



An
Bord
Pleanála

Inspector's Report ABP-316090-23

Development	Demolition of dwelling and shed. Construction of 6 houses and all associated site works.
Location	Danell House, Main Street, Blanchardstown, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW22A/0110.
Applicant	Patricia Monahan.
Type of Application	Permission.
Planning Authority Decision	Grant of Planning Permission.
Type of Appeal	Third Party v Grant of Planning Permission.
Appellant	Helen Horgan.
Observer(s)	None.
Date of Site Inspection	30/01/2024.
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1.** The address of the appeal site is Danell House, Main Street, Blanchardstown, Dublin 15. The site has a stated area of c. 0.19ha and is located towards the northern end of Blanchardstown Village, on the south-western side of Main Street. The site currently comprises a detached, double storey dwelling with a flat roof form. The site is accessed via a centrally located vehicular entrance which leads to a car parking area within the dwelling's front setback. In terms of topography, the site slopes up from Main Street and the existing dwelling is elevated relative to the public road. The dwelling is served by a large area of amenity space to its front, side and rear and a single storey shed is located to its north-western side.
- 1.2.** In terms of the site surrounds, there is an existing youth centre located to the immediate south-east of the site. This youth centre has a single storey form but sits above the appeal site given the variation in site levels. There are a number of properties to the north-west of the site along Main Street which appear to be in a mix of residential and commercial uses. The site lies to the north-east of the residential estate of Ramor Park with No. 23 Ramor Park adjoining the site's rear (south-west) boundary. Clonsilla Court is also located to the site's south-west.

2.0 Proposed Development

- 2.1.** The proposed development originally sought planning consent for the construction of a residential development of 6 no. residential units, comprising 3 no. pairs of semi-detached dwellings (House Type A, B & C). The proposals seek to relocate the existing entrance towards the northern end of its roadside boundary and a new connecting driveway was proposed to run along the north-western site boundary.
- 2.2.** House Nos. 5 & 6 (House Type C) are located within the northern portion of the site and are orientated towards Main Street. A staggered front building line has been proposed and car parking is provided within the front setback of each dwelling. Private amenity space is provided in the form of a side (House No. 5) and rear garden (House No. 6), each with an area of 60sq.m.

- 2.3.** House Nos. 1-4 (House Type A & B) are located to the south-west of House Nos. 5 & 6 are orientated to the north-west towards the internal driveway. Each dwelling has in-curtilage car parking (4 no. spaces for House No. 1 and 2 no. spaces for House Nos. 2-4) within their front setbacks and private amenity space is provided in the form of rear gardens with areas that range from between 75sq.m. & 101sq.m.
- 2.4.** In terms of design, House Nos. 5 & 6 which front Main Street have a gable sided pitched roof form. The houses to the rear (i.e. 1-4) provide a third level of accommodation at attic level and each dwelling has a dormer projection on the front roof profile. Materials and finishes comprise a combination of brick and render for the principal elevations with a concrete tile roof. The dormer windows are also proposed to be clad in zinc finish.
- 2.5.** The dwellings range in size from 164sq.m. for House Type A (4 no. bedroom), 166sq.m. for House Type B (3 no. bedroom) and 108 sq.m. for House Type C (3 no. bedroom). The development is also served by an area of public open space measuring c. 215sq.m. which is located in the north-western corner of the site.
- 2.6.** Following concerns raised by the Planning Authority, the Applicant modified the design of the development at Further Information stage by omitting 2 no. dwellings from the scheme and undertook revisions to the overall layout and access arrangement. The revisions to the scheme are discussed in further in Section 3.2 below.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council granted planning permission for the proposed development subject to compliance with 17 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

- 3.2.1.1.** The Fingal County Council Planning Reports form the basis for the decision. The First

Planning Report provides a description of the site and surrounding context and an overview of the policy at local and national level that was deemed to be relevant to the consideration of the proposed development. The report provides details of the adjoining site's planning history and a summary of the observations on the planning file. In terms of their assessment, the Planning Authority noted the 'TC' (Town and District Centre) zoning of the site and was satisfied that the principle of development was generally acceptable. However, further information was requested with respect to the following matters:

1. Concerns regarding the layout and design of the proposal in terms of overbearing impact, overlooking, unsatisfactory layout of private open space and conflict with an established building line. The Applicant was requested to submit revised proposals which provided for the following:
 - a. The omission of Unit No. 6.
 - b. The re-orientation of Unit no. 5 to match Units 1-4 with private open space located to the rear of the dwelling.
 - c. Redesign of House No. 5 with dual frontage which presents an active frontage to Main Street with high quality architectural detailing and fenestration.
2. Clarification of discrepancies on submitted floor plans.
3. The submission of a shadow analysis.
4. Revisions to the proposed boundary treatments.
5. The Applicant was requested to liaise with the Housing Department regarding its Part V obligations.
6. The submission of additional information regarding the proposal's surface water management strategy.
7. The submission of additional information to address the transportation related issues.

3.2.1.2. As indicated in Section 2 above, the Applicant submitted a revised design by way of further information. The overall number of dwellings within the scheme was reduced (i.e. from 6 to 4) and the layout was reconfigured to provide a consistent front building

line to Main Street. A turning bay was provided in the north-western corner of site and the public open space area was relocated within the site. In addition, the location of the site entrance was retained in its current position. Overall, the Planning Authority was satisfied with the Applicant's response and a grant of planning permission was recommended. Suitable conditions were attached to address outstanding issues relating to surface water drainage and car parking.

3.2.2. Other Technical Reports

Parks and Green Infrastructure: Initial report recommending additional information with respect to the proposed boundary treatments. Second report on file stating no objection to the proposed development subject to compliance with conditions.

Transportation: Initial report recommending additional information. Second report on file stating no objection to the proposed development subject to compliance with various conditions which included modifications to boundary treatments and the reduction in the overall width of the vehicular entrance serving the site.

Water Services: Initial report on file recommending further information. Second report on file stating no objection to the proposed development subject to compliance with conditions.

Housing Department: Initial report on file which requested the Applicant to submit a Part V proposal.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to compliance with a condition.

3.2.4. Third Party Observations

Six (6) no. observations were received by Third Parties. The issues raised within the observations can be summarised as follows:

- Road safety and traffic related issues.
- Traffic calming measures should be introduced.

- Concerns highlighted with respect to the density, scale and height of the proposed development.
- The proposal is not in keeping with the character of the surrounding area.
- It is contended that the development would adversely impact the residential amenity of properties within the vicinity of the site by reason of overlooking, overshadowing and loss of light.
- Concerns regarding the removal of trees from the site and its impact in terms of loss of privacy. Adequate replacement planting should be provided.
- Drainage related concerns (surface & foul) associated with a development of this scale.
- Concerns raised regarding the relocated site entrance.
- The Applicant should be required to prepare a detailed Construction Management Plan.
- Concerns highlighted with respect to the construction phase of the project.
- Concerns that a LAP has not been implemented for the area.
- Concerns with respect to the inadequacy of open space provision on site.
- Concerns highlighted that all the hedgerows and trees have been cleared from the site and the associated ecological damage.

4.0 Relevant Planning History

4.1. The Subject Site.

None.

4.2. Site Surrounds.

- 4.2.1. The Planning Authority have set out in their report, details of the planning history of the lands to the south-east. No applications listed are considered to be directly relevant to the consideration of this appeal determination.

5.0 Policy and Context

5.1. Fingal County Development Plan, 2023-2029 (CDP)

The Fingal County Development Plan, 2023-2029 (CDP) came into effect on 5th April

2023, and after the decision of the Planning Authority to grant planning permission. Therefore, the 2023-2029 Development Plan is the operative plan for the purposes of the appeal determination. The appeal site is within an area zoned 'TC' (Town and District Centre), the objective of which is to 'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'. The zoning objective applies to the lands to the north-west and south-east along Main Street. I note that the site is located within the boundary of an area designated for a proposed Framework Plan (Blanchardstown Village (FP 13.B).

- 5.1.1. Chapter 3 of the Plan sets out the strategy to guide successful healthy placemaking and ensure quality housing. It includes a range of policies and objectives which accord with the NPF and RSES, the Housing Strategy and HNDA prepared in support of the Development Plan, and national planning guidance.
- 5.1.2. Chapter 5 outlines the role of the plan in helping Fingal realise its potential to be a low carbon society and mitigating the impacts of climate change. It encourages the form, design, and layout of new development to positively address climate change.
- 5.1.3. Chapter 6 'Connectivity and Movement' recognises and supports a collaborative approach that needs to be taken by all stakeholders to ensure the delivery of a sustainable transport network including key transport projects, new walking and cycling infrastructure, behavioural change initiatives and improved roads access. Relevant policies and objectives include the following:
 - Policy CMP2 – Concentrate compact growth around existing and planned transport services ensuring that travel demand and car-based travel is reduced.
 - Policy CMP25 – Implement a balanced approach to car parking, using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.
- 5.1.4. Chapter 9 deals with 'Green Infrastructure and Natural Heritage' and aims to develop and protect a network of interconnected natural areas, biodiversity, and natural

heritage. Objective GINHO20 relates to new residential development proposals and seeks, where appropriate, to maximise the use and potential of existing parks, open spaces and recreational provision, by upgrading and improving the play and recreational capacity of these existing facilities through development contributions in lieu of new open space or play provision.

5.1.5. Chapter 11 deals with 'Infrastructure and Utilities'. It outlines a range of policies and objectives to develop and protect water and waste infrastructure, and to protect air, noise, and light conditions.

5.1.6. Chapter 14 outlines 'Development Management Standards' in an aim to ensure that development occurs in an orderly and efficient manner which contributes to the Core Strategy and related policies and objectives. Relevant aspects include the following:

- Section 14.5.2 and 14.5.3 promote building density and height in accordance with national and regional policy and guidance.
- Section 14.6 outlines a range of design criteria and standards for various types of residential development, which is based on national guidance documents including the Apartments Guidelines.
- Section 14.13 deals with Open Space based on the principles of 'Hierarchy and accessibility', 'Quantity', and 'Quality'. The following elements are noted:
 - Objective DMSO50 – Require the monetary value in lieu of play facilities to be in line with the Fingal County Council Development Contribution Scheme.
 - Objective DMSO51 – Requires a minimum public open space provision of 2.5 hectares per 1000 population.
 - Section 14.13.2. - It is the intention of the Council to ensure, except under exceptional circumstances, that public open space provision exceeds 10% of a development site area.
 - Objectives DMSO52 and DMSO53 – Require that public open space shall be provided in accordance with Table 14.12 and other provisions.
 - Objective DMSO56 – Ensure every home within a new residential scheme is located within 150 metres walking distance of a park.
 - Objective DMSO57 – Require the monetary value in lieu of open spaces to be

in line with the Fingal County Council Development Contribution Scheme.

- Objective DMSO68 – Provide appropriately scaled children’s playground facilities within residential development (4 sq m per residential unit). Objective
- DMSO69 – Ensure that equipped playgrounds shall occupy an area of no less than 0.02 hectares and include a minimum of one piece of play equipment for every 50 sq. m.

5.1.7. Section 14.17 ‘Connectivity & Movement’ outlines a range of transport standards and objectives, including bicycle and car parking standards.

5.2. Section 28 Ministerial Guidelines.

5.2.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.3. Climate Action Plan (CAP) 2024

5.4. Project Ireland 2040 National Planning Framework (NPF)

5.4.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

5.5. 'Housing for All - a New Housing Plan for Ireland (September 2021)'.

5.5.1. is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

5.6. Regional Spatial and Economic Strategy for the Eastern and Midland Region

(RSES).

- 5.6.1. The primary statutory objective of the RSES is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas.

5.7. Natural Heritage Designations

- 5.7.1. The nearest designated site is Rye Water Valley / Carton SAC (Site Code: 001398) which is located c. 7.6km to the south-west of the site. There are also a number of European sites associated with Dublin Bay and include the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (004024), the South Dublin Bay Special Area of Conservation SAC (000210), the North Dublin Bay SAC (000206) and the North Bull Island SPA (004006). The designated sites are located a minimum of c. 10km to the east of the appeal site.

5.8. EIA Screening

- 5.8.1. See completed Form 2 on file. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been prepared and submitted on behalf of Helen Horgan, who is the owner and occupier of No. 23 Ramor Park which adjoins the south-western boundary of the appeal site. The submission notes that the principal objection to the development is that it contravenes Fingal County Council's own core strategy and its standards in relation to Development Management.

- 6.1.2. The submission refers to the policy of the Plan for infill development and it is highlighted that Unit Nos 1 and 2, will overlook, overbear and overshadow the appellant's property due to their height, size and proximity. It is stated that the trees within the site were felled in mid-2020 without any consultation with the appellant. These trees provided a much-cherished privacy to her property and in particular to her back garden. It is contended that the felling was carried out as a prelude to the application for the present planning permission, to increase the daylight and sunlight aspect of the development's units adjacent to the boundary wall with the appellant's property. The submission notes that this loss of privacy will be greatly compounded by the erection of the properties proximate to the boundary wall. Given the overall scale and height of the proposed dwellings at 3 no. storeys, it is stated that the proposed development will completely overbear and overlook the appellant's property and lead to a complete loss of privacy and loss of value of her property.
- 6.1.3. The submission refers to the location of a turning bay in close proximity of the appellant's back garden wall. It is stated that this will result in cars, delivery vans and refuse trucks turning within feet of the back garden with inevitable noise and pollution that will create a nuisance and will adversely impact the amenity of the appellant's home. Due to the height of the proposed development, it is contended that there is also likely to be some degree of overshadowing of the appellant's property.
- 6.1.4. The submission refers to the enclosed photos showing the existing view from the driveway of No. 23 Ramor Park. It is stated that this will give an idea of how much the proposed development will be disproportionate and out of character with the properties in Ramor Park. It is stated that the development fails to comply with the development Plan policies for infill development. For the various reasons outlined, it is requested that the Board refuse permission for the proposed development.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority confirms its decision and requests the Board to uphold the decision to grant permission. The Board is also requested to include the conditions related to the requirement for payment of a Bond/Cash Security, Open Space Shortfall

and S. 48 Levy.

6.3. Observations

6.3.1. None.

6.4. First Party Response

6.4.1. A response to the Third Party appeal has been prepared and submitted on behalf of the Applicant. The matters raised are summarised as follows:

- The development is fully in compliance with the development management standards prescribed in the current County Development Plan.
- The development does not adversely impact the residential amenity of any property within the site's vicinity, including the appellant's property.
- The development will provide an improved relationship with Main Street and result in a more cohesive streetscape.
- The development to provide 4 no. houses would enable members of the family to live in their chosen location and to enable them to provide inter-generational family supports to each other.
- The objections to the development are completely unfounded and the appeal should be withdrawn.

Enclosed within the response is the submitted landscape plan, contiguous elevations and sections and aerial imagery of the existing boundary wall with No. 23 Ramor Park.

6.5. Further Responses

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development & Density
- Residential Amenity

- Design & Visual Impact
- Access, Parking & Drainage
- Appropriate Assessment

7.1. Principle of Development & Density

- 7.1.1. Under the current Fingal Plan (2023-2029), the appeal site is located on lands zoned 'TC' (Town and District Centre) where it is an 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 this zone is to maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County and 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. The proposed development in this instance seeks planning consent to demolish the existing dwelling on site and construct a new multi-unit residential development. Originally, this development comprised 3 no. pairs of semi-detached dwellings (total of 6 no. dwellings). Although the Planning Authority was satisfied that the principle of development was acceptable, concerns were raised with respect to elements of the scheme's design and the development was subsequently amended, with the overall number of units within the development being reduced (i.e. 4 no. dwellings).
- 7.1.2. Notwithstanding the fact that a residential use is identified as being 'permitted in principle' under the 'TC' zoning of the site, I note that the proposal is for an entirely residential development, and it has not been set out by the Applicant how an exclusively residential scheme can contribute to either the vitality or viability of the existing urban centre. Irrespective of this, I note that the site is located towards the northern end of Main Street and outside what you could observe to be the village's commercial core. Therefore, based on the location of the site and the pattern of development in the surrounding area, I am satisfied that the principle of development is acceptable at this location and is generally in accordance with the zoning provisions of the site.

7.1.3. Within their assessment of the application, the Planning Authority had regard to the density of development being proposed and they indicated that the proposed density (i.e. c. 32 units per ha.) was acceptable having regard to site's town centre location and its access to public transport. However, I note that the issue of density was not revisited following the submission of the Applicant's revised proposals for the site. Section 14.5.1 (Achieving Consolidation) of the current Plan notes that infill development opportunities or gap sites between existing buildings of varying extent offer opportunities to consolidate existing development and to enhance streetscapes. The Plan highlights that the development of small infill sites in urban centres provides significant scope for well-designed residential development, including opportunities for older members of the community to avail of appropriately sized housing options in town centre locations with the benefits of proximity to community infrastructure, services, transport links and recreational amenities. In terms of the policy surrounding density, Section 14.6.3 (Residential Density) of the Plan notes that in general, the density and number of dwellings to be provided within residential schemes should be determined with reference to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. In addition, development should also be consistent with the policies and objectives set out in Chapter 3 Sustainable Placemaking and Quality Homes and should promote appropriate densities, having regard to factors including the location of the site, accessibility to public transport and the principles of sustainability, compact growth and consolidation.

7.1.4. Since the decision of the Planning Authority to grant permission, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (referred to herein as Compact Settlement Guidelines) have been adopted and now supersede the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Under Table 3.1 (Areas and Density Ranges Dublin and Cork City and Suburbs), the Compact Settlement Guidelines indicates that the 'city-urban neighbourhoods' category includes:

- the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses,

- strategic and sustainable development locations,
- town centres designated in a statutory development plan, and
- lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area.

It is stated that these are highly accessible urban locations with good access to employment, education and institutional uses and public transport and it is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in the urban neighbourhoods of Dublin and Cork. In this instance, the appeal site is located on 'TC' zoned land and is strategically located relative to a range of services and amenities both within the village itself and the MTC zoned lands located further to the north-west. The site is also located within close proximity of existing and proposed high-capacity public transport, including the planned Blanchardstown to City Centre BusConnects route.

7.1.5. On the basis of the permitted development, the scheme results in an overall density of c. 21 units per ha. Whilst I accept that there are instances where lower densities would be appropriate, if for example there are particular sensitivities such as stands of significant mature trees or features of architectural/archaeological interest that can have a direct influence on what can be delivered on site. However, constraints of this nature are not applicable in the case of the subject site. Although there are existing dwellings located to the south-west (Ramor Park) and north (St. Philomenas), the site to the south-east is elevated relative to the subject site and contains a community use and in my view is less sensitive. Whilst I acknowledge the pattern of development in the area, including the prevailing building height and typologies, it is my view that a greater density of development could be absorbed at this location. I have significant concerns regarding the density of development being proposed, which I consider to be excessively low. The development as permitted, comprises 4 no. detached dwellings. Each dwelling is generously sized, with accommodation provided over 3 no. levels. I note that this density of development would also typically be discouraged in more suburban or urban extension areas. Whilst I accept that the Applicant has sought to address the Planning Authority's concerns, I am not satisfied that the current arrangement would represent an efficient use of this central and accessible town

centre site. This is particularly relevant in light of policies at local through to national level which I have outlined that seek to consolidate infill and brownfield sites in order to secure compact development. Whilst I acknowledge that there are existing residences within the immediate surrounds of the site that should be afforded protection and it is necessary to strike an appropriate balance, it is noteworthy that there are a number of SPPRs contained within the Compact Settlement Guidelines which may allow for greater design efficiencies to be achieved on the appeal site.

- 7.1.6. Therefore, having regard to the overall size, configuration and characteristics of the site, the location of the appeal site on 'TC' zoned lands and its accessible location relative to a range of services, amenities, educational institutions and existing and proposed high-capacity public transport, it is considered that the proposed development fails to achieve compact consolidated development and an efficient use of accessible, zoned and serviced lands. The proposed development is considered to be contrary to Policy CSP14 (Consolidation and Re-Intensification of Infill/Brownfield Sites) of the current Plan which seeks to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs. For this reason, I recommend that permission be refused for the proposed development. In this regard, I refer to Section 37 (1)(b) of the Planning and Development Act 2000 (as amended) which states "*that where an appeal is brought against a decision of a planning authority and is not withdrawn, the Board shall determine the application as if it had been made to the Board in the first instance and the decision of the Board shall operate to annul the decision of the planning authority as from the time when it was given.*" I note that this is a new issue for the Board's consideration, and the Board may wish to seek the views of the parties on this particular matter.

7.2. Residential Amenity

- 7.2.1. The Third Party appellant is the owner and occupier of the existing dwelling which is located to the south-west of the appeal site on Ramor Park. This is a semi-detached double storey dwelling which is served by an area of amenity space to its rear (north-west). It is noted that the appellant's property adjoins the majority of the appeal site's

rear boundary. The appellant has raised significant concerns regarding the scale and density of development at this location and it is their view that the proposed development will adversely impact the residential amenity of their property by reasons of overlooking, overshadowing and by being visually overbearing. On the basis of the Applicant's revised proposals, House No. 1 is located adjacent the south-western boundary. The dwelling has a total length of c. 14m on its south-western side and a setback of between c. 3.6m (south-eastern end) and c. 5m (north-western end) is provided from the shared boundary. I note the proposed dwelling is located largely opposite the side wall of the appellant's property. Given the variation in site levels, House No. 1 sits below (c. 1m) the ground level of No. 23 Ramor Park and the dwelling, with its gable sided roof will have a maximum height of c. 10.65m. Having regard to the overall scale, height and form of the dwellings within the development, the setbacks provided from the common boundary, the orientation of the site, whereby the House No. 1 is located to the north-east of the appellant's property, and the Applicant's shadow analysis, I am satisfied that the proposed development will not unduly detract from the residential amenity of the adjoining property by reasons of overshadowing, loss of daylight/sunlight or by being visually overbearing.

7.2.2. In terms of overlooking, I note that House No.1 & 2 are orientated to the north-west, with an outlook provided towards the in-curtilage car parking and internal carriageway. There is an existing first floor level window serving the ensuite bathroom on the south-western elevation of House No. 1. However, I note the Planning Authority have included a condition which ensures that all bathroom/ensuite and landing windows shall be fitted and permanently maintained with obscure glazing. Having regard to the orientation of House Nos. 1 & 2, their siting relative to the appellant's property and subject to compliance the Planning Authority's recommended condition, I am entirely satisfied that the proposed development will not result in direct or undue overlooking of properties within the vicinity of the site. I am therefore satisfied that the proposals are acceptable having regard to the residential amenity of the site and surrounding area.

7.2.3. The appellant within their submission has raised concerns regarding the location of

the turning head which is positioned proximate to the appellant's boundary. Concerns centred around noise related impacts associated with additional traffic movements. Having regard to the modest scale of development and the nature of the proposed residential scheme, I am satisfied that this element of the proposal is acceptable and would not give rise undue noise related impacts.

7.3. Design & Visual Impact

- 7.3.1. Within their initial assessment, the Planning Authority had raised concerns regarding the relationship between House Nos. 5 & 6 and also how they impact on House No. 4 due to their staggered arrangement. It was stated that the position of House No. 5 will have an overbearing impact on the residential amenity and private open space of No. 6, while House No. 6 will impact negatively on the front aspect of House No. 5. Concerns were also raised regarding the potential for overlooking within the development due to the layout as originally proposed, notably the way House No. 5 is positioned relative to House No. 4. In terms of the streetscape, the Planning Authority indicated that the existing cottages to the north of the site had created an established building line, and it is considered that House No. 6, which is set forward of these cottages by c.7.6m, would conflict with this building line to an unacceptable degree. Design changes were suggested by the Planning Authority which included the omission of House No. 6 and the re-orientation of House No. 5 to match House Nos. 1-4.
- 7.3.2. As indicated earlier, the development as permitted by the Planning Authority comprises 4 no. detached, double storey dwellings with attic level accommodation. To provide the third level of accommodation, each dwelling has a gable sided pitched roof form with a dormer structure provided on their front roof slope. A restricted palette of materials and finishes have been adopted which comprises a combination of brick and render for the principal elevations with zinc clad dormers. House Nos. 3 & 4 are orientated towards Main Street with a minimum front setback of c. 9.4m provided which generally matches that of the existing cottage to the north (St. Philomenas). House Nos. 1 & 2 occupy the rear portion of the site and are orientated to the north-west towards the internal road. A public open space area measuring c. 196sq.m. is located

to the north-east and north-west of House Nos. 2 & 3 respectively.

- 7.3.3. Within their submission, the appellant has raised concerns with respect to the overall scale of development which they contend is not in keeping with the character of the site and surrounding area. The appellant also refers to the policy of the current Plan with respect to infill development and infill development on corner/side garden sites. Whilst I acknowledge that the plan provides guidance for infill development, I note that the particular policy (Section 14.10.1 (Corner/Infill Development)) referred by the appellant is typically geared towards sites within established residential areas. Although I note the established residential use, the lands are located zoned 'TC' and it is therefore my view that the aforementioned policy is not directly relevant to the subject proposal. Irrespective of this, I am satisfied that the dwellings are designed to a high standard and provide an acceptable graduation in height within the streetscape context. Overall, it is my view that the development does not detract from the character of the site and surrounding area and is therefore acceptable in principle. Notwithstanding this, I again note my concerns with respect to the design response for this central and accessible site which is not considered to represent an efficient or sustainable use of the site.

7.4. Access, Car Parking & Drainage

- 7.4.1. As part of the amended proposals at further information stage, the Applicant sought to retain the central location of the vehicular entrance so to ensure that the existing on-street car parking was not impacted by the proposed development. Each dwelling is served by 2 no. in-curtilage car parking spaces and the internal driveway serving the development will lead to a turning bay within the north-western corner of the site. The Planning Authority included a number of conditions which are attached to the grant of permission which require some minor modifications to the scheme, including revisions to the height of boundary walls, reduction in the width of the vehicular entrance, a reduction in the size of the turning area etc. Overall, it is my view that this aspect of the development is acceptable, and the quantum of car parking spaces accord with the relevant policy provisions of the current Plan. In addition, adequate sightlines have been demonstrated from the site's entrance and I am satisfied that the intensification

of the existing entrance will not result in a traffic hazard. Should a revised scheme for the site be forthcoming, a case could be put forward for a reduced car parking provision given the central location of the appeal site.

- 7.4.2. In terms of drainage, it is noted that the proposed surface water drainage design includes an underground attenuation tank. The Planning Authority indicated their preference for overground green/blue infrastructure which maximises the environmental benefits in terms of water quality, flooding, amenity, and biodiversity, whilst also providing additional benefits in terms of maintenance. In their assessment of the Applicant's further information response, it was recommended that the Applicant review the surfacing of the access road and amend the type of surfacing accordingly. In addition, it was stated that the Applicant should reconsider the design - in particular the drainage arrangement of the access road where a roadside swale / filter drain is considered more ideal. Given the limited area of semi-private open space, it was acknowledged that the required attenuation volume may not be achievable, and an underground attenuation component might be unavoidable. Suitable conditions were attached to the grant of permission. Overall, I am satisfied that the Applicant's proposals for the disposal of surface water on site are generally acceptable subject to compliance with the conditions as recommended by the Planning Authority.

7.5. Appropriate Assessment

- 7.5.1. The nearest designated site is Rye Water Valley / Carton SAC (Site Code: 001398) which is located c. 7.6km to the south-west of the site. There are also a number of European sites associated with Dublin Bay and include the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (004024), the South Dublin Bay Special Area of Conservation SAC (000210), the North Dublin Bay SAC (000206) and the North Bull Island SPA (004006). The designated sites are located a minimum of c. 10km to the east of the appeal site. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, an urban and serviced site, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise in this instance and that the proposed development would not be likely to have a significant effect, either

individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. National Policy Objective (NPO) 3a of Project Ireland 2040 National Planning Framework (NPF) seeks to ‘deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements’. In addition, it is an objective under NPO 35 to ‘increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. Regional Strategic Outcome (RSO) 2 of the Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) recognises the need to achieve ambitious targets for compact growth in our urban areas where it is identified that infill sites can contribute to sustainable compact growth and revitalisation of existing settlements of all scales. At local level, Policy CSP14 (Consolidation and Re-Intensification of Infill/Brownfield Sites) of the Fingal County Development Plan, 2023-2029 seeks to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs. Having regard to the overall size, configuration and characteristics of the site, the pattern of development in the surrounding area, the location of the appeal site on ‘TC’ (Town & District Centre) zoned lands under the current Plan and its accessible location relative to a range of services, amenities, educational institutions and existing and proposed high-capacity public transport, it is considered that the proposed development, which comprises 4 no. detached dwellings, fails to achieve compact consolidated development and an efficient and sustainable use of accessible, zoned and serviced lands by reason of its excessively low density. In this regard, the proposed development is considered to be contrary to the policies and objectives at local through to national level

that seek to achieve compact growth at suitable locations and is therefore 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.

Enda Duignan

Planning Inspector

27/05/2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316090-23		
Proposed Development Summary	Demolition of dwelling and shed. Construction of 6 houses, relocated road entrance, boundary walls and all associated site works.		
Development Address	Danell House, Main Street, Blanchardstown, Dublin 15.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	No further action required
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?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
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]?			

		Threshold	Comment (if relevant)	Conclusion
No				No EIAR or Preliminary Examination required
Yes	X	500 residential units	Class 10(b)(i)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 27th May 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-316090-23	
Proposed Development Summary	Demolition of dwelling and shed. Construction of 6 houses, relocated road entrance, boundary walls and all associated site works.	
Development Address	Danell House, Main Street, Blanchardstown, Dublin 15.	
<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>		
•	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants? 	The proposed development is for a residential development on a brownfield site within Blanchardstown which is urban in nature and is connected to public services.	<p>No</p> <p>No</p>
• Size of the		

<p>Development</p> <ul style="list-style-type: none"> Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects? 		<p>No</p> <p>No</p>
<ul style="list-style-type: none"> Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p>	<p>No</p> <p>No</p>
<p>• Conclusion</p>		

<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA not required. 		
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Inspector: _____

Date: 27th May 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2

Screening the need for Appropriate Assessment Screening Determination

I have considered the [title of project] in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an urbanised area within Blanchardstown Village. The nearest designated European site is the Rye Water Valley / Carton SAC (Site Code: 001398) which is located c. 7.6km to the south-west. There are also a number of European sites associated with Dublin Bay and include the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (004024), the South Dublin Bay Special Area of Conservation SAC (000210), the North Dublin Bay SAC (000206) and the North Bull Island SPA (004006).

The proposed development comprises the demolition of an existing single residence and the construction of 4 no. detached dwellings.

Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, removed from and with no direct hydrological or ecological pathway to any European site, I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.