



An  
Bord  
Pleanála

## Inspector's Report

**ABP-315970-23**

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<b>Development</b>	Demolition of garage and construction of a single storey, 2-bed bungalow and ancillary works
<b>Location</b>	2 Corduff Cottages (site to rear), Old Corduff Road, Blanchardstown, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW22A/0301
<b>Applicant(s)</b>	Kathy Clarke
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal for 3 no. reasons
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kathy Clarke
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> May 2023
<b>Inspector</b>	Bernard Dee

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## 1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of a terrace of single storey houses of early 20<sup>th</sup> century date on Old Corduff Road, Blanchardstown. Corduff Cottages are located within an established suburban area north-east of the M3 and north-west of the Snugborough Road.
- 1.2. The appeal site is located to the rear of Corduff Cottages and is directly behind No. 1 Corduff Cottages. Plots of land, presumably originally intended for garden and/or allotment use have now been utilised to build garages or as garden areas but the majority of the plots are lying fallow. To the south of the appeal site is an amenity green corridor with footpath.
- 1.3. During the site visit on 26<sup>nd</sup> May 2023 I noted that along the entire access lane running behind the two terraces that comprise Corduff Cottages, none of the plots had been developed for residential purposes. I also noted that approximately half the cottages had been extended to the rear and the building line was hard on the laneway itself.

## 2.0 Proposed Development

- 2.1. The proposed development will consist of the demolition of the existing garage structure on the appeal site and the construction of a two-bedroom bungalow with a GFS of c. 100m<sup>2</sup> on a 0.038ha site. A stone and cedar cladding mix is proposed for the bungalow.
- 2.2. It is also proposed to construct new boundary walls/fence/glazed fence as per the Further Information drawings received with the First Party appeal. The plans also accommodate a parking space within the site which is accessed via an access lane leading from the Old Corduff Road to a lane running to the rear of the cottages.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission for the proposed development was refused on 9<sup>th</sup> February 2023 for 3 no. reasons:

- 1. The proposed development, by virtue of the removal of private amenity space serving an existing dwelling, would be seriously injurious to the residential character and amenities of existing property, depreciating the value of same and would represent a contravention of Objectives DMS87 and PM44 DMS44 and the 'RS - Residential' zoning which applies to the site in the Fingal County Development Plan 2017-2023. The proposed development would set an inappropriate precedent for other similar development which would be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed access laneway is seriously deficient in width along its length and lacks sufficient capacity to safely accommodate the vehicle and pedestrian movements which the proposed development would generate combined with the existing and future pedestrian movements associated with the adjoining Corduff Cottages. In the absence of comprehensive proposals for the upgrade of this lane and the management of vehicle movements along its length, the proposal would constitute ad hoc piecemeal development which would endanger public safety by reason of traffic hazard and be inconsistent with the existing character of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 3. Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not retain satisfactory separation distances from existing water services infrastructure and the proposed development would not adversely affect same. The proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planner's Report noted the residential zoning of the site and the acceptability in principle for the proposed dwelling. The Planner then cites the relevant Development Plan provisions (see Paragraph 5.0 of this Inspector's Report) which require infill development to be respectful of the established character of the area in which they are proposed.

The Planner's Report stated that Corduff Cottages has a certain degree of character which the proposed development would effect and that as the appeal site serves as amenity space for No. 2, if the development was granted permission then this would leave the occupants of No. 2 with a deficit in terms of private open space and hence impact on their residential amenity.

The Planner's Report also expressed concern that the amenity space of future occupants of the proposed development would not be adequate to serve their needs and also had an issue with the quality of daylight that would be had in the rooms of the proposed bungalow.

In terms of access, the Planner's Report expressed concern that any widening of the access lane involves lands outside the control of the applicant and that access if the lane is not widened to provide sightlines would constitute a traffic hazard.

In terms of servicing the site, the Planner's Report notes that inadequate information was supplied with the application to determine the feasibility of connecting the proposed bungalow to existing services.

### 3.2.2. Other Technical Reports

The Water Services and Transportation sought further information in relation to the development.

### 3.2.3. Prescribed Bodies

Irish Water sought additional information on the proposed development.

### 3.2.4. Observations

None received.

## 4.0 Planning History

### 4.1. On the Appeal Site

No planning history on the appeal site.

### 4.2. In the Vicinity of the Site

No relevant planning history in the vicinity of the appeal site.

## 5.0 Policy and Context

### 5.1. Development Plan

Fingal Development Plan 2023-2029 is the statutory plan for the area within which the appeal site is situated and it came into effect on Wednesday 5th April 2023. The Planner's Reports on file therefore refer to the Fingal Development Plan 2017-2023 and may be disregarded by the Board. Set down below are the relevant Fingal Development Plan 2023-2029 policies and objectives in relation to this appeal.

The appeal site is located within Zoning Objective RS - Provide for residential development and protect and improve residential amenity, where the vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Policy CSP12 (and Policy SPQHP38) – NPF and RSES - Promote compact growth in line with the NPF and RSES through the inclusion of specific policies and targeted and measurable implementation measures that: - Encourage infill / brownfield development.

3.5.13 Compact Growth, Consolidation and Regeneration - The Council, in line with national and regional planning policies and objectives seeks to promote the regeneration of Fingal's towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and increased housing options. This 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.

Objective SPQHO37 – Residential Consolidation and Sustainable Intensification  
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.

Objective 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.

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites  
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.

**Table 14.4: Infill Development**

Infill Development
<p>Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms.</p> <p>Proposals for infill development will be required at a minimum to:</p> <ul style="list-style-type: none"><li>➤ Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width.</li><li>➤ Examine and address within the overall design response issues in relation to over-bearance, overlooking and overshadowing.</li><li>➤ Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site.</li><li>➤ Provide a positive contribution to the streetscape including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised.</li><li>➤ Promote active street frontages having regard to the design and relationship between the public realm and shopfronts of adjacent properties.</li></ul>

14.8.1 Floor Areas - The minimum size of habitable rooms for houses shall conform with dimensions as set out in Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities 2007 or the appropriate National Guidelines standards in operation at the date of lodging the application for planning permission.

14.10.1 Corner/Infill Development - The development of infill housing on underutilised infill and corner sites in established residential areas will be encouraged where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed. While recognising that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill, such development provides for the efficient use of valuable serviced land and promotes consolidation and compact growth. Contemporary design is encouraged and all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden area and car parking.

Objective DMSO31 – 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.

**Table 14.8: Private Open Space for Houses**

House type	Minimum open space
3 bedrooms or less	60 sq. m.
4 or more bedrooms	75 sq. m.

**Table 14.19: Car Parking Standards**

Land Use Category	Zone 1: Developments within 800m of a high-quality bus service, or 1600m of an existing or planned Luas/DART/Metro Rail station or in lands zoned Major Town Centre***		Zone 2: All other areas	
<b>Residential</b>				
Residential (1-2 Bedroom)	0.5	Max	1 plus 1 visitor space per 5 units	Norm

## 5.2. Natural Heritage Designations

There are no natural heritage designations located in the vicinity of the appeal site.



### 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

The grounds of the First Party appeal prepared by Philip Boyd & Associates are, in summary, as follows:

- The proposed dwelling is located on residentially zoned lands and complies with Development Plan policies and objectives with regard to infill development.
- The proposed bungalow is single storey and respects the architectural and town planning context of the single storey terraces that comprise Corduff Cottages which are not subject to any protection designation or conservation status.
- The daylight issue highlighted by the Planning Authority has been mitigated by the introduction of rail fencing (or glazed fencing if required) instead of a boundary wall to the south which will permit sufficient daylight in all habitable rooms and protect the residential amenity of future occupants of the proposed bungalow.
- Access to the site is not an issue as the central access between the two terraces is 6.5m wide and the rear lane is 4.5m wide which can accommodate the low volume of vehicular traffic which use the lane and can also accommodate emergency services vehicles. Traffic hazard is therefore not an issue at the appeal site.
- The bungalow can be set back further to improve the turning area into the site if the Board requires this design modification.

- A water main runs to the rear of the cottages and so does the foul drain. While the proposed dwelling is in close proximity to these services it will not obstruct them so the concerns of the Planning Authority in relation to this issue are groundless.
- The unique circumstance of the appeal site, surrounded by public open space or laneways on three sides and the amenity plot belonging to No. 3 Corduff Cottages to the north, mean that no precedent will be set in relation to building a dwelling on the appeal site.

6.1. Applicant Response

Not applicable.

6.2. The Planning Authority response is as follows:

- The application was assessed against relevant Development Plan zoning and standards and existing government policy and guidelines as well as the potential impact on neighbours and the character of the area.
- The removal of existing private open space from No. 2 Corduff Cottages is of concern.
- The applicant does not have sufficient legal interest in lands necessary to effect works to mitigate the existing traffic hazard associated with vehicular access to the site.
- If the Board is minded to grant permission then a Section 48 condition should be attached.

6.3. Observations

None received.

6.4. Further Responses

Not applicable.

## 7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues, therefore, are as follows:

- Principle of development.
- Impact on residential amenity.
- Services provision.
- Traffic hazard.
- AA Screening.

### 7.1. Principle of Development

7.1.1. Notwithstanding the residential zoning of the site and the policies contained in the Development Plan favourable to the densification of serviced lands through infill developments, I find that the development as proposed represents a piecemeal and unplanned development of a backland area currently used as an area for car parking and as private amenity space.

7.1.2. This type of unplanned and ad hoc type of backland development is not acceptable in principle and permission for the dwelling in this instance would create an undesirable precedent for the other plots being developed for residential purposes in a haphazard manner. The proposed development would be out of character with the existing character of the area and is proposed to be located in a position to overlook an amenity corridor which is not desirable in its own right.

7.1.3. I find that the development of a dwelling, regardless of the fact that it is single storey, would not be acceptable in principle and would create an undesirable precedent for the potential future development of this backland area.

## 7.2. Impact on Residential Amenity

- 7.2.1. The appellant states that the proposed development will not have any impact on the residential amenity of the area. However, the plots to the rear of the cottages, which have small front gardens and in most cases small or no rear yard space (approximately half of the rear areas have been built upon to extend the cottages) were specifically provided for private amenity space. Were the dwelling to be permitted then No. 2 Corduff Cottages would lose its private amenity space. While Corduff Park is located to the south of the appeal site this is not a substitute for private open space.
- 7.2.2. The private open space provision for the proposed bungalow appears sufficient but would be questionable in terms of viability if the bungalow was set back from the laneway (moved westward within the site) as the Transportation Section of the Planning Authority had suggested.
- 7.2.3. Daylight issues which concerned the Planning Authority could be mitigated by either rail fencing or glazed fencing and are not an issue in terms of residential amenity in the current case.
- 7.2.4. I conclude that the proposed development would have an adverse impact on the residential amenity of the area by virtue of the loss of private amenity space currently utilised by the occupants of No. 2 Corduff Cottages...

## 7.3. Services Provision

- 7.3.1. The application drawings show the kitchen and the two bathrooms being drained along with the surface water into a combined sewer running north-south along the rear laneway and then out into the Old Corduff Road. Irish Water is engaged in a process of removing combined drains and separating the sewage and surface water drainage system. In the meantime small infill projects are being permitted discharging to combined drains. While not ideal this issue would not be sufficient grounds to refuse permission for the development proposed in this instance.

#### 7.4. Traffic Hazard

7.4.1. While noting the appellant's comments regarding the 4.5m width of the access lane immediately to the east of the appeal site and that there is a 6.5m access onto the Old Corduff Road north of the site, I do not believe that sufficiently safe sightlines are available at either access location due to the garden walls of the cottages adjacent to the access lanes and to unrestricted parking on the Old Corduff Road.

7.4.2. Traffic using the access lane may currently be low but if permission is granted for a dwelling then the anticipated additional applications for dwellings in the backland area would add to the traffic hazard potential at the access locations.

7.4.3. Given that I believe the appeal site is not suitable currently for residential development in principle, I would recommend that the Board refuse permission for the proposed development on traffic hazard grounds also.

#### 7.5. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the fact that there are no European sites in the vicinity of the appeal site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 8.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Having regard to the limited area and access arrangements associated with the site and its relationship to adjoining property, it is considered that the proposed development represents inappropriate backland development, would result in a substandard residential unit and would seriously injure the amenities of adjoining residential property. The proposed development would, therefore, be contrary 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 of the additional traffic turning movements the development would generate on a narrow access lane at a point where sightlines are restricted in both directions.

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**Bernard Dee**  
**Planning Inspector**

**29<sup>th</sup> May 2023**