



An
Bord
Pleanála

Inspector's Report ABP314605-22

Development

The demolition of the existing single-storey garage and the construction of a new 2-storey dwelling, new driveway entrance and piers, connection to existing services, and all associated site works.

Location

21 Asgard Park, Howth, County Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F22B/0324.

Applicant(s)

Sarah & Conor Gallagher.

Type of Application

Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant(s)

Sarah & Conor Gallagher.

Observer(s)

Noel Ross

Damien and Bernardine Jennings

Brian Jennings

Kitty and Sinead McCormack

Andrew Bonnell and Nicola Harvey

Date of Site Inspection

01/08/2023.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The site comprises part of the curtilage of no. 21 Asgard Park. No. 21 Asgard Park is a gable-fronted detached two-storey dormer style dwelling with an ancillary detached pitched roof double-garage to the east. The development site comprises the detached garage and a linear north / south strip of territory, between the existing house and the property boundary with no. 20 Asgard Park, that represents a subdivision of the 21 Asgard Park house plot.
- 1.2. The truncated house plot and the proposed development site would enjoy road frontage with potential vehicular access onto the development site from the south onto Asgard Park.
- 1.3. Asgard Park is located on high ground to the south-east of Howth Village. The sole vehicular access is from Thormanby Road (R105) close to where Thormanby Road merges with Main Street. This suburban medium density housing estate comprises houses configured around an access road, a central green open space and a cul-de-sac opening to the west of the central space. No. 21 Asgard Park is located to the north of the cul-de-sac. The estate comprises detached houses on substantial plots. A number of the houses in the estate have been extended and modernised.
- 1.4. The houses to the north of the cul-de-sac and to the north of the central green space, including no. 21 Asgard Park, have to the rear a northerly aspect with elevated views over the coast toward Ireland's Eye and beyond to Lambay Island. The rear gardens of these houses are bounded to the north by a steep slope that differentiates the significant change in level between Asgard Park and Balcadden Road; Balcadden Road is the north coast road hugging Balcadden Bay over which the houses on the north side of Asgard Park enjoy elevated views.
- 1.5. On the day of my site visit the main house at no. 21 Asgard Park was encased in scaffolding and undergoing refurbishment works.
- 1.6. The site area is given as 0.0286 hectares.

2.0 Proposed Development

- 2.1. The demolition of the existing single-storey garage, floor area 61 sqm., and the construction of a new 2-storey dwelling, floor area given as 152 sqm., new driveway entrance and piers, connection to existing services, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused planning permission for the following reasons:

1. The proposed development by way of scale, layout and mass in an area which maintains a distinct residential character is considered ad hoc and out of character. The proposed development by way of the restricted site would not create a sense of visual harmony and would significantly detract from existing residential amenity. In addition, the proposal would have a negative visual impact on the area and set an undesirable precedent for similar development at this location. The proposed development is considered to materially contravene the RS zoning objective for the area, would contravene Objectives DMS40, DMS44 and PM44 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is at variance with Objective DMS29 of the Fingal development Plan 2017-2023, where a separation distance of at least 2.3m has not been provided between the existing and proposed (F22A/0325) parent dwelling and the proposed subject dwelling. The proposed development is therefore considered to materially contravene the RS zoning objective for the area, would contravene Objectives DMS29 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Fingal County Council reflected the recommendation of the planning case officer.

3.2.2. Other Technical Reports

- Departmental reports no objection subject to condition.
- Irish Water notes the location of an existing 1500mm concrete foul sewer, which traverses the rear garden of the proposed development, and recommends further information request. A minimum 3m separation distance must be demonstrated between the sewer and the proposed development.

4.0 Planning History

The relevant planning history is listed below:

- Planning permission was granted under register ref: F22A/035 for the modification and extension of no. 21 Asgard Park, a four bedroom house (floor area 360sqm.), including complete reconfiguration internally, demolition of existing side and rear projections and the construction of a new side (east) extension in a similar position to the existing projection, by the Fingal County Council, on the 20/09/2022. The application was lodged on the 28/06/22 concurrent with the subject application under appeal.

Condition 2 requires the submission of revised elevations and plans for the written agreement of the Planning Authority illustrating the following;

- a) The proposed first floor terrace shall be reduced in size and shall not extend more than 3.5m from the first-floor rear wall of the dwelling. This may require the relocation of the proposed rooflight.
- b) The proposed terrace shall be adequately screened on both the east and west elevations with obscure glass to a height of 1.8m.

REASON: In the interest of residential amenity and the proper planning and sustainable development of the area.

- Planning permission was granted on the 19/02/2019 under register ref: F18A/050 for widening of existing vehicular / pedestrian access.
- Planning permission was granted under register ref: F02A/1325 for modification of dwelling house, widening of vehicular access and change of use of garage to guest bedroom.

5.0 Policy and Context

5.1. Development Plan

The Fingal Development Plan 2023-2029 policy framework is not identical to the policy framework provided by the previous Fingal Development Plan 2017-2023 against which the Planning Authority assessed the subject application. I have set out below the relevant policies and objectives of the Fingal Development Plan 2023-2029 for the information of the Board.

Zoning

The relevant land-use zoning objective is RS (Sheet 10 – Baldoyle / Howth): *Provide for residential development and protect and improve residential amenity.*

Chapter 13 (Land use Zoning) states the vision for the objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenities.

The proposed development is permitted in principle.

Special Objectives

The boundary of the Howth SAAO (Special Amenity Area Order) Buffer Zone is located to the north of the site.

There are a number of protected views identified along Balscadden Road to the north of the site.

Urban Consolidation

Chapter 2 (Planning for Growth) Section 2.2 (Core Strategy) of the Fingal Development Plan is relevant and states:

The purpose of this Core Strategy is to guide the spatial direction of future development and regeneration in the County in line with the principles of compact growth.

The core strategy is depicted diagrammatically in Figure 2.1 (Core Strategy Map) and locates Howth within the strategic zonal designation of 'Dublin City and Suburbs'.

Policy CSP14 (Consolidation and Re-intensification of infill/ Brownfield Sites) is relevant *inter alia* the policy supports the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensify uses within the existing built up area of Dublin City and suburbs.

Policy CSP22 (Howth, Sutton and Baldoyle) is relevant and states consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.

And Chapter 3 ((Sustainable Placemaking and Quality Homes) Policy SPQHO9 (consolidated Residential Development) is relevant and states consolidate within the existing urban footprint, by ensuring 50% of all new homes within or contiguous to the built-up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth.

Infill Development

Chapter 3 (Sustainable Placemaking and Quality Homes) Section 3.5.13 (Compact Growth, Consolidation and Regeneration) is relevant and states *inter alia* that quality housing and increased housing options may be achieved in several ways and by projects of varying scale including small residential extensions, subdivision of large gardens to accommodate infill development and where appropriate, backland development opportunities.

Policy Objective SPQHO39 (New Infill Development) is relevant and states 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 treatment.

Policy Objective SPQHO42 (Development of Underutilised Infill, Corner and Backland Sites) is relevant and states 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.

Chapter 14 (Development Standards) Section 14.10.1 (Corner / infill Development) is relevant and states that the development of infill housing in established residential areas will be encouraged where proposals are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed.

Policy Objective DMSO32 (infill Development on Corner / Side Garden Sites) requires that applications for infill development on corner / side garden sites will be assessed against a list of criteria including *inter alia* compatibility with adjoining structures, consistency with the character and form of development in the area, provision of satisfactory open space, the safeguard of the amenities of neighbouring residential units etc.

Other Relevant Development Management Standards

Chapter 14 (Development Standards) Policy Objective DMSO26 (Separation Distance between Side Walls of Units) is relevant and states:

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.

(Note: this separation distance may be reduced on a case-by-case basis in relation to infill development which provides for the regeneration of under-utilised lands and subject to the overall quality of the design and the schemes contribution to the streetscape. A statement demonstrating design mitigation and maintenance arrangement shall be submitted in such cases)

Chapter 14, Section 14.21.1 (Re-use of existing buildings) encourages where development proposal comprises of existing buildings on the site, integration within the scheme, where possible. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

Climate Action

Chapter 5, (Climate Action) Policy CAP8 (Retrofitting and Reuse of Existing Buildings) supports the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).

5.2. EIA Screening

5.3. The development is not in a class where EIA would appeal.

6.0 The Appeal

The grounds of appeal are out-lined below:

6.1. Grounds of Appeal

- The Planning Authority did not provide a rational or comprehensive justification in their reason for refusal on residential zoned lands. Residential is a permissible use on lands zoned with the RS objective such as the subject site. Furthermore, the development constitutes infill development, which is generally encouraged by the Planning Authority;
- The Board is asked to consider the proposed development as originally with Fingal County Council in the first instance. The proposed development is consistent with the RS zoning objective, does not have an adverse impact on adjoining residential amenities, will not give rise to any undue overlooking and accords with the proper planning and sustainable development of the area;
- However, the appeal statement is accompanied by an alternative house design, informed by the observations of third parties and the reasons for refusal, for the consideration of the Board providing for the re-position of the proposed house on the site increasing the separation distance from 1.8m to 2.2m, between the existing and proposed dwellings at no. 21 Asgard Park and aligning the new house with existing building lines on Asgard Park. The alternative house design would revise the internal arrangement and would also omit the bay window protrusion on the first-floor of the north elevation (Alternative plans included in Appendix B attached to statement);
- The proposed infill house complies with strategic policy objectives for compact growth, including satisfying urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs and a target of at least 30% for other urban areas, as provided by national and regional guidelines;
- The development proposal provides for a high quality dwelling that conforms with the existing streetscape, follows the established residential characteristics of dwellings in Asgard Park and matches existing adjoining

dwelling ridge heights and eaves as such the proposal would satisfy consolidated development objectives, infill development criteria and residential development standards;

- Precedents for similar infill developments have been identified within the area and are detailed in the appeal statement.

6.2. Planning Authority Response

The Planning Authority requests that the Board uphold the decision to refuse planning permission and make the following observations:

- Having required the grounds of the first party appeal and the proposed amended design submitted as part of the appeal, the Planning Authority remains of the opinion that the development is contrary to objectives DMS44 and PM44 of the Fingal Development Plan 2017-2023 due to the constrained site;
- The revised design does not satisfy Objective DMS29 as it does not achieve the required 2.3 metres separation distance between dwellings;
- The proposed development is considered contrary to Objective DMS44, PM44 and DMS29 of the Fingal development Plan 2017-2023 and is therefore considered to materially contravene the RS zoning objective for the area.

6.3. Observations

5 number observations have been received on the subject appeal and are summarised below.

Kieran O'Malley Planning Consultant, on behalf of the resident of no. 25 Asgard Park, the substantive points are as follows:

- The Board is invited to reject the grounds of appeal and confirm the decision of Fingal County Council;
- It is claimed that it is disingenuous to state in the appeal statement that the Planning Authority has not provided a rational or comprehensive justification for refusal, as a review of the Planning Case Officer's Report and reasons for

refusal provides for the contravention of four development management objectives and the material contravention of the RS zoning objective;

- The proposed development and the concurrent application Re. Ref. F22A/0325 would cumulatively result in the overdevelopment of the lands at no. 21 Asgard Park, which would have a negative impact on existing residential amenities of neighbouring properties, in particular no. 20 Asgard Park, *inter alia* in terms of increased traffic congestion and the adverse effects of overdevelopment. The proposed inappropriate design would be out of scale and would fail to respect the distinctive character and pattern of development in Asgard Park and would set an undesirable precedent for development in the area;
- The alternative design house proposed in the revised plans submitted with the appeal statement is a materially different proposal to the proposal submitted to Fingal County Council, which was the subject of statutory site and newspaper notices. If the appellant wishes to pursue an alternative design, the appellant should withdraw this application and submit a new application to the Planning Authority;
- The 'precedents' cited by the appellant are not relevant given that they are not within the immediate area and are bad 'precedents'. Furthermore, 'precedent' is not a planning consideration;
- The appeal fails to address two of the four development management objectives cited as contravened in the reasons for refusal;
- The proposed development does not satisfy open space standards in part due to the configuration of the site in specific the steep descent at the extremity of the rear garden, which precludes the viable use as open space of that part of garden;
- Section 6.5 and 6.6 in the appeal statement are not relevant, as the Planning Case Officer's concern relates to the localised planning and visual impact on Asgard Park rather than the broader Howth SAAO;

- The Board is precluded from considering a decision to grant permission having regard to Section 37(2)(b) of the Planning and Development Act 2000 (as amended);
- There is insufficient room within the constrained site to provide 2 number off-street car parking spaces in accordance with development plan standards.

Damian and Bernadine Jennings, residents No. 20 Asgard Park ('Shanroy'), the substantive points are as follows:

- Clarity is required in regard to the exact position of the alternative design house submitted as part of the appeal statement: there are no dimensions shown on the revised plans of the location of the new house in relation to front and rear boundary;
- The required separation distance between the existing and the proposed new house of 2.3 metres is not achieved on either the initial or revised design option;
- The site area of the proposed new house is misrepresented in the planning appeal statement, which it is claims includes the west side garden of no. 20 Asgard Park;
- There is an immediate and severe fall in ground level at the rear of the proposed site onto Balscadden Road. There is concern that construction at this site will compromise stability and cause subsidence as the former owners of no. 21 Asgard Park sunk an extensive retaining wall along the northern boundary before commencing renovations in 2000;
- The applicant site is too narrow to accommodate an additional house. The original and alternative design house will have *inter alia* an overbearing and overshadowing negative impact on the enjoyment of the back garden and sun room of no. 20 Asgard Park;
- The proposed development will have a negative impact on the distinct residential character of Asgard Park creating a visual disharmony;
- The examples of other infill houses included within the appeal statement are not relevant as 3 of the examples are on larger infill sites;

- There is an existing traffic congestion and road safety issue in Asgard Park and an additional vehicular entrance and 2 additional car parking spaces will compound the problem.

Mr. Brian Jennings, the substantive points are as follows:

- The amended design submitted as part of the appeal statement does not sufficiently or appropriately address concerns including the relative proposed position of the alternative design option house as no dimensions are provided to show the distance from the front and rear site boundaries;
- The original and amended development proposal would not be in keeping with the unique identifiable character and clearly defined pattern of development in Asgard Park and as such is contrary to the policies and objectives of the Fingal Development Plan, would materially contravene the RS zoning objective and would be in accordance with development standards;
- The required separation distance between dwelling units is not achieved in the original and amended development proposal;
- The original and amended development proposal would have a negative impact on the existing residential amenities of no. 20 Asgard Park including overbearing and overshadowing of the adjoining rear garden;
- The appeal statement (page 6) misrepresents the size of the site over-estimating the site area by 26%. Furthermore, the site outline includes part of the west side garden of the adjoining no. 20 Asgard Park;;
- The 'precedent' examples are not relevant comparisons as they include a single storey development, a development proposal not constructed, and examples on larger sites;
- The appeal statement includes inaccuracies in the text and for example states mitigation measures indicating 'frosted glass' where 'frosted glass' is not shown on the drawings.

Andrew Bonnell and Nicola Harvey residents of no. 22 Asgard Park, the substantive points are as follows:

- The development site consists of an approximate 3m frontage and would accommodate a tall and angular dwelling that would not harmonise with the existing 34 dormer bungalows;
- The proposal would not satisfy residential guidelines in particular requirements for off-street parking and on-street parking is limited;
- The proposal represents over development of the site;
- The proposed design will have a direct negative impact on adjoining property to the east resulting in overbearing and overshadowing.

O'Neill Town Planning Consultants, on behalf of Kitty and Sineid McCormack, the residents of no. 24 Asgard Park, the substantive points are as follows:

- The zoning objective 'RS' vision is to ensure that any new development in existing residential areas has a minimal impact on existing amenities. The development site has insufficient width to accommodate an additional dwelling house, which will change the character and pattern of development of the area because of the close proximity of the infill house to the neighbouring houses on either side.
- There is the potential for the proposed house to be overbearing, to overshadow adjoining private open space and for it to result in overlooking from the proposed bay window. However, it is not possible to establish the exact impact the large structure would have as there is no daylight and sunlight analysis included with the application;
- A balance has to be struck between the reasonable protection of established character and the need to provide residential infill. The existing houses on Asgard Park in architectural design and ambience represent a monotonous estate design that side garden houses would not complement. The houses in Asgard Park have been extended to the side. However no separate house development in side gardens has occurred to date with the exception of an infill development site augmented by the amalgamation of adjacent ESB substation lands at no. 29 Asgard Park;

- There is insufficient space to accommodate another entrance at no. 21 Asgard Park. There is existing traffic congestion within the cul-de-sac where the development site is located;
- Asgard Park is within the SAAO Buffer Zone and infill development must respect the existing residential character and pattern of development. Furthermore, to the rear of the site there is an objective to protect views and prospects;
- The development site is within a defined landscape area, which is described as a ‘Coastal Character Type’ and within this designation certain development principles must be satisfied;
- The Draft Fingal Development Plan 2023-2029 will probably be adopted within the next 6 months and in accordance with the relevant legislation the Board can consider the policies and objectives of the draft plan. The strengthening of objectives and policies for intact and sound residential properties is of particular concern including the criteria for justification of demolition of existing structures.

7.0 **Assessment**

- 7.1. The following assessment covers the points made in the appeal submission, the submitted observations and encapsulates my *de novo* consideration of the application.
- 7.2. The appellant has submitted revised drawings (dated 12/09/2022) with the appeal statement, which include a redesign of the proposed house *inter alia* including the repositioning of the house footprint 4m forward of the original proposal building line on Asgard Park with a corresponding retreat of the rear north elevation providing for a separation distance ranging from 1.878m to 2.154m (front to rear) between the existing house at 21 Asgrad Park and the proposed new dwelling. The overall footprint of the house would be revised with a decrease in building width from 7.8m to 6.620m while retaining building depth at 11.6m. The floor area of the proposed development would decrease marginally from 152 sqm to 150 sqm. The rear garden would increase from 109 sqm. to 133 sqm owing to the repositioning of the house footprint.

I consider the repositioning of the footprint of the house a material change from the development previously advertised and notify the Board of same. The following assessment, therefore, relates to the proposed development submitted to the Planning Authority, as advertised in the public notices, and is based on the drawing and particulars received by Fingal County Council (drawings dated 27/06/22 submitted 28/06/22).

7.3. The relevant procedural and planning issues arising are interrogated in my assessment under the following headings:

- Reasons for refusal;
- Compact growth & urban consolidation;
- The principle of demolition;
- Infill residential development;
- Scale, height and massing;
- Architectural design, building form & elevation treatment;
- internal configuration;
- Open space provision;
- Vehicular access, parking & traffic;
- Impact on residential & visual amenities;
- Side wall separation distance;
- Preserved views;
- Howth SAAO Buffer Zone

Reasons for refusal

7.4. The reasons for refusal are based on the material contravention of the development plan residential zoning objective RS and are supported by the contravention of policy objectives DMS40 (corner site development criteria), DMS44 (residential character and building form), PM44 (underutilised infill sites) and DMS29 (side wall separation distances between dwelling units) of the Fingal Development Plan 2017-2022.

The appellant states that residential is a permissible use on lands zoned with the RS objective and that the development constitutes infill development, which is generally encouraged by the Planning Authority. Furthermore, the appellant claims that the proposed two-storey 3-bedroom house would satisfy consolidated development objectives, infill development criteria and residential development standards.

One of the observer submits that the Board is precluded from considering a decision to grant permission having regard to Section 37(2)(b) of the Planning and Development Act 2000 (as amended) with specific reference to the Fingal Development Plan 2017-2023.

It is considered that the policy framework of the Fingal Development Plan 2017-2023 is not identical to the relevant policy framework of the Fingal Development Plan 2023-2029. The assessment below is conducted *de novo* within the context of the relevant policy framework that is provided by the Fingal Development Plan 2023-2029.

Compact growth & urban consolidation

- 7.5. The appellant has cited the national and regional strategic policy context promoting compact growth in support of a grant of planning permission, as the proposed development would provide an additional dwelling within an existing built-up area in the Dublin suburbs. The strategic objective of compact urban development is supported in principle by densification of urban lands in particular under-utilised lands accessible to commercial centres by walking, cycling and public transport.

Howth is located with the designation Dublin City and Suburbs for the purposes of the Core Strategy of the Fingal Development Plan 2023-2029. Asgard Park is immediately adjacent to Howth village. Howth is serviced by DART and bus providing high frequency service to the city and environs. It is considered that the redevelopment and densification of existing urban / suburban serviced lands in our cities and towns primarily by increasing density of dwelling units on greenfield sites, in the redevelopment of under-utilised brownfield field and infill sites are key compact growth objectives.

The National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban / suburban areas and as

such promotes the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.

Policy CSP14 (Consolidation and Re-intensification of infill/ Brownfield Sites) of the Fingal Development Plan 2023-2029 supports the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensify uses within the existing built up area of Dublin City and suburbs. Policy CSP22 (Howth, Sutton and Baldoyle) requires that urban consolidation must be balanced with the preservation *inter alia* of the unique identity of Howth, which must be protected against overdevelopment.

The merits of the proposed development are assessed below in order to ascertain whether the strategic objective of compact growth can be achieved in the instance of the subject application providing for a high quality outcome.

The principle of demolition

- 7.6. One of the observers cites the requirement of the Draft Fingal Development Plan 2023-2029 to encourage the reuse of existing buildings. Policy CAP8 (Retrofitting and Reuse of Existing Buildings) of the Fingal Development Plan 2023-2029 supports the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

Where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. It is considered that on balance the demolition of the existing ancillary structure is supported by the potential addition of a residential unit to the house stock. However, the carbon expenditure should be qualified.

Infill residential development

- 7.7. The Fingal Development Plan 2023-2029 encourages and promotes infill development subject to the character of the area and environment being protected Section 3.5.13 (Compact Growth, Consolidation and Regeneration) Fingal Development Plan 2023-2029 acknowledges that quality housing and increased

housing options may be achieved in several ways and by projects of varying scale including small *inter alia* subdivision of large gardens to accommodate infill development.

The applicant proposes to sub-divide the existing building plot at no. 20 Asgard Park to provide for an additional two storey house between the existing two-storey dwelling house and the property boundary with no. 20 Asgard Park. The development site currently accommodates a detached double garage with part pitched roof to the east of the dwelling house.

The development site is a linear north / south strip of territory between the existing house and the property boundary with no. 20 Asgard Park, which enjoys road frontage with a potential vehicular opening to the south onto Asgard Park. The vehicular access and car park area is located in a funnel shaped extension of the north / south subdivision of the main plot. It is noted that the site area is stated as 360 sqm. on the appeal statement at page 6. However, the site area is in fact 286 sqm as stated in the Planning Authority application form.

Policy Objective SPQHO42 (Development of Underutilised Infill, Corner and Backland Sites) encourages and promotes the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected. Chapter 14 (Development Standards) Section 14.10.1 (Corner / infill Development) states that the development of infill housing in established residential areas will be encouraged where proposals are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed.

Policy Objective DMSO32 (infill Development on Corner / Side Garden Sites) requires that applications for infill development on corner / side garden sites will be assessed against a list of criteria including *inter alia* compatibility with adjoining structures, consistency with the character and form of development in the area, provision of satisfactory open space and the safeguard of the amenities of neighbouring residential units

The proposed development is assessed below *inter alia* with reference to the existing character and residential amenities of the receiving environment.

Scale, height and massing

- 7.8. Policy Objective SPQHO39 (New Infill Development) states new infill development shall respect the height and massing of existing residential units. The proposed infill house would have a footprint of approximately 90 sqm. (a width of 7.8m and a depth of 11.6m), would be approximately 4.8m to eaves height and 8.2m to ridge height. The house would replace the existing single-storey part pitched roofed garage, which has a given floor area of 61sqm. (demolition) and a ridge height of approximately 4.2m. Notwithstanding that the proposed two-storey house would represent a significant change in building volume on this part of the main plot, which at present accommodates the detached double garage, it is considered that the proposal would respect the ridge and eaves height and front elevation massing of the houses on Asgard Park.

Architectural design, building form and elevation treatment

- 7.9. The proposed infill house albeit smaller in scale than the more substantial detached houses in Asgard Park would mimic the elevation design of the existing residential units. The slope of the proposed pitched roof is steeper on the western side than on the eastern side providing for an asymmetrical south gable style frontage to Asgard Park. The rear elevation would have a corresponding asymmetrical gable style north elevation. The north elevation would feature a first floor projecting bay style window (with internal window seat) lighting the proposed master bedroom.

The south-facing Asgard Park two-bay elevation would have a ground floor indent to accommodate the entrance porch. The overall material finish comprises render, concrete roof tiles and 'Aluclad' windows. On balance the proposed development would on street be compatible in appearance with adjoining dwellings and would be consistent with the character and form of development in the immediate area in terms of roof profile, elevation detail and material finish.

Residential Development Standards

- 7.10. Internal configuration

The overall floor area is given as 152sqm comprising a kitchen / dining room and a separate living room at ground floor level with ancillary domestic spaces and three bedrooms (the master bedroom is ensuite), and a bathroom at first floor level. There is a lift shaft shown on the internal floor plans. It is considered that the proposed

dwelling would represent an acceptable level of internal residential amenity. It is considered that the proposed would satisfy residential accommodation standards as provided for in Section 14.6.4 of the Fingal Development Plan 2023-2029.

7.11. Open space

Section 14.6.5 (Open Space Serving Residential Development) requires private open space provision to be dependent on the nature and scale of the subject residential unit. Table 14.8 (Private Open Space for Houses), Chapter 14, of the Development Plan requires 60sqm. for house of three bedrooms or less. It is considered that the proposed development can satisfy the relevant open space standard.

7.12. Vehicular access, parking & traffic

A number of the observers express concern in the matter of traffic congestion, parking and vehicular access to the house. The site is located in a 30Km/hr speed limit in an urban residential area. The existing public road has a carriageway of 7.5m. There is an existing public footpath along the front boundary of the site 1.8m in width including the verge. The development proposal retains 2 car parking spaces for the existing main dwelling and one car parking space is proposed for the new infill house. The proposed new vehicular access width is 2.734m (the existing vehicular access has a width of 3.2m).

The Planning and Strategic Infrastructure Division Transport Section of Fingal County Council has no objection to the proposed development subject to condition. The Division is of the opinion that the overall plot at no. 21 Asgard Park can accommodate two car parking spaces for the existing house and two car parking spaces for the new dwelling, if required, by extending the car parking area 1m north.

The Fingal Development Plan 2023-2029 Table 14.19 (Car Parking Standards) requires 1 car parking spaces for a 3-bedroom residential unit located within 1600m of a DART station or 800m of a high quality bus service. Howth Village is served by DART and bus. Howth DART station is approximately 1 Km from the entrance to Asgard Park. It is considered that the new vehicular access and car parking space arrangement proposed for one car parking space is acceptable in principle subject to condition.

7.13. Impact on residential & visual amenity

The residential zoning objective provides for new development while enhancing and protecting existing amenities. In practical terms a balance has to be struck between the reasonable protection of established character and the need to provide residential infill. It is considered that this balance has not been successfully achieved in the instance of the proposed development submitted to the Planning Authority (drawings dated 27/06/22 and submitted to Fingal County Council on the 28/06/22).

In the matter of residential and visual amenity of neighbouring property, the location and footprint of the proposed house is suboptimal. It is considered that the new house located significantly forward of the rear building line (projecting approximately 8m to the rear) of no. 20 Asgard Park would have a negative impact in terms of potential shadowing and visual overbearing on the adjoining property to the east.

Furthermore, the proposed projecting bay window at first floor level in the north elevation of the proposed house lighting the master bedroom has the potential as presently configured (drawings dated 27/06/22 and submitted to Fingal County Council on the 28/06/22) to cause overlooking of the rear garden of no. 20 Asgard Park.

It is noted that Section 14.6.6.4 (Overlooking and Overbearance) of the Fingal Development Plan 2023-2029 states that Issues in relation to excessive overlooking and overbearance of neighbouring properties may be addressed through relocation or reduction in building bulk and height. Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property.

The separation distance between side walls of units

- 7.14. The proposed development would fail to satisfy the minimum required separation distance of 2.3m between the side walls of detached dwellings and would be contrary to Policy Objective DMSO26 (Separation Distance between Side Walls of Units) of the Fingal County Development Plan 2023-2029. The separation distance between the existing house at no. 21 Asgard Park and the proposed new house is clearly deficient (drawings dated 27/06/22 and submitted to Fingal County Council on the 28/06/22).

It is noted that the standard may be relaxed in certain instances for infill development. However, it is considered in the instance of the proposed development

that this exemption should not apply as the location of the footprint of the proposed two-storey house is sub-optimal providing a poor relationship with the adjoining existing house at no. 21 Asgard Park and no. 20 Asgard Park.

The Howth Special Area Amenity Order (SAAO) Buffer Zone

- 7.15. The boundary of the Howth SAAO (Special Amenity Area Order) Buffer Zone is located to the north of the site. The appellant states that the site is outside the SAAO Buffer Zone and cites An Board Pleanála precedent for granting planning permission for an infill dwelling elsewhere within the Buffer Zone. It is considered that the location and scale of the development proposal would not have a negative impact on the SAAO Buffer Zone.

Preserved views

- 7.16. There is a specific objective to preserve views to the north of the site including along the Balcadden coast road. It is considered having regard to the location, the nature and scale of the proposed development, comprising a two-storey pitched roof infill dwelling house with a floor area of 152 sq. metres, it would not have a negative impact on preserved views.

7.17. Conclusion

In conclusion, the Fingal Development Plan 2023-2029 encourages increased housing options *inter alia* by the development of infill sites include the sub-division of larger gardens. It is acknowledged that new residential development within existing residential areas is permissible and is provided for in the definition of the RS zoning objective. The Fingal Development Plan 2023-2029 provides development standards for infill housing. It is considered that the potential to deliver housing units through the sub-division of larger gardens in Asgard Park in accordance with Section 3.5.13 (Compact Growth, Consolidation and Regeneration) of the Fingal Development Plan 2023-2029 and where compliance with development management standards for infill housing is satisfied would be acceptable in principle.

In the instance of the proposed development submitted to the Planning Authority (Drawings dated 27/06/22 submitted 28/06/22) for a two-storey infill house, the proposal does not satisfy Chapter 14 (Development Standards) Section 14.10.1 (Corner / infill Development), which states that the development of infill housing in established residential areas will be encouraged where proposals are cognisant of

the prevailing pattern of development, the character of the area and where all development standards are observed. It is considered that not all development standards have been satisfied including the requirement for infill development to satisfy minimum side wall distance between detached dwellings as provided for in Policy Objective DMSO26 (Separation Distance between Side Walls of Units).

Furthermore, the proposed development would fail to satisfy Policy Objective DMSO32 (infill Development on Corner / Side Garden Sites), which requires *inter alia* that infill development will safeguard the existing residential amenities of neighbouring residential units. It is considered that the massing of the house to the rear would have a negative impact on the residential amenities of no. 20 Asgrad Park, in terms of potential overshadowing and visual overbearing impacts on the rear garden of the adjoining property, by reason of the proximity of the east elevation of the infill house, which would exhibit a blank two-storey wall of development that would project an approximate 8 metres forward of the rear building line of the neighbouring house.

7.18. Appropriate Assessment Screening

The proposed development comprises an infill dwelling house in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

8.1. I recommend refusal of permission for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the observations of third parties, the pattern of development in the area, which comprises detached houses on substantial plots within a cul-de-sac configuration and, the policy framework provided by the Fingal Development Plan 2023-2029 for new residential development and for infill housing in side gardens / corner sites, including the requirement to protect the amenities of neighbouring residential units, it is considered that the proposed development would

be inconsistent with the RS residential Zoning objective, which seeks to provide for residential development while protecting and enhance residential amenities, and would not satisfy development management standards for infill residential development.

10.0 Reason for Refusal

1.	<p>The location and footprint of the proposed two-storey infill 3-bedroom house is suboptimal providing a poor relationship with the existing houses at no. 21 Asgard Park and the neighbouring house at no. 20 Asgard Park. It is considered that the rear massing of the house would have a negative impact on the residential amenities of no. 20 Asgrad Park, in terms of potential overshadowing and visual overbearing impacts on the rear garden of the adjoining property, by reason of the proximity of the east elevation of the infill house, which would exhibit a blank two-storey wall of development that would project an approximate 8 metres forward of the rear building line of the neighbouring house, and as such, would fail to satisfy Policy Objective DMSO32 (infill Development on Corner / Side Garden Sites) for all of the criteria listed including the safeguard of the amenities of neighbouring residential units. Furthermore, the proposed development would fail to satisfy the minimum 2.3m distance between the side walls of detached dwellings contrary to Policy Objective DMSO26 (Separation Distance between Side Walls of Units) of the Fingal Development Plan 2023-2029. Therefore the proposed development would be seriously injurious to the residential amenities of the area inconsistent with the RS zoning objective, which seeks to provide for residential development while protecting and improving residential amenity, and would be contrary to the proper planning and sustainable development of the area.</p>
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“I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way”.

Anthony Abbott King
Planning Inspector

7th August 2023