



An
Bord
Pleanála

Inspector's Report

ABP-312071-21

Development	Construction of a 2-storey apartment block consisting of a 1 No. bedroom apartment at ground floor and first floor.
Location	Riverview, Church Road, Mulhuddart, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW21A/0163
Applicant(s)	MSN Holdings Limited.
Type of Application	Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	MSN Holdings Limited.
Observer(s)	None.
Date of Site Inspection	26 th May 2022.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is located within the curtilage and to the rear of Riverview, a primarily residential development comprised of a three-storey apartment building located to the southeast of the appeal site and a four-storey apartment / community building to the south-west. The community element appears to be occupied by Barnardos Child and Family Services. The development is accessed from Church Road to the east and is served by a basement carpark / service area. It would appear from site inspection that the original brick façade of Riverview has in recent years been painted blue.
- 1.2. At present the residential apartments within Riverview are served by an area of communal open space to the rear. This area is arranged over 3 levels, laid out in concrete, and divided by brick walls. The appeal site occupies the two upper levels of communal open space. The site has a gross floor area of approximately 0.0092ha and sits above the entry way / access ramp into the basement carpark / service area.
- 1.3. The area surrounding Riverview is predominantly residential in nature with a row of single storey detached dwellings to the north and the residential development of Parnell Green to the west. The Tolka River runs to the southwest, a distance of c100m from the appeal site at its closest point. The Tolka River forms part of the Tolka Valley, an amenity area that provides for passive recreation. An ESB service station directly borders the appeal site to the northwest.

2.0 Proposed Development

- 2.1. The applicants MSN Holdings Limited are seeking permission to construction a two-storey apartment block comprising 1no. one-bedroom split level apartment (c61.9sqm) at ground floor and 1no. one bedroom apartment at first floor level (c70.6sqm).
- 2.2. The proposed structure is rectangular in shape with flat roof and glazing to its north-eastern and south-western elevations. Both ground and first floor units are to be accessed separately from the structure's southeast elevation. Private amenity space is provided in the form of inset balconies /winter gardens in the southwest elevation, off the main living areas.

- 2.3. As detailed, proposed external finishes comprise yellow brick, with elements of timber cladding and anthracite render to the northeast and southwest elevations and signal white render (or similar) to southeast and northwest elevations.
- 2.4. The proposed scheme includes assigned car parking for five vehicles in the existing basement serving Riverview. Bin storage and cycle parking is also provided at basement level.
- 2.5. Table 1 below provides a summary of the key site / development statistics

Table 1: Key Figures		
Site Area	Red Line Boundary	c0.0092 (92.53sqm)
	Blue Line Boundary	c0.26ha (2662sqm)
	Existing: Riverview	Proposed
No. of residential Units	25	2no units proposed resulting in a total of 27no units
Density	c99units/ha	c103units/ha
Site Coverage	The proposed development occupies c3.52% of the overall site	The proposed development occupies 100% of appeal area
Gross Floor Area	Unknown	+c132.5sqm
Ground Floor Level	Unknown	58.170 (lower)
		58.890 (upper)
Height	Unknown	c7.35m
Housing Mix	8no One bed units	10no one bed apartments (+2no)
	11no Two bed units	11no Two bed units
	6no Three bed units	6no Three bed units

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council did by order dated 02nd November 2021 decide to refuse permission for this development for two reasons as outlined below:

- 1) The proposed development would fail to provide a satisfactory standard of amenity to future residents and by virtue of the siting and design of the proposed development would represent an overbearing feature and result in overshadowing to adjoining property and result in the loss of designated communal open space. The proposed development would seriously injure the amenities of property in the area and depreciate the value of same, would materially contravene Objective PM44 and the 'RS' site zoning objective in the Fingal County Development Plan 2017-2023 which is 'to provide for residential development and protect and improve residential amenity', would set a poor precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.

- 2) The proposed development is located in an area which is at risk of flooding. Based on the information submitted, the Planning Authority is not satisfied that there is certainty regarding the extent of flood zones on the site and that the proposed development would not be subject to flooding. Taking into account the nature of the proposed development which is a highly sensitive use as defined in the 'Planning System and Flood Risk Management Guidelines', the proposed development would, if permitted, be contrary to the guidelines issued to planning authorities under section 28 of the Planning and Development Act 2000 as amended. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner in their report had regard to the nature and location of the development, the planning history of the site, relevant national and local policy and to the interdepartmental reports received. The main issues raised in their assessment are summarised below:

- They consider that the development by virtue of its location and design, would have an adverse impact on the amenities of adjoining properties by way of visual impact, overbearing, overshadowing / loss of light and due to the loss of existing communal open space.
- With regard to residential amenity and compliance with relevant development standards they note the lack of adequate storage space within for the ground floor apartment and the lack of communal open space. They also raise concerns regarding the availability of adequate sunlight/daylight and poor access to the bin storage area.
- With reference to FCDP Objective SW06 they note the opportunity to incorporate a green roof within the scheme.
- They note that the subject site is located within an area of flood risk and the lack of a commensurate flood risk assessment. While noting that the finished floor level of the scheme is at +58.170m, above the flood risk level identified under the Tolka Flood Study (+55.0ODm) they consider that there is a lack of certainty regarding the implications of the proposed development for flood risk.
- They consider that insufficient information has been presented to assess adequacy of the proposed parking arrangements.
- They note that the entrance to the underground car park is shown as a junction with Church Road and not a 'cross-over' of the footpath as required by conditions or previous grant of permission.
- They consider that the pedestrian / cycle access to the proposed development is narrow and challenging and that revisions are required
- They recommend that permission for the development be refused for two number reasons as outlined above.

3.2.2. Other Technical Reports

Transport Section Further information sought in relation to number of parking spaces that are in use and designated to the existing apartments within the basement development relative to what was permitted previously and the need to relocate and existing public lighting pole back and a revised access layout to allow for a wider footpath access to the proposed units at the rear.

Water Services: Request for further information in relation to surface water drainage, in particular a request for the provision of a sedum roof to improve the overall surface water strategy and in relation to Flooding.

Parks and Green Infrastructure: No objection to development

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

None

4.0 Planning History

The planning history associated with this site is set out in the planner's report. The following is considered relevant:

F06A/1952 Permission granted in 2007 for 23no apartments in two residential blocks (one 4 storey and one 3 storey), Childcare facility, vehicular entrance onto Church Road, with lay-by area for safe drop off of children using childcare facility, outdoor play area and 45 no. underground car parking spaces; 60 no. bicycle parking spaces, 18 storage units and refuse storage at basement level; landscaped public open space and associated and ancillary site development works.

F07A/1255 Permission granted 2008 for alterations to F06A/1952 including alterations to basement layout, courtyard design (subdivision to 3 separate levels and new landscaping design) and revised finished floor and ridge levels.

FW10A/0164 Retention permission and permission granted 2010 for alterations to Ref. F06A/1952, as follows:- (1) To retain extended floor area to second and third floor levels; (2) to retain alterations to elevations (3) Permission for the subdivision of 2 No. approved 3 bed units at 2nd and 3rd floor level, into 2 No. 1 bed units (56 m² each) and 2 No. 2 bed units (79.6 m² each) in the enlarged area to be retained and all associated site works and increased car-parking provision at basement level.

Other Relevant Applications:

ABP- 308361-20 (PA. Ref. No. FW19A/0189)

Permission granted 2021 for the Demolition of existing public house and construction of 3 no. commercial units and 40no apartments

ABP PL06F- 303919-19 (PA Ref. No. FW18A/0187)

Permission refused in 2019 for the demolition of existing public house and construction of 3 no. Commercial Units and 46 No. Apartments. Refusal reasons relate to flood risk and the location of an existing foul sewer on site and the lack of proposals to divert same.

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.

5.1.4. The Planning System and Flood Risk Management Guidelines for Planning Authorities (Nov 2009).

The key principles of these guidelines are:

- Avoid the risk, where possible –precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding. The sequential approach should aim to avoid development in areas at risk of flooding through the development management process. An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

5.2. Fingal Development Plan 2017-2023

5.2.1. Settlement Hierarchy: Mulhuddart, due to its location in proximity to Dublin City forms part of the consolidated Area within Gateway

5.2.2. Development Strategy: Enhance and improve the village character by encouraging suitable retail, commercial and residential uses.

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. Relevant Policy / Objectives

- SS15 Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.
- SS16 Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities or would otherwise be appropriate in the context of the site.
- 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.

Surface Water / Flooding

- SW06 Encourage the use of Green Roofs particularly on apartment, commercial, leisure and educational buildings
- SW07: Implement the national guidelines and a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required for lands identified in the SFRA, located in area including Mulhuddart, demonstrating compliance with the guidelines, paying particular attention to residual flood risks and any proposed site-specific flood management measures

5.2.5. The Strategic Flood Risk Assessment for the Fingal Development Plan 2017-2023 (March 2017)

The Strategic Flood Risk Assessment for the Fingal Development Plan 2017-2023 shows the appeal site in an area at risk of flooding and recommends that any proposals for future development of this land will be subject to a site-specific FRA to ensure that development is appropriate and satisfies Criteria 3 of the Justification Test.

5.3. Natural Heritage Designations

There are no designated sites on or adjacent to the appeal site. The site is located c7.5km northeast of the and c13km Northwest from the edge of South Dublin Bay and River Tolka Estuary SPA.

5.4. EIA Screening

- 5.4.1. Having regard to the scale of the proposed development comprising only 2 no. residential units and the location of the site outside of any protected site, the nature of the receiving environment, 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

This is a first party appeal, lodged on behalf of the applicants, MNS Holdings Ltd, against the decision of the planning authority to refuse permission for the proposed development. The points made / views expressed in the grounds of appeal are summarised below:

- There are a number of factors within the current scheme which provide a suitable standard of amenity of the residents. The proposed scheme, in terms of the quantum of floorspace, dual aspect ratio, floor to ceiling height and storage, exceeds minimum standards.
- The quantum of private open space provided accords with the Objective DMS89 and Table 12.6 of the Fingal County Council Development Plan 2017-2023

- The location of the proposed development is acceptable having regard to the context, form, and mass of existing properties the treatment of the proposal and the density achieved within this underutilised site.
- The existing amenity space is more likely to be an anti-social zone than a pleasant private amenity space. The applicants wish to utilise this area to maximise the potential of the site given its location within 1–2-minute walking distance to Tolka Valley.
- They consider that the current proposal provides a soft and welcoming streetscape and design which is in keeping with the scale of the local area and which provides for safe and natural surveillance of public open space
- A shadow analysis could have been provided to the Council if requested by way of further information and that one could be provided by way of condition if the Board deem suitable to do so.
- The proposed development is for a 2-storey flat roof apartment building, which runs lower in height than neighbouring properties and therefore any shadow cast would be far less than that in the opposing direction.
- The provision of 2no 1-bedroom apartments provides a suitable mix to that currently available within the local market and that it would create an opportunity for the aging population to downsize.
- The proposed residential use is compatible with existing neighbouring use and activities and that it will positively encourage further development in the vicinity – a precedent in this regard should be considered positive to maximise a sites potential
- A flood risk assessment could have been provided and addressed at further information stage should the applicant have been given the opportunity to do so
- The second refusal reason, relating to flood risk, is unfound noting that the finished floor level of the proposed development is higher than that permitted under Ref. No. FW19A/0189 (ABP- 308361-20) which is in proximity to the subject site.

- Fingal County Council did not afford the applicant the opportunity to address the concerns / issues raised in their assessment by way of further information request and they contend that the Items raised as reasons for refusal could have been addressed by condition.
- Cognisance must be taken of the current housing climate and the need for these types of private developments in order to meet Government set housing targets and verified demands.
- The proposal has been envisaged and designed as a low impact development which both compliments and reflects its surrounding context through design, scale and materiality while providing a contemporary response to an urban site

6.2. Planning Authority Response

Notwithstanding the details submitted with the appeal documentation, the planning authority, as set out in their response to the grounds of appeal, remains of the view that:

- The proposed development would have an undue negative impact on the visual amenities of property in the area given that the proposed development would present a blank façade to the existing Riverview apartment block
- The proposed development would have an unduly negative impact on the residential amenities of both the occupants of the subject apartments and within the immediate and beyond area given:
 - The lack of provision of community amenity space for the subject apartments
 - A reduction of the existing amenity space which serves the current development
 - Overshadowing and overbearing impact on adjoining properties to east and west
- There is a lack of certainty within the subject planning application concerning the implications of the proposed development with regard to flood risk

They respectfully request the Board to uphold their decision.

7.0 Assessment

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

- Principle of Development
- Impact on Existing Properties
- Residential Amenity
- Flood Risk
- Appropriate Assessment

7.2. Principle of Development:

7.2.1. Planning permission has been sought for the construction of an infill development of 2no. residential units within the established Riverview development in Mulhuddart. The appeal site is zoned 'RS' residential under the Fingal Development Plan 2017-2023 (FCDP) with an objective to provide residential development and protect and improve residential amenity. The vision for the 'RS' zoned lands is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. The impact of the proposal on the residential amenities of existing properties in the vicinity of the site is therefore a key consideration in assessing the proposed development and this is considered in further sections of this assessment.

7.2.2. In relation to infill residential development, the plan supports the development of underutilised infill sites in residential areas while also recognising the need for a balance between the protection of amenities, privacy, the established character of

the area and the new residential infill. I refer the Board to Objective PM44 of the County Development Plan in this regard.

- 7.2.3. The appeal site is located to the rear and within the curtilage of Riverview, a primarily residential scheme incorporating 25no apartments on an overall site area of c0.26ha (as stated). Existing residential development on these lands equates to a residential density of c99units /ha, which is I consider sufficiently high having regard to the characteristics of site and surrounding area and which would not in my opinion suggest that these lands are 'underutilised'.

7.3. Impact on Existing Properties:

- 7.3.1. The development of 'Riverview' is serviced by an area of communal open space located to the to the rear of the existing apartment/community blocks. This area of communal open space is arranged over 3 levels and finished in concrete. The area is quite bare, with minimal landscaping and a few wooden benches. The appeal site occupies the two upper levels of this communal area, the proposed development would therefore result in a direct loss of communal open space for existing residents. While I accept that this amenity area may be underutilised, I am satisfied that it is functional as an area of communal open space; it is accessible to and well overlooked by the existing Riverview apartments and is relatively secure. The loss of communal open space as proposed would I consider result in a reduction in the level of residential amenity currently afforded to the residents of Riverview.
- 7.3.2. The proposed development comprises two, one-bedroom apartments in a two-storey apartment block of approximately 7.35m in height. The structure is separated from the existing Riverview apartments to the southeast by a distance of between 5.9m and 6.4m, and by a distance of 2 to 3m from private amenity spaces serving the ground floor apartments. The design of the proposed apartment block incorporates a large blank façade on its southeast elevation which, when considered with the proposed structures height and the limited separation distances available between it and neighbouring properties, would in my opinion result in a significant and negative overbearing and visual impact on these neighbouring properties. In addition, while I

note the absence of a daylight / overshadowing analysis, I consider that there is significant potential for the proposed development to have a negative impact the amenities of the neighbouring apartment units to the southeast by way of overshadowing / loss of light. I note that the applicants have suggested in the grounds of appeal that a shadow analysis could be provided by way of condition should the Board see fit, however I would not recommend this approach. To permit this development in the absence of this information would in my opinion pose an undue risk to the residential amenities of adjoining properties.

- 7.3.3. On the basis of the above I conclude that the proposed development would have a negative impact upon the residential amenities of the existing Riverview apartments and would therefore be contrary to the zoning objective for the area and the objectives of the Fingal County Development.

7.4. Residential Amenity

- 7.4.1. I note that the planning authority as stated in their first reason for refusal, are of the opinion that the proposed development would fail to provide a satisfactory standard of amenity to future residents. Having considered the plans and particulars submitted and having visited the site I consider that the level of amenity afforded to future occupants of the scheme would be somewhat compromised by the location of the proposed units on a restricted site to the rear of an existing development and due to their proximity to and relation with the established Riverview development.
- 7.4.2. In terms of compliance with relevant design standards set out in the Fingal County Development Plan 217-2023 and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, and I would like to draw the attention of the Board to the following:

Compliance with Specific Planning Policy Requirements

- 7.4.3. In terms of compliance with the Design Standards for New Apartments, I note that the proposed development would accord with the Specific Planning Policy Requirements relating to housing mix, floor area and dual aspect ratio. The ground

floor apartment, Unit 1, is split level, the upper level is afforded a floor to ceiling height of c2.53m, which falls below the minimum requirement of 2.7m however, having regard to the nature and scale of the development proposed and limited floor area concerned, I do not consider that this would, in isolation, have a significant negative impact on the amenities of future residents.

Internal storage:

- 7.4.4. As part of required minimum apartment floor areas, the apartment guidelines state that provision should be made for general storage and utility within each apartment, with a minimum of 3sqm of storage provided for one-bedroom units. The guidelines however stipulate that hot presses or boiler space will not count as general storage. Following a review of the floor plans submitted (Drawing No. 3.1.201) it is unclear if adequate storage as per the guidelines has been provided for within the layout of Unit 1 (ground floor apartment) however I am satisfied, having regard to the layout and quantum of floor area available within Unit 1, that adequate storage could be provided and that this issue may be addressed by way of condition should the Board see fit.

Communal Amenity Space

- 7.4.5. As per the guidelines, an area of 10sqm of public communal amenity space is recommended to serve the proposed residential units. No communal open space is being proposed as part of this development which, given the limited area concerned, is not in my opinion a significant issue, however as previously noted in this report, the proposed scheme would result in the loss of c93sqm of the existing communal amenity space serving Riverview therefore reducing the overall level of residential amenity afforded to scheme.

Privacy / Security:

- 7.4.6. The apartment guidelines state that where ground floor apartments are to be located adjoining the back of a public footpath or some other public area, consideration should be given to the provision of a 'privacy strip' of approximately 1.5m in depth. As proposed, access to both apartment units is proposed directly off a pedestrian

route to the southeast, in addition the private amenity space and living area serving Unit 1 directly abuts an area of communal open space to the north, no privacy strip is proposed. This arrangement would in my opinion have a negative impact on the level of amenities afforded to Unit 1 in terms of both privacy and security.

Access / Accessibility

7.4.7. The apartment guidelines state that apartment schemes should be designed so that they are easy for people to use and to reflect the fact that all people experience changes in their abilities as they progress through the different stages of life.

7.4.8. Access to the proposed residential units is to be provided with via a narrow pedestrian footpath and ramp located to the south of the existing vehicular entrance off Church Road. I consider this access arrangement to be poor both in terms of its useability and as a visual approach to a residential development. In addition, permeability within the scheme appears to be poor with no direct access from the proposed apartment units to the basement level where parking and bin storage facilities are to be located.

Conclusion

7.4.9. In conclusion, I consider that the proposed development due to its location on a restricted site to the rear on an existing development, its proximity to and relationship with the established Riverview Development along with poor access arrangements and the lack of privacy / security for the ground floor apartment would provide for a sub-standard level of residential amenity for future occupants.

7.5. Flood Risk

7.5.1. The planning authority's second reason for refusal relates to flood risk, essentially the planning authority were not satisfied, based on the information available, that there is certainty regarding the extent of flood zones on site and that the proposed development would not be subject to flooding.

7.5.2. The applicants however consider that this reason for refusal is unfounded. In this regard they refer to a previous Board decision, ABP- 308361-20 where permission was granted for the construction of a mixed-use development on a brownfield site c110m to the south of the appeal site. Having reviewed the planning history associated with this site I note that permission to redevelop these lands had previously been refused by the Board under ABP– 303919-19 and that one of the refusal reasons cited related to flood risk. The Board was however satisfied that the concerns raised under ABP– 303919-19 were adequately addressed under the subsequent, revised scheme ABP- 308361-20, due in part to raising of the finished floor levels for the residential development. It is the opinion of the applicants, as set out in the grounds of appeal, that as the FFL of the proposed development would be higher than that permitted under ABP- 308361-20, the proposed site would not be subject to flooding.

7.5.3. I note however that the development permitted under ABP– 303919 was subject to a site-specific flood risk assessment which allowed the Board to analyse the risk of flooding and the mitigation measures proposed to address this risk, including alterations to finished floor levels etc. In this case however the applicants have failed to submit a site-specific flood risk assessment contrary to FCDP Objective SW07 which requires the submission of a site-specific flood risk assessment in cases such as this. Therefore, notwithstanding the finished floor level of the proposed development, I consider that there is an absence of adequate information relating to the risk of flooding on this site and in consideration of the precautionary approach, I would agree with the planning authority's decision to refuse permission on this basis.

7.6. Appropriate Assessment

7.6.1. 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 it is not considered 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 for this development be refused for reasons outlined below.

9.0 Reasons and Considerations

1.	The proposed development would fail to provide a satisfactory standard of amenity to future residents and by virtue of the siting and design of the proposed development would represent an overbearing feature and result in overshadowing to adjoining property and result in the loss of designated communal open space. The proposed development would seriously injure the amenities of property in the area and depreciate the value of same, would contravene Objective PM44 and the 'RS' site zoning objective in the Fingal County Development Plan 2017-2023 which is 'to provide for residential development and protect and improve residential amenity', would set a poor precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.
2.	Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk. the proposed development would be contrary to the proper planning and sustainable development of the area.

Lucy Roche
Planning Inspector

1st July 2022