



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314876-22

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<b>Development</b>	Construction of apartment block with 7 apartment units and 1-bed-live-work unit and associated site works.
<b>Location</b>	South Strand, Skerries, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F22A/0393
<b>Applicant(s)</b>	Pavement Investment Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Pavement Investments Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> November 2023.
<b>Inspector</b>	Lucy Roche

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern edge of Skerries, at the northern end of South Strand Road, overlooking the coast. Skerries train station is approx. 1.2km to the southwest. South Strand Street incorporates a mix of architectural styles and building heights, varying from single storey up to and including four stories at its southern end. There is extensive on-street parking along both sides of South Strand Street with a taxi rank to the front of the site. The site comprises a brownfield / infill site within the settlements defined town centre.
- 1.2. The site, with a stated area of 0.572ha, forms part of a larger development area with neighbouring lands to the north, which are under construction for three, three story terraced dwellings. The site itself is broadly rectangular in shape, relatively flat and is currently vacant. Vehicular entrance is from South Strand Street. Site boundaries are defined by a low stone boundary wall to the front (east) and a higher breeze block boundary wall to the side (south) and rear (west). There is a lane to the south and west of the site. Further to the south is a part single, part two storey family entertainment facility (with outdoor amenity area). Existing development to the west of the site, with primary frontage onto Strand Street, comprises a mix of town centre uses (residential/commercial/retail) in a traditional two-storey terraced format.

## 2.0 Proposed Development

- 2.1. The proposal comprises alterations to the design of an approved three-storey apartment block (permitted under F20A/0156 and identified as type C) to provide a three- storey block (810 sqm) with 7 no. apartment units (2 x 1-bed, 3 x 2-bed, and 2 x 3-bed units) and a 1-bed live-work unit, together with:
  - The partial removal of an existing block wall; relocation of existing vehicular entrance, and
  - The provision of a pedestrian access gate, undercroft car and bicycle parking and a bin storage area, a lift, balconies, and communal open space with the provision of a roof terrace, as well as boundary treatments and all associated site development works.

2.2. Table 2.1 below provides a summary of the key aspects of proposed apartment scheme (Type C) as permitted under F20A/0156 and as currently proposed.

<b>Table 2.1</b>		
	<b>Block C as Permitted under F20A/0156</b>	<b>Proposed</b>
<b>Site Area</b>	0.0572ha (Type C Apt Block + curtilage) <i>0.153ha Overall site area</i>	0.0572ha
<b>Gross Floor Area</b>	650sqm (excluding basement) <i>1082sqm (including basement)</i>	810sqm
<b>No. of Units</b>	6	8
<b>Density</b>	105dph	140dph
<b>Height</b>	10.00m	12.83m (including 4 <sup>th</sup> floor lift/stair core element) 10.00m (excluding 4 <sup>th</sup> floor core element),
<b>Housing Mix</b>	1 x 1 bed live-work unit 3 x 2 bed apartments 2 x 3 bed apartments	2 x 1 bed apartments 3 x 2 bed apartments 2 x 3 bed apartments 1 x 1 bed live-work unit

2.3. The application is accompanied by:

- Planning Statement, Armstrong Planning
- Design Statement, ODA Architecture
- Drainage Design Report, GK Consulting Engineers Ltd

## 3.0 Planning Authority Decision

### 3.1. Decision

Fingal County Council did by order dated 21<sup>st</sup> September 2022 decide to refuse permission for the proposed development for two reasons as follows:

- 1) The proposed development, including the core element at roof terrace level, by reason of its design and height, would be seriously injurious to the visual amenities of the area, would constitute an unduly obtrusive and visually prominent feature in the streetscape and landscape, would be out of character with the existing and permitted pattern of development fronting onto South Strand Road at this location and would materially contravene Objective PM31 of the Fingal Development Plan 2017-2023 which states 'promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009)'. The proposed development would also materially contravene Specific Objective to 'Preserve Views' at South Strand Road set out in the Fingal Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2) The proposed communal amenity space located to the terrace roof area would be injurious to the residential amenities of existing neighbouring residences and properties and injurious to the residential amenities of future occupiers of adjacent permitted dwellings by reason of overlooking and noise nuisance. The balconies at the northern elevation at first and second floor level would be injurious to the residential amenities of future occupiers of adjacent permitted dwellings by reason of overlooking. The proposed development, having regard to the siting of the under-croft car parking facility fronting units 1 and 2 would be the injurious to the residential amenities of future occupiers by way of shadowing. The proposed development 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 report of the Case Planner (Sept. 2022) forms the basis of the Council's decision. The report has regard to the locational context and planning history of the site, to local and national planning policy and guidance pertaining to the proposed development, and to the third-party submission and interdepartmental reports received.

The following provides a summary of the main points raised in the assessment of the Case Planner:

- The proposed residential development is permitted in principle with the 'TC' zoning.
- The development has an overall occupancy of 16no. bed spaces and a public open space requirement of 400sqm. No public open space is proposed. This is acceptable having regard to the nature and scale of development proposed. Financial contribution in lieu of open space is required.
- The density proposed (c161 units / ha) is considered acceptable.
- The floors plans appear to accord with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
- The Planning Officer has concerns in relation to the relationship between the proposed roof terrace (communal open space) and the existing dwellings to the west / permitted units to the north in terms of overlooking and noise nuisance. The balconies at the northern elevation at first and second floor level also have the potential to give rise to overlooking of the permitted adjacent dwelling.
- The design and siting of the under-croft car parking facility would reduce the level of daylight received at the eastern elevations of ground floor units and would be injurious to these units in terms of overshadowing.
- The case planner considers that the proposed development which would result in an increase in height from that permitted from c10m to 12.83m would,

due to its prominent location, represent a visual intrusion in the streetscape and a departure from the established and existing permitted pattern of development.

- Neither a Stage 2 Appropriate Assessment nor EIAR are required in respect of this development.
- The report concludes with a recommendation to refuse permission in line with Council's decision.

### 3.2.2. Other Technical Reports

Transport Planning: Requests further information in the form of a revised site layout plan detailing parking provision and swept path analysis.

Parks and Green Infra: Raises concerns regarding the impact of the development on adjacent high amenity zoned lands along the coast. Requests the submission of a Landscape and Visual Impact Assessment along with amendments to the proposed landscape plan.

Irish Water: No objection

Water Services: No objection subject to conditions re: surface water

### 3.3. Third Party Observations

One third party submission received. The issues raised can be summarised as follows:

- The proposed amended scheme will have a negative impact on the residential amenities of the surrounding area by way of overbearing, overshadowing, overlooking and noise nuisance.
- The increased height will set an undesirable precedent for future schemes in the town centre.
- The proposed changes at the East front elevation will have a serious negative impact on the amenity of proposed ground floor apartments by way of visual outlook and overshadowing.

- The location of the undercroft at the front elevation diminishes the quality of architectural design.

## 4.0 Planning History

FCC Ref: F20A/0156 Permission granted (2020) for the construction of 2 No. three storey 5 bed detached houses 264m<sup>2</sup>, 1 No. three storey 4 bed detached house 251 m<sup>2</sup> and **1 No. three storey apartment block total area 1082m<sup>2</sup>**

***consisting of 6 residential units: 1 No. live work with one bed and one office 82m<sup>2</sup>, 1 No. two bed 74m<sup>2</sup>, 1 No. two bed 82 m<sup>2</sup>, 2 No. three bed 99m<sup>2</sup>, 1 No. two bed 73m<sup>2</sup> and underground parking comprising 7 No. parking spaces.***

Design includes: first floor terrace on the west elevation of the houses, first floor balcony and second floor terrace on the east elevation of all houses and apartment block and second floor terrace on the south elevation of apartment block.

Associated site works including the demolition of a single storey utility building, relocation of one and creation of two additional vehicular accesses to South Strand, and connection to existing services on a site of circa 0.153 Hectares.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023. The Fingal County Development Plan 2023-2029 was made on the 22<sup>nd</sup> of February 2023 and came into effect on the 5<sup>th</sup> of April 2023. I have assessed the proposal under the provisions of the operative Development Plan, namely the Fingal County Development Plan 2023-2029.

### 5.1.2. Fingal County Development Plan 2023-2029

- 5.1.3. Zoning: TC – Town Centre

Objective: Protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities

Vision Maintain and build on the accessibility, vitality, and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation, and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic. In order to deliver this vision and to provide a framework for sustainable development

5.1.4. Settlement Hierarchy: Skerries, located in Fingal’s Core Area and is designated as a Self-Sustaining Town. Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery.

5.1.5. Landscape: The site also lies within a designated ‘Highly Sensitive Landscape’ (Green Infrastructure Map 1).

5.1.6. **Noted Policies / Objectives:**

Policy CSP34      Consolidate Growth of Self-Sustaining Towns: Seeks to consolidate the growth of Self-Sustaining towns, including Skerries, by encouraging infill development and compact growth rather than greenfield development and by intensification at appropriately identified locations.

Policy SPQHP5: Quality Placemaking: Add quality to the places where we live, work, and recreate by integrating high quality design into every aspect of the Plan, ensuring good quality accessible public realms, promotion of adaptable residential buildings, and by ensuring development contributes to a positive sense of place, local distinctiveness, and character.



Policy SPQHP6 – Urban Design: Enhance and develop the fabric of existing and developing centres in accordance with the principles of good urban design.

Policy SPQHP35 Quality of Residential Development: To promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

Obj. SPQHO37 Residential Consolidation and Sustainable Intensification: To promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.

Obj. SPQHO38 Residential Development at Sustainable Densities: To promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-utilised sites having regard to the need to ensure high standards of urban design, architectural quality and integration with the character of the surrounding area.

Obj. SPQHO39 New Infill Development: 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.

Obj. SPQHO42: Development of Underutilised Infill, Corner and Backland Sites:

seeks to encourage and promote the development of underutilised infill, corner, and backland sites in existing residential areas subject to the character of the area and environment being protected.

## 5.2. National Policy / Ministerial Guidelines:

The following policy documents are relevant to the current application and appeal before the Board.

### 5.2.1. Project Ireland 2040 - National Planning Framework (NPF)

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.

### 5.3. Regional Spatial and Economic Strategy (RSES)

The Eastern and Midland Regional Spatial and Economic Strategy (RSES) 2019-2031 builds on the foundations of the NPF. It notes that the key enablers for growth include promoting compact urban growth to realise targets of at least 50% of all new homes, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas. The spatial strategy for Dublin City and Suburbs is 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.

5.4. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, 2024. (*The Sustainable and Compact Settlements Guidelines*)

The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009, which in turn replaced the Residential Density Guidelines issued in 1999. They build on and update previous guidance to take account of current Government policy and economic, social and environmental considerations. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

5.4.1. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines, DoEHLG, 2023 (*The Apartment Guidelines*)

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term.

5.4.2. The Urban Development and Building Height Guidelines for Planning Authorities 2018 (*Building Height Guidelines*)

These guidelines set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

## **5.5. Natural Heritage Designations**

The appeal site is not located within any designated site. The North-West Irish Sea SPA (site code 004236) is located c60m to the east of the site while the Skerries Islands SPA (Site Code 004122) is located c750m to the west (offshore).

## **5.6. EIA Screening**

Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. See *completed Form 2 on file*.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a first party appeal lodged on behalf of the applicants, Pavement Investments Ltd, against the decision of Fingal County Council to refuse permission for the development of lands at South Strand, Skerries, Co. Dublin. The issues raised can be summarised as follows:

In respect of the first reason for refusal relating to design and visual impact

- The proposal constitutes a modest variation from the design that was approved under F20A/0156. It is an improvement on the permitted design as it will provide a more attractive frontage with a more legible and even rhythm of fenestration.

- The small core element at the level of the roof will be set back from the front building line by approx..5.7m, reducing its capacity to impact on the visual amenity of the streetscape. The stair core element will not be visible from a street-side perspective.

In respect of the second reason for refusal relating to adverse impact on residential amenity:

- The issue of overlooking from the roof terrace was carefully considered as the design stage. The positioning of planting to the north and south ends of the roof terrace and the positioning of the PV Panels at the north-west corner of the terrace has been purposely designed to keep users back from the edge to prevent views of adjacent properties. The planting will provide visual screening.
- In relation to the potential noise impact, the following points are made: the setback and screen planting will ensure that the building itself would deflect sound waves; the planting would provide an acoustic barrier; the appeals site falls within a defined town centre, where an acceptable level of noise and activity should be expected.
- Potential overlooking from the proposed balconies on the northern elevation could be addressed by the provision of appropriate screening.

#### 6.1.1. Alternative Design Proposal

While the first party appellants (applicants) stand over the design as submitted with the application, including the communal open space at roof level, they feel it would be a simple matter to address any residual concerns by way of redesign / attachment of appropriate condition. To this end they have presented an alternative design proposal for consideration by the Board. The main features of this alternative design proposal are:

- The roof terrace has been omitted and the second-floor parapet dropped by 150mm.

- A new landscaped area is proposed at the north-west corner of the site. A financial contribution could be paid in lieu of providing communal open space at roof level.
- Privacy screens are proposed to all balconies at the northern elevation.
- Ground floor unit No's 1 and 2 have been altered so that none of the habitable rooms face the car parking area. The proposed live-work unit has been relocated to the southwest corner of the building with a south-facing entrance door.
- The suggested design variation also includes alterations to the rear façade comprising the removal of previously proposed zinc cladding with the rear elevation to be finished with white render and white brick.
- The bin storage and bicycle storage facilities have been relocated inside the building.

## 6.2. **Planning Authority Response:**

The Planning Authority in correspondence received on the 16<sup>th</sup> of November 2022 have no further comments to make in relation to the proposal.

## 6.3. **Observations**

None

## 7.0 **Assessment**

### 7.1. **Introduction**

- 7.1.1. Having examined all the application and appeal documentation on file, and inspected the site, and having regard to relevant local/regional/national policies and guidance, and the planning history of the site, I consider that the main issues in this appeal are those cited in the refusal reasons. Compliance with relevant Section 28 Guidelines and Appropriate Assessment also need to be considered. I am satisfied that all other

issues were adequately addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the main issues are as follows: -

- Design and Visual Impact
- Residential Amenity
- Section 28 Guidelines
- Appropriate Assessment

## **7.2. Design and Visual Impact**

- 7.2.1. The appeal site currently has the benefit of planning permission, under Fingal County Council Register Reference F20A/0156, for a three storey over basement apartment block (identified as Type C). The permitted structure incorporates 6no units with parking and ancillary storage facilities at basement level and amenity areas to front (east) and rear (west). The structure, as permitted, is set back from the rear (west) boundary, with separation distances ranging between c4.8 and 7.6m. The proposal before the Board is for alterations / amendments to the permitted apartment scheme.
- 7.2.2. The proposed scheme for consideration by the Board, comprises 8no residential units in a three-storey apartment block. The basement has been omitted and car parking, cycle parking and bin storage areas are now proposed at ground level, in an under-croft which extends along the building's front elevation. The proposed structure occupies a larger footprint than that previously permitted and is positioned closer to the rear (west) boundary with separation distance now ranging between 0.54m and 3.0m. Communal open space (123sqm) is provided in the form of a roof terrace which is to be accessed via an internal lift shaft / stair core which is to be extended to roof level resulting in additional floor area (c50sqm) at fourth-floor level (Dimensions - 9m x 5.3m x 2.83m). This fourth-floor addition is to be finished in zinc cladding and incorporates into its design a 'brise soleil' to its south and east elevations.
- 7.2.3. The Planning Authority refused permission for the proposed redesigned apartment block for two reasons. Refusal Reason No.1 relates to the impact of the proposed scheme, including the core element at roof terrace level (fourth-floor addition), on the

visual amenities and character of the area. It is the opinion of the Planning Authority that the proposal would materially contravene Objective PM31 of the Fingal Development Plan 2017-2023 which seeks to '*promote excellent urban design responses to achieve high quality, sustainable urban and natural environments*', and the Specific Objective to 'Preserve Views' at South Strand Road. On the issue of materiality, the objectives outlined are not, in my view, sufficiently specific to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by s. 37(2) of the Planning and Development Act 2000 (as amended). In any event, the Fingal Development Plan 2017-2023 has been superseded by the Fingal Development Plan 2023-2029 which came into effect on 5<sup>th</sup> of April 2023. Objective PM31 is not referenced in the new FCDP; however, the plan does include similar policies and objectives which promote good urban design, I note for example, Policy SPQHP5 which seeks to add quality to the places where we live, work, and recreate by integrating high quality design into every aspect of the Plan and Policy SPQHP6 which seeks to enhance and develop the fabric of existing and developing centres in accordance with the principles of good urban design. The Specific Objective to 'Preserve Views' at South Strand Road, has been retained.

- 7.2.4. The appeal site is on South Strand Street, on the eastern edge of Skerries, overlooking a linear park (zoned as a High Amenity Area) and the coast beyond. South Strand Street incorporates a mix of architectural styles and building heights, with heights varying from single storey up to and including four stories at its southern end. As noted above, it is a specific objective of the FCDP 2023-2029 to preserve views along South Strand Street. While existing development in the vicinity of the site is predominantly two-storey, the proposed development would be situated between a row of three newly constructed, three storey houses to the north (shown on the plans submitted to be constructed to a height of 9.2m) and a part single, part two storey family entertainment centre to the south (this facility was closed on date of inspection). The appeal site occupies a prominent position within the streetscape and any development on this site would be visible in views from the surrounding area.



- 7.2.5. I have reviewed the plans and particulars submitted with the application including the Design Statement and Visual Impact Study (Drawing No. B0121-A-100) and visited the area. While I accept that the proposed fourth floor addition, (shown to a level of 12.83m) would sit above the level of neighbouring buildings, it would, in my opinion, due to its limited scale and setback from front and side building lines, represent a minimal intervention in the streetscape / skyscape at this location and would not detract to any significant degree from the visual amenities of the area or from the character of the streetscape. Therefore, I have no objection to this aspect of the proposed scheme. Should the Board not share my opinion on this matter, I note that the First Party appellants, have included with the grounds of appeal, an alternative design proposal for consideration. This alternative design proposal would see the omission of the roof terrace and its associated fourth floor addition but would also result in the loss of communal open space for future residents. This issue is addressed in further detail later in this report.
- 7.2.6. The proposed scheme as originally presented to the Planning Authority includes in its design, an under-croft car and bicycle parking and a bin storage area to the front elevation, facing onto South Strand Road. The Planning Authority in their assessment of the application considered that this arrangement presented a poor interface with the public realm. Such concerns are reflected in the Planning Authority's decision to refuse permission. The applicant's alternative design proposal submitted for consideration by the Board, sees the bicycle parking and bin storage areas relocated inside the building and a new landscaped area proposed to the north-west corner of the site. These design amendments together with the retention of the existing boundary wall to the front of the site (as proposed) would, in my opinion, provide for a suitable design solution to the streetscape, sufficient to ensure that the proposed apartment scheme contributes to, rather than detracts from the public realm at this location.
- 7.2.7. On the basis of the above, I do not recommend that the Planning Authority's decision to refuse permission on the grounds of design / visual impact be upheld by the Board.

### 7.3. Residential Amenity

- 7.3.1. The Planning Authority's second reason for refusal relates to negative impacts on the residential amenity of both existing residents of the area and future occupants of the proposed scheme. The PA in their assessment of the application raised concerns regarding the impact of the roof terrace on the residential amenities of the existing residential properties to the west and the permitted residential units to the north, by way of overlooking and noise disturbance.
- 7.3.2. As detailed on Drawing No. B0121-A-014, submitted with the application, the proposed scheme includes for 123sqm of communal open space in the form of a roof terrace. The Board will note that the apartment guidelines (2023), under Section 4.11, support, in principle, the provision of communal amenity space in the form of 'roof-gardens', subject to appropriate design in terms of accessibility and maintenance etc. The proposed roof terrace is shown set back from the north and south elevations, with planting / landscaping (sedum roof) used to keep users back from the edge, thereby preventing overlooking of neighbouring properties to the north and south.
- 7.3.3. With regard to potential overlooking of neighbouring residential properties to the west, I note that views from the roof will be restricted due to the positioning of the solar panels (southwest corner) and the stair core / lift shaft. A c3.5m wide section of the roof terrace does extend to the rear (west) elevation of the building and I suggest there is potential for overlooking at this point. However, I would be of the opinion that this matter could be addressed by setting back the roof terrace c4m from the buildings west (rear) elevation. This alteration would I consider, be sufficient to ensure the protection of existing residential amenity while also retaining sufficient amenity space for future residents of the scheme. I recommend to the Board that this design amendment be included by way of condition in the event of a grant of permission.
- 7.3.4. With regard to the potential for noise disturbance arising from the use of the roof terrace, I note the location of the property on town centre lands, adjacent to an amenity area (public park / beach). I also note that the existing development in the

immediate vicinity of the site includes a family entertainment centre. I agree with the contention of the third-party appellant that a degree of noise and activity is to be expected in such an environment. Furthermore, I am satisfied having regard to the nature and scale of the development proposed, comprising a small-scale residential development of 8 apartment units and the design / layout of the proposed roof terrace, that the level of noise likely to be generated by the proposal would not be excessive or beyond what would be deemed acceptable within the urban area.

7.3.5. On the basis of the above, I am satisfied that the provision of communal open space for the proposed apartments at roof level is acceptable and would not, subject to amendment (as recommended), give rise to any undue impacts on the residential amenities of existing / permitted properties in the vicinity.

7.3.6. As previously noted, the applicant's alternative design proposal presented for consideration by the Board, sees the roof terrace / communal open space area omitted from the scheme. On this issue, I refer again to the apartment guidelines (2023) which, under Section 4.12, allow, on a case-by-case basis and subject to overall design quality, a relaxation in communal open space provision, either in part or whole, in urban infill schemes on sites of up to 0.25ha. The proposed scheme, which forms part of an overall development area of 0.153ha, would qualify for this reduced standard. This option is therefore open to the Board.

7.3.7. To eliminate potential overlooking from the balconies at the northern elevation at first and second floor level, the applicants alternative design proposal, includes for the provision of privacy screens to all balconies at the northern elevation. This is I consider an appropriate design solution.

7.3.8. In terms of the potential impact of the proposed development on the residential amenities of future occupants, the Planning Authority are concerned that the under-croft facility would limit and reduce the level of daylight received at the eastern elevations of ground floor units No's 1 and 2 thereby injuring the residential amenities of these residential units by way of shadowing. To address these concerns, the applicants in their alternative design proposals, have amended the design and layout of the ground floor units so that there are no east facing habitable

rooms. The live-work unit (Unit 1) while incorporating an east facing window also has the benefit of additional windows / fenestration in its south elevation, the ensuring adequate daylight/sunlight. Again, I consider this a suitable design solution.

- 7.3.9. Overall, I am satisfied that the proposed scheme would, subject to amendment as discussed, be acceptable in terms of residential amenity. Therefore, I do not recommend that the Planning Authority's second reason for refusal be upheld by the Board.

#### 7.4. **Section 28 Guidelines**

##### *The Sustainable and Compact Settlements Guidelines (2024)*

- 7.4.1. The Sustainable and Compact Settlements Guidelines (2024) include specific planning policy requirements on car parking provision (SPPR 3) and on the quantity and design of cycle storage (SPPR 4). The guidelines adopt a graduated approach to the management of car parking within new residential development, having regard to the proximity to urban centres and sustainable transport options. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced, or wholly eliminated at locations that have good access to urban services and to public transport. SPPR3 provides maximum car parking rates ranging from a maximum of 1 space per dwelling at accessible locations and 2 spaces per dwelling at peripheral locations.
- 7.4.2. The proposed scheme includes for the provision of 8no car parking spaces (1 space per unit) and 22no cycle storage spaces (1 space per bedroom + 6 visitor spaces). Cycle storage, in the scheme as presented the Planning Authority, is proposed in the form of two canopy structures situated in the northeast corner of the site. The revised scheme presented to the Board for consideration, sees cycle storage provided within the building footprint, I consider this to be the preferred option. I am satisfied that proposals for car and cycle parking accord with SPPR 3 and SPPR 4 of the Sustainable and Compact Settlements Guidelines.

##### *Apartment Guidelines (2023)*

7.4.3. The applicants have provided a quantitative assessment of the proposed residential units to demonstrate compliance with development standards set out Sustainable Urban Housing: Design Standards for New Apartments. Following consideration of these documents and the submitted plans, including the alternative design proposals submitted to the Board for consideration, I am satisfied that the proposed apartment scheme accords substantially with the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023' and would provide for a satisfactory level of residential amenity for the future occupants.

## 7.5. **Appropriate Assessment**

7.5.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

7.5.2. The proposal comprises a residential scheme of 8 units on an infill site within the established built-up area of Skerries. The area is served by public mains water and foul drainage. In terms of surface water drainage, a blue roof system is proposed for water attenuation over the full roof area. An overflow pipe for the blue roof system is provided. Permeable paving is proposed at ground level. A perforated pipe is provided in the infiltration zone at ground level. Both overflow systems outfall to a combined manhole sewer within the property.

7.5.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to

have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

7.5.4. The planning application documentation does not include an Appropriate Assessment Screening report. The assessment of the Planning Authority refers to the AA Screening document submitted under the previous application, F20A/0156, which concluded with a finding of no significant effects. The Planning Officer concurred with the findings of the screening report under F20A/0156 and concluded that a stage 2 assessment was not required.

7.5.5. The Board will note that the North-West Irish Sea SPA (site code 004236) was announced 2023. This SPA extends offshore along the coasts of counties Louth, Meath and Dublin, it covers an area of c 2,333km<sup>2</sup> and lies approximately 60m to the east of the appeal site. It is ecologically connected to several existing SPAs in this area, including Skerries Islands SPA (Site Code 004122) which lies c750m to the east of the appeal site. The North-West Irish Sea is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Common Scoter, Red-throated Diver, Great Northern Diver, Fulmar, Manx Shearwater, Shag, Cormorant, Little Gull, Kittiwake, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Herring Gull, Great Black-backed Gull, Little Tern, Roseate Tern, Common Tern, Arctic Tern, Puffin, Razorbill and Guillemot. The conservation objectives for the site are to maintain / restore the conservation status of identified species of interest.

7.5.6. Other designated site within the zone of influence of the project include:

<b>Skerries Island SPA (Site Code: 4122)</b>	
Details	The proposed development site is located c0.7km from Skerries Island SPA. The Skerries Islands are a group of three small uninhabited islands, Shenick's Island, St Patrick's Island and Colt

	Island, situated between 0.5 km and 1.5 km off the north Co. Dublin coast. Shenick's Island is connected to the mainland at low tides.
Qualifying Interests:	<ul style="list-style-type: none"> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017],</li> <li>• Shag (<i>Phalacrocorax aristotelis</i>) [A018],</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046],</li> <li>• Purple Sandpiper (<i>Calidris maritima</i>) [A148],</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169],</li> <li>• Herring Gull (<i>Larus argentatus</i>) [A184]</li> </ul>
Conservation Objectives:	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<b>Rockabill Island SPA (Site Code: 4014)</b>	
Details	The proposed development site is located c3km from Rockabill Island SPA (site code 4014).
Qualifying Interests:	<ul style="list-style-type: none"> <li>• Purple Sandpiper (<i>Calidris maritima</i>) [A148],</li> <li>• Roseate Tern (<i>Sterna dougallii</i>) [A192],</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> </ul>
Conservation Objectives:	To maintain the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA.
<b>Rockabill to Dalkey Island SAC (Site Code 0300)</b>	
Details	The proposed development site is located c3km from Rockabill to Dalkey Island SAC (site code 3000).
Qualifying Interests:	<ul style="list-style-type: none"> <li>• Reefs [1170]</li> <li>• Phocoena phocoena (Harbour Porpoise) [1351]</li> </ul>
Conservation Objectives:	To maintain the favourable conservation condition of the habitats and species for which the SAC has been selected.

### *Assessment of Likely Significant Effects*

7.5.7. The application site is not located within or directly adjacent to any SAC or SPA. The North-West Irish Sea SPA is located c60m to the east of the site. The Skerries Island SAC is located c0.7km offshore to the east, while the Rockabill Island SPA and Rockabill to Dalkey Island SAC are located c3km to the east of the site (offshore).

There are no watercourses or drainage ditches on the site. The site is a brownfield site, its redevelopment would not result in habitat loss, fragmentation, or any other direct impacts.

- 7.5.8. With regard to indirect impacts, the proposed development is located within an urban setting. Fauna in the area would be accustomed to artificial light as well as human generated noise from residential and commercial activities and from traffic. The lands themselves do not offer suitable breeding /feeding grounds for birds associated with designated sites. Earthworks and disturbance of soil during the construction phase will result in some loss of sediment. The likely level of sediment runoff from this project is unlikely to have any significant effect on sensitive habitats or species. In this regard it is noted that marine habitats are not sensitive to sediment input in the way that freshwater habitats are. Any disturbance during construction should not be significant given the transient nature and limited scale of the works proposed.
- 7.5.9. The proposed surface water drainage system includes the application of a SuDS strategy, this is not related to the protection of any European Sites. Wastewater from the development will be treated at the Balbriggan Wastewater treatment plant which discharges treated effluent to the Irish Sea under licence from the EPA. The proposed development would equate to a very small percentage of the overall licenced discharge and would not therefore have a significant impact on the water quality.
- 7.5.10. There are no known plans or projects which could act in combination with the current proposal to result in significant adverse effects to any designated European Site.

### *Conclusion*

- 7.5.11. Having regard to the nature and scale of the proposed development, its location within the established built-up area of Skerries, the separation distance between the proposed development site and European sites and lack of direct connections with regard to the source – pathway – receptor model, it is I consider reasonable to conclude on the basis of the information on file, which I consider adequate in order to



issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said site's conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

## 8.0 Recommendation

8.1. I recommend that planning permission for the proposed development be granted subject to condition as outlined below.

## 9.0 Reasons and Considerations

I recommend that planning permission for the proposed development be granted subject to condition as outlined below:

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.</p> <p>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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination</p> <p><b>Reason:</b> In the interests of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>a) The roof terrace (area of communal open space) shall be set back a minimum of 4m from the rear (western) elevation of the proposed</p>

	<p>building. The terraced area shall be bounded by screen planting on its northern, western, and southern elevations.</p> <p>b) The ground floor shall be constructed in accordance with Drawing No. B0121-A-0011 Rev H, received by An Bord Pleanála on the 18<sup>th</sup> of October 2022. The bin storage and bicycle storage facilities shall be located inside the building and the vacated area at the north-west corner of the site shall be landscaped as shown.</p> <p>c) Privacy screens shall be provided to the north elevations of all balconies as detailed on Drawings No's B0121-A-025 Rev H and B0121-A-028 Rev E received by An Bord Pleanála on the 18<sup>th</sup> of October 2022.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity</p>
3.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
4.	<p>(a) 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) Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>

5.	<p>All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
6.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> in the interest of sustainable transportation.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 [residential] amenities of property in the vicinity.</p>
8.	<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 commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>a) The location of the site and materials compound including areas identified for the storage of construction refuse.</p>

	<p>b) Details of routing for construction traffic and parking during the construction phase</p> <p>c) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network.</p> <p>d) details of proposed mitigation measures for noise, dust and vibration and monitoring of such levels during construction.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
9.	<p>Prior to commencement of development, the developer shall submit a Project Construction and Demolition Waste Management Plan to be agreed in writing with the Planning Authority. This plan shall include inter alia, information recommended in section 3 of the 'Best practice Guidelines on the Preparation of Waste Management Plans for construction and Demolition Projects' published by the DOEHLG.</p> <p><b>Reason:</b> In the interests of reduction and best practice management of construction and demolition waste from the proposed development</p>
10.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures of communal areas shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity</p>
11.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for</p>

	<p>and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
12.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
13.	<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</p>

<p>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><b>Reason:</b> 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>
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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.*

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Lucy Roche  
Planning Inspector  
26<sup>th</sup> February 2024

# Appendix 1 - Form 1

## EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	314876-22		
<b>Proposed Development Summary</b>	Apartment scheme of 8no units		
<b>Development Address</b>	South strand street, Skerries, Co. Dublin		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	<b>X</b>	
	<b>No</b>		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>	The development involves 8 no. residential units on a site of c. 0.0572ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
		<b>Comment (if relevant)</b>	

Yes	X	<p>Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:</p> <p>Construction of more than 500 dwelling units</p> <p>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</p>		Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_



## Appendix Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	314876-22	
<b>Proposed Development Summary</b>	Apartment scheme of 8no units	
<b>Development Address</b>	South strand street, Skerries, Co. Dublin	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> <li>• The site is located on services within the designated town centre of Skerries. The area is served by public transport and social infrastructure.</li> <li>• Localised construction impacts will be temporary.</li> <li>• The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the area.</li> </ul>	No
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p>	<ul style="list-style-type: none"> <li>• The size of the development is not exceptional in the context of the existing built-up urban environment.</li> <li>• Given the nature, scale, and location of the proposed within the built-up area of Skerries, no significant cumulative impacts are anticipated.</li> </ul>	no

<p>considerations having regard to other existing and/or permitted projects?</p>		
<p><b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<ul style="list-style-type: none"> <li>• The site is not within a European site, the North-West Irish Sea SPA (site Code 004236) is located c60m to the west of the site. Any issues arising from the proximity /connectivity to a European Site can be adequately dealt with under the Habitats Directive.</li> <li>• The site is located outside of Skerries Architectural Conservation Area.</li> </ul>	<p>no</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out</p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p>EIAR required.</p>
<p>✓</p>		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)