



An
Bord
Pleanála

Inspector's Report

ABP-309878-21

Development	Eight houses and retention of boundary wall, hoarding, gate and stoning of entrance.
Location	Alencon, Weaver's Row, Clonsilla Road, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0050
Applicant(s)	McEleney Homes.
Type of Application	Permission.
Planning Authority Decision	To refuse.
Type of Appeal	First Party
Appellant(s)	McEleney Homes.
Observer(s)	Imelda McCauley, Paul Travers, James and Emma Donnelly.
Date of Site Inspection	2 nd September 2021.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 0.2114ha appeal site lies c. 2.5km to the west of the M50 and c.1km to the south west of Blanchardstown, in a residential area in Clonsilla, Dublin 15. It lies on the northern side of Clonsilla Road (R121) within the 50kph speed limit zone and comprises the site/property 'Alencon', at Weaver's Row. The site is rectangular in shape and has been cleared. A block wall has been constructed around its external boundaries, except to the public road where there is a wooden hoarding and gate.
- 1.2. To the east and west of the site are single storey residential properties on Clonsilla Road, 'Argobeam' and 'Springdale' respectively. To the north, two storey residential properties on Aspin Avenue back onto the site. Opposite the site, to the south of Clonsilla Road are commercial premises, including Clonsilla Inn. Clonsilla village lies c.60m to the west of the site, with the commercial area also to the south of Clonsilla Road. Clonsilla railway station is c.1000m to the west of the site. St. Mochtas National School lies c. 120m to the east of the site on Clonsilla Road.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of significant further information (advertised on 8th February 2021) comprises:
 - Construction of 12 residential units, in two south facing blocks, one to the front of the site and one to the rear (density is 57 units/ha). Each block comprises duplex units, with a single storey apartment at ground floor and a two storey house above. Private open space is provided in the form of patios to the front and back of individual apartments (ground floor) or terraces (first floor) to the rear of the two storey units. The development will be finished principally in self-coloured render and blue black slates.
 - Retention of a 2.4m high concrete block wall around the perimeter of the site, 2.4m hoarding and gate to the front of the site, and stoning of the entrance area at Alencon.
- 2.2. Access to the site is proposed from Clonsilla Road via the existing entrance on the western side of the site's frontage. Four parking spaces are provided to the front of the site, with direct access from the public road. Another 8 spaces are provided

within the site, between the housing blocks, together with 24 sheltered spaces for bicycle parking and an enclosed bin storage area. Public open space is proposed to the east of the residential block to the rear of the site (234sqm). Sightlines of 49m in each direction are proposed.

2.3. The application for the development includes:

- FI Response Planning Report.
- Design Statement.
- Landscaping Plan and Planting Plan.
- Shadow Analysis.
- Architecturally Rendered 3D Imagery.
- Certificate of Exemption Part V.
- Roads and Services Report.
- Housing Quality Assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to refuse permission for the development on the 17th of April 2021. In summary, the grounds are:

1. Development by virtue of its scale, form, layout and design does not respect or integrate with the established character of the area and would significantly detract from existing residential amenity (overlooking, overbearing feature, depreciate value of properties). Development would materially contravene RS zoning objective and Objectives PM31 and PM33 of Fingal CDP.
2. Provision of below standard surface car parking, resulting in substandard form of development, injury to visual amenities of the area and materially contravene RS zoning objective.
3. Inadequate information to demonstrate that sightlines can be achieved and consequently, risk of traffic hazard.

4. Substandard open space provision, with impact on amenity of future residents. Development would contravene the RS zoning for the site and objectives DMS66 DMS67 of the CDP.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 31st March 2020 - The report refers to the planning history of the site, relevant national and local planning policies and submission/ observations and technical reports made. The report considers the merits of the development in respect of principle, site layout and design, integration with adjoining lands, open space provision and landscaping, transportation and car parking, water and drainage and Part V requirements. The report considers the development to be acceptable in principle, but recommends further information in respect of the matters raised in technical reports (below) and requires submission of a design statement to address integration with Clonsilla village, overshadowing of private open spaces and mix of dwellings, revised proposals to demonstrate compliance with development management standards (room sizes, separation distances between dwellings, private amenity space, bin storage, boundary treatments, discrepancies in drawings) and provision of a landscape plan.
- 9th March 2021 – The report refers to the revised design and layout of the proposed development, the observations made and technical reports. It raises the following concerns/issues with the proposed development:
 - Overlooking from private open space.
 - Attainment of sightlines.
 - Provision of future footpath along site frontage.
 - Provision of 4 no. car parking spaces to front of site accessing directly onto Clonsilla Road.
 - Future maintenance of soakaway.
 - Location and quality of open space provision, including in proximity to parking spaces.

- Design of duplex units - Inappropriate external staircase to front, height of development in receiving environment, inadequate private open space, overlooking from private open space, inadequate shadow analysis, overshadowing of private amenity space, public open space and adjoining properties, minimal parking provision, inadequate cycle parking provision and internal layout dominated by parking provision.

The report recommends refusing permission on the grounds that the development does not comply with the standards for new residential development in the County Development Plan or zoning objective for the site.

3.2.2. Other Technical Reports

- Transportation (undated) – Recommends further information in respect of sightlines, alternative internal layout to provide active street frontage to Clonsilla Road, parking accessibility analysis, setback of boundary for future cycle and footpath provision, EV parking, cycle parking, bin storage and taking in charge drawing.
- Water Services (21st April 2020) – Recommends further information in respect of surface water drainage. Subsequent report (2nd February 2021) No objections subject to conditions.
- Parks (4th March 2021) – Open space not located to maximise its use and amenity value (over retired sewer), is long, narrow in shape, will be shaded for most daytime hours and does not allow for passive surveillance. No adequate kick about space. Car parking adjoins the space. Landscape plan is unacceptable in current form.

3.3. Prescribed Bodies

- DAA (20th April 2020) – No comments.
- IAA (21st April 2020) – No comments.
- Irish Water (28th April 2020) – Recommends further information to include CCTV structural integrity survey of foul sewer across the site, information on separation distances between Irish Water infrastructure and proposed

structures, approval from adjoining owners for diversion/reconnection.
Subsequent report (2nd February 2021) – No objections subject to conditions.

3.4. Third Party Observations

3.4.1. There are seven third party observations. These include observations made by residents of Aspen Avenue, to the north of the appeal site and residents of adjoining property (Springdale and Argobeam). Matters raised:

- Impact on privacy (overlooking, noise) due to proximity of development to boundary wall, height and first floor terraces.
- Loss of sunlight and overshadowing due to proximity of development to boundary wall and height. Limited analysis of likely overshadowing.
- Height and overall density of development not in keeping with existing historic character of the village (no 3 storey dwellings in Clonsilla village). Precedent that this would set.
- Overdevelopment of the site, with impact on adjoining area/residents. Impact on property values. Substandard nature of development. Urban solution to sensitive village setting.
- Architectural style at odds with existing architectural style of the village, contravenes existing building line and architectural context.
- Existing congestion on local roads at peak times. No traffic surveys. Multiple new entrances onto the public road and danger this would pose to pedestrians with existing narrow footpath (leads to school, busy road). No clear pedestrian entrance. Conflict with traffic emerging from Clonsilla Inn opposite.
- Removal of trees from the site, loss of biodiversity. No replacement planting along northern boundary of the site (southern boundary to Aspen Avenue).
- Short timescale in which to respond to alterations to development.

4.0 Planning History

- SID/02/10 – Application withdrawn for a Railway Order in respect of Metro-west.

- PA ref. F07A/1412 – Permission granted for demolition of existing single storey detached dwelling and outbuildings and provision of a new detached two storey dwelling with off street parking.
- PA ref. F03A/0816 – Permission granted for demolition existing habitable dwelling and provision of 12 no. apartments in one block with bicycle/bin storage, 18 car parking spaces and new boundary wall onto Clonsilla Road.
- PA ref. F02/1545 - Permission refused for demolition of existing habitable dwelling and provision of 14 no. apartments in one block with bicycle/bin storage. Reason for refusal, excessive height, size and scale, premature pending completion of Ongar Road/Snugsborough Road extension, overlooking and haphazard location of bin storage.

5.0 Policy Context

5.1. National Policy

- National Planning Framework – Ireland 2040, 2018.
- Sustainable Residential Development in Urban Areas, 2009 (SRDUA).
- Urban Design – A Best Practice Guide, 2009.
- Quality Housing for Sustainable Communities, 2007.
- Sustainable Urban Housing: Design Standards for New Apartments, 2020.
- Design Manual for Urban Roads and Streets, 2019.

5.2. Fingal County Development Plan 2017 – 2023

- 5.2.1. The appeal site, and land to the north of Clonsilla Road including the properties to the east, west and north of the site, is zoned 'RS' the objective of which is to '*Provide for residential development and protect and improve residential amenity*'. The vision for the zoning is to '*Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity*'. Lands opposite are zoned TC '*Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities*'. Town centre lands

are included within the Clonsilla Urban Framework Plan area, yet to be completed. A Quality Bus Corridor runs north along Shelerin Road, c.90m to the west of the site.

5.2.2. Chapter 3 of the Plan deals with placemaking. Relevant policies include:

- PM31 promotes excellent urban design responses to achieve high quality, sustainable urban and natural environments in accordance with the 12 urban design principles set out in the government's Urban Design Manual – A Best Practice Guide.
- PM33 seeks to enhance and develop the fabric of existing and developing urban centres in accordance with the principles of good urban design.
- PM41 encourages increased densities at appropriate locations, whilst ensuring quality of place, residential accommodation and amenities for existing or future residents are not compromised.
- PM44 encourages and promotes the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

5.2.3. Development management standards for residential development are set out in Chapter 12 of the Plan. These also include:

- DMS57A/B require a minimum of 10% of site area as public open space for all developments with a residential component.
- DMS58 require an equivalent financial contribution in lieu of open space provision in smaller developments of less than three units, where open space generated by the development would be so small as not to be viable.
- DMS66 requires that open spaces are not located to the rear or side of housing units.
- DMS67 requires that open space is suitably proportioned and not provided in inappropriate narrow tracts.
- DMS91 requires communal amenity space within apartment developments, to comply with or exceed the minimum standards set out in Table 12.6 (7sqm for a two bedroom apartment and 9sqm for a 3 bedroom apartment).

5.3. Natural Heritage Designations

5.3.1. The nearest national site of natural heritage interest is the Royal Canal Natural Heritage Area. It lies c.300m to the south of the site. The nearest European site is the Rye Water Valley/Carton Special Area of Conservation. It lies c.6km to the south west of the site. However, the appeal site is not directly connected to this, or any other European site.

5.4. EIA Screening

5.5. The proposed development is of a type that falls within Part 2 of the Schedule 5 of the Planning and Development Regulations 2001 (as amended), Class 10 Infrastructure projects, construction of dwelling units. However, it falls well below the threshold value for development that would trigger EIA (500 units) and, by virtue of the type of land use proposed, will not involve the use of significant natural resources or the production of significant waste, pollution or nuisances. Furthermore, the development would be located within an urban area and integrated with existing services. Having regard to the above, I consider that there is therefore no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. First party grounds of appeal are:

- The amended proposal was a direct and appropriate response to the issues raised by the PA in their request for additional information.
- The duplexes and apartments comply with all regulatory guidelines with regard to room sizes, private open space sizes and complement the existing streetscape and architecture. A Design Statement, Housing Quality Assessment, Shadow Analysis and architecturally rendered 3D images were submitted as part of the FI.

- The planning report addresses all the issues raised in the FI requires and provides a detailed review of all relevant issues/policy context.
- The provision of an open space area was required to address the requirement for a wayleave, rather than comply with open space requirements (Gordon White drawing no. G11191-040A). Considering the size of the development, its location and proximity to public open spaces any requirement for open space should be dealt with by financial contribution.
- Similar infill sites are likely to be developed in the future, in a similar manner to the subject site. The development is in line with government policy to utilize infill site in urban areas at increased density to avail of existing services, facilities, and transportation.

6.2. Planning Authority Response

- 4th May 2021 – Recognise the site presents challenges in responding to prevailing character of the area. Notwithstanding the revised design as part of FI, consider the development falls short of the standards set out in the CDP and would be contrary to zoning objective vision. If the Board are minded to grant permission, request that conditions in respect of development contribution and bond/security be applied.

6.3. Observations

6.3.1. There are three observations on the appeal, these are made by residents of Argobeam and nos. 28 and 32 of Aspen Avenue. Parties refer to matters raised in observations. The following new issues are raised:

- The applicant has not addressed the reasons for refusal and has created a litany of new issues e.g. poor open space, no pedestrian access, multiple motor vehicles entering busy road, poor access to back gardens at end of terraces, no bin storage on site layout plan, north facing gardens will be overshadowed, solar panels on north elevations, density, no landscape plan, proximity of first floor terraces to boundary wall.

- Play areas should be provided within the site, given the shortage of green areas for children to play in the area, and not by way of financial contribution.

6.4. Further Responses

- None.

7.0 Assessment

7.1. Having examined the application details and all the documentation on file, including all the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local and national policies and guidance, I considered the main issues in this appeal are:

- Impact on character of the area and residential amenity.
- Car Parking provision.
- Sightlines.
- Public open space.

7.2. Impact on character of the area and residential amenity.

7.2.1. The government guidelines in respect of SRDUA (2009) and Sustainable Urban Housing: Design Standards for New Apartments (2020) advocate higher residential densities within walking distance of urban centres and in proximity to high-capacity public transport facilities. Densities referred to in the guidelines are >50 dwellings per hectare (public transport corridors) and >45 dwellings per hectare (intermediate urban locations), respectively. The appeal site is located within walking distance of Clonsilla village, a Quality Bus Corridor and within c.1km of a railway station. In this context, the density of the proposed development is 57 units/ha, and is not of itself inappropriate. However, government guidelines, in referring to higher residential densities, acknowledge the need to strike a balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide for increased densities (section 5.9(i), Infill residential development, SRDUA).

- 7.2.2. The appeal site is flanked by residential development, to the west, north and east. The two properties east and west of the site are single storey dwellings, on large sites with mature vegetation. Properties are set back from the public road. To the east and west of these detached dwellings, residential properties facing Clonsilla Road, are closer to the public road and comprise a mix of single storey and two storey units. To the rear of the site two storey dwellings, along Aspin Avenue, back onto the site. To the south of the site and Clonsilla Road, land uses are a mix of commercial and residential, with buildings comprising single and two storey developments. The character of the area is one of primarily low density, residential development, abutting the commercial area.
- 7.2.3. The proposed development comprises 12 residential units in two, three storey blocks. The height of the development substantially exceeds that of the neighbouring single storey dwellings and, to a lesser extent, the two storey dwellings to the rear of the site. The block containing unit nos. 1-6 is situated to the front of the site. The mature vegetation on adjoining lands provides a structural context for the block and may facilitate the integration of the taller structure into the streetscape. However, this is not demonstrated in the applicant's contextual drawings which suggest that the block of duplex units would be substantially in excess of the height of the existing trees and dominate these and the adjoining single storey dwellings (I note that the planting may not be to scale).
- 7.2.4. The layout of the proposed development also places the block to the rear of the site (units nos. 7-12) in close proximity to the two storey properties on Aspin View i.e. the rear façade of the block is c.6.5m from the shared boundary wall at ground floor and c.11m at first/second floor. Further, the external terraces at first floor to the rear of the block will directly overlook the south facing rear gardens of the properties along Aspin Avenue. Such an arrangement is likely to result in overlooking of the existing private open space, loss of sunlight to established gardens and an over bearing form of development. I note that the applicant includes a shadow analysis to illustrate the effect of the development on adjoining lands (and within the site). However, the analysis is limited to effects at 12.00 noon and 3pm, and suggests in some instances little difference in shadows for the single storey dwellings as the three storey duplex units. It is therefore insufficient to fully understand the effect of the development on adjoining lands.

- 7.2.5. The development provides private open space to the apartment units at ground floor. The patio areas to the front of the units are overshadowed by the stepped access to housing units above. To the rear, the patios are north facing and have little direct sunlight. Similarly, the private open space for the houses, above the apartments all face north and will be largely overshadowed.
- 7.2.6. In summary, therefore, I consider that the proposed scale, form, layout, and design of the development is such that it results in a form of development which is out of character with development in the vicinity of the site and the streetscape, overbearing on adjoining property and which gives rise to overlooking and overshadowing. It therefore fails provide an appropriate standard of amenity for the proposed residential units and to protect and improve residential amenity in the vicinity of the site. I consider that it would therefore materially contravene the zoning objective for the site and conflict with policy objectives PM31 and PM33 which seek high quality urban design solutions for residential developments.

7.3. Car Parking provision/traffic issues.

- 7.3.1. Table 12.8 of the County Development Plan requires 17 no. car parking spaces for the proposed development (1 space per 6 no. 1 bedroom units, plus 1 for visitors and 1.5 spaces per 6 no. 2 bedroom units, plus 1 for visitors). The applicant provides 12 car parking spaces which is below this standard. Eight of these are within the development and 4 are proposed to the front of the site, adjoining Clonsilla Road. In their report on the proposed development the planning authority and transportation section also raise concerns regarding the proximity of the parking spaces to the open space area, dimensions of car used for autotrack drawings and lack of clarity regarding provision of a future cycle route along Clonsilla Road.
- 7.3.2. As stated, the appeal site lies within walking distance of Clonsilla village, and a Quality Bus Corridor and within reasonable distance of a railway station. Consequently, and consistent with government's guidelines for apartment development (Sustainable Urban Housing: Design Standards for New Apartments, 2020), I consider that there may be some scope for a reduction in parking provision. Further, the provision of communal spaces or overlooked parking courts is not inconsistent with the guidelines for car parking set out in the government's Best

Practice Urban Design Manual. I also note that the applicant's Site Plan (drawing no. PL-01) indicates a setback to provide for a cycle route along Clonsilla Road and that the setback is consistent with that of other properties along the road.

Notwithstanding these matters, I would have concerns regarding the arrangements for the provision of 4 parking spaces alongside the public road and the resultant 10m crossover of the footpath for vehicles (as stated by the Transportation Section). I am not satisfied that this matter has been adequately addressed and would require detailed design or revised layout to satisfy pedestrian safety issues.

7.4. Sightlines.

- 7.4.1. The Transportation Section raise concerns regarding the achievability of sightlines at the site access. The applicant's 'Sight Triangles and Main Access Road' drawing (No. G1191-15) indicates 49m sightlines from 2.4m back from the edge of the public road at the proposed entrance to the site. These would be consistent with the requirements set out in the government's Design Manual for Urban Roads and Streets (section 4.4.5). It is evident from inspection of the site that sightlines to the west are somewhat restricted by virtue of roadside vegetation and again, I am not satisfied therefore that this issue has been adequately addressed.

7.5. Public open space.

- 7.5.1. The planning authority's fourth reason for refusals considers that the development would be injurious to future residents by virtue of substandard public open space provision, with the area of public open space lacking passive surveillance, likely to be shaded for large parts of the day, blocked by car parking spaces and unsuitable in layout as a play space.
- 7.5.2. In response to the appeal, the applicant states that the provision of open space was to address the requirement for a wayleave in order to reroute the existing drainage rather than comply with open space standards and that given the size of the scheme, its location and proximity to public open spaces any requirement should be dealt with by financial contribution. It is also stated that the quantum of communal open space provided (234sqm) is in excess of Development Plan and Apartment Guidelines requirements (96sqm).

- 7.5.3. Policy objective DMS57A require a minimum of 10% of a proposed development site to be designated for use as public open space. Policy objective DMS58 requires an equivalent financial contribution in lieu of open space provision in smaller developments of less than 3 units where open space generated by the development may be so small so as not to be viable. Policy objective DMS91 requires communal amenity space within apartment developments, to comply with or exceed the minimum standards set out in Table 12.6 (7sqm for a two bedroom apartment and 9sqm for a 3 bedroom apartment).
- 7.5.4. In this instance, the subject site is 0.2114ha or 2,114sqm in area. Public open space requirement would be 211sqm. The level of provision is not unreasonable relative to site size i.e. the development comprises 12 units, substantially in excess of the threshold of 'smaller developments'. Compliance with communal open space requirements would require 96sqm of communal open space.
- 7.5.5. The Site Plan (PL-01) and Planting Plan (drawing no. 201219.2) indicate an area of public open space to the east of the rear block of duplex units (nos. 7-12). The overall area proposed for open space is 234sqm. In area, it would satisfy the quantitative requirements of the Development Plan.
- 7.5.6. Notwithstanding this, the area of public open space is narrow and rectangular in shape (width c.8m). It is sited to the east of the duplex block and north of parking spaces 8 to 12. The provision of public open space is stated to be driven by the requirements to provide a wayleave through the site. However, this has resulted in provision of public open space in direct conflict with policies of the County Development Plan which preclude the location of open spaces to the side of existing houses (DMS66) and avoid spaces which are not suitably proportioned (DMS 67). Having regard to the foregoing I am not satisfied that the proposed development would provide a satisfactory standard of public/communal open space to serve the needs of residents. It would therefore be contrary to the RS zoning of the site and conflict with policy objectives DMS66 and DMS67.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the location of the proposed development on an established site in an existing urban area, the modest scale of the development and the proposal to

connect it to existing services, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. It is recommended that planning permission be refused for the proposed development.

10.0 Reasons and Considerations

1. Having regard to the zoning of the site, the objective of which is to provide for residential development and protect and improve residential amenity, policy objectives PM31 and PM33 which seek a high standard of urban design and to the established pattern of development in the vicinity of the site, it is considered that the proposed development by reason of its scale, form and design would be overbearing on adjoining property, give rise to overlooking, provide substandard public open space and would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would materially contravene the RS zoning objective for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the layout of the proposed and arrangements for parking and access to the site, the Board is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard.

Deirdre MacGabhann

Planning Inspector

16th September 2021