



An
Bord
Pleanála

Inspector's Report ABP315094-22

Development	Construction of a two-storey dwelling
Location	Iona, South Strand, Skerries, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0442
Applicant(s)	Frank Kavanagh
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellant(s)	Hughes Planning & Development Consultants on behalf of Frank Kavanagh
Observer(s)	None
Date of Site Inspection	27 th May 2023
Inspector	Leah Kenny

1.0 Site Location and Description

The location of the proposed development is the corner site (0.046ha) at the junction of Manning's Opening and South Strand, Skerries, County Dublin. The location is close to the centre of Skerries and fronts onto the promenade and beach at South Strand. While South Strand is mainly residential in the vicinity of the site, there are commercial properties to the east (rear of the property) along Strand Road. The typology of residential development in the area is of varying scale, style, and appearance.

The site is bounded to the north (and side) by Manning's Opening, a narrow one way lane linking Strand Road and South Strand with a pedestrian path on the northern side; to the east (front) by South Strand and the seafront; to the south by an existing residential property (the refurbishment of which has been approved (Reg. Ref. F20B/0308) and is currently ongoing); and to the west (rear of the property) by an access lane which separates the subject site from development to the rear of No. 41 Strand Street.

The site is relatively wide (almost 14m) and comprises an existing detached two storey dwelling positioned to the rear of the site and set back from South Strand by a front garden. Car parking and a single storey shed structure are located immediately in front of the property. There is no rear garden / amenity area as the existing dwelling backs immediately onto the rear lane. Vehicular and pedestrian access to the dwelling is from South Strand; and there is a pedestrian only gate directly onto Manning's Opening.

2.0 Proposed Development

The proposed development involves the subdivision of the subject site and the development of a new two storey detached dwelling house (with additional dormer level accommodation) to be located to the east (front) of the existing retained dwelling.

The new dwelling is set back on all boundaries.

- It is set back 6.7m from South Strand boundary, maintaining the existing building line with No. 41 South Strand, and providing parking and some amenity space.
- It is set back 2-2.2m from the northern boundary (with Manning's Opening) and 3m from the new wall dividing the two sites to the west, providing private open space of 48sq m.
- It is also set back 1.2m from the southern boundary by the creation of a new pedestrian entrance and laneway to the existing 'Iona' dwelling to the rear.

The existing dwelling will retain the current arrangement of its private open space to the front (75sq m). A new vehicular entrance is proposed from Manning's Opening and parking is provided for two cars.

The design of the proposed development is contemporary. Generous glazed elements and recessed balconies characterise the eastern (front) elevation while modest windows of obscured glass and a dormer rooflight characterise the western (rear) elevation.

3.0 Planning Authority Decision

By order dated 18th October 2023, Fingal County Council (FCC) issued a notification of the decision to refuse planning permission. The two reasons for refusal were:

1. Having regard to the pattern of development in the area, it is considered that the proposed development of a dwelling in the front garden of an existing dwelling represented over-development of a restricted site, would be out of character with exiting development in the area and would set an undesirable precedent for similar development in the area. In addition, the proposed development, by reason of the proposed layout and relationship with the existing dwelling to the rear of the site would constitute a visually dominant feature when viewed from the existing dwellings private amenity space and would seriously injure the amenities of the adjoining property by reason of overbearing and visual obtrusiveness. Furthermore, the proposed development would give rise to a substandard form of residential development by reason of the poor configuration and inadequate provision of private

amenity space for the proposed development. The proposed development would, therefore, be contrary to Objective DMS40 of the Fingal Development Plan 2017-2023 and to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because it has not been shown that adequate sightlines are available at the proposed new entrance onto Manning's Opening.

3.1. Planning Authority Reports

3.1.1. Planning Report

The planning report is the basis of the planning authority's decision to refuse permission. The key considerations of the Case Planner focused on the relationship between the existing (to be retained) dwelling and the proposed new dwelling in terms of compliance with Development Plan objectives and development management standards, the locational context of the site in terms of visual and residential amenity and whether the necessary vehicular sightlines could be achieved onto Manning's Opening.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for Environmental Impact Assessment (EIA), and it was concluded that none was required.

3.1.2. Other Technical Reports

Water Services Department – No objection to proposed development subject to conditions.

Transport Planning Section – Additional information requested relating to sightlines along Manning's Opening as it was not clear whether the necessary sightlines of 45m can be achieved due to the existing high boundary wall and building.

Parks and Landscaping Division - No comments to make.

Conservation Officer – No comments to make.

3.1.3. Prescribed Bodies

Irish Water - No objection to proposed development subject to conditions.

3.1.4. Observers

None.

4.0 Planning History

The subject site has an extensive planning history going back 25 years. Applications of relevance include:

- F22A/0149 – An application for a new one/two and a half storey detached dwelling was Withdrawn.
- F01A/1038 – Variations to an approved apartment development (F99A/0399) was Refused.
- F00A/0156 & PL.06F.119381 - Variations to an approved apartment development (F99A/0399) providing an additional floor with penthouse apartment was Refused.
- F99A/0399 – An application to demolish the existing house and construct a two-storey block of four two-bedroom apartments was Granted.

Relevant recent applications relating to nearby properties:

- F20B/0308 – An application to modify and extend the existing dwelling (to include a new one / two storey extension) was Granted. This dwelling immediately adjoins the appeal site to the south and construction works are currently ongoing.

5.0 Policy and Context

5.1. Fingal Development Plan 2017 – 2023

The Fingal County Development Plan 2017 – 2023 while current at the time of both the lodgement and assessment of the application has now been superseded by the

Fingal County Development Plan 2023 – 2029, which was as made on 22nd February 2023 and came into effect on 5th April 2023.

The site is zoned 'TC – Town and District Centre' with a stated objective 'to protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities'. The vision for the objective includes developing and consolidating these centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop their urban fabric in accordance with the principles of urban design, conservation and sustainable development. Residential use is permitted in principle.

The subject site / existing dwelling 'Iona' immediately abuts the eastern boundary of the Skerries Architectural Conservation Area (ACA), and it is an objective to preserve views along Stand Road to the front of the site. The seafront amenity area is also identified as a coastal walk and part of the GDA Cycle network.

The Development Plan includes the following policy objectives of relevance to the subject appeal:

- Policy SPQHO36: Ensure that all residential development within Fingal is provided with and has access to high quality private open space and semi-private open space (relative to the composition of the residential scheme) which is of a high-quality design and finish and integrated into the design of the residential development.
- Objective SPQHO35: Require that all private open spaces for houses and apartments/duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 14 Development Management Standards.
- Objective SPQHO39 / DMSO31: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective SPQHO40: Favourably consider proposals providing for the development of corner or wide garden sites within the curtilage of existing dwellings in established residential areas subject to the achievement of

prescribed standards and safeguards set out in Chapter 14 Development Management Standards.

- Objective SPQHO42: 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.
- Objective SPQHO43: Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.
- Objective SPQHO44: The Council will encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement.
- Objective DMSO23: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- Objective DMS032: Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:
 - Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
 - Consistency with the character and form of development in the surrounding area.
 - Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.
 - Ability to safeguard the amenities of neighbouring residential units.
 - Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.

- Provision of side/gable and rear access arrangements, including for maintenance.
- Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Impact on street trees in road-side verges and proposals to safeguard these features.
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.
- Provision of secure bin storage areas for both existing and proposed dwellings.
- Objective GINHO60: Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

Design Criteria for Residential Development in Fingal is addressed in Section 14.6 of the Development Plan. Standards for Residential Accommodation are addressed in Section 14.8 of the Development Plan and includes minimum room sizes, private amenity space and standards regarding daylight and sunlight.

5.2. Natural Heritage Designations

The closest Natura 2000 site (Skerries Islands SPA) is located 1km to the east of the subject site.

5.3. EIA Screening

Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

A First Party Appeal, prepared by Hughes Planning and Development Consultants, was submitted on behalf of the Applicant. The key points raised in the appeal are as follows:

- The proposed development accords with national, regional and local planning policy objectives.
- The proposed development is consistent with the sites 'TC – Town Centre' zoning objective, does not have an adverse impact on adjoining residential amenities and accords with the proper planning and sustainable development of the area. Residential is permitted in principle on TC zoned lands.
- The proposed development represents the more efficient and sustainable use of centrally located, zoned and serviced lands that provides an appropriate response to the use of an infill development site, whilst also providing for a high standard of residential accommodation.
- The proposed development is representative of a high quality and appropriately scaled residential development, enhancing the level of amenity along the existing streetscape and is like dwellings in the locality which have been permitted by Fingal County Council and/or An Bord Pleanála
- The proposed site is unique in which the applicant sought to retain the existing development on site rather than demolishing the existing house.
- The proposed sight lines were in accordance with guidelines established by the Department of Environment 'Resign Manual for roads and Bridges' and the 'Design manual for Urban Roads and Streets'.

6.1. Planning Authority Response

The Planning Authority had no further comments and requested An Bord Pleanála to uphold its decision.

7.0 Assessment

Having examined the application details and all other documentation on file, the appellant's First Party Appeal, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

1. Principle of Development
2. Residential Design Standards
3. Impact on Residential Amenity
4. Access / Car Parking

Each of these issues is addressed in turn below.

7.1. Principle of Development

- 7.1.1. The proposal entails the construction of a dwelling on a site zoned 'TC – Town and District Centre' with a stated objective 'to protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities'. The provision of residential development is consistent with the zoning objective of the site and established uses on adjoining sites.
- 7.1.2. I also consider the principle of the development on a wide corner site within the curtilage of an existing property and within an established residential area, such as the appeal site, to be actively encouraged and supported by Policy Objective SPQHO40 and Objective SPQHO42 with the proviso that the prescribed standards and safeguards set out in Chapter 14 Development Management Standards of the Development Plan can be met.
- 7.1.3. When promoting residential infill development on corner and back land sites in existing residential areas there are both opportunities and challenges as acknowledged by Policy Objective SPQHO42 and SPQHO43. Opportunities in terms of realising the development of underutilised sites, compact growth, and consolidation; and challenges in terms of protecting the character of the area and environment and meeting the prescribed standards and safeguards set out in Chapter 14 of the Development Plan.

- 7.1.4. There is no doubt that the subject site represents an opportunity for development / redevelopment. In this regard, I note there some innovative architectural designs in the area because of overcoming challenging sites, including very narrow sites (an example includes the permitted and constructed development at The Wherry further south along Strand Road (Reg. Ref. F17A/0235). I also consider from an architectural design perspective, the proposed new dwelling, in terms of its presentation to the seafront, to be an appropriately scaled residential development, which respects the established building line and roofline along Strand Road, is consistent with the pattern of development in the area and has an architectural expression similar to other development in the vicinity, including the modifications permitted in respect of the adjoining property (No. 41 South Strand).
- 7.1.5. However, and notwithstanding the above, the fundamental issue relating to the proposed development is the relationship between the existing dwelling to be retained and the new dwelling.

7.2. Residential Design Standards

Having regard to the criteria on the basis for which residential infill development on corner / side garden sites will be assessed (Objective DMSO32) I consider the proposed development as being compliant with most criteria, as follows:

- It is compatible with adjoining structures in terms of overall design, scale and massing.
- It is consistent with the character and form of development in the surrounding area.
- It can maximise surveillance of the public domain.
- It can provide side/gable and rear access arrangements, including for maintenance.
- Secure bin storage areas can be provided for both existing and proposed dwellings.
- Existing boundary treatments are retained where possible.

- It provides satisfactory levels of private open space to serve existing and proposed dwelling units.
- It has no impact on street trees in road-side verges and proposals to safeguard these features.

There are however the following criteria which require careful consideration:

- Ability to safeguard the amenities of neighbouring residential units (in particular, the existing dwelling 'Iona' to be retained).
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.

These matters, amongst other matters, are addressed below.

7.3. Impact on Residential Amenity

- 7.3.1. I note the concerns of the Planning Authority relating to the quality of the rear amenity space of the proposed new dwelling. The Case Planner observed that based on the Shadow Study submitted with the application, it would appear the rear amenity space of the proposed new dwelling would be significantly overshadowed by both the existing and proposed dwelling and future residents would have limited availability to sunlight. In this regard, I have reviewed the Shadow Analysis and it is evident that the height and massing of the adjoining property at No. 40 Strand Road already casts shadows across the subject site in the early morning and midday in March and Sept; and the existing dwelling casts a shadow on the current front garden in the afternoon. When the new dwelling is introduced the main private open amenity space of both the existing and retained 'Iona' dwelling and the proposed new dwelling are in shadow for much of the day.
- 7.3.2. However, I also note the location of the proposed new dwelling facing onto South Strand with immediate access to all its open space amenities and I further note the that the proposed balcony and roof terrace in addition to some (albeit) limited amenity space to the front of the property which are also oriented towards to the east. Therefore, in respect of the proposed dwelling, I consider that any limitation relating to sunlight and the quality of the rear amenity space, must be seen in the

wider locational context of the proposed dwelling and other amenity spaces incorporated into the design.

- 7.3.3. However, my main concern relates to the existing residential property to be retained. This dwelling is predominantly single aspect with several large windows on its eastern facade and with a limited number of windows to the rear / facing west (noting that the house immediately backs onto a lane to the rear). The current arrangement of its private open space to the front is to be retained (75sq m). Car parking for two cars is also provided in this area and a 1.8m wall is proposed to separate the parking from the private open space. The separation distance between the front façade of the existing dwelling and the façade of the proposed dwelling is 9.7m (single storey element) and 14m (2 storey element), and to the boundary is 6.7m (single storey element) and 11.2m (2nd storey element).
- 7.3.4. Having regard to the Shadow Analysis and notwithstanding the relatively modest height and width of the proposed new dwelling (in isolation to other matters), I consider that the introduction of the new dwelling, when combined with the height and massing of the neighbouring property and constraints of the subject site will have an overbearing impact on the 'Iona' residential property because of its predominantly single aspect nature and the fact its only private open space will be located to the front of the dwelling. While there may be some brief respite midday from the north; it is not considered sufficient given the nature of existing development to the south and west, and the proposed development to east.
- 7.3.5. I also note the effort to address the potential for overlooking of the existing 'Iona' dwelling in the context of reduced separation distances by avoiding directly opposing windows. This is achieved by minimising openings on the western elevation of the proposed new dwelling and using opaque glass; however, this does result in a somewhat severe architectural expression when viewed from the existing property and indeed from along Manning's Opening (in terms of solid to void ratio). This will only serve to reinforce the overbearing impact of the proposed development on the existing property.
- 7.3.6. Having regard to the above, and the height and massing of existing adjoining development, I consider the scale of additional development relative to the site size and location, would constitute over development of the site, and would result in

substandard residential amenity for the occupiers of the existing property to be retained. I therefore consider it to be contrary to Objective DMSO32.

7.4. Access / Car Parking

7.4.1. Having regard to the information submitted with the application, the comments of the Transportation Planning Section of Fingal County Council and following my site visit, I consider that the proposed access arrangements, parking, and sightlines in respect of the proposed new dwelling to be acceptable and in compliance with the Development Plan. My assessment therefore focuses on the arrangements for the retained dwelling 'Iona' which involve a new vehicular entrance from Manning's Opening and off-street parking for two cars. In this regard, given the narrow width of Manning's Opening it is intended that cars will reverse into the site from the lane, allowing cars to exist the site in a forward gear. The existing boundary wall will be reduced to enable visibility.

7.4.2. I note that the Transportation Planning Section of Fingal raised no specific concerns that cars will reverse into the site. Having visited the site I also note that there is an existing pedestrian entrance to the property at this location, vehicular traffic along Manning's Opening is relatively light, there is a path on the northern side of the lane segregating pedestrians from the roadway and there are double yellow lines on both sides of the lane to prevent parking. Therefore, I consider the principle of a new access / egress to the existing Iona dwelling from Manning's Lane to be acceptable; albeit that the need to reverse into the site is symptomatic of the spatial constraints relating to subdividing the site in two. The outstanding issue therefore relates to achieving the required sight lines.

7.4.3. Having visited the site, I would agree with the Transportation Planning Section of Fingal that there is a discrepancy between the existing and proposed planning application drawings insofar as it depicts the relationship of the gable wall of 'Iona' and the boundary wall along Manning's Opening which raises valid queries about whether the necessary vehicular sightlines can be achieved onto Manning's Opening.

7.4.4. I also note that the Appellants consider that the Council's concerns in respect of this issue could have been assessed by way of condition or be provided as an additional

information request, rather than included as a ground of refusal. I am therefore surprised that the Appellants did not take the opportunity to specifically include the technical information recommended to be requested by the Transportation Section of Fingal County Council in the appeal documentation.

7.4.5. I also note the precedents referred to in the appeal documentation focus on permitted infill developments where sightlines were below the standards; however, in all instances it is possible to drive into the proposed development, turnaround and drive out. I also note that all have pavements and, in some instances, a grass verge in front of the proposed access / egress which provide some 'refuge' before the public road.

7.4.6. Notwithstanding the above, I am mindful that the principle of the development on a corner and wide site within the curtilage of an existing property and within an established residential area, such as the appeal site, to be actively encouraged and supported. I am also mindful that the location of the proposed development, is within the Skerries urban centre, on lands zoned TC and that that drivers are likely to be more cautious where visibility splays are somewhat reduced.

7.4.7. Having regard to the above, I do not consider that the proposed development represents a traffic hazard and that clarification in relation to the available visibility splay could be addressed by way of condition, should other matters relating to the principle of development be deemed acceptable.

7.5. Appropriate Assessment Screening

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

Having regard to the above, I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to size of the subject site, its location and nature of adjoining development, it is considered that the proposed development would constitute over development of the site, would represent inappropriate infill development, and would result in a substandard residential unit giving rise to substandard residential amenity for the occupiers of the existing 'Iona' property contrary to Objective DMSO32 of the Fingal County Development Plan 2023 – 2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Leah Kenny
Planning Inspector

9th June 2023