



An
Bord
Pleanála

Inspector's Report

ABP-311561-21

Development	6 no. duplex apartments and 6 no. two storey dwellings
Location	Eircom Telephone Exchange, Mill Hill Park, Skerries, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0711
Applicant	Eircom Limited
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Pat Loughman Jo and Pat McKenna and others Resa Moore & David Skelton
Observer(s)	None.
Date of Site Inspection	1 st April 2022
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.5170ha (Gross), comprises the existing Eircom Telephone Exchange site at Mill Hill Park Skerries. The site is centrally located within the town of Skerries, in a residential area east of Dublin Road and within the vicinity of Townparks, a large area of public open space within the town. Skerries Train Station is located c300m to the east. The site faces a recently restored historic windmill, a focal point for the surrounding area.
- 1.2. The Telephone Exchange comprises a single storey flat roofed utility building, sited towards the southeast corner of the site, this building is served by hard standing to its south. There is a transmission mast to the rear of the building. The overall site including the exchange building is triangular in shape with a 90-metre frontage on Mill Hill Park, which borders the site to the south. The lands slopes down from the Mill Park Road such that the existing telephone exchange structure sits below road level. Adjoining properties along Dublin Road to the west of the site are also at a lower level. The telephone exchange and associated service areas are to be retained, the remainder of the site (stated area 0.3425ha) to be developed for residential purposes.
- 1.3. Lands within the site to the north and west of the telephone exchange structure, which make up the developable site area, are currently out in grass with dispersed trees. These lands are bounded by residential development on Dublin Road to the west and north and Mill Hill Park to the east. Adjoining residential development comprises a mix of detached, semi-detached and terraced units, one-two stories in height, the majority backing onto the appeal site. Site boundaries to the west and east comprise variety of materials and vegetation. The roadside boundary to the south is defined by a block wall.

2.0 Proposed Development

- 2.1. Planning permission has been sought for the construction of a residential scheme of 12 (twelve) units comprising 6 duplex apartment units in a three-storey building and 6 two storey houses with attic level accommodation. The scheme, with a stated GFA of 1,482.5sqm is proposed in four Blocks as follows:

Block A: Three storey Block containing six duplex apartment units (1 no. one bed, 2 no. two bed and 3 no. three bed units). Block A is positioned to the southwest corner of the site addressing the public road.

Following a request for further information the height and design of Block A was amended, in order to address issues relating to visual amenity and overlooking. The structures height was reduced by 1.5m, from 11.5m to 10m.

Block B: 2no, two-storey semi-detached, four-bedroom dwellings (Type D) with habitable attic accommodation. Block B has a ground to ridge height of 10.15m and is located centrally on site with a northeast orientation.

Following a request for further information Block B was relocated c3.5m to the north to alleviate concerns of overlooking from Block A. The relocation of Block B required the relocation of parking spaces serving Block B and facilitated the provision of additional public open space.

Block C: 3no, two-storey four-bedroom terraced houses (2no type D units and 1no Type E unit) with habitable attic accommodation. Block C has a ground to ridge height of 10.15m and is located to the north of the site with a southwest orientation

Block D 1no two-storey, 2 bedroom detached dwelling (Type F). Block D is located to the north of the site to the side (southeast) of Block C

2.2. The development will also comprise:

- The repositioning and upgrade of the existing entrance to form the access and egress to the development with an internal spur providing new access and egress to the Eircom Exchange.
- Pedestrian access from Mill Hill Park.
- 21 no. car parking spaces and 18no bicycle parking.
- Bin storage; boundary treatments; lighting; green roofs and photovoltaic panels; hard and soft landscaping and boundary treatment

and all other associated site works above and below ground

2.3. Material finishes comprise selected brick and render to external walls, blue /black slate to roofs and zinc cladding for dormer windows

2.4. Schedule:

Site Area	0.5170ha (Gross) 0.3425ha (Net)
No. of Residential Units	12
Housing Mix / unit size	1no one bed apartment (82sqm) 2no 2bed apartment (82sqm) 3no three bed apartments (117sqm) 5no four-bedroom dwellings (160sqm) 1no two-bedroom dwellings (85.5sqm)
Total Gross Floor Area	1,482.5sqm
Open Space	555sqm (increased from 508sqm following request for further information)
Car Parking	21 no. car parking spaces
Bicycle Parking	18 no. spaces
Density	34 units per hectare
Height	Block A: Three storey Block B, C and D Two Storey
Dual Aspect Apartments	100%

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council did by order dated 6th September 2021 decide to grant permission for the proposed development subject to 26 conditions. The following Conditions are of note:

Condition 7: Landscaping. Part (ix) relates to the payment of a tree planting bond

- Condition 8: Relates to a number of items including: the provision of cycle parking and EV Charing points; the submission of road safety audits; construction management plan and traffic management plan
- Condition 19: Relates to the provision of measures to prevent spillage etc on public roads and requires that the applicant is responsible for the cost of repairs
- Condition 20: Occupancy restriction (Section 47)
- Condition 21: Part V
- Condition 25: Security Bond
- Condition 26: Financial contribution

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The initial report of the planning officer considers that the principle and density of the residential development to be acceptable however they note the requirement for a drawing to demonstrate how the 'net developable area' (0.3425ha) was calculated.
- They raise a number of concerns regarding the design and layout of Block A, in terms of its impact on Skerries Mill (protected structure); overlooking impacts and compliance with Apartment guidelines (in terms of floor to ceiling height)
- They also raise concern regarding the design and layout of public open space, landscaping, tree planting and boundary, parking layout and bin storage.
- They note the reports received and issues raised by interdepartmental departments, including water services and roads and transportation and parks and green infrastructure etc.
- They recommend that further information be requested in relation to the issues raised in the report.

- The second planning report, completed following the receipt of further information, recommends a grant of permission that is generally consistent with the notification of decision which issued.

3.2.2. Other Technical Reports

Water Services

(27/01/2021): Further information requested in relation to surface water drainage
No objection subject to conditions

Transportation:

(11/02/2021) Further information requested
No objection subject to conditions

Parks and Green Infrastructure:

(16/02/2021) Further information requested
(13/08/2021) Conditions recommended

Community Archaeologist: No objection

Conservation Officer:

(10/02/2021) The Conservation Officer asks that the design of Block A be re-examined and revised to reduce its mass, scale and horizontal emphasis of the southern elevation.
(13/08/2021) No objection raised

3.3. Prescribed Bodies

Irish Water: No objection subject to condition

Dept: Tourism, Culture, Arts Gaeltacht, sports and Media:

Condition re pre-development testing recommended in the event permission is granted

3.4. Third Party Observations

The planning authority received a number of objections/third party submissions during the course of their determination of the application. The main issues raised are similar to those covered in the grounds of appeal. The submissions have been grouped and the issues raised summarised below:

- Impact on adjoining properties in terms of overlooking, overbearing and overshadowing
- Potential impacts during construction:
 - Impacts from noise, dust etc
 - Excavation could lead to destabilisation of boundary walls etc
 - disruption /damage to existing services gas, electricity (etc)
 - Location of Block A on former gravel pit
- Loss of trees and inappropriate proposals for landscaping tree planting and boundary treatment.
- Over development of the site and Inadequate public open space
- Potential for anti-social behaviour
- Concerns relating to surface water and foul water drainage
- Traffic – increased congestion, noise, and parking problems in the wider area
- Visual impact
- Loss of habitat – impact on biodiversity
- The existing telephone exchange building should be upgraded, and a study done on the impact of the mast on adjoining residential properties.
- The lands should be dedicated to community uses (open space / play area)
- Submitted plans do not adequately represent existing dwelling to the southeast
- The application was not made available to the public until two weeks after the erection of the site notice - Closing date for submission should be extended

- Query regarding long-term maintenance / taking in charge

4.0 Planning History

- 4.1. PL06F.22786 / FCC Ref: F06A/2006 (2006): Permission granted for Residential development of 10 houses.
- 4.2. F06A/0935/E1: Permission granted for extension of duration of PL06F.22786 to 11th April 2017
- 4.3. PL06F.212801 / F05A/0437 (2005): Permission was refused for a residential development of 20 apartments in four blocks. Reasons for refusal included overdevelopment of a restricted site, substandard provision of open space and car parking, visual intrusion, and injury to residential amenity.

5.0 Policy Context

5.1. National Policy

5.1.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 supports compact growth, and seeks to make better use of existing underutilised, serviced lands within built-up areas. The framework targets a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.

National Policy Objective 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner

suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. 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 the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.1.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2018):

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term.

5.2. **Fingal Development Plan 2017-2023**

5.2.1. Strategic Policy: Seeks to deliver 25 main aims one of which is to Consolidate development and protect the unique identities of the settlements including Skerries

5.2.2. Settlement Hierarchy: Skerries is designated a Moderate Sustainable Growth Town given its substantial population, vibrant town centre and varied retail offer

5.2.3. Zoning: The subject site is zoned 'RS' Residential with the objective to provide for residential development and protect and improve residential amenity The vision for this zoning is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Residential development is permitted in principle.

5.2.4. Density: With respect to residential densities, the Plan states that regard should be had to the national guidance set out in the Sustainable Residential Development in Urban Areas Guidelines and the accompanying Urban Design Manual. The Development Plan promotes higher densities at suitable locations such as along public transport corridors and in main town centres (objective PM41 applies).

5.2.5. Relevant Objectives:

SS20: Manage the development and growth of Lusk, Rush and Skerries in a planned manner linked to the capacity of local infrastructure to support new development

PM41; Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

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.

PM64 Protect, preserve and ensure the effective management of trees and groups of trees.

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

DMS57: Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

DMS57B: Require a minimum 10% of a proposed development site area be designated for use as public open space.

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5 *etc.*
(as per CDP)

Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

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.

5.3. Built Heritage

5.3.1. Protected Structures:

- The Small Windmill (RPS No.:230) – restored late 17th -18th century windmill, unrendered with thatched conical roof and 4 sails

5.3.2. National Inventory of Architectural Heritage:

- The Small Windmill (11,311,030)

5.3.3. Recorded Monuments:

- Windmill (DU00138)
- Enclosure (DU00139)

5.4. Natural Heritage Designations

- Skerries Island SPA is located c1.3km to the east

5.5. EIA Screening

- 5.5.1. Having regard to the scale of the proposed development comprising only 12 no. residential units and the location of the site outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

Three separate appeal submissions were received in respect of this development proposal. All submissions received were from residents of dwellings on Dublin Road, which borders the site to the west. The submissions raise similar issues and have been grouped and summarised below:

- Residential Amenity - The proposed development, due to its height, scale, design and proximity to site boundaries, would have a serious negative impact on the residential amenities of neighbouring properties by way of:
 - Overlooking and loss of privacy
 - Overshadowing /loss of light
 - Overbearing
- Visual impact

- The proposed residential scheme would be completely unsympathetic and out-of-character with prevailing single storey and two-storey homes in the vicinity of the site.
- The proposal would negatively impact the streetscape of Mill Hill Park
- Seriously detract from the historic four sail windmill directly across the road and impede views of same
- Overdevelopment
 - The site is too small for the scale of development proposed
 - Insufficient open space for residents - Block B should be omitted and utilised for public open space
- The proposed development would make the area less attractive for future buyers and result in the devaluation of property
- Construction Impacts from noise, vibrations, dirt, and dust
- The proposed development would contravene both local and national Planning Policy
- The proposed 'woodland walk' may lead to anti-social if left unmanaged
- Removal of trees
 - The 51 mature trees to be removed are of high local importance. Their removal would contravene CDP Objective PM64
 - the removal of trees would impact on local biodiversity (bats and birds etc)
- Inadequate proposals for boundary treatment / planting of site boundaries
- There is a lack of social and physical infrastructure in Skerries to cater for additional houses in particular, there is a shortage of secondary school places in

6.2. Applicant Response

- The applicants are of the opinion that the height of the proposed development is appropriate for this site and is respectful of the prevailing building heights.
- They consider that the design of Block A (as amended) has been carefully considered; that it assimilates into the receiving environment and has no adverse impact on the four-sail windmill
- They submit that the proposed development does not represent overdevelopment of the site but represents a development of appropriate scale and density with sufficient open space provision
- They consider that the design of the development has been carefully considered to ensure that it successfully assimilates into its receiving context and is not visually obtrusive or overbearing
- They strongly contest that the proposed development will unduly impact the private amenity space associated with existing dwellings on Dublin Road by way of overlooking or overshadowing
- They submit that the proposed development has been designed to ensure anti-social behaviour will not occur in any area of the development, inclusive of the Woodland Walk
- They submit that boundary treatment proposals were considered having due regard to the condition of the existing trees and the desire to ensure that the residential amenity of neighbouring properties is protected, and biodiversity is supported.
- They acknowledge that an increase in noise, vibration, dust etc is likely to occur during the construction phase however they note that appropriate mitigation measures are to be put in place to minimise the impacts
- The demand generated by the proposed development for school places will be nominal and can be catered for
- They submit that the proposed development does accord with the National Planning Framework as well as guidelines of relevance to the subject proposal.

6.3. **Planning Authority Response**

- Having assessed the appeal submissions it remains the opinion of the Planning Authority that the proposed development should be granted permission having regard to the reasons set out in the Planners reports
- They note that the proposal entails the infilling of a vacant site zoned RS residential within an existing residential area proximate to Skerries Town Centre
- They consider that the proposal would not impact on the amenities of neighbouring property and does not detract unduly from the amenity of the surrounding area
- In the event that the design to grant is upheld they request that Conditions 7(ix), 19, 25 and 26 are included. Condition 26 (Bond) is the Council's sole mechanism to ensure that the development is built to the councils taken in charge standard and without same the cost of bringing the development up to standard would have to be borne by either future residents or out of taxpayer funding.

7.0 **Assessment**

7.1. The following are considered to be the main issues arising in the assessment of the subject appeal:

- Over Development of the Site
- Visual Impact
- Impacts on Adjoining Properties
- Residential Amenity
- Other
- Appropriate Assessment

7.2. Overdevelopment of the site

- 7.2.1. The appellants contend that the proposed development represents overdevelopment of the site stating that the site is too small for the number of units proposed and that it does not provide for sufficient public open space for its future residents.

Density

- 7.2.2. The appeal site has a stated area of 0.5170ha, 0.3425ha of which is proposed to be developed for residential purposes (Net developable area). Planning permission has been sought for the construction of 12no dwelling units which on a site area of 0.3425ha would equate to a net density of 35units per hectare. The site is centrally located within the town of Skerries, in a residential area east of Dublin Road and within walking distance (500m) of Skerries Town Centre and train station.
- 7.2.3. The Sustainable Residential Development in Urban Areas, Guidelines 2009 set out density standards for residential development across a range of settlement types and areas. I note that the planning authority in their assessment classified the appeal site as an 'Outer Urban /Greenfield site', where a net density of 35-50 dwellings per hectare is recommended to achieve the greatest efficiency in land usage. Net densities of less than 30 dwellings per hectare are discouraged in such areas. In addition, I note that Section 5.8 of the guidelines allows for increased densities (50+ dwellings per hectare) on lands within 1km of a light rail stop or a rail station.
- 7.2.4. The density of development proposed would at 35units per hectare fall within the range for Outer Urban /Greenfield sites' but below the recommended density for sites within one kilometre of a rail station. I however consider that it would be reasonable in this instance to have regard to the context of the site which I consider comprises an underutilised infill site located on zoned and serviced lands within an established residential area and in this regard, I consider Section 5.9 of the Guidelines to be relevant. Section 5.9 of the Guidelines relates to inner suburban and infill sites and provides that "*in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill*". I also refer the Board to Objective PM44 of the County Development Plan which seeks to encourage and promote the development of underutilised infill sites in

existing residential areas subject to the character of the area and environment being protected.

- 7.2.5. In light of the above and having regard to the limited size and configuration of the site and the established pattern and character of residential development in the area, which comprises low-medium density residential development, I consider that the density of development proposed is appropriate to the site context and that it achieves a suitable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to ensure the efficient use of zoned and serviced lands.

Public Open Space Provision:

- 7.2.6. As previously noted, third party appellants are concerned that the scale of development proposed would not allow for the provision of adequate public open space for future residents. Standards for public open space provision are set out under Objectives DMS57 of the current Fingal County Development Plan. These standards require a minimum provision of public open space at a rate of 2.5ha per 1000 population (25sqm / person). For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. The proposed development comprises 12no. units with an occupancy rate equivalent to 34no. bed spaces and a total public open space requirement of 850sqm / 0.085ha (34x25sqm).
- 7.2.7. Objective DMS57 of the Development Plan requires that a minimum of 10% of a development site is designated for use as public open space and states that the Council has the discretion to accept a financial contribution in lieu of remaining open space. The proposed scheme (as amended) provides for 555sqm of public open space which equates 10.7% of the overall site area and 16.2% of the Net developable lands. The proposed scheme would therefore meet the minimum requirement of 10% of public open space provision for these lands with a shortfall of 295 square metres. I consider that this shortfall may be addressed by way of the

payment of contribution in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act.

- 7.2.8. I note the appeal submitted on behalf of Pat Loughman which suggests that Block B, should be omitted from the scheme in order to provide a larger more usable area of public open space while also addressing concerns of third parties relating to the overdevelopment of the site. The omission of Block B would result in a net density of 29units per hectare which I do not consider would be sufficient to ensure the efficient use of zoned and serviced lands. In addition, I am not satisfied that the omission of Block B is required in respect of public open space provision. As previously established, the quantum of public open space proposed within this scheme would accord with the quantitative standards set out in the County Development Plan and following consideration of the plans and particulars submitted I am satisfied that the area of public open space proposed within this scheme is acceptable in terms of its design and layout, that it is adequately overlooked so as to discourage anti-social behaviour and that it would provide for a reasonable level of residential amenity for future residents of the scheme. I also note the development sites proximity to Townspark, a large area of public open space area within the town.
- 7.2.9. Potential impacts arising from Block B in terms of overlooking / overshadowing are to be considered later in this report.

7.3. Visual Impact

- 7.3.1. The appellants are of the opinion that the proposed development would, by virtue of its height, mass, location, and proximity to site boundaries / adjoining properties, be unsympathetic and out-of-character with prevailing single storey and two-storey homes in the vicinity of the site, would negatively impact the streetscape of Mill Hill Park and seriously detract from the historic four sail windmill (a protected structure).
- 7.3.2. The appeal site is located within an established residential area comprised of low-medium density housing, one to two stories in height. I note that existing dwellings

on Dublin Road to the west of the site are constructed below the level of the appeal site.

- 7.3.3. The proposed development comprises a residential scheme of 12 (twelve) units in four blocks ranging in height from two to three stories. Block A, comprising 6no duplex / apartment units is, I consider, likely to be the most visually prominent of the proposed structures due to its three-storey height and its position on Mill Hill Road. I note that the planning authority did during the course of their determination of the application, express concerns in relation to the design of Block A, and its potential impact on the setting of the historic windmill which is located to the south of the development site (on the opposite side of the public road). In light of the concerns raised the applicants were requested, by way of further information request, to re-examine the design of Block A with a view to reducing its mass, scale and horizontal emphasis, to allow the structure to integrate more successfully at this location. In response, the applicants proposed a number of design changes to Block A, including but not limited to - the introduction of double gables to side elevations, its reduction in height by 1.5m (from 11.5m to 10m) and the redesign of dormer windows on the southern elevation. A series of photomontages were submitted to provide a visual representation of the proposed amendments and to demonstrate how Block A would 'fit' within the streetscape and within the context of the Mill structure.
- 7.3.4. I note that third parties contest that the changes to Block A do not effectively address the scale and mass etc of the structure given the sensitive nature of the surrounding area however, I am of the opinion, that the amendments to Block A provide a notable improvement from that originally proposed and I am satisfied that Block A (as amended) is of sufficient design quality to ensure that it would contribute to rather than detract from the streetscape along Mill Hill Road and that it would not seriously detract from or have diminishing impact on the Mill structure.
- 7.3.5. Whilst I acknowledge that Block A, due to its three-storey height and finished floor level would sit above the level of adjoining properties on Dublin Road, I do not consider the proposal to be excessive in terms of overall scale or height given the site context, its location on Mill Hill Road and the separation distances between the proposed structure and adjoining properties.

7.4. Impacts on Adjoining Properties

- 7.4.1. Appellants have expressed a number of concerns regarding the potential impact of the proposed development on the residential amenities of adjoining properties, particularly properties to the west on Dublin Road.

Overlooking

- 7.4.2. In relation to overlooking, the main area of concern relates to Block A due to its height and location in respect of adjoining properties to the west. I note that the design of Block A was amended (at further information stage) to mitigate overlooking concerns, of note is the omission of the second-floor windows in the western elevation and the reorientation of the staircase accessing first floor duplexes closest to the western boundary. Further mitigation is proposed via the provision of additional planting along the western site boundary.

- 7.4.3. The position of Block A as proposed provides for a separation distance of at least 11m between the first-floor windows on its western elevation and the western site boundary which I consider sufficient to mitigate overlooking concerns particularly having regard to extensive garden areas afforded to properties on Dublin Road. There may be some potential for overlooking to occur from the first and second floor windows and from the external staircases on the northern elevation, however having regard to the orientation of Block A and the separation distances available between it and the opposing (western) site boundary / adjoining dwellings, I do not consider that the impacts arising would be significant or beyond what would normally be deemed acceptable within a residential area.

Overshadowing / Overbearing

- 7.4.4. Blocks B and C due to their height and proximity to the western site boundary are likely to result in a change to the receiving environment currently experienced by adjoining properties along Dublin Road however having regard to the lengthy rear gardens (c22m) afforded to adjoining properties and the separation distances

available between the proposed two storey blocks and the existing dwellings on Dublin Road, I do not consider that there would be any undue impacts on the amenities of adjoining properties by way of Overshadowing or Overbearing

Impacts during construction

- 7.4.5. Whilst I acknowledge that the construction phase of the development does have the potential to cause disruption in terms of noise, vibration, dust, dirt etc, I am satisfied that any impacts arising would be temporary in nature and that they could be adequately managed through the implementation of appropriate mitigation measures and best practice construction methods. In this regard I note that a construction management plan has been submitted with the application and that this plan sets out a number of proposed mitigation measures that would help to address the concerns raised.

Devaluation of Property

- 7.4.6. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions set out in this report, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.5. Residential Amenity – Future Occupants

- 7.5.1. The proposed development includes for the provision of 6no duplex / apartment units in Block A (1 no. one bed, 2 no. two bed and 3 no. three bed units). All such units are dual aspect and have been designed to accord with the standards set out in Sustainable Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2018) in terms of target gross floor area, minimum main living room, aggregate living room, aggregate bedroom area, individual bedroom floorspaces, storage, room widths and ceiling heights.

- 7.5.2. Each of the proposed duplex/apartments units is provided with a private amenity space in the form of a ground floor terrace or first floor balcony, accessed via the main living areas. All private amenity areas exceed the minimum standard set out in the apartment guidelines and all benefit from a southern aspect. The proposed dwelling units are served by a private amenity space in the form of rear gardens which exceed the quantitative standards set out in the County Development Plan.
- 7.5.3. While no dedicated communal amenity space has been provided to serve the proposed duplex / apartment units I am satisfied that the quality and quantum of both public and private amenity areas provided with this scheme would be sufficient to ensure that an adequate level of residential amenity is available for future occupants.
- 7.5.4. Communal bin storage is provided for the duplex/apartment units and dwellings units no's 7 and 10 which do not benefit from direct access to rear gardens areas for bin-storage. This communal facility is located centrally within the site, to the rear of the telephone exchange.
- 7.5.5. The proposed scheme allows for the provision of 21no car parking spaces and 18no bicycle parking space, which is considered adequate to cater for the proposed residential scheme. I note that car parking spaces are to be fitted with EV charging points.

7.6. Other:

7.6.1. *Loss of trees / impact on Bats*

Concerns have been raised in relation to the removal of trees from the site and the potential impact of same on the visual amenity of the area and local ecology (in particular bird and bat species). While the loss of trees from the site is regrettable, I note that the site is zoned for residential development and I am satisfied based on the information provided, which includes a Tree Survey and Landscape Strategy and Design Report, that the removal of existing trees as proposed would be required to facilitate the sustainable development of these lands. In addition, I am satisfied that the landscape strategy proposed would provide adequate compensate for the loss of

existing trees and would be sufficient to ensure that the amenities of the area and adjoining properties are protected.

The documentation submitted in support of the application includes an Ecological Impact Assessment (EclA) and an evaluation of the potential impacts of the proposed development on bats and bird fauna. Following consideration of these documents I note that the removal of trees from the site does have the potential to result in the loss of habitat for birds and a reduction in feeding active for bats however I am satisfied that the avoidance and mitigation measures outlined in the EclA, which include for the provision of bat and bird boxes etc, would be sufficient to minimise these potential impacts and that residual impacts would be acceptable.

In summary, I am satisfied that the proposed development is acceptable, and issues raised in relation to the loss of trees and impact on ecology are not a basis in this instance for refusing permission.

7.6.2. *Social and physical infrastructure:*

I note that concerns have been raised in relation to the lack of social and physical infrastructure in Skerries to cater for the proposed development, with emphasis placed on the lack of available post-primary school places. While I note the issues raised, I am satisfied that the scale of development proposed, which would provide for an addition 12no residential units, would be unlikely to generate a significant demand for additional school places or place an undue onus on existing services.

7.7. Appropriate Assessment

- 7.7.1. An appropriate Assessment Screening report in accordance with Article 6(3) of the EU Habitats Directive (EC 92/43/EEC) was included as part of the application documentation. The report concluded that it is unlikely that the proposed development will result in significant effects to any European site, in view of their conservation objectives of the habitats or species for which it was designated, either alone or in combination with other plans and projects.

7.7.2. The appeal site is not located on or within close proximity to a Natura designated site and that no habitats protected under Annex 1 of the EU Directive were recorded within the subject site. The closest designated site, Skerries Island SPA is located c1.1km to the east.

7.7.3. Having regard to the nature and scale of the proposed development, its location on zoned and serviced lands and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and therefore I consider that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission should be granted for the proposed development subject to condition

9.0 Reasons and Considerations

9.1. Having regard to the location and residential zoning of the site, the provisions of the Fingal Development Plan 2017-2023 and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020', the density, scale and height of the development proposed and the pattern of development in the area, 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 or of property in the vicinity, and 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 in accordance with the plans and particulars lodged with the application and received by the planning authority on the 23 rd December 2020 as amended by the revised plans and
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	<p>particulars received by the Planning Authority on 26th July 2021 and the revised notices received 11th August 2021, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
3.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
4.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
5.	<p>All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
6.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.</p>

	<p>Reason: In the interests of amenity and of traffic and pedestrian safety</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of sustainable transportation.</p>
9.	<p>At least 17 no. bicycle parking spaces shall be provided within the site. Details of the location and design of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation</p>
10.	<p>The site shall be landscaped in accordance with the submitted Landscape Master Plan and Landscape Strategy and Design Report received by the Planning Authority on the 26th July 2021, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. All</p>

	<p>hard and soft landscape works, and planting shall be completed prior to occupation of the residential units.</p> <p>All planting shall be adequately protected from damage until established. any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority</p> <p>Reason: In the interests of residential and visual amenity</p>
11.	<p>The areas of open space shall be reserved for such uses and shall be levelled, contoured, soiled, seeded and landscaped. This works shall be completed before any residential units are made available for occupation</p> <p>Reason: In order to ensure the satisfactory development of open space areas, and their continued use for this purpose</p>
12.	<p>All boundary treatments, landscaping and planting shall be completed prior to occupation.</p> <p>Reason: To facilitate the integration of the proposal within a reasonable time period and to the protection of the visual amenities of the area</p>
13.	<p>The recommendations and mitigation measures as set out in the submitted Ecological Impact Assessment and Bat Survey submitted with the application shall be implemented in full</p> <p>Reason: To ensure the protection of the natural heritage on the site.</p>
14.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of</p>

	<p>archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. <p>The assessment shall address the following issues:</p> <ul style="list-style-type: none"> i. the nature and location of archaeological material on the site, and ii. the impact of the proposed development on such archaeological material. <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
15.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed

	<p>in writing with, the planning authority prior to commencement of development.</p> <p>This plan shall provide details of of traffic management and intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>(a) All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble, or other debris on the public road network during the course of construction. In the event of any such spillage or deposit immediate steps shall be taken to remove the material from the road surface at the applicants/ developers own expense.</p> <p>(b) 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 construction work and shall either make good and damage to the satisfaction of the Fingal County Council or pay the council the cost of making good any such damage upon issue of such a requirement by the Council</p> <p>Reason: To protect the amenities of the area</p>
17.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: To ensure the satisfactory completion and maintenance of this development</p>
18.	<p>Proposals for house naming and a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
19.	<p>Prior to the commencement of any dwelling house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and / affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an</p>

	<p>agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the</p>

<p>planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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</p>
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Lucy Roche
Planning Inspector

18th May 2022