



An
Bord
Pleanála

Inspector's Report

ABP-310631-21

Development	Removal of the existing garage and garden sheds and the construction of single storey dwelling
Location	Rear of 25 Strand Road, Baldoyle, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0291
Applicant(s)	Louise Smyth
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Louise Smyth
Observer(s)	None
Date of Site Inspection	29 th of September 2021
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of 0.042ha, is located to the rear of no.25 Strand Road, Baldoyle, Co. Dublin. It is within the residential area and is approx. 60m south of the junction with The Mall. The R106 Regional Road (Strand Road) runs to the east of the proposed development. The sea shore and designated Natura 2000 sites lie to the east.
- 1.2. The site currently comprises a single storey garage type structure which is located set back from the existing entrance and a number of shed buildings. No. 25 Strand Road, is an end of terrace two storey period dwelling that has been updated and modified over the past number of years. The subject site is to the west (rear) of and is not within the site area of no. 25, which is demarked by a boundary wall and separated by a side and rear passage. This is turn provides rear access to the terrace of houses facing Strand Road.
- 1.3. Houses in Warrenhouse Road, adjoin the site at the rear. The site is very overgrown and there is no rear access to these houses in the vicinity of the site. The private amenity open space to the north of the site appears to be in use by the adjoining terraced houses facing Strand Road.

2.0 Proposed Development

- 2.1. This is to consist of the following:
 - The removal of the existing garage and garden sheds and the construction of a single storey three-bedroom house (109sq.m) a landscaped garden and gravel driveway on a site of .042ha.

3.0 Planning Authority Decision

3.1. Decision

On the 27th of May, 2021 Fingal County Council refused permission for the proposed development for the following reason:

1. *The access suffers from inadequate sightlines. The proposed development would represent an intensification of the use of this substandard access/egress. The applicant has not demonstrated that sufficient amendment could be carried out to land within the ownership of the applicant such that the required sightlines could be achieved to ensure that the intensified use of the access/egress point is safe. As such the proposed development would endanger public safety by reason of a traffic hazard and the development therefore is not in accordance with the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy, to the interdepartmental reports, and submissions made. Their Assessment includes the following:

- The proposed development complies in principle with the residential zoning.
- They note the previous refusal on this site and consider that the design and layout of the proposed development for a single storey dwelling has overcome the negative visual impact upon the streetscape and protected views.
- The proposal complies with the requirements of Objective DMS24 of the Fingal DP 2017-2023, specifically Tables 12.1 and Table 12.3 relating to minimum floor areas, room sizes and widths.
- The proposed dwelling is provided with 75sq.m of private open space located to the rear of the front building line, in accordance with the requirements of DMS87 of the Fingal DP 2017-2023.
- They consider that the single storey nature of the proposed dwelling and separation distances will not arise to undue levels of overlooking or overshadowing of the private amenity space serving adjoining properties.
- They note the planning history and consider that the proposed dwelling in its amended form is acceptable.

- They note there is no objection from the Water Services Section.
- They note that a commensurate flood risk assessment has not been provided. However, the FFL of the dwelling is 4.0m OD. This is deemed acceptable to mitigate against potential coastal flood risk.
- They provide that an EIAR or an NIS are not required.
- They note the Transportation Section concerns about sightlines and that in its current format the proposed layout would represent a traffic hazard. They recommended that A.I be sought on this issue.

Additional Information request

In summary this includes the following:

- To submit a sightline drawing showing 49m sightlines in each direction from the proposed access to the nearside edge of the road from a 2m setback. To amend the red line boundaries if modifications to the existing redline boundaries are required. Letters of consent to be submitted from the adjoining landowners.

Further Information Response

EML Architects response on behalf of the applicants includes the following:

- They enclose a sightline study and drawings that were undertaken by MPA Consulting Engineers.
- They include an email that sets out the basis of the study that has been undertaken.
- They include an amended site layout plan and elevation from Strand Road as both have been adjusted to reflect the recommendation of the sightline study.

Planner's Response

- They conclude that having regard to the F.I submission and the report from the Transportation Planning Section, the proposed development would give rise to a traffic hazard at this location and as such is not acceptable. That therefore it would, not be in accordance with the proper planning and sustainable development of the area and permission should be refused.

3.3. Other Technical Reports

Transportation Planning Section

- They note concerns about sightlines and are concerned that the proposed development in its current format would constitute a traffic hazard.
- In response to the A.I submission they note that the neighbour has not given their consent to lower the shared boundary. Sightlines cannot be achieved and the current proposal represents a traffic hazard. They recommend refusal on this basis.

Water Services Department

- They have no objection subject to conditions relative to surface water drainage.

Parks and Green Infrastructure

- They do not object and recommend conditions relative to landscaping.

3.4. Prescribed Bodies

Irish Water

- No objections subject to conditions.

3.5. Third Party Observations

Submissions from local residents have been noted in the Planner's Report. Concerns include relative to the excessive scale of development, access and traffic hazard. In addition, issues of design and layout and impact on neighbouring properties.

4.0 Planning History

The Planner's Report notes the planning history of the subject site, and the extensive history of applications in the vicinity, and this includes the following:

- Reg.Ref. F19A/0322 – Permission refused for the construction of a two-storey, three bedroom house (127sq.m) and a separate single storey

playroom/home office (22sq.m) a landscaped garden and gravel driveway on a site of 0.42ha. The 4no. reasons for refusal in summary included:

- The height and massing of the proposed dwelling would give rise to a significant negative impact upon the visual amenities of the surrounding area and be incongruous with the streetscape of Strand Road, Baldoyle. As such it would be materially contravene the RS zoning objective and Objectives PM44 and DMS39 of the Fingal DP 2017-2023 and be contrary to the proper planning and sustainable development of the area.
 - The proposed layout would give rise to a significant negative impact upon existing residential amenity in the surrounding area by reasons of overbearing, overlooking and overshadowing and would not provide the required 22m separation distances between the proposed dwelling and no.25 Strand Road. It would be contrary to Objective DMS28 and the RS zoning objective of the Fingal DP.
 - Adequate provision for private open space has not been made at the rear of the property and it would be contrary to Objective DMS87 and the RS zoning objective of the Fingal DP.
 - It would set an undesirable precedent for a similar type of haphazard backland development on sites located along this section of Strand Road and would be contrary to the proper planning and development of the area.
- Reg.Ref. F08A/1242 – Permission granted for the construction of a new vehicular entrance to facilitate off street parking for two cars. The proposal consists of a new opening 3.6m wide to existing front wall and all associated site works at no. 25 Strand Road, Baldoyle. This has not been constructed.

In the Vicinity

- Reg.Refs: F17A/0342 & F16A/0068 permission granted for extensions and modifications to include the widening of existing vehicular entrance at no. 27 Strand Road, Baldoyle.

- Reg.Ref. F09A/0471 – Permission granted for the restoration and extension of an existing 2 storey terraced dwelling. Works include the relocation of the main entrance to 22 Strand Road, Baldoyle.
- Reg.Ref. F04A/1302– Permission granted for the demolition of 2no. existing bungalows and the construction 4no. 2 storey townhouses with attic accommodation and upgraded vehicular access at vehicular entrance at 40-42 Warrenhouse Road, Baldoyle.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Design Manual for Urban Roads and Streets (DMURS) 2019
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- Quality Housing for Sustainable Communities (2007).
- The Planning System and Flood Risk Management Guidelines (2009).

5.2. Fingal Development Plan 2017-2023

Land Use Zoning Objectives

The site is zoned RS Residential where the Objective seeks to: *Provide for residential development and protect and improve residential amenity.*

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

There is an objective to preserve views along Strand Road which runs east of the site.

Sheet 10 Baldoyle/Howth. Residential is permitted in principle within this zoning.

Placemaking/Landscape

Objective PM44 which seeks to: *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 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 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.*

The appeal site falls within a Coastal Landscape Character Type, which is described as having an exceptional landscape value. The Plan states that “the coastal fringe is very sensitive to development due to the exposed nature of many of the coastal and estuarine areas making them particularly vulnerable to intrusive development.

Finding sites for new development along the coast will be difficult as new development is likely to be conspicuous”. Objectives NH33 to NH39 of the Development Plan seek to safeguard the essential character of each of its defined landscape character types.

Development Management Standards

Section 12.3 refers to High Quality Urban Design and includes regard to building lines.

Section 12.4 refers to Design Criteria for Residential Development and Residential Density. Tables 12.1 and 12.3 (houses) refer to minimum room sizes, dimensions and overall floor area when designing residential accommodation. Objectives DMS24 and DMS27 apply.

Objective DMS28 provides for a separation distance of a minimum of 22 metres between directly opposing rear first floor windows.

Objective DMS29 seeks to ensure at least 2.3m between side walls of properties.

Objective DMS30 refers to Daylight, Sunlight and Overshadowing.

Objectives DMS39 and DMS40 provide the criteria for infill development and corner sites.

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

Objectives DMS87 and DMS88 refer to minimum private open space for dwelling houses.

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

Objective MT44 provides for Development Contributions.

Objective DMS126 - Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all county/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.

5.3. Natural Heritage Designations

The site is located proximate and to the west of the Baldoyle Bay SPA, the Baldoyle Bay SAC and to the north of North Bull Island SPA.

5.4. EIA Screening

- 5.5. Having regard to the nature of the proposed development and taking into account the residential land use zoning and the serviced nature of the site, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Hughes Planning & Development Consultants have submitted a First Party Appeal on behalf of the Applicants. Their Grounds of Appeal include in summary the following:

- They have regard to the locational context and submit that the proposed development is representative of a typical infill development within the suburban area of Dublin City which is commonly granted permission by Fingal County Council.
- The subject proposal has overcome all refusal reasons stated by the Planning Authority in Reg.Ref. F19A/0322, for similar residential development.
- There will be no comparable increase in the quantum of vehicular parking provided on the subject site. The proposal accommodates vehicular turning within the site for improved vehicular movement.
- The proposal provides a high standard of residential accommodation with a proposed density that ensures the increased efficiency of serviced land within urban Dublin in accordance with national policy; and,
- A number of precedents have been identified wherein similar developments have been improved by the Board.
- The current proposal has overcome all the refusal reasons raised by the PA in respect of the previous application (Reg.Ref. F19A/0322 refers).

Ease of Vehicular Movement

- They consider the reason for refusal to be disingenuous as no increase in vehicular parking is proposed. The site accommodates vehicular turning movements.
- The site entrance will be used as a private access to the proposed development and will reduce traffic movements within the site and improve safety for other road users such as pedestrians or cyclists onto Strand Road.
- It will also improve passive surveillance of the pedestrian laneway which will also improve safety for pedestrians and cyclists.
- They consider that the proposed access arrangement via Strand Road is appropriate in the context of the low-speed environment.
- They note that the owner of Alverno, no.26 Strand Road has not consented to a reduction in the height of the boundary wall. Therefore, an alternative

proposal was put forward at F.I stage and they refer to the revised drawings submitted.

- They provide that upon review of DMURS it was found that the sightlines are acceptable within areas where the speed limit is 50-59km per hour.

High Standard of Residential Accommodation

- The proposed development allows for a more interactive use of space and the increased efficiency of the subject site with regards to residential density as is supported by national policy.
- The proposal is located close to public transport links, amenities and facilities.
- It is in accordance with the provisions of National, Regional and Local planning policies and objectives to provide a high standard of infill development and increase densities in areas zoned residential.
- The application site is currently under utilised and seeks to improve the use of the land by developing a new residential dwelling located within a well serviced area.

Precedents

- They have regard to similar infill developments with restricted sightlines within the GDA and provide details including illustrations of these.
- These precedents indicate that the principle of infill developments with sightlines below the standards have been permitted within Dublin, at similar scales and densities to which is proposed on the subject site.

Conclusion

- They submit that the proposed development seeks to respond to the site and area context and is considered to be fully compliant with the policies and objectives as set out in the Fingal CDP.
- The single storey dwelling makes more efficient use of serviced land and the impact of the development on this serviced site, is mitigated through design and layout to minimise any potential impact on the surrounding area.

Appendices

- They include a number of Appendices:
 - Appendix A – Emails between MPA/FCC
 - Appendices B & C – Drawings to show visibility splays.
- Appendix B includes an Engineering Letter from MPA – Technical Note (TN01-Access).
- This has regard to issues of road safety on the surrounding road network as existing and having regard to the proposed development.
- It refers to the application of DMURS visibility standards, sightline constraints, proposed access arrangements etc.
- In summary they provide that it is their professional view that an appropriate visibility splay can be achieved at the proposed access that will enable it to function safely and in accordance with the principles set out in DMURS.
- They conclude that there is no traffic or transportation reasons as to why this proposal should not be permitted.

6.2. Planning Authority Response

They provide that having reviewed the comments of the First Party Appeal that the Planning Authority has no further comments. They request that the Board in its assessment has regard to the report of the Transportation Planning Section of the PA. They consider that their decision to refuse should be upheld by the Board.

In the event that the appeal is successful, they request that a condition in respect of the S.48 Development Contribution Scheme be included in the Board's determination.

7.0 Assessment

7.1. Context and Policy Considerations

The site is shown on Sheet 10 of the Fingal Development Plan 2017-2023 and is located within the 'RS' Residential Zoning where the objective is to: *Provide for residential development and protect and improve residential amenity.* This is within an established residential area, within the Baldoyle/Howth area. It is a backland site, bounded by residential development on all sides excepting the eastern boundary which adjoins Strand Road. In addition, it is noted that the frontage of the proposed development is within an area with views to the sea, and adjacent to designated Natura 2000 sites, located on the opposite side of the road.

- 7.1.1. Regard is also had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- 7.1.2. Also, of note is Section 5.9 of the 'Sustainable Residential Development in Urban Areas Guidelines, 2009' which provides: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- 7.1.3. The First Party considers that having regard to the locational context that the proposed development is appropriate for this site, is in accordance with planning policies of the Fingal CDP 2017-2023 and will be in keeping with the pattern of development and character of the area. In addition, that the issues concerning the design and layout and access have been overcome in the current application and that the proposal would provide a high level of accommodation for future occupants and would not injure the amenities of adjacent properties.
- 7.1.4. It is considered that the principle of an infill residential development is acceptable relative to the land use zoning. Any new application on the 'RS' zoned lands will be

assessed on its merits based on the land use zoning and its suitability having regard to its location within a sensitive landscape. Objective PM44 seeks to encourage and promote development of backland sites, in the existing residential area subject to the character of the environment being protected.

- 7.1.5. Regard is had to the Council's reason for refusal and to the concerns of the Transportation Planning Section relative to the access and to the creation of traffic hazard. Note it had of the documentation submitted including with the First Party Appeal and as to whether the Council's reason for refusal can be addressed. Therefore, the substantive issue is relative to consideration of the access and implications for traffic hazard. Other issues include compliance with planning policy and guidelines, design and layout, impact on the residential amenities of neighbouring properties, drainage and impact on the pattern of development and character and amenities of the area. These are considered in this Assessment below.

7.2. Regard to Planning History

- 7.2.1. As has been noted in the Planning History Section above, permission was recently refused for 4no. reasons for the construction of a two-storey, three bedroom house (127sq.m), playroom/home office (22sq.m), landscaped garden and gravel driveway on this site (Reg.Ref. F19A/0322 refers). Reasons for refusal included relative to the scale, height and massing and impact on the character and amenities of the area.
- 7.2.2. It is submitted that the scale and massing of the proposed development, which is now single storey is appropriately subordinate to the period property no.25 Strand Road. The First Party provide that the evolution of the design and layout to allow for this single storey dwelling on site, has been directly informed by the need to both protect the existing level of residential amenity of adjoining properties and the visual amenity and character of the surrounding area and streetscape.
- 7.2.3. The First Party note that whilst the issue of sightlines raised by the PA in respect of the current application, was identified by the Transport Department of the Council in their review of the previous application, this did not form part of the refusal reasons then issued by the Council. They also submit that the current proposal has overcome

all the refusal reasons raised by the PA in respect of the previous application (Reg.Ref. F19A/0322 refers).

- 7.2.4. Note is also had of Reg.Ref. F08A/1242 – where permission was granted at no. 25 Strand Road for the ‘Construction of a new vehicular entrance to facilitate off – street parking for two cars and the widening of the entrance for no. 25 Strand Road. This new vehicular entrance has not been constructed at no.25. Currently no.25 has no off-street parking and only has pedestrian entrance to Strand Road.

7.3. Design and Layout and Impact on the Character and Amenities of the Area

- 7.3.1. This proposal seeks to provide a new infill dwelling to the rear of no.25 Strand Road. The development consists of the removal of the existing garage and garden sheds and the construction of a single storey, three-bedroom dwelling (109sq.m) to be accessed via an existing vehicular gate off Strand Road. The site is very overgrown, and constitutes backland development to the rear of no. 25 Strand Road. However, as indicated by the red line boundary on the plans submitted, it is not part of the landholding of no. 25, rather it forms a separate parcel of land to the rear of the pedestrian entrance to no. 25 and the adjoining terrace of period properties facing Strand Road. It is very overgrown and does not appear to be in use as private amenity open space for no.25 Strand Road.
- 7.3.2. The application form provides that the area of the site is 0.042ha, the floor space of existing buildings for demolition (garage and sheds) is 27.5sq.m and of the proposed works is 109sq.m. The proposed dwelling is primarily rectangular in shape and is to be sited proximate to the northern site boundary and eastern site boundaries. The Floor Plans show that it is to include 3no. bedrooms and open plan kitchen/living/dining room area, along with bathroom/wc and storage space. It is to have a flat roof and is shown with an overall height of 4.3m, which includes a finished floor level of + 4 ODM and the parapet level of the roof. Drawings submitted indicate that it is proposed to finish the dwelling with a painted render with selected brick along the lower level.
- 7.3.3. Regard is had to Objective DMS24 of the Fingal CDP 2017-2023 which requires that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3. Tables 12.1 and 12.3 refer to houses. It is noted that the

floor area and bedroom sizes comply with the minimum standards for a 3 bedroomed 5 person house.

- 7.3.4. Objective DMS87 of the said Plan seeks to ensure a minimum of 60sq.m of private open space located behind the front building line of the house. The proposal, which includes side and rear garden elements as shown on the plans has an area of 75sq.m and an additional patio area. It is noted that the width of the rear garden varies between 4.6m and 2.5m to the western site boundary with the house at the rear, no.44 Warrenhouse Road. It is shown sited c.15m from the rear of that property. However, as it is to be single storey the 22m separation distance as per Objective DM28 (relates to directly opposing first floor windows) would not apply.
- 7.3.5. It is shown located 5m from the southern site boundary with no. 26 Strand Road. It is noted in the submissions made at application stage, that the owner of this property and of no.44 Warrenhouse Road have concerns relative to the impact of the proposed development on their properties. They consider the scale and bulk to be excessive and that it will cause overlooking and loss of privacy to their properties.
- 7.3.6. In view of the revisions made since the previous refusal and the single storey nature and design/orientation of the proposal it is not considered that it will cause overlooking or loss of light for adjoining properties. The site is very overgrown and it is noted that much of the existing planting/hedging which provides screening along the boundaries with adjoining sites will be removed. If the Board decides to permit it is recommended that a 1.8m boundary wall, that is capped and rendered be established along the rear and side boundaries of the site and a landscaping scheme to include boundary planting be conditioned.

7.4. Access and Parking

- 7.4.1. The Site is within the 50km/h speed limit. The R106 is a fast busy road. As noted on site the footpaths are narrow and visibility is restricted particularly in a southerly direction by the height of the side boundary wall of 'Alverno' no. 26 Strand Road, and the location of an ESB pole adjacent to this side of the entrance.
- 7.4.2. Currently there is a garage on site with parking for two cars in front of it. This is proposed for removal and the proposed Site Layout facilitates turning on site so that cars will not have to reverse out the entrance onto Strand Road as is the situation at

present. On my site visit I noted that the garage no longer appears to be in use. However, the existing vehicular entrance is present. While unclear, from the documentation submitted, it appears that it may originally have served as the access to no. 25 Strand Road. It is noted that no.26 has its own separate vehicular access to the south.

- 7.4.3. As noted in the Planning History section above, the Council previously granted permission Reg.Ref. F08A/1242 for a new vehicular entrance for no. 25. Condition no. 2 provided for the visibility splays in accordance with the Council's Transportation Department recommendations. However, this permission was never implemented and has now expired. The First Party provide that this new access would have required vehicles to reverse onto Strand Road, whereas the proposed development allows for a similar number of vehicles to enter and exit in a forward gear.
- 7.4.4. As shown on the Site Layout Plan it is proposed to use the existing access to the garage (to be demolished) and to provide parking and space for vehicular manoeuvres on site. The Council's Transportation Planning Section recommended that a sightline drawing be provided. Sightlines of 49m in each direction from the proposed access to the nearside edge of the road and 2m setback are required. That this will require modifications to the existing front boundary wall and the boundary wall along the eastern side of the site. They noted that the eastern boundary wall may be a shared boundary in which case works to the wall would require third party consent to complete. They are concerned that the proposed entrance in its current form would be a traffic hazard.
- 7.4.5. EML Architects response on behalf of the Applicant refers to the amended Site Layout Plan and they refer to a Sightline Study that has been undertaken. They note that they have commissioned a new topographical survey to accurately show the features (wall gate etc) in the vicinity of the proposed site access. This has been used to identify the maximum sightlines that can be achieved in an attempt to meet the 2m x 49m visibility splays that Transportation requires based on the guidance contained in DMURS. They provide that the visibility to the north fully compiles and does not require the pedestrian route (including the gate) or the garden of no. 25 to be altered in any way. To the south they can achieve 2m X 24m.5m (if the wall adjacent to the property to the south – no. 26 Strand Road 'Alverno') is avoided. This shows the sightline to the south drawn to a point 0.5m in from the nearside kerb to

reflect the likely position of a vehicle travelling northwards along Strand Road. They consider that this is an improvement on the current situation.

- 7.4.6. They provide that a small part of the wall would be affected by the 49m sightline and include diagrams. However, that following a conversation with the owner of 'Alverno' it is clear, that they will not agree to any reduction in the height of the wall to facilitate this sightline. It is of note that there is a letter on file from the owner of 'Alverno' who is concerned about the proposed development and has refused to give his permission for the lowering of the boundary wall between the properties. He does not wish to have this boundary wall interfered with in any way and has serious reservations about the proposed development, as stated in his submission made.
- 7.4.7. In response to the F.I submission the Transportation Planning Section noted that to the east the sightlines provided are appropriate to a 30km/hr speed limit. That the proposed development is however in a 50km/hr speed limit and there is not traffic calming on this section of the Strand Road and traffic speeds are greater than 30km/hr. They provide that if works to the boundary wall to the east were acceptable to the applicant and to the neighbouring property, then the required sightlines could be achieved. They note that the applicant has failed to get the consent of the joint boundary holder for the required amendments to the shared boundary. That consequently as sightlines cannot be achieved without these boundary works, the proposed development in the current format constitutes a traffic hazard and they recommend refusal. Following these recommendations, the Council subsequently refused planning permission for the proposed development.
- 7.4.8. The First Party provides that historically the site has accommodated 2no. vehicular parking spaces within the curtilage of the site and potentially 1no. within the garage. Under the current layout cars have to reverse out into Strand Road. They contend that the proposed development will offer improved ease of vehicular movement in that cars will be able to turn within the site and drive out in forward gear. While they note the Transportation Sections' concerns about sightlines they provide that upon review of the provisions of DMURS that it has been found that such sightlines are requested in areas where the speed limit is 50-59km per hour. They state that the technical note prepared by MPA also states that Section 4.4.8 that the northern sightlines of 49m is achieved with the 2m setback and to the south the 49m sightline in achieved with a 1.8m setback, without affecting the neighbouring wall.

- 7.4.9. Section 4.1.1 of DMURS (2019) refers to 'A Balanced Approach to Speed'. This notes the default speed limit of 50km/h as being a maximum where pedestrians are active within cities and towns. However, it also refers to lower speed limits of 30-40 km/h where cyclists and pedestrians are present in large numbers and 30km/hr as being a lower speed limit. It is noted that the site is close to public transport links including Dublin bus routes, on Strand Road and is within 750m of the Sutton DART Station. There is also a pedestrian walkway/cycleway on the opposite sea-side of the road.
- 7.4.10. Section 4.4.4 of DMURS refers to 'Forward Visibility', based on Stopping Sight Distances. A Table includes the SSD Standards relative to the Design Speed of the road. For a road with a design speed of 50km/h the SSD Standard is 49metres (Forward Visibility on Bus Routes). For a road of 30km/hr the design speed is 24m. Therefore, the current proposal while it complies with sightlines in a northerly direction, is short due in part of the boundary wall and the location of the ESB pole to the south. Section 4.4.5 refers to the standards for 'Visibility Splays', and 2m is referred to relative to lower speed roads. It is noted that such visibility splays are not available in a southerly direction along this regional road.
- 7.4.11. There are traffic lights at the junction with The Mall and proximate to the library to the north of the site. They note the location of the vehicular access in close proximity (c.60m from) the junction with The Mall to the north of the site. They contend that this location is considered to provide further practical reasoning for cars reducing speeds and, as such, they are of the opinion that the provision of a safer vehicular entrance based on the site layout drawing in Figure 8.0 (of their Appeal Statement) is appropriate at this location.
- 7.4.12. The Board may decide to refuse this application on traffic safety grounds. It is also of note that this site as shown within the red line boundaries is separate to no.25 Strand Road, which (while previously permitted – Reg.Ref. F08A/1242 relates) currently does not have a vehicular entrance. It is proposed to use an existing albeit somewhat restricted vehicular entrance to serve the proposed development. Therefore, the principle of an entrance at this location is established. However, having regard to the information submitted I would consider that the current proposal which allows for turning on site and cars to exit the site in forward gear is an improvement on that offered by the current access arrangements.

7.5. Drainage issues

- 7.5.1. It is proposed to connect to existing services. Drawings include a Drainage & Watermain Layout. The details submitted by the application note that there is an existing 225mm diameter foul sewer passing through the southwest corner of the site. They provide that in the course of the design of the development they consulted with Irish Water on the matter and have had the site surveyed to establish the exact position of the sewer. They provide that the house has been positioned to avoid encroaching on the wayleave that is a requirement by Irish Water for the sewer and no new wall or other structure is proposed to be constructed over it.
- 7.5.2. It is noted that Irish Water and the Council's Water Services Sections do not object to the proposed development subject to conditions. The latter note that a commensurate flood risk assessment has not been provided. However, the proposed FFL of the dwelling is 4.0m OD. Details submitted provide that the floor level of the house is to be raised by approx. 780mm (to 4.0 OAD Malin) relative to the general site level. They provide that this is at the advice of Fingal Water Services Dept to address potential flood risk. They provide this is deemed to be acceptable to mitigate against potential coastal flood risk. It is also recommended that no surface water/rainwater shall discharge into the foul sewer system and that surface water drainage incorporate SUDs. If the Board decide to permit I would recommend that appropriate drainage conditions be included.

7.6. Screening for Appropriate Assessment

- 7.6.1. The site is located (c. 30m) on the opposite side of the road to the Baldoyle Bay SPA (Site Code 004016) and c.0.7km from Baldoyle Bay SAC (Site Code 000199) and c.0.9 km to the north of North Bull Island SPA (Site Code 004006).
- 7.6.2. An AA Screening Report has not been provided. The Planning Authority considers that the development in view of its location and the separation distances to the Natura 2000 sites would not be likely to have a significant effect individually or in combination with other plans or projects on any European Sites in the vicinity.
- 7.6.3. Having regard to the nature and scale of the proposed development on a serviced site on residentially zoned land, the nature of the receiving environment and proximity to the nearest European site, no Appropriate Assessment issues arise and

it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

It is recommended that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017-2023 and to the nature and scale of the proposed development on residentially zoned land, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 12th day of May 2021 and by the further plans and particulars received by An Bord Pleanála on the 23rd day of June, 2021, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule

2, Part 1 of those Regulations shall take place within the curtilage of the house, nor shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The vehicular access serving the site shall be in accordance with the detailed requirements of the planning authority for such works and these shall be carried out at the developer's expense.

Reason: In the interests of amenity and traffic and pedestrian safety.

5. Details of proposed boundary treatments, including heights, materials and finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health

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

Reason: In the interest of visual amenity.

10. The construction of the development shall be managed in accordance with a 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, traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. 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.

Angela Brereton
Planning Inspector

6th of October 2021