



An  
Bord  
Pleanála

## Inspector's Report ABP- 313675-22

### Development

One two bedroom dormer bungalow to the rear with new driveway entrance from Offington Avenue, drainage and water connections, Sustainable Urban Drainage System and other associated site works.

### Location

Site to rear of 67 Offington Park, Sutton, Dublin 13, D13 X8P9.

### Planning Authority

Fingal County Council.

### Planning Authority Reg. Ref.

F22A/0122.

### Applicant

Tony Olin.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party v Refusal of Permission

### Appellant

Tony Olin.

### Observer(s)

Brian Lynch.

Gerry and Jacqueline Guinan.

Declan and Veronica Fitzpatrick.  
Sandra Reynolds and Sean Fox.  
Offington Residents Association.

**Date of Site Inspection**

27<sup>th</sup> September 2022

**Inspector**

Enda Duignan

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## **1.0 Site Location and Description**

- 1.1.** The Offington area is situated to the east of Sutton on the Howth peninsula between the Howth Road and the Carrickbrack Road. The surrounding area is typically characterised by detached bungalow and dormer style of a similar architectural form. The dwellings are set at a variety of angles to the street frontage with mainly large front and rear gardens. However, there are some houses set on smaller plots with occasional evidence of infill houses.
- 1.2.** The appeal site has a stated area of c. 0.059ha. and forms the rear garden of No. 67 Offington Park, Sutton, Co. Dublin. Access to the existing dwelling on site is via Offington Park to the west. The subject site at present is bound by a high block wall and mature trees to the south with Offington Avenue. Similarly, there is a high block wall on the opposite side of Offington Avenue along the side boundary of No. 69 Offington Park. A dormer style dwelling at No. 64 Offington Avenue is located directly to the east of the appeal site. The site is bound to the north by the rear amenity space associated with No. 65 Offington Park.

## **2.0 Proposed Development**

- 2.1.** The proposal seeks planning consent for the construction of a dormer style dwelling within the rear amenity space of the existing dwelling on site. The proposed dwelling will comprise a living room, kitchen/dining room, store and bathroom at ground floor level and 2 no. bedrooms (1 no. bedroom with ensuite) and a bathroom at first floor level.
- 2.2.** The proposed dwelling will have a gable sided, pitched roof form with a dormer structure on its front and rear roof slope which shall serve the first floor level bedrooms and bathrooms.
- 2.3.** The dwelling is proposed to be accessed via a new vehicular entrance to the south on Offington Avenue measuring c. 3.3m wide. Off-street car parking for 1 no. car parking space is proposed to be provided within the dwelling's front setback.

- 2.4.** A landscaped garden is proposed to be provided to the north of the dwelling and will be directly accessible from the ground floor living and dining rooms. In terms of boundary treatments, the proposal seeks to remove the existing boundary wall to Offington Avenue and a new 2m high boundary fence is proposed along its boundary with the existing dwelling on site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Fingal County Council refused planning permission for the development for the following 2 no. reasons:

1. "The proposed development by reason of the subdivision of an existing plot would if permitted be contrary to the low-density character of the existing site layout within Offington. In this regard, the proposed development would constitute inappropriate over-development of the site and would materially contravene Objective DMS44 and Specific Objective 118 of the Fingal Development Plan 2017-2023 which cumulatively seek to protect areas with a unique and distinctive character. The proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would set an undesirable precedent for other future inappropriate infill development within an area with a specifically identified character and would be contrary to the proper planning and sustainable development of the area."

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

##### **3.2.1. Planning Report**

The Fingal County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development and the planning history of the site and surrounds which they deem relevant to the assessment of the planning application. The Report also sets out the policy at local level that is applicable to the development proposal and provides a summary of the observations recorded on file.

The principal issue included in the Planning Authority's assessment relates to how the proposal would integrate within what is described as an area with a unique residential character. It is contended by the Planning Authority that the proposed development would set a precedent which would seriously and cumulatively be detrimental to the character of the area. In addition, it is considered that the proposed development, in the context of the established site layouts within the area, that the proposal would constitute over development of the site.

A refusal of permission was recommended within the Planning Report for 2 no. reasons.

### 3.2.2. Other Technical Reports

Transportation Planning Section: Report received stating no objection subject to compliance with a condition.

Water Services Planning Section: Report received stating no objection subject to compliance with a condition.

### 3.2.3. Prescribed Bodies

Irish Water. Report received stating no objection to the proposed development subject to compliance with conditions.

### 3.2.4. Third Party Observations

A total of six (6) no. observations were received from the following:

- Brian and Jean Lynch.
- Gerry Guinan.
- Declan and Veronica Fitzpatrick.
- Sean Fox.
- Des and Angela Kelly.
- Offington Residents Association.

The issues raised within the observations can be summarised as follows:

- The proposal is detrimental to the character of the surrounding area and would set a poor precedent for similar development.
- Reference is made to the planning history of the site and surrounds.
- The proposal will adversely impact the residential amenity of properties within the vicinity of the site.
- Concerns with respect to the density of a development of this nature and the proposal represents an overdevelopment of the site.
- The proposal will represent a traffic hazard.
- The proposal is not in accordance with the proper planning and development of the area.
- The proposal will result in a loss of aspect and is visually obtrusive.
- The proposal will result in a depreciation of the value of properties within the surrounds.

## **4.0 Planning History**

### **4.1. Appeal Site**

**F10A/0505 (ABP Ref. PL06F.238547):** Planning permission refused by the Council and subsequently by the Board for the construction of one three bed dormer house with driveway opening onto Offington Avenue, all to the rear of 67 Offington Park, Sutton.

1. The site of the proposed development is zoned or RS Residential in the Fingal County Development Plan (2011-2017) where the objective is to provide for residential development and to protect and improve residential amenity.

The Offington Estate, within which the application site is located, has a unique, identified residential character, which is derived from a combination of its mature landscaping, the type, sighting and design of dwellings and their plot sizes and shapes and the low density of the overall development.

The layout as proposed, due to the unequal subdivision of the existing plot, and at close proximity to the neighboring dwelling to the east, would be at odds with

the established character of the estate, and would constitute overdevelopment of the site. The development would also seriously injure the amenities of properties in the vicinity, including that of the neighbouring dwelling to the east. The proposed development would, therefore, conflict with the objectives of the said development plan, would set an undesirable precedent for future inappropriate corner site development, and would be contrary to the proper planning and sustainable development of the area.

2. The proposed bungalow would have first floor habitable room dormer windows in its rear roof plane. Short range views from these windows would, especially in the winter months, overlook neighbouring rear gardens leading to a loss of privacy within same. The proposed development would, therefore, seriously injure the residential amenity of the area and be contrary to the proper planning and sustainable development of the area.

**F08A/1043 (ABP Ref. PL06F.23162):** Planning permission refused by the Council and subsequently by the Board for the construction of a house with driveway opening onto Offington Avenue to the rear of 67 Offington Park. The application was refused for 3 no reasons.

#### **4.2. Site Surrounds (No. 69 Offington Park)**

**F17A/0671(ABP-300732-18):** Planning permission refused by the Council and subsequently by the Board for the construction of a house with a new vehicular access from Offington Avenue and all associated site works. The application was refused for the following 1 no. reason:

- The site is zoned 'RS' Residential in the Development Plan where the objective is to provide for residential development and to protect and improve residential amenity. The development proposes to unequally subdivide an existing plot. This is contrary to the low density character of the existing estate layout. The proposed development constitutes an overdevelopment of the site relative to the established pattern of development. The development would set an



undesirable precedent for the subdivision of plots within the estate which would conflict with the pattern of development in this estate and would seriously injure the amenities of properties in the vicinity. As such it would be contrary to Objective DMS44 and Specific Objective 118 of the Fingal County Development Plan 2017-2023 which are applicable to the Offington Estate. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The case planner's report outlines details of a number of other applications for dwelling houses on infill sites in the Offington Estate, which have been refused permission.

#### **4.3. Enforcement History**

None known.

### **5.0 Policy and Context**

#### **5.1. National Policy**

##### **5.1.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy**

The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. The policy notes that 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).

National Policy Objective 35 of the NPF also seeks to "Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

##### **5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).**

A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact

growth in our urban areas. Urban regeneration and infill sites can contribute to sustainable compact growth and revitalisation of existing settlements of all scales. This will help to address National Policy Objective 3a, 3b and 3c of the NPF which targets the delivery of new homes within the footprint of existing settlements.

In terms of Consolidation and Re-Intensification, Objective RPO 4.3 of the RSES seeks to “Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

## **5.2. Local Policy**

### **5.2.1. Fingal County Development Plan, 2017-2023 (CDP)**

The site is within an area zoned ‘RS’ of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is ‘to provide for residential development and to protect and improve residential amenity’. All lands within the immediate surrounds of the subject site are also zoned ‘RS’.

Local Objective 118 is relevant to proposed development and seeks to “Ensure that development is in keeping with the layout, scale, design and character of existing development.”

The following relevant policy objectives are noted:

**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.

**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.

**Objective 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.

**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.

**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:** 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.

**DMS87:** Relates to minimum open space provision for dwelling houses.

### **5.3. Natural Heritage Designations**

- 5.3.1. The nearest designated sites are the North Dublin Bay SAC (Site Code: 000206) and the North Bull Island SPA (Site Code: 004006) c. 300m to the west of the site. The Baldoyle Bay SAC (Site Code: 000199) is also located c. 900m to the north of the site and the Howth Head SAC (Site Code: 000202) is located c. 1km to the site's south-east. The proposed Natural Heritage Area (pNHA): North Dublin Bay, is also located c. 300m to the west of the site.

## **5.4. EIA Screening**

- 5.4.1. Having regard to the nature and scale the development which consists of the construction of a single house in a suburban 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 main points made can be summarised as follows:

- The appeal submission contends that the proposed development is not out of character with housing in the estate in terms of design and density, that it is not injurious to residential or visual amenity in the area, that it is consistent with the zoning objective for the area and finally that it makes economic and sustainable use of scarce urban land that is immensely suitable for residential development.
- The current density of development would now be wasteful of scarce and serviced land and contrary to government policies on residential development, the County Development Plan and sound planning theory and practice.
- It is highlighted that existing house plot is one of the largest plots in the estate and it has the added benefit of dual frontage.
- It is highlighted that there is no provision in the surrounding area for housing that is suitable for families or small households akin to what is proposed in this application.
- The site area and configuration are very suitable for the accommodation of an infill house with generous garden areas to the front and rear and to each side.
- The dormer design of the adjoining houses in terms of scale and front elevation treatment has been closely followed.
- The front garden will have the open landscaped appearance of most of the houses in the estate.
- The only windows on the upper rear facade are two bathrooms and will both have obscure glazing as a measure to preclude overlooking.

- The proposal provides for adequate setbacks from the site's side boundaries.
- The proposed development will provide for an enhancement of the streetscape through the removal of the existing boundary wall.
- The proposed development maintains a low density of development at this location.
- The decision made by the Planning Authority relies to an unacceptable degree on the previous planning history of this site and other sites in the estate without objectively assessing it on the improved design and layout as now proposed. It is stated that the accepted planning principle of assessing each application on its own merits would be ignored in relation to any new applications in the future in this estate.
- It is contended that the proposed development is substantially in compliance with the zoning objective for the area in that the uses permitted and the proposal both protects and improves residential amenity.
- It is considered that the applicant has overcome the previous reasons for refusal for the following reasons:
  - o This is a large unique site by reason of its size and dual frontage.
  - o The revised proposal does not detract from the character of the area and does in fact positively contribute to it.
  - o The application should be primarily assessed on its own merits as how it complies with the zoning and specific objectives of the County Development Plan as they relate to infill and corner developments.
  - o To claim that the proposal is an over development of the site is not valid and is somewhat misleading as it sits comfortably on a large site and has generous and spatial gardens, parking areas and features and satisfactory separation distances from the side and rear boundaries.
- The proposal is considered to be in compliance with the relevant policies of the County Development Plan including Local Objective 118 and Objective DMS44.
- As the proposal will remain at a low density of development, it is considered that the proposal is not an inappropriate form of development, nor would it set an undesirable precedent in the surrounding area.

## **6.2. Planning Authority Response**

- 6.2.1. Response received dated 23<sup>rd</sup> June 2022 which note that the proposal would represent a departure from the original plot layout which contributes to the overall character of the Offington Estate. It is stated that the proposal is therefore contrary to Objective PM44 and Objective DMS44 and the County Development Plan and the Planning Authority request the decision to refuse permission be upheld. In the event of a grant of permission, it is requested that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

## **6.3. Observations**

- 6.3.1. A total of 5 no. separate observations have been submitted from:
- Brian Lynch.
  - Gerry and Jacqueline Guinan.
  - Declan and Veronica Fitzpatrick.
  - Sandra Reynolds and Sean Fox.
  - Offington Residents Association.
- 6.3.2. For convenience these are grouped together as similar concerns are raised. These are summarised as follows:
- Allowing infill housing within the Offington Estate will negatively impact the character of the existing estate.
  - The proposal would result in an overdevelopment of the subject site.
  - The proposal would set an undesirable precedent for similar development in the area.
  - The proposal will negatively impact the residential amenity of properties within the vicinity of the site by reason of overlooking, loss of light and by being visually overbearing.
  - The proposed development would be visually obtrusive and would be contrary to the policies on the current County Development Plan.
  - There is an extensive history of planning applications on the site and references are made to recent decisions to the south of the appeal site.

- It is noted that current planning policy is not intended to be applied retrospectively to existing housing estates.
- It is highlighted that there are variety of housing tenures available within the surrounding area which can cater to downsizers.
- Although an application should be considered on its merits, no one application can or should be viewed in isolation.
- The proposal is not in compliance with the zoning objective and the proposal would disimprove residential amenity and put pressure on facilities, water, wastewater, sewerage and road density.

#### **6.4. Further Responses**

None sought.

### **7.0 Assessment**

The main issues are those raised in the Planning Report and consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design, Layout & Neighbourhood Character
- Precedent
- Residential Amenity
- Open Space
- Other Matters
- Appropriate Assessment

#### **7.1. Principle of Development**

- 7.1.1. The proposal seeks planning consent for the construction of a dormer style dwelling within the rear amenity space of the existing dwelling on the larger landholding at No. 67 Offington Park. No. 67 Offington Park is located on the corner of Offington Park and Offington Avenue and the proposed dwelling will have a frontage to Offington

Avenue. I note the site is located on lands zoned 'RS' of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is 'to provide for residential development and to protect and improve residential amenity'. Residential development is identified as a permitted in principle use on lands zoned 'RS'. Having regard to the pattern of development in the surrounding area and the applicable zoning designation, I am satisfied that the principle of a new dwelling at this location is acceptable. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration the design and layout, access, the impact on the amenities of adjoining residents, and the sustainable planning and development of the area. The following assessment has specific regard to these issues.

## **7.2. Design, Layout & Neighbourhood Character**

- 7.2.1. The Offington Estate displays an attractive and unique character of typically single and dormer style dwellings of a similar architectural form. Dwellings within the estate are set on larger sized plots which display a non-orthogonal layout relative to the streets they face. This unique character is recognised in local planning policy through the designation under the current CDP of Local Objective 118 which seeks to "Ensure that development is in keeping with the layout, scale, design and character of existing development." Furthermore, Objective DMS44 is relevant to the Offington Estate, whereby the policy 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.
- 7.2.2. The proposal seeks planning consent for the construction of a dormer style dwelling within the rear amenity space of the existing dwelling. The site is served by a large area of amenity space to its rear and the proposed dwelling will have a frontage to Offington Avenue to the south. The proposal seeks to remove the existing boundary wall and provide a landscaped garden with car parking for 1 no. car space provided within the front setback. I note that the proposed dwelling will comprise 2 no. levels of accommodation with dormer windows provided on its front and rear roof slope. In



terms of building lines, the proposed dwelling is set back behind the front building line of the property to the east and the side building line of the existing dwelling on site (i.e. to the west).

7.2.3. I am conscious of the planning history of the site and surrounds and the concerns raised by both the Planning Authority and the Third Party observers with respect to the potential impact of the proposal on the character of the existing estate which they consider to be contrary to Local Objective 118 and Policy Objective DMS44 of the current CDP. From my inspection of the site and surrounding estate, it is evident that the site itself is somewhat unique, owing to its overall size and the siting and footprint of the existing dwelling on the site. In addition, the larger landholding benefits from a frontage to both Offington Park to the west and Offington Avenue to the south. I would concur with the commentary of the Applicant that the existing boundary to Offington Avenue offers a limited contribution to the established streetscape character and there is an opportunity to provide an enhanced interface along this section of the street.

7.2.4. As indicated in the foregoing, both Local Objective 118 and Policy Objective DMS44 have an overarching aim to protect areas with a unique and identified residential character and any proposals for new development within these areas shall respect this distinctive character. I note that there are no Protected Structures within the surrounds of the appeal site nor is the site or the wider area designated as an Architectural Conservation Area. In terms of the previous applications on site, notably Reg. Ref. F10A/0505, I note that the footprint of the dwelling was significantly larger (i.e. ground floor area of 109.65sq.m.) than what is currently proposed (i.e. ground floor area of 64.58sq.m.). In addition, under Reg. Ref. F10A/0505 limited separation distances from the site's side boundaries were provided, particularly to the property to the east. I note that a minimum set back of c. 3.3m is now proposed from its eastern boundary and a setback of c. 3m is provided from the site's proposed western boundary. A minimum separation distance of c. 14m is also provided from the side wall of the proposed dwelling and rear elevation of the existing dwelling on site. Given the separation distance provided, I note that the proposal is in compliance with Objective DMS29 of the current CDP which seeks to "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". In terms of the dwelling's design, I note the size of the proposed dormer structure has been reduced from what was previously proposed under Reg. Ref. F10A/0505 and its architectural form and height is generally consistent with the pattern of development in the surrounding area. Therefore, having regard to the scale, height, design and form of the proposed dwelling, the size of the site and the boundary separation distances provided, I consider the proposed development to be largely consistent with the pattern of development in the area, particularly along Offington Avenue to the east of the appeal site. I consider the proposal to be sympathetic to the character of the surrounding area and I am satisfied that the proposal will not erode or detract from the unique and identified residential character of the Offington Estate.

7.2.5. I note that Third Party observations have referred to a relatively recent decision on the lands on the southern side of Offington Avenue (F17A/0671(ABP-300732-18)), directly opposite the appeal site. Although there are some similarities between the sites (i.e. both of a similar size and located on a corner), I note that development on the adjacent site is somewhat restricted due to the siting of the existing dwelling at No. 69 Offington Avenue. As a consequence, there may be a difficulty in achieving adequate separation distances from a dwelling's side boundaries. As noted in the foregoing, I am satisfied that the size of the site allows for a dwelling of this modest scale to sit comfortably within the existing streetscape context and can in fact provide for an enhancement of the streetscape at this location. I therefore consider the proposal to be in accordance with both Local Objective 118 and Policy Objective DMS44 of the current CDP.

7.2.6. Having regard to the foregoing, I am satisfied that the proposed development would in fact represent a more efficient use of a brownfield site which benefits from good access to public transport and range of amenities and services given its location relative to Sutton. This is particularly relevant in the context of national policy objectives which seek to ensure that 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a) and which seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints (National

Policy Objective 3a). Section 2.6 (Securing Compact and Sustainable Growth) of the National Planning Framework (NPF) also highlights that the preferred approach to development would be compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. I consider this to be directly applicable to the development proposal. I note also that decisions on the appeal site and on the lands further to the south pre-dated the publication of the NPF and the national policy objectives which now seek to secure compact and sustainable growth. I am therefore satisfied that the development proposal is in accordance with local through to national policy objectives and I recommend that planning permission be granted for the proposed development.

### **7.3. Precedent**

- 7.3.1. A key concern raised by both the Planning Authority and the Third Party observers related to the issue of precedent, and the potential impact this development could have on other sites within the Offington Estate should planning permission be granted. As indicated earlier in this report, the subject site is somewhat unique in the area given its specific characteristics and I noted from inspecting the surrounding area that there are limited opportunities on other sites for development of this nature. Notwithstanding this, the planning appeal is being assessed on its own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. In this regard, I am satisfied that the proposal is consistent with both local and national policy and is therefore in accordance with the proper planning and sustainable development of the area.

### **7.4. Residential Amenity**

- 7.4.1. In terms of amenity impacts, I note that a minimum set back of c. 3m is provided from its eastern boundary which it shares with No. 64 Offington Avenue. The proposed dwelling will have a pitched roof form with a maximum height of c. 6.8m above natural ground level. Having regard to the overall scale, height and form of the proposed dwelling, the setback of the dwelling from the eastern site boundary and the siting of the dwelling relative to this property, I am satisfied that the proposal will not adversely

impact the residential amenity of this property by reasons of overlooking, overshadowing or by being visually overbearing. In this regard, I consider the proposal to be acceptable having regard to the residential amenity of the properties to the east.

7.4.2. On its northern side, a minimum separation distance of c. 13.2m is provided from the boundary with No. 65 Offington Park. I note that planning permission was previously refused under Reg. Ref. F10A/0505 on the site due to the potential for overlooking of the properties to the north. As the glazing within the dormer windows are obscured and now serve bathrooms, I am satisfied that the Applicant has successfully overcome the previous reason for refusal and no overlooking shall arise. Having regard to the overall scale, height and form of the proposed dwelling and the separation distances provided from the northern site boundary, I am satisfied that the proposal will not adversely impact the residential amenity of this property by reasons of overshadowing or by being visually overbearing. In this regard, I consider the proposal to be acceptable having regard to the residential amenity of the properties to the north.

7.4.3. In terms of amenity space, the proposed dwelling will be served by a garden on its northern side, measuring c. 260sq.m. In addition, the Applicant indicates that a rear garden with an area of c. 285sq.m. will be retained for the existing dwelling. The proposals are therefore considered to be in compliance with Policy Objective DMS87 of the current County Development Plan and will afford a good standard of amenity to both the occupants of the existing and proposed dwellings. I note that Policy Objective DMS28 seeks to ensure that "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". As noted, the glazing within the rear dormer windows are identified as being obscured glazing and no overlooking implications should therefore arise. Given the siting of the dwelling relative to the side wall of the proposed dwelling, I am satisfied that there will be no overlooking within the development.

7.4.4. Having regard to the foregoing, I am satisfied that the proposal is acceptable having regard to the residential amenity of the surrounding area and is therefore in

accordance with the 'RS' zoning objective which seeks 'to provide for residential development and to protect and improve residential amenity'

## **7.5. Other Matters**

- 7.5.1. I note that concerns have been highlighted by a Third Party observer that the proposed development would endanger public safety by reason of a traffic hazard given the location of the proposed vehicular entrance relative to the junction of Offington Park and Offington Avenue. I note that the proposed vehicular entrance is set back c. 55m from the existing junction and car parking is proposed to be provided within the dwelling's front setback. I note that the Planning Authority's Transportation Planning Section have raised no concerns with the proposed development and adequate sightlines have been provided. Suitable standard conditions have been recommended in the event of a grant of planning permission. Having regard to the scale of the proposed development (i.e. a 2 no. bedroom house), the location of the entrance relative to the existing junction, the proposed sightlines and the low traffic speed observed at the time of my site inspection, I am satisfied that the proposed development is acceptable and would therefore not endanger public safety by reason of a traffic hazard, subject to compliance with an appropriate conditions.

## **7.6. Appropriate Assessment**

- 7.6.1. I note that there are a number of European sites within the surrounds of the appeal site. However, having regard to the nature and scale of the proposed development, a dwelling on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any 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. Grant of permission is recommended.

## 9.0 Reasons and Considerations

9.1. Having regard to Project Ireland 2040: The National Planning Framework, and the relevant objectives which seek to consolidate residential growth in urban areas, and the provisions of the Fingal Development Plan 2017-2023, including the residential zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be detrimental to the character of the Offington Estate, would be in accordance with Local Objective 118 and Policy Objective DMS44 of the Fingal Development Plan 2017-2023 and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The proposed development shall comply with the plans and particulars lodged with the application submitted, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The glazing within the 2 no. dormer windows on the rear roof slope shall be manufactured opaque and permanently maintained.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be</p>

	<p>carried out in compliance with the Irish Water Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The design and layout of the proposed vehicular entrance shall comply with the requirements of the Planning Authority. Details of which, shall be submitted to the Planning Authority for written agreement prior to the commencement of development on site.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
6.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
8.	<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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation</p>

<p>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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Enda Duignan  
Planning Inspector

18/10/2022