



An  
Bord  
Pleanála

## Inspector's Report ABP-312329-21

<b>Development</b>	Construction of a new detached dormer dwelling house with a new vehicular access and associated site works
<b>Location</b>	3 Drumnigh Wood, Drumnigh, Co Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F21A/0585
<b>Applicant(s)</b>	Rory and Denise O'Driscoll
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Rory and Denise O'Driscoll
<b>Observer(s)</b>	Patricia and Martin Hubble
<b>Date of Site Inspection</b>	19 <sup>th</sup> of April 2022.
<b>Inspector</b>	Karen Hamilton

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## **1.0 Site Location and Description**

- 1.1. The site is located within the grounds, side garden, of a large, detached dormer dwelling, No. 3 Drumnigh Wood, Drumnigh, Portmarnock, Co. Dublin. Drumnigh Woods estate is a private gated estate located off the R124 and includes a range of detached and semi-detached dwellings. The subject site has a large, detached two storey dwelling with private off-street parking and mature gardens around the dwelling. There are two large, detached dwellings to the west of the site (No 1 & No. 2) which are accessed along the front of the subject site. There is a small cul-de-sac to the front of these dwellings.
- 1.2. The subject site comprises of the western portion of the private garden of No. 3 Drimnigh Woods. The site spans along the entire western boundary and adjoins the boundary with No. 2 Drimnigh Woods. There is currently large mature hedging and trees along this area of the garden.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise of the following:
- Construction of a new dormer dwelling,
  - Construction of a new access,
  - All other associated works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Decision to refuse for three reasons stated below:

1. The proposed infill dwelling by virtue of its design and subdivision of the site would be visually incongruous and wholly out of character with the existing pattern of development and together with the disproportionate separation of the site and restricted separation distances from the side boundaries all contribute to represent overdevelopment of a restricted site and would be contrary to Objective DMS39 and Objective DMS40 of the Fingal

Development Plan 2017-2023 which sets out the parameters for the provision of appropriate infill/ corner site development.

2. Drumnigh Woods provides for a unique setting through its low-density nature and by way of large, detached properties on equally large sites. To permit the proposed development would be acceptable and by reason of the precedent it would set, would erode the unique character which would materially contravene Objective DMS44 of the Fingal Development Plan 2017-2023 which seeks to “Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character”.
3. The proposed separation between the existing and proposed dwelling is substandard and the development in its proposed form would contravene Objective DMS29 which seeks to “Ensure a separation distance of at least 2.3m is provided between the side walls of detached, semi-detached and end of terrace units”

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the area planner reflects the decision to refuse permission for the three reasons previous stated above. The report is summarised below:

Integration and impact on the visual and residential amenities of the area:

- Infill/ corner development is supported having consideration for the protection of the amenities and established character of the area required.
- The area proposed for subdivision appears disproportionate and by virtue of the narrowness would appear constrained.
- The proposed width of the site would be significantly narrower than the adjoining row of dwellings and as a result appears inconsistent and out of character.
- The Drumnigh Woods area is considered to have a unique character by way of design dwellings worthy of protection under Objective DMS44.

- One infill dwelling has been granted in the estate (Reg Ref F07A.1514) which is an exception.
- The proposal would set an undesirable precedent for similar development which would erode the unique setting to the residential development.
- The proposed dwelling is closer to the site of the host dwelling than other sites.
- The separation distance is less than 2.3m, contrary to Objective DMS29.
- The double room on the ground floor is less than the minimum (objective DMS24) although this could be changed to a single.
- The proposed development would give rise to undue impact to the adjacent residential amenities in the form of over-looking overbearance or overshadowing impact.

### 3.2.2. Other Technical Reports

Water Services: No objection subject to conditions.

Parks and Green Infrastructure: No objection subject to conditions

Transportation Planning Section: Additional information requested:

- Insufficient information on the new entrance and how the boundary treatment will be incorporated.
- The proposed layout of the entrance would be a cause for concern regarding the lack of pedestrian/ vehicular inter visibility and sightlines.

### 3.3. Prescribed Bodies

Irish Water: No objection subject to a pre-connection agreement.

Dublin Airport Authority (DAA): No objection subject to the inclusion of a noise condition.

### 3.4. Third Party Observations

One third party submission was received from the residents on the adjoining property. An observation has also been received by the same third parties on the grounds of appeal. The issues raised are similar and have been summarised below.

## 4.0 Planning History

### 4.1. On the subject site

#### **ABP 308567-20 (Reg Ref F20A/0409)**

Permission refused for the construction of new dormer dwelling house with new vehicular access from Drumnigh Wood and associated site works for one reason as stated below:

The proposed development, by reason of its form, layout and design, would be visually incongruous, **particular with regard to the depth of the plan on the site and the unsatisfactory combination of roof forms which would result in an extensive area of blank gable**, which would be a discordant element in the area and would fail to create a sense of harmony with adjacent dwellings. The proposed development would be contrary to Objective DMS39 and Objective DMS40 of the Fingal Development Plan 2017-2023 which sets out the parameters for the provision of appropriate infill/ corner site development. The proposed development, would therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

### 4.2. In the vicinity of the site

#### **F17A/0524**

Permission granted at No. 10 Drumnigh Wood for the demolition of an existing garage and replaced with a new ground floor extension attached to the side of the house. The side extension will be used as a granny flat.

## **F16A/0198**

Permission granted at No. 60 Drumnigh Wood for the conversion of an existing garage into a granny flat. The works included an addition extension and connection into the main house.

## **F15A/0578**

Permission refused at No. 89 Drumnigh Wood for the conversion of a single storey garage to a self-contained two-bedroom unit for two reasons including the impact on the character of the surrounding area and the lack of independent access arrangements and physical connection to the existing dwelling on the site.

## **5.0 Policy Context**

### **5.1. Fingal County Development Plan 2017-2023**

The site is location on lands zoned as Residential, RS, where it is an objective to *“Provide for residential development and protect and improve residential amenity”*

The site is located in Noise Zone B and is located within the Outer Public Safety Zone associated with Dublin Airport.

#### Infill, Corner and Backland Sites

**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.

#### Section 12.4: Design Criteria for Residential Development

- Density: reference to national guidance and promotion of higher densities
- Objective DM24: compliance with minimum standards in Tables 12.1, 12.2 and 12.3
- Separation distance: Objective DMS28 a minimum of 22 m from opposing first floor windows. Objective DMS29 a separation distance of at least 2.3m from side walls.

- Daylight/ Sunlight: Objective DMS30 compliance with B.R.209,2011 and B.S.8206

#### Underutilised infill and corner sites

**Objective DMS39:** 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 DMS44** of the Fingal Development Plan 2017-2023 which seeks to “Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character”.

## **5.2. Natural Heritage Designations**

The site is located c. 1.2km to the west of Baldoyle Bay SPA (site code 004016) and Baldoyle Bay SAC (site code 000199), c. 1.2km to the west of Balydoyle Bay p NHA and c. 700m to the south of the Sluice River Marsh p NHA .



### 5.3. EIA Screening

The site is located within the garden of a detached dwelling and associated with residential use. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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

The grounds of appeal are submitted by the applicants in relation to the refused permission by the planning authority (PA). The issues raised have been summarised below:

- The refusal reasons are stated.

#### 6.1.1. Planning History

- The original development was constructed under F00/1461 was for 20 no. dwellings on a site 4.04ha in size.
- This applicant was amended (F03A/00445) to allow 33 no. dwellings on a site 2.27ha in size.
- A further application was permitted to allow 91 no. dwellings and associated works.

#### 6.1.2. Precedence

- F07A/1514 was permitted on site 20A for a single house on an infill site.
- The precedence for an infill has been previously approved.
- The Inspector's report on the previous application (F20A/0409) noted the design and layout and considered the height and mass would respect No. 2 and No. 3 Drumnigh Wood and would not detract from the residential amenity. The Inspector further references the policies and objectives of the residential zoned lands.

- Although the Board discarded the Inspectors analysis it is noted that reference was made to the form and visual amenity and impact on the Drumnigh Wood.
- The proposal submitted now has been scaled down since the previous.
- Having regard to the changes and the previous Inspector's analysis it is considered the appeal needs revisiting.

#### 6.1.3. Our Proposals.

- The dwelling has been scaled to include similar finishes and proportions to adjoining houses.
- The applicants are prepared to consider a more modest proposal should the Board look positively on locating a dwelling at this location.

### 6.2. **Applicant Response**

The applicant is the appellant.

### 6.3. **Planning Authority Response**

A response was received from the planning authority in relation to the grounds of appeal as summarised below:

- The proposal was assessed against the policies of the development plan as well as the impact on the adjoining neighbours and character of the area.
- As noted within the appeal submission associated with F20A/0409, not every large site is appropriate for subdivision of infill development.
- Notwithstanding the overall size of the site, the area proposed for subdivision would appear unequal due to the narrowness.
- The proposed width of the site would be significantly narrower than the adjoining row of dwellings and appears inconsistent and out of character.
- The precedence under F07A/1514 is noted although this is on the eastern part of Drumnigh which is a denser and more concentric layout compared to the site.

- The report on F07A/1514 notes this site was left vacant to facilitate access to the lands to the rear.
- The proposed development is not considered acceptable at this location.
- The proposed development would give rise to negative impact on the character of the area and would be inconsistent with the pattern of development in the area

#### **6.4. Observations**

One observation was received from the residents of the adjoining property (No. 2). The issues raised are summarised below:

- The vehicular access would have a serious impact and create a dangerous vehicular congestion.
- The additional access would cause safety concerns as it adjoins two large dwellings, and the cul-de-sac is already congested with cars
- The dwelling would be very close to our home and would block light, overshadow and impact privacy.
- The additional dwelling will cause more traffic, noise and disturbance.
- Drumnigh Wood residents have signed a covenant which forbids the site being used for anything other than a single-family home.
- The roads and services are in the ownership of a private management company and there are no easements sought.

## **7.0 Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Infill Development
- Planning History
- Design and Layout
- Impact on Residential Amenity
- New Entrance
- Other
- Appropriate Assessment.

### **Principle of Infill Development**

7.2. The proposed development includes the subdivision of an existing residential plot to accommodate an additional detached dwelling. In addition, a new entrance is proposed for the existing dwelling. The applicant lives in the existing detached former dwelling to the east of the subject site. Permission was previously refused for a similar proposal (ABP-308567-20/ F20A/0409) for one reason which related to the form, layout and design of the proposal, as further elaborated below.

7.3. The proposed development was refused by the Planning Authority (PA) for three reasons relating to the design, layout and nature of the proposal where it was considered the proposal was not appropriate to the site and would have a negative impact on the character of the area. It was considered the proposal did not comply with the policies and objectives of the Fingal County Development Plan 2017-2023 in relation to infill development.

7.4. The grounds of appeal submit that having regard to the permission granted at No. 20A Drumnigh Wood for an infill dwelling (F07A/1514) a precedence for similar development is already in existence within the overall residential estate. The PA response to the grounds of appeal notes this previous permission although considers the characteristic of the site of No 20A differed from the subject site, whereas it was intended not to be associated with the main dwelling.

- 7.5. The site is zoned RS – Residential, in the Fingal County Development Plan 2017-2023 where it is an objective to “*provide for residential development and protect and improve residential amenity*”. Residential is permissible. The site is located within a small residential settlement to the south of Portmarnock. In general, the policy objectives of the development plan to consolidate development in defined growth centres and ensure high quality residential developments. The development of underutilised infill and corner sites are encouraged where they can ensure the protection of amenities, privacy and the established character of the area. The design and layout are further detailed below.
- 7.6. Although the grounds of appeal argue there is precedence for other similar types of infill within the wider Drumnigh residential estate, I am of the opinion that each proposal should be assessed on its own merits, this includes detailed consideration of the characteristics of each site and the proposed development. As stated above, the policies and objectives of the development plan promote the efficient use of lands, including infill development and having regard to the residential zoning on the site, where residential and infill is permitted in principle. Therefore I have no objection to the principle of development at this location subject to compliance with other planning requirements, detailed below.

### **Planning History**

- 7.7. The grounds of appeal include a detailed breakdown of the planning history pertaining to the site. These include the parent permission F00/1461 and subsequent alterations to the size of estate and number of dwellings (F03A/00445). The grounds of appeal note that the final permitted estate included 91 no. dwellings (F04A/109).
- 7.8. Whilst the grounds of appeal do not specifically state any link between the planning history and the infill development, one may assume that the reference to the planning history refers to the increase in dwellings within the estate. I note that grounds of appeal do not include any specific reference to conditions or otherwise relating to the development on the subject site. In this regard, I do not consider there is any specific planning history which is relevant to the assessment of the proposal for infill development on this site.

## **Design and Layout**

### **Background**

- 7.9. The subject site is within a side garden to the west of an existing large dormer dwelling within the Drumnigh Wood residential estate. Drumnigh Wood is a gated estate which comprises of large, detached dwellings set within private grounds. Further west into the middle of the estate the plots and associated dwellings are smaller than in the vicinity of the subject site. A two-storey dwelling (No. 2 Drumnigh Woods) is located along the boundary, to the west, of the subject site.
- 7.10. The proposed development includes a two-storey dormer dwelling, new vehicular entrance and associated parking to the front of the dwelling. The height of the dwelling is similar to the existing dwelling (c. 6.8m) and is located along the same building line as the current dwelling on the site. The proposed dwelling is set forward (c. 4m) from the building line of the dwelling to the west (No. 2 Drumnigh Woods).

### **Changes to the previous proposal.**

- 7.11. The previous infill proposal on the site (ABP 308567-20) was refused by the Board for reasons of its form, layout and design. It was considered the design would be incongruous, particularly with regard to the depth of the plan on the site and the unsatisfactory combination of roof form that result in an extensive area of blank gable. The Board considered this would be as discordant element in the area and would fail to create a sense of harmony with adjacent dwellings. The Board did not consider the proposal would comply with Objectives DMS39 and DMS40 of the development plan which sets out the parameters for the provisions of appropriate infill/ corner site development.
- 7.12. The grounds of appeal note the proposal submitted has been amended since the previous refusal by the Board. I note the length of the proposed dwelling has been reduced by c. 4m and the pitch of the rear roof changed so that the profile remains the same as the front of the proposed dwelling.
- 7.13. The grounds of appeal consider this scaled down dwelling is more in proportion with the permitted infill F07A/1514. In addition, it is stated that the applicants are willing to visit the application with a more modest proposal should the Board require. As stated above, it is my opinion that the proposed development should be assessed on its

own merits rather than solely using a previous permission as justification. In this regard, I have provided an assessment of the proposal below, having regard to planning considerations and the policies and objectives of the development plan. In addition, the Board will also note the PA submission to the grounds of appeal notes different characteristics and circumstances for the permitted infill (F07A/1514).

- 7.14. An observation has been received from occupants of the dwelling to the west of the site in relation to location of the dwelling and the impact on their residential amenity, discussed in detail below.

Objective DMS39 and Objective DMS40

- 7.15. The PA first reason for refusal refers to the subdivision of the site and the separation distances. The PA considered the proposal represented overdevelopment of the site and was contrary to Objective DMS39 and DMS40.

- 7.16. I note the information contained in both DMS39 and DMS40 relates to the design and layout of infill development. In this regard any proposal is required to respect the height and massing of existing residential units and other adjoining features such as boundary walls etc. In additional Objective DMS40 includes a list of criteria which an infill/ corner site should have regard to as summarised below:

- 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.

- 7.17. In terms of design of the proposed development, I note the height of the dwelling is generally in keeping with the existing dwelling on the site (No. 3) and has a dormer style design similar to the existing dwelling. The proposed dwelling is smaller than

the existing dwelling to the west (No. 2) which is a large two storey dwelling with a traditional form. The scale and mass of the proposed development is much smaller than the existing dwelling and/or the surrounding dwellings. This reflects the plot size which the proposed dwelling is located on.

- 7.18. I note the report of the PA does not specifically raise the design of the dwelling as a cause of concern, rather the plot division is considered to be out of character to the surrounding area. The previous refusal (ABP308567-21) refers to the layout and design which would be contrary to Objective DMS39 and DMS40 and those parameters listed within the development plan. Specific reference was made in the Boards reason for refusal to the depth of plan on the site and the unsatisfactory combination of roof forms which resulted in an extensive area of blank gable. The dwelling now before the Board includes a new design, reducing the depth of the dwelling which has removed the extensive area of blank gable. I consider the applicant has addressed these specific concerns although I remain concerned that the overall design would be visually incongruous having regard to the location between two large dwellings both of which have deferring designs.
- 7.19. Although the Boards previous reason for refusal includes particular reference to certain aspects of the design, I consider the reference to the general parameters of Objective DMS39 and DMS40 remain relevant. In this regard, the Board will note the size of the dwelling is notably different to the adjoining dwellings and the building line of the new dwelling is set forward from No.2. In this regard, I consider the overall parameters listed in DMS40 have not been fully met although it is my opinion that this relates mostly to the subdivision and size of the plot and the design response of the dwelling to the site size.

#### Objective DMS44

- 7.20. The PA second reason for refusal refers to the low-density character of Dumnigh Woods and the size of the dwelling plots. Specific reference to Objective DMS44 , where the PA considers the proposal represents a material contravention as the proposal would erode the unique character of the area.
- 7.21. I note Objective DMS 44 of the Fingal Development Plan 2017-2023 which seeks to *“Protect areas with a unique, identified residential character which provides a sense*



*of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character”.*

- 7.22. Drumnigh Wood comprises of low-density dwellings. The character of the surrounding area is large, detached dwellings set on large plots. In the most part the existing dwellings are surrounded by large private gardens with substantial space for off site parking. The size of the proposed plot does not reflect the existing character of the surrounding plots in terms of size, although it is noted that the dwelling design reflects the current dwelling, albeit of a much-reduced scale.
- 7.23. The grounds of appeal include reference to the Inspector’s report on the previous application (ABP 308567-20) and the overall acceptance of the proposal. The Board overturned the Inspector’s recommendation to grant permission and refused for reasons as discussed above. In this regard, it is my opinion this reference to the Inspector’s report is not appropriate.

#### Conclusion

- 7.24. Overall, having regard to characteristics of the surrounding area, the size of the site and the proposed dwelling and the parameters as set out in the policies and objectives of the development plan, it is my opinion that this infill proposal is not in keeping with the character of the surrounding area. I consider the proposal remains inappropriate for the site, by reason of the design and massing which is not in keeping with the surrounding area and would be visually incongruous and fail to create a sense of harmony with adjacent dwellings.
- 7.25. To this end, I consider the subdivision of the existing plot is not in line with Objective DMS39 and DMS40 would therefore not be in compliance with the policies and objectives of the development plan for the appropriate development of infill and backland sites.

#### **Impact on Residential Amenity**

- 7.26. An observation received from the occupants of the adjoining dwelling (No.2 Drumnigh Woods) considers the proposed dwelling would have a negative impact on their residential amenity by way of overlooking and overshadowing. The report of the area planner did not consider the proposed development would give rise to undue

impact to the adjacent residential amenities by way of overlooking, overbearing or overshadowing impact. I have assessed each of these in detail below.

- 7.27. Overlooking: The proposed dwelling is located to the west of the existing dwelling (No.1) and the east of the observers dwelling (No. 2). The proposed dwelling has windows along the ground floor both the east and west elevations and one hall landing windows on the first floor western gable. Having regard to the design the proposal it is my opinion there would be no significant negative impact on any surrounding dwellings by way of overlooking.
- 7.28. Overshadowing: The application was accompanied by shadow projection drawings illustrating the existing and proposed scenario. The shadow projection analysis indicates no significant overshadowing from the proposed dwelling on the surrounding area. As stated above, the proposed dwelling is located to the west of the existing dwelling (No.3) and the east of the observers dwelling (No. 2). Having regard to the dormer style design and the location of the existing dwellings to the east and west, I do not consider the proposal will have any significant negative impact on the residential amenity of the occupants of the surrounding area by reason of overshadowing. I note no analysis of the impact on the sunlight into the rooms of the adjoining dwellings has been submitted.
- 7.29. Overbearing: As stated above, the overall scale and mass of the proposed dwelling is considered inappropriate at this site. I note the location of the dwelling is c. 1.2m from the side of the existing dwelling on the site (No. 3) which has c. 5 windows along the western elevation. I consider the location of the dwelling so close to the existing dwelling highlights the inappropriate design of the dwelling within a side garden. In this regard, the location of the dwelling so close to the existing dwelling would have an overbearing impact, particularly when viewed from those rooms along the west of the dwelling.

### Conclusion

- 7.30. Therefore, having regard to the location of the design of the dwelling so close to the existing dwelling and only c.1.2m from existing dwellings, I consider the proposed development has the potential to have a negative impact on the residential amenity of the existing dwelling.

7.31. I note the impact on residential amenity was not raised in the grounds of appeal and having regard to the substantive reason for refusal I find no reason to further elaborate on this issue as a reason for refusal. Should the Board be minded granting permission further analysis of the impact on the sunlight into the internal rooms would be recommended to ensure no significant negative impact on the residential amenity of the occupants of the existing dwelling.

### **New Entrance**

- 7.32. The proposed development includes a new entrance and off-street parking for two cars. The Transport Section requested additional information in relation to the sightlines to the east of the site. Additional information was not requested for the requirement of the Transport Section. I note the grounds of appeal did not provide any further details on any upgrades to the existing entrance or the provision of a shared entrance. I note the report of the Transport Section on the previous application ABP308567-20 did not raise any concerns in relation to the proposed development and considered sightlines to the end of the cul-de-sac are achievable.
- 7.33. The grounds of appeal have not raised any issue in relation to the proposed access although the observation submitted considered the vehicular access would have a serious impact and create congestion within the cul-de-sac.
- 7.34. I note design of the access road adjoining the proposed development which provides access to two dwellings (including the observers dwelling). Upon site inspection it was noted that cars were parked along the side of the access road although construction works being undertaken within one of the dwellings. Both dwellings (No 1 and No. 2) currently have space for off street parking. The proposal for two parking spaces complies with the development plan standards.
- 7.35. I note the area to the east of the site currently forms part of the applicant's front garden, bounded by a low hedge. The road to the front of the site provides access to a small cul-de-sac which has limited movement and vehicular flow. It is my opinion that additional traffic movements associated with one dwelling would have a serious impact on the flow of traffic or lead to traffic congestion. In addition, the front of the site is relatively close to the footpath and therefore only a short distance for pedestrians. Should the Board be minded granting permission for the proposed

development I consider it reasonable to include a condition to restrict sightlines to the east of the site.

### **Other**

- 7.36. The observation submitted makes reference to covenants and private management company associated with the purchase of dwellings in Drumnigh Wood. I note that neither the PA nor the observation notes any planning restrictions which arise from previous permissions which preclude any infill development. In this regard, I consider these are matters outside the remits of planning considerations and not a matter for the assessment of this proposed development.

### **Appropriate Assessment**

- 7.37. The site is located c. 1.2km to the west of Baldoyle Bay SPA (site code 004016) and Baldoyle Bay SAC (site code 000199). The site is associated with the residential use on the site and is maintained as a private garden. The lands are serviced and within a built-up urban area. The proposal does not include any significant alteration to the vegetation and there are no habitats on the site associated with any European Sites. The site is not connected to any adjoining European Sites by any hydrology, and I do not consider there is any source-pathway-receptor.
- 7.38. Having regard to the location, scale and nature of the proposed development it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be **refused** for the reasons and considerations set out below.

## **9.0 Reasons and Consideration**

The proposed development, by reasons of its form, layout and design, particularly with regard to the existing character and visual amenity of Drumnigh Wood, would be visually incongruous with the surrounding area and would fail to create a sense of harmony with adjacent dwellings. The proposed development would be contrary to

Objective DMS39 and Objective DMS40 of the Fingal Development Plan 2017-2023 which sets out the parameters for the provision of appropriate infill/ corner site development. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

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Karen Hamilton

Senior Planning Inspector

03<sup>rd</sup> of May 2022