the existing house will also retain adequate space for amenity uses. With a width of 7 m and a depth of 19.8 m, the area of the rear garden will more than exceed the requirements of Objective DMS87 – 60 sq m minimum private amenity space for a three-bedroom house.
- 7.4.3. I have no concern regarding overlooking from the proposed development. The windows in the east/ west and southern roof planes do not give rise to overlooking. The window in the northern side serves a stairwell and should not result in overlooking.
- 7.4.4. The positioning of the house should ensure that overshadowing is not significant on the existing house to the north and its general amenity will not be eroded. Any overshadowing will not be significantly greater than the current situation impacted by the existing house and the garage.
- 7.4.5. The Planning Authority included concern regarding overbearing in the reason for refusal. I agree with the applicant that the increase in height has to be considered in the context of an existing 3 m high boundary wall between the two properties. The use of a pitched roof and locating the house on the footprint of the existing garage, will significantly reduce any perception of overbearing. Considering the size of the site to the north, I do not accept that it would be significantly impacted by overbearing from the proposed house in the manner of its design and height.
- 7.4.6. From the submitted plans, I am satisfied that the proposed house can be constructed without encroaching into the site to the north. I accept that a separation of 2.3 m cannot be provided on either side of the proposed house. However, the proposal

has provided for a separation of 1.1 m between the existing and proposed house which allows for maintenance of the existing house if required. There is a driveway/ entrance to the southern side of the adjoining house and the proposed house benefits from this visual separation.

- 7.4.7. I am therefore satisfied that that the proposed house will provide for adequate residential amenity for the future occupants and will not adversely impact on existing properties to an unacceptable level. Policy is to promote infill development where it can be achieved, and I consider that the subject site can achieve this without adversely impacting on the character or residential amenity of the area.

## **7.5. Infrastructure Provision**

- 7.5.1. Adequate room is available on site for the parking of cars off-street. It is proposed that the entrance be widened, though this is not clear from the submitted plans. From the submitted plan it appears that the combined two entrances serving the existing and proposed house will be 6 m wide. It is considered that a combined width of 7 m would be acceptable here; this allows for a driveway width of 3.2 m for each and a pillar/ boundary between. The Transportation Section did not raise any issues of concern in this regard.
- 7.5.2. The Porterstown Road suffers from traffic due to its location adjacent to the Clonsilla Road and also due to the presence of a number of large schools in the area. The proposed development will not noticeably add to this issue.
- 7.5.3. The Fingal Water Services Section have reported no objection to the development subject to conditions. The development is located in a serviced area and I am not aware of any capacity issues in relation to water supply or drainage provision.

## **7.6. Appropriate Assessment Screening**

- 7.6.1. 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 town and district centre purposes which allows for residential development, 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 9<sup>th</sup> 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><b>Reason:</b> 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>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><b>Reason:</b> In the interest of residential and visual amenity.</p>
3.	<p>i) The vehicular access serving the proposed development, shall comply with the requirements of the Planning Authority for such road works. The combined driveway width shall not exceed 7 m which allows for a driveway of 3.2 m for each of the existing and proposed houses and a pillar/ boundary between.</p> <p>ii) Any gate to be installed shall be inwards opening only and shall not open across the public footpath.</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety.</p>
4.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>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.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
7.	<p>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.</p>

	<b>Reason:</b> To protect the amenities of the area.
8.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
9.	<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><b>Reason:</b> 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>

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Paul O'Brien

Planning Inspector

8<sup>th</sup> May 2021