



An
Bord
Pleanála

Inspector's Report ABP-313038-22

Development	Two storey (plus attic bedroom) detached house
Location	72 Pinebrook Vale, Huntstown, Dublin 15, D15 F9TE
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW22A/0002
Applicant	Boris Leu.
Type of Application	Permission.
Planning Authority Decision	Refused
Type of Appeal	First Party
Appellant	Boris Leu.
Observer(s)	None.
Date of Site Inspection	28 th July 2022.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The proposed development is located within Pinebrook a residential area in Dublin 15, situated c1km northwest of the Blanchardstown Shopping Centre and c700m south of the N3.
- 1.2. The proposed development site has a stated area of 0.0414ha and comprises the side garden / curtilage of no.72 Pinebrook Vale, a two-storey semi-detached and extended dwelling with a stated gross floor area of 150sqm. No. 72 and its curtilage is current served by two gated entrances off Pinebrook Vale to the south.
- 1.3. It is a narrow site, located centrally within a row of two-storey semi-detached and terraced dwellings, on the northern side of Pinebrook Vale and backs into a row of semi-detached dwellings on Huntstown Avenue.
- 1.4. The neighbouring property to the east, No.70 Pinebrook Vale, comprises a two-storey end-of terrace dwelling with single storey elements to front (entrance porch) side and rear. The single storey element to the side (west) of no.70 is built up to the western site boundary (boundary shared with the appeal site).

2.0 Proposed Development

- 2.1. Planning permission has been sought for the construction of a two storey (plus attic bedroom) detached house to the side, east of no.72 Pinebrook Vale. The proposed dwelling has a stated area of 137sqm; and incorporates 3no. bedrooms and 5no bathrooms. Accommodation at attic level is facilitated though the inclusion of a flat roofed dormer to the rear. The main entrance to the dwelling is provided via the side (west) gable. The design of the western gable also includes windows at first and second floor level.
- 2.2. A right-of-way, approximately 900mm in width is to be provided between the proposed dwelling and no.72, providing access to the rear gardens of both properties.
- 2.3. The scheme presented to the planning authority for consideration included proposals for the provision of a rear garden area of c38.3sqm to serve the proposed dwelling, with c95sqm being retained for No.72. In response to the planning authority's reason for refusal, the applicant has submitted as part of the appeal documentation, an

alternative proposal which allows for the provision of a rear garden area of c60sqm to serve the proposed dwelling and c76.5sqm to serve No.72. To achieve this the applicant has included lands outside of the original redline site boundary but within the applicant's ownership. I do not consider that this would represent a material alteration to the original proposal.

- 2.4. The application includes a certification of exemption for the purposes of Part V
- 2.5. Table 1 below provides a schedule of the key figures associated with the proposed development, including proposed amendments to the private amenity areas for both existing and proposed dwelling units.

Table 1: Site / Development Details		
Site Area	Appeal Site	0.0414ha/414sqm
	No. 72 + Existing Curtilage	0.0271ha/271sqm
	Area retained for No.72	0.0414ha /414sqm
Gross Floor Area	137sqm	
Height	8.5m	
Width	External	c5m
	Internal	4.275
Depth	At ground floor level	c15m
	At 1 st floor level	c11.7
Private Amenity Space		
Proposed Dwelling	As Originally Proposed	38.3sqm
	Amended	60sqm
Existing (No.72)	As Originally Proposed	95sqm
	Amended	76.55
Parking	2 spaces / unit	

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council did by order dated 25th of February 2022, decide to refuse permission for the proposed development at 72 Pinebrook Vale, Huntstown, Dublin 15, for the following reason:

1. The proposed development by virtue of the inadequate private amenity space, internal dwelling layout and site layout would fail to provide a satisfactory standard of residential amenity and integrate with adjoining development which would contravene objectives DMS24, DMS29 and DMS87 and is at variance with the site zoning objective contained in the Fingal County Development Plan 2017-2023 which is to 'Provide for residential development and protect and improve residential amenity'. The proposed development would provide a poor precedent for other similar development and 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 has regard to the locational context and planning history of the site, relevant planning policy and interdepartmental reports received.
- They note that while the overall principle of a dwelling at this location would be acceptable having regard to the zoning of the site, the development as proposed would:
 - Not meet with the residential standards as set out in the Development Plan 2017-2023,
 - Contravene the 'RS' zoning objective and

- Materially contravene Objectives DMS24 (floor areas), DMS29 (separation distances), DMS87 (open space provision) and DMS88 (open space provision),
- Not provide for a satisfactory standard of residential amenity and
- Would be contrary to the proper planning and sustainable development of the area.
- They recommend that permission be refused on this basis

3.2.2. Other Technical Reports

Transportation Planning Section:

- The width of the entrance serving the proposed dwelling would need to be widened to 5.0m in order to make access to the on-site parking feasible
- The shared access corridor between the existing and the proposed dwelling to the rear gardens is called up as a right-of-way. Where a way leave is required over lands to provide access it should be coloured yellow and the necessary legal rights of way should be put in place
- They recommend that permission be granted subject to condition

Water Services: Requests further information in relation to surface water drainage

3.3. Prescribed Bodies

Irish Water: Requests further information in the form of a pre-connection enquiry in order to determine the feasibility of connection to public water / wastewater infrastructure.

3.4. Third Party Observations

None

4.0 Planning History

F95B/0326 Permission granted (1996) for a two-storey extension to side and single storey extension to rear of no. 72 Pinebrook Vale

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.

5.2. Fingal Development Plan 2017-2023

5.2.1. Zoning: The appeal site is zoned 'RS' with a stated objective to 'provide for residential development and protect and improve residential amenity'. The vision for this area is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity

5.2.2. Building Lines. The Council will generally seek to ensure that development is not carried out in front of established building lines, or in a position that would be in conflict with a building line. In deciding where a building line should be located, the form of development to which it is related will be considered. Where located along roads of traffic importance, increased building lines may be required to provide for greater amenity and safety of road users and residents. On existing roads, change may be required to building lines to facilitate future road widening.

5.2.3. Relevant Objectives:

- 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.
- PM45: Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- DM39: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- DMS24 Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.
- DMS28: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless

alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

DMS29 Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

DMS87 Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60sqm of private open space located behind the front building line of the house.
- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house. Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

DMS88 Allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/ corner sites. In no instance will the provision of less than 48 sqm of private open space be accepted per house

5.3. Natural Heritage Designations

The proposed development site is not located on or within proximity to any designated Natura 2000 site. The closest site, the Rye Water Valey / Carton SAC is located approximately 6.5km to the southeast.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development which comprises the construction of a single dwelling unit, the location of the site on zoned and serviced lands within an established residential area, the distance between the site and sensitive receptors and the lack of any direct hydrological connectivity from

the site to any nearby sensitive receptors, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can 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 against the decision of Fingal County Council to refuse permission for the construction of a detached house to the side (east) of no.72 Pinebrook Vale. The appeal submission addresses the planning authority's reason for refusal as well as a number of issues raised in the planning report. The submission also includes a revised plan (ground floor plan, drawing no. 1366-PP-02 – not to scale) which details an alternative proposal for the sub-division of the rear garden area serving no. 72. This revised proposal would provide a private amenity space of 60sqm to serve the proposed dwelling.

The points made / views expressed in the grounds of appeal are summarised below:

- The original design and the modifications proposed will enhance the residential amenity of the area.
- The house has been designed with a slight step to the front building line, this does not negatively impact the existing houses or amenities.
- The design is generally in line with the Fingal Development Plan. Any deviations from local standards are minor and can easily be accommodated by the relaxations allowed for in the development plan.
- The large south facing glazed door to the front can be used for access for larger items and provides for solar gain.
- The design of the dormer has been carefully considered. It fits in well with the overall new contemporary house design and does not negatively impact on the built environment in any way

- A separation distance of 900-1000mm is sufficient for safe maintenance. Similar gaps have been approved throughout Fingal. The alternative - to join the houses, poses problems in terms of forming a terrace and devaluing the houses and the street
- The proposed house represents a well-designed and perfectly viable home however the applicant is happy to modify the proposal such that Bedroom 3 in the attic reverts to a single bedroom or to a study.
- Based on houses granted in recent years, the rear garden area at 38sqm is more than adequate however they have attached a revised garden layout showing revised rear boundary with 60sqm of amenity space for the proposed dwelling and 76.5sqm for the existing.

6.2. Planning Authority Response

- Having reviewed the grounds of the first party appeal, the planning authority remains of the opinion that the proposed development on site by virtue of the inadequate private amenity space, internal dwelling layout and site layout would fall to provide a satisfactory standard of residential amenity and integrate with adjoining development which would contravene the objectives of the County development Plan and be contrary to proper planning and sustainable development
- They request the Board to uphold their decision
- In the event that this appeal is successful, provision should be made in the determination for financial contributions.

6.3. Observations

- None

7.0 Assessment

7.1. I consider the main issues in determining this appeal are as follows:

- The principle of the development
- Design and Layout
- Appropriate Assessment.

7.2. Principle of Development:

- 7.2.1. The appeal site is located on lands that are zoned 'RS' Residential Development with a stated objective '*to provide for residential development and to protect and improve residential amenity*' under the provisions of the Fingal Development Plan, 2017-2023. Under this land use zoning objective 'Residential' development is identified as a permissible use.
- 7.2.2. The vision for the 'RS' zoned lands is to ensure that any new development in existing residential areas would have a minimal impact on and enhance existing residential amenity. The objectives of the Fingal County Development Plan (PM44 and DMS39), support the development of underutilised infill sites in existing residential areas, however, the plan recognises the need for a balance the protection of amenities, privacy, the established character of the area and new residential infill. This approach is I consider consistent with national policy and guidance regarding the promotion of infill residential development. Therefore, while I would support infill residential development at this location, having regard to the need to ensure the efficient use of zoned and serviced lands, I consider it appropriate to ensure that the development as proposed would 'fit' appropriately with the established character of the area, that it would provide an adequate degree of residential amenity for future occupants that it would not detract to any material degree on the residential amenities of neighbouring properties.

7.3. Design and Layout

- 7.3.1. Planning permission has been sought for the construction of a three-bedroom detached dwelling to the side (east) of No. 72 Pinebrook Vale. The proposed dwelling has a stated area of 137sqm and a ridge height of 8.5m which as shown on the plans submitted would accord with the ridge height of neighbouring dwellings,

albeit with a shallower roof pitch. The dwelling measures approximately 5m in width (reducing to 4.275m internally) and extends 15m in length, which includes the single storey element at the rear. External finishes include a mix of brick and render to the front elevation in a manner consistent with existing properties in Pinebrook.

- 7.3.2. Objective DMS29 of the Fingal County Development Plan requires a minimum separation distance of 2.3 meters between the side walls of detached, semi-detached and end of terrace units. As detailed on the submitted plans (Drawing No. 1366-PP01) the proposed scheme would allow for a separation distance of only c900mm between the proposed dwelling and No. 72 Pinebrook Vale to the west. The proposed dwelling is to be built up-to the eastern site boundary, which does not allow for any separation distance between it and the neighbouring property to the east, No. 70 Pinebrook Vale. The proposed development would therefore contravene the requirements of Objective DMS29 however having regard to the width of the proposed development site at just under 6 meters, I do not think that it would be feasible in this instance to achieve the required separation distances. Therefore, having regard to the infill nature and scale of the proposed development which comprises the construction of single dwelling unit, the location of the proposed development on lands zoned for residential development and the need to ensure the efficient use of zoned and serviced lands, I consider a deviation from this standard would be acceptable in this instance.
- 7.3.3. As per objective DMS87 of the Fingal County Development Plan 2017-2023, a minimum of 60sqm of private amenity space is required for houses with three bedrooms or less. The scheme as presented to the planning authority allocated c38.3sqm of private amenity space to serve the proposed dwelling which was deemed by the planning authority to be insufficient. To address this issue and to satisfy the requirements of Objective DMS87 the applicant has submitted as part of this appeal, an alternative proposal which allows for the provision of c60sqm of private open space to serve the proposed dwelling while retaining an area of c76.5sqm for the existing dwelling (no.72). This revised proposal is I consider acceptable, and I would recommend, in the event that the Board is of a mind to grant permission, that this revised layout is a condition of a grant.

- 7.3.4. The proposed dwelling would, due to its position on site, project c1.4m forward of No. 72 Pinebrook Vale and the adjoining semi-detached units to the west and c2.4m forward of No. 70 Pinebrook Vale and the adjoining terraced units to the east and would therefore conflict with the established building line. As a result, I consider that the proposed dwelling would appear incongruous in the streetscape and would unnecessarily detract from the pattern and character of development in the area. I therefore agree with the opinion expressed by the planning authority, that the proposed dwelling should be set back within the site so that its front elevation is in line with the front elevation of No.72 Pinebrook Vale. Whilst I acknowledge that this would have the effect of reducing the amenity area to the rear of the proposed dwelling to c46sqm, which would be below the standard required for a three-bedroom dwelling (Objective DMS87), I consider that the area provided would be sufficient to cater for the proposed infill dwelling, that it would provide an adequate level of residential amenity for future occupants and not detract from the character of the area.
- 7.3.5. Accommodation within the proposed dwelling is to be provided over three levels, with the proposed bedroom (bedroom 3) at attic level facilitated through the provision of a flat roofed dormer to the rear. While not an original feature of houses within Pinebrook or the surrounding residential area, I note from site inspection that there are examples of flat roofed dormers in the vicinity of the site and as such I have no objection in principle to this aspect of the proposed development. The proposed dormer is approximately 3.2m in width and 4.8m in length, it is centrally located within the roof plane, and set below (c300mm) the ridge height. While relatively large in comparison to the roof plane, I am satisfied, that the proposed dormer structure, having regard to the location of the rear of the dwelling, would not detract to any significant degree from the character or visual amenities of the area.
- 7.3.6. Bedroom 3, located within the proposed dormer window has a stated area of 10.5sqm, which is below required standard of 11.4sqm for a double bedroom (as per Table 12.3 of the CDP) I note however that this area is sufficient to cater for a single bedroom, which requires a minimum floor area 7.1sqm I also note that the applicant has indicated in the grounds of appeal that they are willing to revert this room to a single bedroom or study.

7.3.7. Objective DMS28 generally requires a minimum separation distance of 22 metres between directly opposing rear first floor windows. As per the submitted plans ('Block Plan' detailed on Drawing No. 1366-PP-01) both the first floor and dormer windows (as proposed) are set back c11.4m from the opposing northern boundary and c27 meters from the above ground floor windows of the opposing dwellings to the north. I am therefore satisfied that the development as proposed or subject to the recommended set back, would not have a significant adverse impact on the amenities of neighbouring properties by way of overlooking. In addition, having regard to orientation of the proposed development and its relationship with adjoining properties I am satisfied that the development as currently proposed or recommended, would not have a undue impact on the amenities of neighbouring properties by way of overshadowing / loss of light or overbearing beyond what would normally be considered acceptable within the built up area.

7.3.8. In terms of car parking, the plans submitted detail proposals for the provision of 2no in curtilage car parking spaces to the front of both the existing and proposed dwellings which would accord with current county development plan standards, however, the space allocated to the front of the proposed dwelling is limited with access / egress restricted by the existing front boundary wall and entrance piers. to address this issues I would recommend, as per the reports of the planning authority, that the entrance is widened to c5.0m.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission be granted subject to condition as outlined below.

9.0 Reasons and Considerations

Having regard to the location of the proposed development in an area zoned for residential development in the Fingal County development Plan 2017-2023, the infill nature and scale of the development proposed and to the pattern of residential development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would provide for an adequate level of residential amenity for future occupants, would not seriously injure the amenities of the area or properties in the vicinity or give rise to traffic hazard and would be in accordance with the zoning objective for the area as set out in the current Fingal County Development Plan. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 16th day of March, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed dwelling shall be set back within the site so that the front elevation of the proposed dwelling is in line with the front elevation of No.72 Pinebrook Vale to the west</p>

	<p>(b) The width of the entrance serving the proposed dwelling shall be widened to a minimum of 5.0 meters.</p> <p>(c) All glazing in the west (side) elevation shall be permanently glazed with opaque or obscured glass</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and residential amenity.</p>
3.	<p>External roof and wall finishes shall accord, in so far as practicable, with those of No. 72 Pinebrook Vale. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development including hours of operation, noise</p>

	<p>management measures and off-site disposal of construction / demolition wastes.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

. Lucy Roche
Planning Inspector

4th August 2022