



An
Bord
Pleanála

Inspector's Report ABP-310952-21

Development	Construction of a two bedroom, single storey end of terrace dwelling to the side of existing dwelling and alterations to the existing front boundary wall to create separate vehicular entrances for each dwelling.
Location	77 Inglewood Road, Clonsilla, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW21A/0084
Applicant(s)	Patrick Leonard
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Edward Boylan
Date of Site Inspection	22 nd December 2021

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal, site which has a stated area of 0.0401 hectares, is located to the north of Clonsilla within an existing housing development of Inglewood. The existing development consists mainly of two-storey semi-detached dwellings. The appeal site is located on the north side of Inglewood Drive and at the end of a cul-de-sac that terminates adjacent Shelerin Road. The appeal site is occupied by a single-storey semi-detached dwelling with a detached garage to the side. There is a green area to the south of the site, no. 75 is located to the west and to the north is no. 49 Inglewood Road, which backs onto the site. To the east is Shelerin Road.

2.0 Proposed Development

2.1. Permission is sought for the construction of a two bedroom, single-storey end of terrace dwelling to the side of existing dwelling. The development will incorporate the existing a garage structure and alterations to the existing front boundary wall to create separate vehicular entrances for each dwelling off Inglewood Road. The proposed dwelling has a floor area of 64sqm and a ridge height of 4.3m. The dwelling features a pitched roof on its front section and flat roof on its rear section.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 14 conditions. Of note is the following condition...

7(a) Details of footpath access to Shelerin Road across the front of the development with a requirement for footpath and access and pollards to be agreed prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (30/06/21): The proposal was considered to consistent with Development Plan policy, provide for a design and scale of development that provides sufficient amenity for future occupants, retains such for the existing dwelling

and is acceptable in the context of visual amenities of the area, adjoining amenities and traffic safety. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Parks and Green Infrastructure (04/06/21): No objection subject to conditions.

Water Services (11/06/21): No objection subject to conditions.

Irish Water (12/06/21): No objection.

Transportation Planning (17/06/21) No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 Submission received from Edward Boylan, 77 Inglewood Road, Clonsilla, Dublin 15.

The issues raised are as follows...

- Change from semi-detached to terrace, development density, drainage/servicing issues, compliance with building regulations, access issues.

4.0 Planning History

FW20A/0145: Permission refused for a single-storey dwelling to the side of an existing dwelling. Refused based on concern regarding a visually obtrusive impact and contrary development plan policies and zoning objective.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Fingal Development Plan 2017-2023.

The appeal site is zoned 'RS' with a stated objective to 'provide for residential development and protect and improve residential amenity'.

Objective PM44: Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective PM45: promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

Objective DM39: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective DMS40

New corner site development shall have regard to:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.

- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.

Objective DMS28

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

Objective DMS29

Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

Objective DMS87

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

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

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

Objective DMS88

Allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/ corner sites. In no instance will the provision of less than 48 sq m of private open space be accepted per house.

Objective SW04

Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

5.2. Natural Heritage Designations

None within the zone of influence of the project.

5.3. EIA Screening

5.3.1 The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a dwelling, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Edward Boylan, 75 Inglewood Road, Clonsilla, Dublin 15. The grounds of appeal are as follows...

- The appeal submission includes the signatures of 57 residents of Inglewood Road supporting the third party appeal.
- The appellant raises the application of condition no. 7 which entails re-opening footpath access between Inglewood Road and Shelerin road as the residents had worked hard to have this access closed due to concern in relation anti-social behaviour when access was open. The appellant also

raises concern regarding safety for children due to direct access to a busy road.

- The proposal for a dwelling attached to the side of no. 77 turns no. 75 and 77 into a terrace of dwellings from 2 no. semi-detached dwellings. This will devalue the appellant dwelling and is unfair.
- The provision of the additional dwelling will have an adverse impact on streetscape character with the change to terraced dwellings a significant change that will not blend in with the existing setting.
- The space is limited for an additional access with it noted there are protected trees and green space to the front of the site with potential such may be damaged during construction.

6.2. Applicant Response

6.2.1 No response.

6.3. Planning Authority Response

6.3.1 Response by Fingal County Council.

- The proposal was considered acceptable in scale and design and consistent with Development Plan policy and the pattern of development. The PA request that the decision to grant permission be upheld.

7.0 Assessment

7.1. Having inspected the site inspected the site and associated documents, the main issues can be assessed under the following heading.

Design, scale, visual and adjoining amenity

Access to Shelerin Road

7.2. Design, scale, visual and adjoining amenity:

7.2.1 The proposal is for a single-storey dwelling to the side of an existing single-storey semi-detached dwelling. There are a number Objectives under the Development (PM44, DM39 and DMS40) that are relevant to a proposal for a dwelling in a side garden such as this. The Development Plan allows provision for such subject to a satisfactory design, scale and regard to the pattern of development and setting. The dwelling proposed is modest in both height and scale, features a lower ridge height than the existing dwellings. The main structure/bulk of the dwelling proposed respects the established building line. The dwelling does project beyond the rear building line, however such is to a reasonable degree and is lower in ridge height featuring a flat roof section. Having regard the modest scale relative to the existing dwellings, the fact it has adequate regard to the pattern of development in terms of its footprint, orientation and building line, the proposed dwelling would have an acceptable visual impact at this location. The dwelling is different in design to existing dwellings, but does have adequate regard to the scale and pattern of development in the area.

7.2.2 The proposed dwelling manages to provide for a dwelling that is sufficiently independent of the dwelling from whose curtilage it is taken, with provision of a separate vehicular entrance, off-street car parking and rear amenity space. The Development Plan requires a standard of at least 60sqm for private amenity space for dwellings. The proposed dwelling provides for 64sqm and allows for the retention of 84sqm with the existing dwelling. The requirement in terms of car parking for a two bed dwelling is 1-2 off-street car parking spaces. The proposal provides sufficient space for 2 no. off-street car parking spaces to the front of the dwelling and allows for the retention of a similar standard to serve the existing dwelling. The proposed development provides a sufficient level of amenity for the future occupants of the proposed dwelling while retaining a similar standard for the existing dwelling. The proposal is fully compliant with Development Plan standards.

7.2.3 The appellant refers to the impact of the proposed dwelling as the proposal would change two semi-detached dwellings to a terrace of three dwellings and subsequently devalue his property. The Board remit is to assess the proposal in

terms of the proper planning and sustainable development of the area. The proposal is for a dwelling in a side garden. The proposal entails use of zoned and serviced lands in an established residential area to facilitate provision of a new dwelling. The proposal manages this while providing a new dwelling of sufficient quality to meet Development Plan standards. The overall design and scale has adequate regard to the existing pattern of development and is of physical scale that would have no physically overbearing impact or cause a loss of privacy or diminished residential amenities. The proposal is consistent with Development Plan policy and National policy to provide for new residential development in appropriate locations. I am satisfied the proposal is consistent with the proper planning and sustainable development of the area.

7.2.4 The appellant raised concern regarding damage to the green area to the south of the site and protected trees during the construction phase. There is no reason that the green area and trees should be under threat subject to appropriate construction management. It is notable that in granting permission the Planning Authority imposed a condition requiring a bond to ensure protection of 3 no. trees. I would recommend a condition requiring a construction management plan.

7.3 Access to Shelerin Road:

7.3.1 In granting permission the PA attached a condition requiring continuation of the footpath along the front of the site to Shelerin Road. At present there are railings along Shelerin Road and the eastern boundary of the housing development. It would appear that there was a pedestrian access adjacent the appeal site from Shelerin Road and that such has been closed off due to concern regarding anti-social behaviour. At present the footpath ends at the existing vehicular access and does not continue to the public road with a green area located between the vehicular access and the boundary with the public road. The drawings submitted show the footpath continuing on to the boundary with the road, which is outside of the boundary of the appeal site. The condition attached requires the footpath to be continued along the southern boundary and to the public road. The proposal and

condition do not refer to any proposals for reopening a pedestrian entrance onto the public road, however the requirement may be facilitate such.

7.3.2 The proposal being sought is for a house in the side garden and does not entail a proposal for a new pedestrian entrance. I am satisfied that the proposal is of a good standard in terms of scale and layout. I would be of the view that the design and layout is satisfactory independent of any proposal to reinstate a pedestrian access off the public road to the east and the design proposed is satisfactory in layout in terms of provision of access to the site and provision for pedestrians. I would be of the view that if the Council wish to reinstate the pedestrian access that such is not impeded by the proposal if this to be case. I would be of the view that the proposal should not be contingent upon facilitating such (pedestrian entrance is not part of the development description) and the design as proposed is satisfactory in the context of the proper planning and sustainable development of the area.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its 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.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2017-2023 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual

amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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. 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.

3. 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.

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

Reason: In the interest of public health.

5. The footpath shall be modified and dished at the entrance in accordance with the requirements of the planning authority. Details of the location and materials to be

used in such dishing, replanting of roadside tree(s) and repositioning of street lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of safety and visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. 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 a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste, protection measures for the adjacent open space and trees.

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

8. 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 the 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.

Colin McBride
Senior Planning Inspector

30th December 2021