



An
Bord
Pleanála

Inspector's Report

ABP-312431-22

Development	Modifications to permitted apartment building comprising change from a 3 and part 4 storey, to a 4 story building to increase apartments from 25 to 28. Associated site development works.
Location	Glenmalure, Castleknock Road, Castleknock, Dublin 15, D15 PH3A
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW21A/0189
Applicant(s)	Castleshore Investments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Shane Loughrey- Grant.
Observer(s)	Castleknock Park Residents Association.
Date of Site Inspection	21 st of September 2022

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site is located to the east of Castleknock road, Dublin 15. The site is accessed from Castleknock Road and the access runs along the south of Castleknock National School and north of a mixed-use development which also contains a Lidl store. A traditional two storey suburban residential estate, Castleknock Park, is located to the east of the site.
- 1.2. The site is currently overgrown and surrounded by mature trees and hedgerows. There is a recent permission on the site to demolish a large dwelling and construct a three-storey apartment block. The dwelling was derelict, the subject of a fire and has since been removed.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Modifications to a permitted residential development under ABP-307889-20 & Ref FW20A/0058.
 - Increase from a three and part four storey residential building, accommodating 25 no. apartments, to a proposed four storey building, and additional 3 apartments (total 2 no apartments).
 - Balconies associated with the 3 no. proposed apartments are also proposed on the western & northern elevations, at third floor level.
 - The proposed development also includes for all associated site development works, roof plant & enlarged bicycle store on a site area measuring circa 0.35 ha.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 9 no. conditions of which the following are of note:

C2- The proposal shall comply with An Bord Pleanála 307889-20 in the first instance

apart from those alterations proposed and enter into an agreement with Fingal County Council for the provision of housing in accordance with S94(4) & S96(2) & (3) (PTV) of the Act.

C4- The proposed boundary treatments should be omitted and revised proposals submitted to illustrate the correct existing boundary and proposed boundary treatment. A method statement on how individual boundary treatments are constructed without impacting the root system of the trees.

C6- No additional development above roof parapet level.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and can be summarised as follows:

Principle of Development

- The principle of development has already been assessed under proposal ABP 307889-20, whereas the Inspector considered the proposal acceptable.
- The proposal is for amendments to this permitted development.

Height and Surrounding Area

- The proposal relates to the increase in height at the northeast of the site from 3 storey to 4 storey to accommodate an additional 3 apartments.
- The three apartments will overlook the school site although the Inspectors report on the previous permitted application notes this overlooking is appropriate given the location of the site.
- The height of the 4 storeys is considered acceptable and would not have a negative impact on the surrounding area.

Density

- The permitted density is 80 units per hectare (uph) as opposed to 71.4uph which is acceptable having regard to the national policy and the development plan.

Layout and Design

- The design of the apartments is acceptable and in compliance with the required standards.
- Two of the balconies are north facing although the design of the balcony exceeds the site requirements and is of a high standard.

Overlooking

- The separation distance of the windows has been provided.
- The impact of overlooking onto the school yard has been addressed in the previous application.

Overshadowing

- Shadow project drawings demonstrate no material impact from overshadowing.

Trees & Landscaping

- There is no wall along the east of the site as indicated in Drwg No. HDC-MCA-00-ZZ-DR-Z-1002.
- Other boundary treatment proposed includes timber fencing which is not acceptable.
- Condition No. 3 of permission ABP-307889-20 requires an agreement of the boundary treatments without impacting the tree roots.

3.2.2. Other Technical Reports

Water Services Department: No objection subject to conditions.

Transport Planning Section: No objection to the proposal.

3.3. Prescribed Bodies

The Chief Executive report notes no objection from Irish Water. An Bord Pleanála requested a copy of the report from Fingal County Council. No report was received from the Council. I have checked Fingal County Council online Planning Portal and I am satisfied no Irish Water report was submitted to the planning authority.

3.4. **Third Party Observations**

Three submissions were received on the application from the appellant, observer and resident in the vicinity of the site. The issues raised are similar and have been summarised below.

4.0 **Planning History**

ABP 307889-20 (Reg Ref FW20A/0058)

Permission granted for the demolition of a residential unit and the construction of a three-storey apartment block with 25 no. apartments. An Bord Pleanála overturned a refusal by Fingal County Council.

ABP PL06F.304404 (Reg Ref FW18A/0173)

Permission refused for a mixed use residential and office development consisting of 22 apartments and offices and associated site works including demolition of existing buildings on the site for one reason stated below:

1. Having regard to the limited width, length and alignment of the proposed laneway access to the subject site, and to the lack of segregated pedestrian facilities along this laneway due to its limited width, coupled with the treatment of boundaries and the lack of availability of alternative pedestrian permeability from the subject site other than along this laneway, it is considered that the proposed development would be substandard with regard to providing a safe and comfortable environment for future users, and would endanger public safety by reason of traffic hazard to vulnerable road users, that is, pedestrians. Furthermore, the proposed access arrangements would fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users and would accordingly be at variance with Objective Castleknock 4 of the Fingal Development Plan 2017 – 2023, which seeks to improve facilities for pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

5.1.1. Zoning

The site is located on lands zoned as TC, Town Centre where it is an objective to “*Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.*”

5.1.2. Infill and Backland Development

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

5.1.3. Castleknock Objectives

- CASTLEKNOCK 1: Prepare an Urban Framework Plan for Castleknock.
- CASTLEKNOCK 2: Improve the physical and environmental character of Castleknock through sensitive infill development that enhances village facilities and amenities. Development to have a maximum height of three storeys.
- CASTLEKNOCK 3: Promote sympathetic cycle integration between Castleknock and both Blanchardstown Village and the Phoenix Park.
- CASTLEKNOCK 4: Promote and facilitate pedestrian movement to and from back-land sites to the rear of the Ashleigh and Castleknock shopping centres while maintaining integrity and privacy of existing residential development.
- CASTLEKNOCK 5: Encourage sensitive redevelopment of key sites within village for mixed use which includes an appropriate residential component to enhance viability and vitality of the village.
- CASTLEKNOCK 6: Promote and enhance the ACA.
- CASTLEKNOCK 7: Prevent access to/from the retail face of Castleknock Road to Castleknock Park

5.2. **Natural Heritage Designations**

The Royal Canal pNHA is located c.900m to the north of the site and the Liffey Valley pNHA is located c. 1.3km to the south.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development it is considered that 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 have been submitted from the Castleknock National School Board of Management and Cllr John Walsh. The issues raised are summarised below:

6.1.1. Visual Amenity

- The expanded development on the north-west will overlook the school buildings.
- The overlooking is visually intrusive, and no attempt has been made to minimise the impact on the visual amenity.

6.1.2. Child Protection

- There are no mitigation measures included in this proposal or the previous proposal to minimise disruption to the children education.
- There are concerns in relation to the children's privacy whilst planning in the school yard or working in the classrooms.
- No provision has been made to ensure privacy or provide screening.

6.1.3. Fire Safety

- The original permission was refused by Fingal County Council due to concerns over access by fire tenders.
- The issues of fire tender access has not been addressed by the applicant.
- The fire brigade had to put out a fire on the site in 2021 and access to the school yard was required to deal with the blaze.
- This problem would remain for the 28 no apartments proposed.

6.1.4. Traffic Management & Pedestrian Safety

- There is no provision for two-way traffic on the site.
- The access point into the site is only 50m from the entrance to Castleknock School where there are c. 200 pupils.
- The initial permission included a “signalised shuttle system to control traffic along the one-way element of the road access” although no mention was included in this proposal.
- There is no mention how the traffic will be controlled without endangering young children.

6.1.5. Educational disruption

- The initial FCC refusal noted overdevelopment on the site. Although this refusal was overturned it is noted the site is constrained and there is limited permeability.

6.1.6. Oral Hearing

- It is not appropriate that that the applicant keeps increasing the size of the proposal.
- An oral hearing is requested.

6.2. Applicant Response

A response from an agent on behalf of the applicant has been received and is summarised below:

6.2.1. Background

- There is an extant permission on the site.
- The proposal is to modify an extant permission.
- The structures on site have been demolished due to fire damage.
- The site is zoned as town centre and the proposal accords with the development plan policies and the Section 28 Guidelines in relation to urban building heights
- An Bord Pleanála must have regard to relevant SPPRs when carrying out their functions.
- Building heights must generally be increased in urban locations close to public transport.
- The proposal is for an increase in heights from 3 storeys to 4 storeys (3, 2-bedroom apartments). This will have little or no impact on the surrounding area.
- It is acknowledged that 3 no. apartments face west and north facing the school although there is a substantial distance between the building and the school

6.2.2. Visual Amenity

- The Inspectors report on the previous application has already accepted the relationship between the school and the proposed development.
- No impact on security or concerns have been raised by the Inspectors report.
- The separation distances from adjoining properties are considered acceptable.

6.2.3. Child Protection

- The principle of development the site has already been established. The granting of the parent permission will not alter the impact.
- Condition No. 17 requires the submission of a construction management plan.
- The applicant intends to comply with this permission and therefore there will be no impact from the construction.

6.2.4. Fire Safety

- The access arrangement will remain unchanged from the previous grant of permission
- A fire tender was able to gain access to the site to put out the fire on the dwelling (photograph submitted).
- The dwelling was destroyed by vandalism. The site has not been made safe.
- Access to adjoining lands was to get additional fire hydrants.

6.2.5. Traffic Management & Pedestrian Safety

- There are no alterations to the previous application, access is to remain the same and here will be no impact on traffic management or pedestrian safety.

6.2.6. Educational Disruption

- The construction on the site will not be of such a scale where it would create additional disruption to the school.
- The dwelling has already been removed.
- Construction will be carried out in an efficient manner.

6.2.7. Conclusion

- There are no significant proposed changes.

6.3. **Planning Authority Response**

A response from the Planning Authority (PA) was received to state the following:

- The proposal remains acceptable given the existing extant permission on the site and the scale and design of the proposed alterations.
- The proposed alterations would not detract from the adjoining property or impact negatively on the surrounding area.
- It is requested the permission is upheld in addition to the Bonds and contributions in conditions No. 8 & 9.

6.4. Observations

One observation was received from the Castleknock Residents Association as summarised below:

- The appeal made is fully supported.
- It is clear the proposal for the original application intended to submit another proposal.
- Drwg No. HDC-MCA-OO-ZZ-DR-A-1002 AND 1102 clearly shows the existing boundary wall to be retained along the eastern boundary of Glenmalure Site, which does not exist.
- The applicant should submit details on how they intended to comply with the boundary wall proposal without endangering the existing poplar trees on Castle knock Park.
- The area planner stated in FW18A/0173 that a timber fence along the eastern boundary was not adequate. The Park Dept required a plinth wall and railing along the LIDL site with the trees protected. A concrete wall like the LIDL side should be developed.
- The development plan includes a 4-storey restriction on Castleknock.
- The proposal should wait until the Urban Framework Plan for Castleknock Village has been completed.
- There is a concern in relation to the privacy of the children in the school yard.
- The removal of the trees to increase the parking is unacceptable.
- There should be additional planting to the rear of the 3 houses to screen the apartments.
- No construction traffic or building crews should have access from the public open space to the development.
- Work has already started on the site and includes demolition. No details of the wall along the east of the site have been submitted to the council.
- The proposal includes a lift and the motor on the roof should have some mitigation against acoustic issues.

- There is no objection to any oral hearing.

7.0 Assessment

7.1. Having regard to the submissions on file I consider the main planning issues in the assessment of the proposed development are as follows:

- Increased Height and Impact on the Adjoining Sites.
- Traffic Management & Pedestrian Safety
- Other
- Appropriate Assessment

Increased Height and Impact on the Adjoining Sites.

7.2. The site is located to the east of an existing school, north of a mixed-use development and to the west of a residential estate. The grounds of appeal are concerned the additional floor proposed will lead to increased overlooking on the school site, inappropriate boundary treatment and general disruption to the operation of the school site. I will address each of these separately below.

Increase in Height and Overlooking.

7.3. The proposal includes an additional 4th floor onto a permitted part three-part four storey apartment complex (ABP 307889-20, Reg Ref FW20A/0058) to accommodate an additional three apartments. Apart from the three additional apartments no further alterations are proposed.

7.4. The area planner report notes the concerns raised in the third-party submissions and notes the Inspectors Report on the permitted three storey apartment. No additional assessment of the 4th floor has been provided. The Inspectors report on the previous permitted application notes the height of the tallest element beside the commercial development (to the east) and the remaining height generally in line with the residential development.

7.5. I note the extra height, and three apartments, are along the northwest of the site, facing towards the school site. The introduction of the three apartments includes an additional three balconies in height, not previously assessed in the previous application. I do not consider the area planner could rely on any assessment from a

previous grant of permission as an assumption there would be no additional impacts from the proposed development.

- 7.6. I note the site is significantly screened from the adjoining sites by way of mature trees and hedging. The proposed elevations and contextual plans illustrate the retention/ planting of trees up to approximately the second floor. The landscaping plan illustrates a significant selection of Leyland Cypress along the north, south and east of the site to be removed. The mature trees along the west will not be retained and a 2m high timber fence is proposed alongside the proposed planting of semi-mature trees.
- 7.7. Drwg No HDC-MCA-00-ZZ-DR-A-1104 illustrates an existing tree to be retained which is taller than the proposed building. The landscaping plan does not include the retention of any trees along this boundary nor is there any significant planting proposed along the boundary of the west which would correspond with the proposed elevations. I do not consider the landscaping proposed will screen the increased height in a manner illustrated in the submitted documentation.
- 7.8. The edge of the building is set c. 30m from the rear of the school. Whilst I consider this would prevent any direct overlooking into the school building, I note the building is 8-10m from the edge of the school yard. I note the design and layout of the apartments along the northeast of the building at a location initially proposed for three storeys. The additional increase in height for the apartments and inclusion of the three balconies is, in my opinion, not justified. It is evident the original design of the scheme included a reduction in height along the northeast as mitigation for direct overlooking and the increase of height would have a significant negative impact on the amenities of the school facility.
- 7.9. Objective Castleknock 2 included a height restriction of 3 storeys. The Inspectors report on the permitted development noted SPPR 1 of the *Urban Development and Building Heights Guidelines for Planning Authorities (2018)*, which explicitly precluded blanket numerical limitations on building height. An assessment against the criteria 3.2 was referenced in the Inspectors report and it was considered the proposed height could comply with same. I note that criteria in Section 3.2 of the urban height guidelines and I consider the overall height is in general compliance with and appropriate at a scale relevant to the city and district although when

assessing the height at a scale of the site, I have concerns the site-specific constraints along the northwest, the location of the school and absence of sufficient landscaping would prevent an effective design solution for the increase in three apartments.

- 7.10. Therefore, having regard to the original permitted design of the building, the absence of any definitive landscaping proposals and the orientation of the balconies on the fourth floor directly into the adjoining school site, I consider the proposal would have a negative impact and seriously injure the amenities of the school site to the northeast of the site. In this regard, I consider the additional three apartments should be refused permission.

Traffic Management & Pedestrian Safety

- 7.11. The grounds of appeal have raised concern with the movement and impact of traffic into the site. Two-way traffic is proposed at the entrance of the site, directly off Castleknock Road. The landscaping masterplan indicates a traffic light system will be in place as the entrance lane can only accommodate one vehicle.
- 7.12. Condition No 4 of the permitted development (ABP 307889-20) required the submission of a signalised shuttle system to control traffic along the one-way element of the road access, *inter alia*, additional transport requirement. I note the Transport Section has not raised any concerns on the proposed development.
- 7.13. Access for fire tenders has been raised in the grounds of appeal. It was noted that a recent fire on the site required access into the adjoining sites for fire tender. The response from the applicant referred to the same fire, states that access was required for fire hydrant access only and the response included a photograph of the fire tender on the site. I consider there are no issues with regard access into the site.
- 7.14. I note the proposal includes 28 no. carparking spaces, generally in line with the development plan standards and having regard to the space for two-way traffic within the site, I do not consider there will be any waiting along the public road or any potential for a traffic hazard.

Other

- 7.15. Boundary Treatment: The boundary treatment proposals have been raised by the observer. Clarity is required on the proposed eastern boundary. This issue was

raised during the permitted development and the Inspector provided a thorough assessment of the issues raised, the treatment along the eastern boundary. No significant alterations are proposed in the proposed development. The area planner report on the proposed development noted the use of timber fencing as boundary treatment which was unacceptable. Condition No 3 of the permitted development ABP-307889-20 requires the submission of boundary treatment for the written agreement of the planning authority, which I consider reasonable.

7.16. Child Protection: The grounds of appeal have raised the impact on child protection during the construction process. The applicant's response notes the requirement to comply with Condition No. 17 of the permitted development and the need to submit a Construction Management Plan. I consider the impact from construction has been previously addressed within the permitted development and the proposed development will not cause any significant increased impact on the surrounding area.

7.17. Oral Hearing Request: The appellant submission requests an oral hearing. The additional fee for the oral hearing was not submitted and therefore not a valid request. This aside I note the issues raised in the grounds of appeal and the information in the file and I consider there was sufficient information to undertake a detailed assessment.

8.0 Recommendation

8.1. I recommend that planning permission be refused, as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its height and scale, the location of balconies along the northeast of the site, and the absence of any landscaping plan integrating the existing mature trees along the boundary, would constitute overdevelopment of the site and seriously injure the amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton

Senior Planning Inspector

13th of October 2022