



An
Bord
Pleanála

Inspector's Report

ABP-310196-21

Development	Demolition of single storey dwelling and construction of new two-storey three-bedroom dwelling with roof terraces to front and rear together with all associated site works.
Location	No. 14 Harbour Road, Skerries, Co. Dublin, K34 RX78.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F21A/0085.
Applicant(s)	Donal & Deirdre MacNally.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Orla Boylan.
Observer(s)	None.
Date of Site Inspection	16 th day of July, 2021.
Inspector	Patricia Young

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1.0 Site Location and Description

- 1.1. No. 14 Harbour Road, the irregular rectangular shaped appeal site has a stated 0.0328ha area. It contains a single storey detached dwelling house that dates to c1930s, and it is located on Harbour Road c0.1km to the north east of Harbour Road's intersection with Quay Street and c0.3km from the entrance to Skerries Harbour Pier, in north County Dublin.
- 1.2. The subject appeal site, in terms of its immediate streetscape setting, forms part of two similar in architectural period and design dwellings that address the eastern side of Harbour Road that are situated to immediate north of an attractive group of 2-storey Victorian period properties that similarly address the eastern side of Harbour Road and altogether these properties like the properties to the north follow this roads curving alignment. The wider streetscape scene on the eastern side of Harbour Road contains a variety of built forms from varying periods that all address the waterfront with the main pedestrian connection to the Harbour and its amenities being the public footpath that runs along the eastern side of Harbour Road with double yellow lines and pier walls characterising the opposite side of this road.
- 1.3. The subject property's northern boundary adjoins an unsurfaced laneway (The Dorn) which at the time of my inspection was in use for parking, storage and was in heavy use as a means of pedestrian access to a linear public open space amenity that runs alongside the shoreline located to the rear of the site. There is a solid tall boundary wall that runs along the main stretch of the northern boundary of the site with a solid timber gate towards its easternmost end which provides access to the subject properties rear garden space. The rear boundary is characterised by dense shrub and hedge planting. The principal façade benefits from panoramic views over Skerries Harbour.
- 1.4. The site's roadside boundary consists of a solid wall that has a dashed finished with piers demarcating the vehicle entrance which is located on its southernmost side. They match that of the adjoining property to the south. Double yellow lines run to the north and south of the adjoining roadside carriage. There is an electric pole situated on the immediate adjoining stretch of pedestrian pathway and the public road. The posted speed limit along the adjoining stretch of Harbour Road is 50kmph.

1.5. The immediate area to the south has an established residential character and there are more varying land uses along Harbour Road in closer proximity to the pier. In addition, Skerries Sailing Club occupies the site on the opposite side of 'The Dorn'. High boundary walls surround the southern side of the aforementioned sailing club site with the southern area of the site used for parking including the parking of boats.

2.0 Proposed Development

2.1. Planning permission is sought for the demolition of single storey dwelling with a stated 94m² gross floor space and the construction in its place a 2-storey three-bedroom dwelling with a stated gross floor space of 194m² with a design and built form that includes roof terraces to front and rear. In addition, planning permission is also sought for the construction of an enlarged front entrance with replacement boundary walls (northern, eastern, and western) of the same height as those existing. The development includes all associated site works. The proposed dwelling would be served by two off-street car parking spaces.

2.2. This application is accompanied by the following documentation:

- Part V Certificate.
- Engineer's Method Statement of Demolition.
- Waste Management Plan.
- Flood Risk Assessment.
- Architectural Design Report.
- Photographic Survey.

These are attached to file.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission was **granted** subject to 17 mainly standard conditions including:

Condition No. 4(i): This restricted the use of the first-floor level and roof level of the permitted dwelling and indicates that only those

spaces set out as terraces to the front and rear under Drawing No. 203 shall be used for such purposes. As such no other above ground level flat spaces are permitted to be used as open space amenity by occupants of the dwelling.

Condition No. 4(ii): Requires the provision of 1.8m high opaque screen at the southern side of the first-floor rear terrace.

Condition No. 13: Requires unimpeded access to Harbour Road and The Dorn (the adjoining laneway) during the demolition and construction phases of development. It also requires that the public road and adjoining laneway to not be used for the storage of materials or the parking of delivery and service related vehicles.

The Planning Authority's notification to grant permission includes a number of advisory notes including one which relates to Section 34(13) of the Planning and Development Act, 2000, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report, dated the 8th day of April, 2021, is the basis of the Planning Authority's decision. It includes the following comments.

- The proposed development is permissible under local planning provisions.
- Subject to safeguards no adverse residential and/or visual amenity impacts arise.
- The proposed dwelling is of high architectural quality and integrates well within its setting.
- This report concludes with a recommendation to grant permission.

3.2.2. Other Technical Reports

Transportation: The Transportation Planning Section report dated 6th day of April, 2021, includes the following comments:

- No car parking provision concerns raised.

- The width of the entrance should not exceed 4m in order to improve inter-visibility for vehicles and pedestrians. Current entrance is 3.2m.
- All gates including the proposed new separate pedestrian gate shall open inwards and the new boundary walls shall match their current heights.
- A number of standard safeguards are recommended.

Water Services:

- No objection, subject to a number of standard safeguards.

3.3. Prescribed Bodies

- 3.3.1. **Irish Water:** No objection subject to safeguards.

3.4. Third Party Observations

- 3.4.1. During the determination of this planning application the adjoining property owner (No. 13 Harbour Road) submitted a 3rd Party Observation raising mainly residential and visual amenity concerns.

4.0 Planning History

4.1. Relevant Planning History

- 4.1.1. No recent or relevant Board decision in the site setting.

5.0 Policy & Context

5.1. Local Planning Provisions

- 5.1.1. The Fingal Development Plan, 2017 to 2023, is the applicable Development Plan, under which the site is 'TC' – Town and District Centre. 'TC' zoned land has the stated objective to "*protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities*".
- 5.1.2. The following Development Plan objectives are relevant:

- *Objective DMS24:* Requires that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3 which relate to gross floor area, aggregate living and bedroom areas, storage, and room size.
- *Objective PM45:* Seeks to promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- *Objective DMS30:* Seeks to ensure that 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.

5.2. Natural Heritage Designations

- 5.2.1. The site is located c0.7km to the west of the Skerries Islands SPA (Site Code: 004122).

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and its location within a fully serviced urban environment, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this 3rd Party Appeal can be summarised as follows:
- The appellants property abuts the south western boundary of the site.
 - Both No. 13 Harbour Road, the appellants property and No. 14 Harbour Road, the applicant's property have restricted in size rear gardens.
 - Reference is made to the County's Plan focus on the need to protect existing amenities and to develop in a sustainable manner.

- The Planning Officer in their report noted the potential for lateral overlooking to arise and concluded that a 1.8m high screen be fitted on the southern end of the terrace. This is provided for under Condition No. 4.
- In relation to the precedent cases referred to by the Planning Authority it is noted that P.A. Ref. No. 15A/0300 was required to remove a proposed rear balcony. With this grant of permission relating to No. 52 Strand Street, Skerries.
- The screen required under Condition No. 4 will not prevent overlooking or the perception of overlooking of appellants rear garden nor would it mitigate against noise intrusion by persons standing at the seaward edge of the rear terrace.
- It is sought that the rear terrace be omitted due to the adverse residential amenity impacts that it would give rise to.
- The level of glazing at first floor level associated with the living room and kitchen level, if permitted, would result in overlooking intrusion of level that would be more significant to that of a first-floor level being used to accommodate bedrooms.
- The kitchen and dining level is already well served by large, glazed openings. The need for the attic window is not necessary and may in additional overlooking on the appellants property.
- The proposed development would seriously detract from the residential amenities of the appellants property, and it is therefore requested that the design be amended to take account of the concerns raised.

6.2. Applicant Response

6.2.1. The First Party's response can be summarised as follows:

- The appellant does not object to the principle of the development.
- The applicant is satisfied that this is an appropriate design solution for the site and one that would not give rise to adverse visual and/or residential amenity impacts.
- It is not accepted that the proposed development would seriously injure the appellants residential amenity. Including in terms of privacy, overlooking and noise intrusion.

- The housing stock along and around the bay does include some contemporary intervention examples that contribute positively to the urban form.
- The design and functionality of the existing dwelling is tired and out of touch with modern living requirements and expectations. It contributes no meaningful architectural value or significance to the streetscape or seascape amenity of its setting.
- The proposed redevelopment is contended to be a cautious and measured approach to providing respectful design solution for the site setting.
- The site is located within an urban area where proximity to and interaction with neighbouring residential amenities is an established historical pattern of side-by-side terrace living.
- The opportunities for overlooking are limited as the design has taken measures to design out overlooking adverse impact on the adjoining residential property.
- Any level of overlooking that would arise would be negligible as well as would be of a level not inconsistent within an urbanscape setting.
- Reference is made to a number of cases determined by the Planning Authority.
- The proposed development is consistent with the proper planning and sustainable development of the area.
- The Board is asked to uphold the Planning Authority's decision.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The Planning Authority remains that the proposed development does not unduly impact on the amenity of the surrounding area or of neighbouring property.
- Reference is made to the requirements of Condition No. 4 which mitigate overlooking opportunities from the proposed development.
- The Board is requested to uphold its decision.

7.0 Assessment

7.1. Having carried out an inspection of the site and its setting, together with having carried out an examination of all details on file, the planning history of the surrounding area and having regard to relevant planning provisions, I consider that the main issues in this appeal case are those raised by the appellant in their grounds of appeal submission. These particular concerns I propose to deal with under the following broad headings:

- Residential Amenity Impact.
- Visual Amenity Impact.

7.2. I am of the view that the remainder of the development is consistent with the type of development that is permissible on land zoned 'TC' under the Development Plan and for a site that has a well-established residential use and that forms part of a wider streetscape scene that contains a variety of architectural built forms, including a predominance of 2-storey dwelling typologies, that subject to standard residential, visual and other standard safeguards similar to those set out in the Planning Authority's decision notification to grant planning permission.

7.3. The matter of 'Appropriate Assessment' also requires examination and other sundry matters are dealt with under 'Other Matters Arising'.

7.4. Residential Amenity Impact

7.4.1. By way of this application planning permission is sought for the demolition of an existing single storey detached dwelling that appears to date to c1930s and in its place the construction of a 2-storey detached dwelling house together with a number of other modifications to the site including replacement boundary treatments and a new vehicle entrance onto Harbour Road.

7.4.2. The subject dwelling is one of two similar 1930s dwelling that sit side by side one another to the immediate north of a modest unsurfaced laneway known as 'The Dorn' that provides connection between Harbour Road to the west and a linear public open space to the east that runs in a north south direction as well as adjoins the coastline to the rear of the subject site.

- 7.4.3. The site itself is modest in its size with a stated 0.0328ha area and the existing building thereon is afforded no protection as a protected structure or otherwise. And whilst it is an example of 1930s architecture that harmonises with the appellants adjoining similar in period dwelling and the 1930s architectural stylistic through to built character attributes of the Skerries Sailing Club which also dates to this period, the subject property forms part of a streetscape scene that includes a medley of different architectural styles that harmonise with one another by their predominantly 2-storey built form and a respectful harmony of external finishes, treatments and materials.
- 7.4.4. As a built insertion within its townscape and as an architectural example of 1930s architecture it is not of any outstanding merit or quality and with its main contribution being that it forms part of a pair of two similar in design and expression detached bungalows that graduate from their 2-storey Victorian neighbours to the south to being single storey alongside The Dorn.
- 7.4.5. Therefore, its removal and replacement subject to any dwellings design being respectful of its setting and being the design that is consistent with the planning provisions for dwelling houses is not objected too. Notwithstanding, having regard to the proximity of the subject site to the appellants property No. 13 Harbour Road which adjoins the site to the south any redevelopment of the appeal site has the potential to give rise to residential amenity impacts on this particular property.
- 7.4.6. In this regard, the adjoining property owner of No. 13 Harbour Road is the 3rd Party appellant in this case. This appeal follows on from the Planning Authority's decision to grant the demolition of the existing detached dwelling on the site and the construction of a replacement 2-storey dwelling alongside amended boundary and access arrangements to the public domain together with associated works.
- 7.4.7. The substantive concerns raised by the appellant in her grounds of appeal relates to concerns that the proposed development, if permitted, would give rise to diminishment of the residential amenities of her adjoining single storey detached dwelling by way of overlooking and noise intrusion. I note that the appellant put forward this concern to the Planning Authority during its course of determining this application.
- 7.4.8. In order to ensure that no adverse residential amenities arise from the development sought the Planning Authority included a number of conditions that ultimately seek to ensure that an acceptable balance is reached between accommodating a replacement

dwelling on this site and safeguarding the residential amenities of the appellants property from any undue impact.

7.4.9. Of particular relevance in this appeal case are the requirements of Condition No. 4 of the Planning Authority's decision notification to grant planning permission. This condition in my view through subsection (i) and (ii) acknowledges that the overlooking concern for adjoining properties is with foundation.

7.4.10. Under subsection (i) it states: "*no areas at first floor level and roof level of the permitted dwelling, other than the front and rear terraces indicated on Drawing No. 203, shall be used as terraces*" and under subsection (ii) it states: "*prior to the commencement of development the applicant shall submit revised plans and drawings which demonstrate provision of a 1.8m high opaque screen at the southern side of the first floor rear terrace for the written agreement of the Planning Authority*". The given reason for these requirements is to protect the residential amenities of the adjoining property.

7.4.11. The applicant does not appear to object to either of these provisions and as part of their response to the grounds of appeal have submitted drawings relating to how effective the screening options would be in terms of significantly limiting the level of overlooking that would arise from the proposed development with the 1.8m opaque screens in situ and I am satisfied having regard to a number of factors including but not limited to:

- My inspection of the site.
- Documentation provided on file.
- The overall built form, the solid to void exterior treatment and the positioning of the proposed dwelling relative to its site boundaries, including the appellants adjoining property.
- The alignment of the site and the rear boundaries of properties to the south of the site which I observe veer in a south westerly direction.
- The topography of the site.
- The presence of natural and man-made built features.

I consider that the potential for significant overlooking and diminishment of the appellants rear private amenity space, in particular, from the proposed development

were it to be permitted would be limited to negligible in its extent when compared to the existing situation. Moreover, it would be no greater than the existing overlooking that arises from the first-floor windows of the adjoining and neighbouring properties of the 2-storey Victorian terrace group to the immediate south.

7.4.12. Moreover, this appeal site and the appellants site form part of what is a designated town centre urbanscape with the characteristic building form being 2-storeys. As such the provision of a 2-storey structure within a town centre urbanscape irrespective of it being a site that forms part of a linear group of dwellings that benefit from dual public frontage addressing the coastline together with the provision of glazing at first floor level is not without precedent. And with this I observed during my inspection of the site's context is urbanscape location where a level of overlooking appears to be difficult to avoid due to the building height, nature and scale of building stock that characterise it. Together with the relationship of this building stock and their uses with the semi-private and a public domain. In particular a public domain that appears to be highly valued for its amenity and recreation value due to its coastal proximity alongside the high recreational value public realm in this area.

7.4.13. I also consider it appropriate that subsection (i) of Condition No. 4 clearly sets out what outdoor space above ground floor that can be used as a form of outdoor amenity space by future occupants of the proposed dwelling with this being strictly limited to the terrace's indicated on Drawing No. 203 in the suite of documentation submitted with this application. In the absence of any grant of permission for further expansion of the use of flat roof spaces above ground floor level should future occupants not comply with this condition enforcement action can be taken to rectify any non-compliance.

7.4.14. I also consider that both terrace spaces permitted are setback from the boundary shared with the applicant and that further improvements in terms of the perception of being overlooked could be achieved by way of planting along the shared boundaries.

7.4.15. In relation to noise intrusion and the concerns raised by the appellant on this matter I consider that this could be a substantive issue during the demolition and construction phases of the development sought were it to be permitted. Notwithstanding, such noise intrusion through to associated nuisances like dust, vibrations, hours of construction activities and the like are normally subject to conditions that seek to provide a measure of control in part to safeguard and protect the amenities of

properties in its vicinity. Examples of conditions that seek to achieve this are evident for example in the Planning Authority's notification to grant permission. Including but not limited to Condition No. 8 that requires a detailed Demolition and Construction Waste Management Plan and Condition No. 15 which sets out the hours under which construction activities can occur.

- 7.4.16. In terms of operational use of the proposed development I also note that Condition No. 10 restricts the use of the building to a single dwelling unit. As such whilst there is an increase in the floor area associated with the dwelling unit on this site there is no increase in dwelling unit number.
- 7.4.17. In addition, the first-floor spaces that are permitted to be used as terrace amenity spaces are positioned towards the northern side of the rear and front facades with the opaque rear screening panel not just blocking views but also preventing access onto the adjoining sedum flat roof.
- 7.4.18. I am not convinced that the noise levels arising during the operational phase could be considered to be one that would materially and adversely diminish the appellants residential amenity by way of noise intrusion of an extent over and above the existing situation within a coastal setting that particularly to the rear is characterised by active and passive recreational amenity use associated with the linear public open space as well as the adjoining coastline through to on the Harbour Road side a public domain that I observed has a steady stream of traffic, cyclists and pedestrians associated with Skerries Harbour Pier and foreshore.
- 7.4.19. Based on the above considerations I am of the view that the level of overlooking and noise intrusion concerns that could arise from the proposed development, if permitted, subject to measures to control nuisance like those set out above, would not give rise to any significant adverse residential amenity that would warrant a refusal of permission for the development sought or any other substantial amendments to the proposed dwellings design or otherwise. Moreover, I do not consider that the provision of a 1.8m opaque screen on the southern side of the first-floor terrace addressing Harbour Road would be appropriate as this elevation addresses its semi-private open space primarily with only oblique views over the semi-private domain of No. 13 Harbour Road. Furthermore, the roadside boundary treatments that characterise No. 13 and 14 Harbour Road like those to the south are low allowing for the semi-private

spaces to be highly visible from the public domain with this visibility added too by the double yellow lines running alongside the roadside edge of Harbour Road on its eastern side.

- 7.4.20. Accordingly, should the Board be minded to grant permission I recommend that a similar conditions to those included by the Planning Authority in their notification to grant planning permission which deal specifically with overlooking and nuisance mitigation be included. In addition, as a further precaution the Board may wish to give consideration given to a condition that restricts access onto the sedum roof to maintenance works only as part of providing a further level of protection for the residential amenity of No. 13 Harbour Road, the appellants property.

7.5. Visual Amenity Impact

- 7.5.1. As discussed above I consider that the proposed dwelling to be demolished under this proposal is of no particular architectural or other merit that would warrant its retention and it would appear that the design put forward for the new dwelling house seeks to marry a contemporary approach with regard to the streetscape attributes of its setting alongside take advantage of a site that benefits from having dual frontage onto the coastline.
- 7.5.2. I also note that no substantive visual amenity impact concerns have been raised by the appellant as part of their appeal submission to the Board and by the Planning Authority in their determination of this application or in their response to the grounds of this appeal.
- 7.5.3. Notwithstanding, I raise a concern that the architectural resolution decided upon by the applicants is confused in terms of its overall external built form expression. With this confusion of architectural design attributes and features in my view being particularly evident at first floor roof level due to the shape of the roof structure and its asymmetrical placement and volume over the main structure.
- 7.5.4. It is possible that the roof structure of design put forward under this application is seeking to harmonise with period roof structures such gable and hipped shaped roof structures within the streetscape setting of the site. Notwithstanding, the roof structure's overall design in this situation is neither fully contemporary, modern, or otherwise in its architectural approach. It also in my view puts forward a roof structure design that is inconsistent with buildings whose main external treatment seeks to

achieve lightness and linearity in their solid to void treatments. With this design in terms of its principal façade addressing Harbour Road and its rear façade including extensive glazing in linearly dimensioned and positioned openings.

7.5.5. Thus, if permitted, I consider that in the absence of omitting the roof structure over, which the floor to ceiling detailing does not appear to support that the ceiling consists of internal exposed trusses is a largely superfluous built feature in the design of this building. Alongside is a built feature that is at odds with achieving a light weight, clean lined through angular contemporary design setting it apart from its immediate streetscape setting.

7.5.6. Moreover, the side gable glazing that it includes that faces towards the appellants property whilst I acknowledge would provide additionally southerly aspect light is not essential due to the significant level of glazing that is afforded to principal and rear facades of the proposed dwelling. It is also not needed for any apparent attic space proposed.

7.5.7. Based on the above considerations should the Board be minded to grant permission I recommend that the roof structure over be omitted, and the chimney element redesigned so to achieve a more coherent contemporary architectural response that can more successfully contribute to its setting in a highly scenic, attractive as well as popular coastal location for residents of Skerries and further afield. Subject to this omission I consider that the scale and design of the proposed replacement dwelling is otherwise acceptable for its site context, and I also consider that it accords with relevant Development Plan standards.

7.5.8. The Board may consider this a **new issue** in terms of this appeal case.

7.6. **Appropriate Assessment:**

7.6.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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.

7.7. Other Matters

7.7.1. **Residential Amenity Impact – Other:** In terms of the other potential adverse impacts on properties in its vicinity, the most sensitive to change is the appellants property and I note that this application is accompanied by a shadow analysis which in regard to Daylight, Sunlight and Overshadowing is a matter specifically deal with by Objective DMS30 of the Development Plan.

This objective seeks to 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.

Having regard to the orientation, layout, height of the proposed dwelling, the relationship of the proposed development to other built features in the site context together with having reviewed the shadow analysis submitted, I am satisfied that the proposed dwelling would not cause any significant overshadowing or loss of daylighting on the appellants property (No. 13 Harbour Road) or any other properties in its vicinity.

7.7.2. **Future Residential Amenity of the Proposed Dwelling:** The proposed development would give rise to significant improvements for future occupants of the replacement property over and above that of the modest existing 1930s property on this site. The quantitative and qualitative standards of the proposed dwelling accord with the relevant Development Plan standards. As such I raise no particular concern on this matter.

7.7.3. **Car Parking:** The proposed development would result in no reduction in car parking provision and seeks to maintain 2 no. car parking spaces within the curtilage of the site which is compliant with Table 12.8 of the Development Plan.

7.7.4. **Boundary and entrance amendments:** I concur with the Planning Authority in that the height of the replacement boundaries should maintain those existing on the site as these harmonise with their site settings, in particular that addressing Harbour Road and/or the stone pier wall of Skerries Harbour opposite. I also consider given the restricted width of the adjoining public footpath, the presence of obstacles such as the utility pole through to the harmony and rhythm that exists in terms of the width of vehicle entrances on Harbour Road that any vehicle entrance that exceeds 4m in its

width would be visually at odds with its setting and would have the potential to give rise to increased potential for conflicts to arise with pedestrian and road users.

8.0 Recommendation

- 8.1. I recommend that permission be granted.
- 8.2. The requirements of Condition No. 2 are a **new issue**.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development, which consists of the demolition of an existing single storey detached dwelling and its replacement with a detached 2 storey house on a site zoned 'TC - Town Centre', which has an objective of protecting and enhancing the special physical and social character of the Town and District Centres and/or Improve Urban Facilities, it is considered that subject to the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Fingal County Development Plan, 2017 to 2023, and the zoning objective for the site, and it would not seriously injure the residential or visual of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The roof structure that projects above the first-floor level parapet level shall be omitted and the roof treatment revised so that it does not exceed the said parapets 10.750m height in Drawing No. 207. The amendments shall include a reduction in height of the chimney stack.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. (i) No areas at first floor level and roof level of the permitted dwelling, other than the front and rear terraces indicated on Drawing No. 203, shall be used as terraces.

(ii) Prior to commencement of development the applicant shall submit revised plans and drawings which demonstrate provision of a 1.8m high opaque screen at the southern side of the first-floor rear terrace for the written agreement of the Planning Authority.

(iii) The specification and planting of the sedum roofs shall be subject to the written agreement of the Planning Authority with access to these flat roof areas only permitted for maintenance purposes. At no time are the flat roof sedum areas to be used as an area of additional open space for occupants of the proposed dwelling.

Reason: To protect the residential amenities of adjoining property.

4. All bathroom/en-suite/WC windows shall be fitted with obscure glass only and shall be permanently maintained with this type of glass. The use of film is not acceptable.

Reason: In the interests of residential amenity.

5. All external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The dwelling hereby permitted shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations, 2001, as amended.

Reason: In the interests of residential amenity.

7. The landscaping proposal shall be as indicated in the submitted Landscape Design and shall be carried out and completed before the end of the first planning searing following the occupation of development. Any plant failure shall be replaced within the following planting season until such time that these plantings are established. In addition, the applicant/developer include external lighting, as part of the overall landscaping scheme in which the proposed dwelling is to be site the lighting scheme shall be submitted and subject to the prior written agreement of the Planning Authority.

Reason: To facilitate the integration of the proposed dwelling into the landscape within a reasonable time period, in the interest of proper planning and sustainable development and in the interest of the visual amenity of the area.

8. 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. These shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of public health.

9. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

10. (i) The applicant/developer shall ensure unimpeded access to Harbour Road at 'The Dorn' (the adjoining laneway) during the demolition and construction phases of the development hereby permitted. The public road and adjoining laneway shall not be used for the storage of materials or the parking of delivery and service vehicles/trucks.
- (ii) All necessary measures shall 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. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.
- (iii) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making any such damage upon issue of such a requirement by the Council.

Reason: To protect the amenities of the area.

11. The following requirements in relation to access for the permitted development shall be carried out in full:
- (i) The width of the entrance piers shall not exceed 4m.
 - (ii) The kerb and footpath to the front of the permitted dwelling shall be dished to the satisfaction of the Planning Authority.
 - (iii) All stormwaters shall be disposed of to soak pits or drains within the site and shall not discharge onto the public road.
 - (iv) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.
 - (v) The footpath/kerb shall be dished at the developer's expense to the satisfaction of the Area Engineer, Operations Section.
 - (vi) All gates (both pedestrian and vehicular) shall open inwards to the site.

(vii) All the above works shall be carried out at the developer's expense according to the specification and conditions of the Planning Authority Fingal County Council.

Reason: In the interest of the proper planning and development of the area.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.

13. The demolition and construction of the development shall be managed in accordance with a Demolition and Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. All public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

Reason: In the interest of visual amenity.

15. 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.

Advisory Notes:

1. The applicant/developer is advised that under the provisions of Section 34(13) of the Planning and Development Act, 2000, as amended, that a person shall not be entitled solely by reason of a permission to carry out any development.
2. The issue of encroachment or oversailing is a 'civil matter'. The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

Patricia-Marie Young

Planning Inspector

19th day of July, 2021.