



An
Bord
Pleanála

Inspector's Report

ABP-316114-23

Development	Construction of 17 houses, entrance from Loughshinny Park Road, open space and associated site works.
Location	Loughshinny Park, Loughshinny, Skerries, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0713
Applicant(s)	Derek Jones.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal.
Appellant(s)	Derek Jones.
Observer(s)	Francis Maguire.
Date of Site Inspection	25 th April 2024.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The subject site is located in the village of Loughshinny, c. 3.8km to the south of Skerries, in north Co. Dublin.
- 1.2. To the south the site fronts onto Loughshinny Park, a local road (L1320), which extends east to the coast and west to the R128.
- 1.3. The site is bounded to the north by agricultural land, and to the east and west by existing low density residential developments. Loughshinny Bay estate is located to the east and the Old Well estate lies to the west.
- 1.4. The appeal site is rectangular in shape and currently grassed. The northern site boundary comprises a planted field boundary. The boundary to the east is defined by a timber wooden fence which also forms the rear garden boundary to residential houses within The Old Well. To the west the boundary with the Loughshinny Bay estate (home to the Observer to the appeal) is defined by a concrete block wall which is completely open in part contiguous with an area of public open space. The appeal site has an open boundary to the south which slopes down to where it adjoins the existing footpath.
- 1.5. Loughshinny is served by a number of bus routes providing access to Dublin City Centre, Dublin Airport, Skerries, Swords and Balbriggan. the 33, 33A, 33E, 33X and 533. Dublin Bus stops are located at Loughshinny Cross which are within 300m from the site.
- 1.6. The site is rectangular in shape and has a stated area of 0.65 Ha.

2.0 Proposed Development

- 2.1. The application seeks permission for.
 - The construction of 17 no. two storey, three-bedroom dwellings (each provided with 2 no. on-curtilage car parking spaces to the front),
 - Provision of a new vehicular entrance from Lough shinny Park Road
 - Provision of 1,039 sqm of public open space, and

- All associated site works including boundary walls, drainage, landscaping, paving, boundary treatments and all associated site works required to facilitate the development.
- 2.2. The proposed dwellings are positioned in a linear pattern addressing the internal road. Two areas of open space are proposed, one to the east of the internal road (c.887sqm) and the other to the north of the site indicated as no. 11 (c.152sqm).
- 2.3. All houses are two storeys with a maximum height of 7.5m.
- 2.4. Drawings submitted show House Type A with a stated gross floors area of 105.7sqm. House Type B has a stated floor area of 101.4sqm. Dash render finishes are proposed on all elevations, and roofs are to be finished in black roof tiles.
- 2.5. The application was accompanied by the following.
- Planning Report
 - Engineering Report
- 2.6. The applicant has provided an alternative design option as part of their first party appeal for the Board to consider. The revised option includes a reduction in the number of units to 14 no. units and the introduction of an additional 4 bed house type C. A larger area of open space is provided centrally, and a Landscape Plan accompanies the appeal. The revised design option is discussed further under Section 7 of this report below.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission 23/02/2023 for the above-described development for 3 no. reasons.

1. Having regard to the scale of the proposed residential development within the village of Loughshinny, taking account of Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Area 2019-2031, which seeks to 'support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the cores strategies of the

county development plans' and the policy of the Fingal Development Plan 2017-2023 (as varied) which identifies Loughshinny as a core town/village identified for limited development. It is considered the proposed development would be contrary to the Fingal County Development Plan 2017-2023, and in particular Objective SS02b which seeks to focus new development where infrastructural capacity is readily available in a phased manner alongside the delivery of appropriate physical and social infrastructure and would therefore be contrary to the proper planning and sustainable development of the area.

2. The layout, design and density of the proposed development would constitute a cramped and overdevelopment of the site with a poor quality of open space provision. The proposed development is considered to be inconsistent with the pertaining pattern of development and would be contrary to Objectives PM38, PM40, PM44, DMS29 and Objective RF07 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The subject site is located within a 'Highly Sensitive Landscape' in the Fingal Development Plan 2017-2023. The proposed development, by reason of its design, form and layout, would be seriously injurious to the visual amenities of the area, would be out of character within the existing streetscape and the existing pattern of development. The proposed development would materially contravene Objective NH36 and Objective SS21 of the Fingal County Development Plan 2017-2023 which seeks to ensure Loughshinny is sensitively designed, and future development respects the unique character and visual amenities of the village. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report 23/02/2023

Basis for the planning authority decision. Include:

- *Principle of Development* – Considers that the impact of the proposal on delivery of local, regional, and national spatial development requires careful consideration.
- Outlines Variation No. 2 of the CDP 2017-2023 adopted with the explicit purpose to align the CDP with the NPF and the RS&ES. Variation No. 2 outlines that is an objective of the CDP that all villages have a LAP, which will guide and phase development in such locations and that growth of housing in these settlements is at a moderate pace, generally managed by LAPs.
- Variation No.2 of the CDP 2017-2023 outlines that it is policy as set out in Objective SSO2a and Objective SSO2b of the CDP to focus new development where infrastructural capacity is readily available, along existing or proposed high quality public transport corridor, in a phased manner alongside the delivery of appropriate physical and social infrastructure on lands where there is a LAP or Masterplan in place.
- There is no adopted Masterplan or Local Area Plan for Loughshinny.
- Any new development must be proposed at a scale that is both appropriate to the size of the village and respectful of its unique character.
- Loughshinny is not on an existing or proposed high quality public transport corridor and has very limited local employment opportunities.
- The proposed development would comprise the construction of an additional 17 residential units and based on an average household occupancy of 2.7 persons would result in an additional 45.9 persons within Loughshinny which is 6.8% increase in population and an estimated 7.4% increase in the number of units.
- Proposed development would exceed that specified in Variation No.2 and contribute to excessive growth of the village within a short period of time which would not constitute sustainable development and would also exceed the appropriate rate as set out in the CDP for Loughshinny.
- Given the siting/location of the proposed development, and the lack of connectivity to the nearest settlements of Skerries and Rush, the proposed

development is likely to give rise to an over reliance on private car use for both local and non-local trips across all journey purposes contrary to national policy, the provisions of the RS&ES and the CDP.

- Proposed development would therefore not be acceptable to the PA and therefore a recommendation is made for the refusal of the proposed development.
- *Density* – Refer to Section 6 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009 refers to development in small towns and villages.
 - Notes Loughshinny would be at the lower population scale for small towns and villages.
 - Notes that Loughshinny has grown organically over time in a linear pattern along the public road towards the harbour, therefore there is no established or defined village centre. The interpretation and application of densities can therefore be complicated.
 - Refers to Circular Letter NRUP 02/2021 which notes the difficulty in applying prescriptive density standards in locations that display a variety of contexts and land uses, such as those that can be found in towns and villages that have evolved organically over hundreds of years.
 - Based on the subject site of 0.6481 and proposals for 17 dwellings, this would equate to a density of c. 26 units per hectare. Given the established pattern of development in Loughshinny consider that the density proposed is unacceptable and would constitute an overdevelopment of the site.
 - Consider that the level of development proposed and design of same would overwhelm and detract from the quintessential character of Loughshinny.
- *Layout Design and Visual Impact* – A detailed Design Statement for the proposed development in accordance with Objective DMS03 of the CDP has not been submitted.

- Notes section of Planning Report prepared by Planning Consultants which refers to the 12 criteria contained in the Urban Design Manual – A Best Practice Guide, which is not considered sufficient, with absence of photographs of the site, its surroundings or illustrations such as photomontages, perspectives or sketches.
- Considers the development is unacceptable and would constitute a cramped form of development and an overdevelopment of the site.
- Layout is suburban in character, the design and finishes of the proposed dwellings lack visual interest and variation and the manner in which the proposed development interfaces with the public road is poorly conceived.
- Area to the front of the proposed dwellings lacks appropriate soft landscaping features thus creating a car dominant streetscape.
- Development would not integrate satisfactorily with the existing area and would unduly impact on the character and visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity of the subject site.
- Proposed development would materially contravene CDP.
 - Objective PM38 which seeks to ‘achieve an appropriate dwelling mix, size, type, tenure in all residential areas subject to the character of the area and environment being protected’,
 - Objective PM44 which seeks to ‘encourage and promote the development of underutilised infill, corner and back land sites in existing,
 - Objective RF07 which seeks to ‘Preserve, protect and enhance the natural, built and cultural heritage features that form the basis of the attraction of Fingal’s villages as places to live work and visit’ and
 - Objective NH36 which seeks to ‘Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area.’

- and therefore, would not be acceptable to the PA and recommend a refusal.
- *Residential Units* – Both unit types are two storeys, 3-bedroom 5 person dwellings, and therefore fails to provide an acceptable range of dwelling types and sizes to support a variety of household size. Proposals do not comply with Objectives PM38 & PM40 of the CDP which seeks to achieve an appropriate dwelling mix, size, type, tenure in all new residential developments and to ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.
- In terms of floor areas, proposed dwellings demonstrate compliance with
 - Objective DM24 of the CDP with regard to dwelling type, room sizes/widths and storage.
 - Objective DMS87 of the Each dwelling is shown to have a private amenity space which is considered acceptable and complies with DMS87 of the CDP.
 - All units are dual aspect and given the orientation and layout proposed will ensure adequate levels of daylight and sunlight thus providing for good levels of amenity for residents.
 - *Separation distances* – There are no dwellings within the scheme with direct opposing rear first floor windows therefore Objective DMS28 of the CDP is not relevant. Separation distance provided between the side walls of the proposed dwellings between the terrace blocks is below 2.3m and therefore would not comply with the CDP.
 - Notes that while some of the items identified above could be addressed by way of an additional information request, in this instance it is recommended that permission be refused.
- Impact on the Residential Amenity of the Area
 - Considers proposed development is compliant with the CDP objectives in relation to separation distances, would not result in overshadowing, that the levels of daylight and sunlight on the adjoining residential

developments is acceptable, and would not have an undue adverse overlooking impacts of the residential amenities of the adjacent properties.

- *Open Space, Boundaries, Landscaping and Biodiversity* –
 - Notes issues raised in Reports received from Parks and Green Infrastructure Dept of the PA (which recommends FI) and report received from Dept of Housing, Local Government and Heritage (which recommends that issues raised can be dealt with by condition) and concludes in recommending refusal.
- *Access, Parking and Transport* – Report of the Transportation Dept. which recommended FI was noted, however, it was recommended to refuse permission in this instance.
- *Flooding Services, and Drainage* - Report of the Water Services Dept. which recommended FI was noted, as was Report from Irish Water which has no objection. However, it was recommended to refuse permission in this instance.
- *Taking in Charge* – Notes that a Taking in-Charge drawing was not submitted as part of the application and is required, both by the Parks and Green Infrastructure Division and the Transport Planning Section. However, it was recommended to refuse permission in this instance.
- *Archaeology and Conservation* – Notes the subject site is located c. 350m southwest of a number of Recorded Monuments located in Thomastown (Balrothery East By) and that no report has been received the Heritage Officer/Community Archaeologist. Notes Report from the Department of Housing, Local Government and Heritage which recommends a condition with respect to pre-development testing. However, it was recommended to refuse permission in this instance.
- *Waste Management* – Notes drawing submitted do not indicate bin storage for the end of terrace / semi-detached dwelling but would appear to be located to the side and rear. An Operational Phase Waste Management Plan or similar would be required. Notes Report from the Environment Section (Waste

Enforcement & Regulation) have raised no objections subject to requirements. However, it was recommended to refuse permission in this instance.

- *Part V - Notes Development Costs* Part V Assessment prepared by Wherity Chartered Surveys which indicates the provision of 2 units, and Report of the Housing Department which has no objections subject to requirements. However, it was recommended to refuse permission in this instance.
- *Conclusion* – Loughshinny has been identified for a limited level of additional housing development and has the necessary residential zoning in place to facilitate this. Note planning gain in developing the site, given the level of development proposed together with the design and layout it is considered the proposed development is unacceptable, would constitute overdevelopment of the site and would not comply with the specific objectives set out in Fingal Development Plan 2017-2023 with respect to residential development.
- Proposed development would be contrary to the settlement hierarchy set out in the RSES for the region and settlement strategy of the CDP. Proposed development would be contrary to the proper planning sustainable development of the area and permission should be refused.

3.2.2. Other Technical Reports

- **Transportation:** Report recommended further information in relation to bike storage for the mid terrace units within the curtilage of or adjacent to the houses, wider car parking spaces for in-curtilage car parking for the mid-terrace units, provision of a minimum 1.8m wide footpath along the full site boundary with the public road, a reduced internal road width, provision of a grass verge, planting or landscaping between the footpath and road carriageway, details of dished pavements, locations of uncontrolled pedestrian crossings, details of where the footpath terminates at its most northerly point where it meet to 'swale', revised detail allowing for improved pedestrian crossing of the vehicular access in accordance with DMURS, detail of the proposed 'linear bioswale', with details of how pedestrians and maintenance machinery access across same, a swept path analysis for refuse collection vehicles and Dulin Fire Brigade, and roads signs and road markings, with speed limits.

- **Parks and Landscaping Division:** Report recommended further information in respect of the smaller area of open space due to its size, the Suds proposals, cross section details of the public open space and boundary treatment for the perimeter of the site, identification of existing trees and woodland to be removed and compensatory planting proposed.
- **Environment Department (waste Enforcement & Regulation):** Report received recommended no objection.
- **Water Services Department:** Report recommended no objection.
- **Housing Department:** Report recommended no objection.

The application was circulated to the following Departments: Environment Health Officer, Public Lighting, Biodiversity Officer, Heritage Officer and Community Archaeologist, but no reports were received at the time of writing.

3.3. Prescribed Bodies

- **Irish Water:** Report recommends no objection subject to requirements.
- **Development Applications Unit (DAU):** Report recommends a condition in relation to predevelopment testing and in respect of removal of scrub vegetation which shall take place outside the nesting season.

The application was circulated to An Taisce and The Heritage Council, but no reports were received.

3.4. Third Party Observations

15 no. third party submissions were submitted to the PA from a no. of parties.

Issues raised can be summarised as follows.

- *Policy* - Non-compliance with Fingal CDP policies and objectives.
- *Planning Guidelines* - Non-compliance with the guidelines for planning authorities on sustainable residential development in urban areas.
- *Planning History* – Notes previous refusal for 7 no. houses under F16A/0157.
- *Transportation* – Increase in traffic and traffic congestion.

- *Sightlines, Road Levels, Condition and Traffic Safety* – At proposed entrance unsatisfactory.
- *Visitor Parking* – Insufficient.
- *Design* – Scale, mass size and height not in keeping with the area.
- *Overdevelopment* – Excessive density.
- *Impact on Visual Amenities of the area* – e.g. bin storage areas
- *Impact on existing boundary walls to the east and west*
- *Integration with adjoining residential development*
- *Impact on Residential Amenities of the area*
- *Impact on Community Infrastructure*
- *Construction Phase*

4.0 Planning History

PA Reg.Ref.F16A/0157: Permission **refused** 09/06/2016 for construction of 7 no. detached dwellings in two storey dormer bungalow design with individual waste water treatment systems and sand-polishing filters on each site, 3 no. detached garages to dwellings at rear, access road to serve houses and site with entrance onto Harbour Road, boundary walls, landscaping and associated ancillary services, paving and all associated works to facilitate the development at Harbour Road Loughshinny Co. Dublin for Derek Jones. Reasons for refusal referred to the following.

1. The Fingal Development Plan 2011-2017 requires a minimum site size of 0.2ha for single dwellings served by on-site treatment systems. The subject site falls significantly short of this. The proposal in its current form would therefore be prejudicial to public health and would result in a substandard form of development which would be contrary to the proper planning and sustainable development of the area.
2. The Loughshinny sewerage network is both hydraulically and biologically overloaded and this situation will not be resolved until the Loughshinny

network is connected into the Balbriggan-Skerries Wastewater Treatment Scheme. It is considered that development of the kind proposed would be premature by reference to the existing deficiency in the provision of sewerage facilities.

PA Reg.Ref. F97A/0437: Permission **granted** 15/01/1998 for a dormer bungalow and bicycle waste treatment unit at Ballykea, Co. Dublin for E. Jones. This permission was not implemented on site.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework - Project Ireland 2040, DoHP&LG 2018

National Policy Objective 15 sets out policy to support the sustainable development in rural areas by encouraging growth and arresting decline in areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midlands Area 2019-2031

Regional Policy Objective 4.83 which seeks to *‘support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the cores strategies of the county development plans’*.

5.1.3. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 15th January 2024

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

The Guidelines replace the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked).

The density ranges support the application of densities that respond to settlement size and to different place contexts, recognising in particular the differences between cities, large and medium sized towns and smaller towns and villages. The development standards for housing will allow for greater flexibility and innovation and support the delivery of a greater range of housing options.

5.2. Fingal County Development Plan 2023 – 2029

The Fingal County Development Plan 2023-2029 ('County Development Plan ') took effect on 5th April 2023.

Zoning - The site is zoned as Residential, RS, where it is an objective "To provide for residential development and protect and improve residential amenity".

Chapter 2: Planning for Growth Core Strategy Settlement Strategy

Figure 2.1 – *Loughshinny is identified as within the Core Area.*

Table 2.14 - *Loughshinny is identified as within level 5 **Towns and Villages** (see copy attached)*

Objective CSO17 – Mixture of House Types

'Promote high quality residential development which meets the needs of all stages of the life cycle through an appropriate mix of house type and local amenities.'

Towns and Villages Policies

Policy CSP40 – Sustainable Expansion and Development

'Promote sustainable expansion and development at a level appropriate to and integrated with the existing town or village, meeting the socio-economic and civic aspirations of the community, whilst preserving the settlements distinctive character, heritage amenity and local identity'.

Towns and Villages Objectives

Objective CSO68 - Rural Villages

'Manage the development of Rural Villages within the RV boundaries and strengthen and consolidate their built form providing a suitable range of housing as an alternative to housing in the open countryside'.

Objective CSO69 – Scale of New Housing Developments in Towns and Villages

‘Ensure that the scale of new housing developments within Towns and Villages both individually and cumulatively, shall generally be in proportion to the pattern and grain of existing development’.

Objective CSO70 – Historic Towns and Village Centres

‘Protect and enhance the unique physical character of historic town and village centres.’

Objective CSO72 – Compact, Organic and Sequential Development of Towns and Villages

‘The scale of new residential schemes within Towns and Villages shall be in proportion to the pattern and grain of existing development with a focus on delivering compact growth and providing for the organic and sequential development of the settlement. Infill and brownfield development shall have regard to the existing town or village character and create or strengthen a sense of identity and distinctiveness for the settlement.

Chapter 3: Sustainable Placemaking and Quality Homes

Objective SPQHO9 - Consolidated Residential Development

‘Consolidate within the existing urban footprint, by ensuring of 50% of all new homes within or contiguous to the built-up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.’

Objective SPQHO10 – New Residential Development

‘Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centres where infrastructural capacity is readily available, and along existing or proposed high quality public transport corridors and active travel infrastructure in a phased manner, alongside the delivery of appropriate physical and social infrastructure. Active travel options should also be considered while liaising with the National Transport Authority and Transport Infrastructure Ireland to ensure public transport options to and from new developments to local amenities such as shops and libraries.’

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.’

Objective SPQHO58 – Serviced Sites

‘Consider the use of serviced sites for residential development within the boundaries of Rural Villages and in accordance with LAP requirements (where applicable) subject to the availability of services, environmental considerations and the achievement of high-quality cohesive design.’

Objective SPQHO59 – Cultural Heritage Features

‘Preserve, protect and enhance the natural, built and cultural heritage features of Rural Villages.’

Chapter 7: Employment and Economy

Table 7.2 *Fingal Retail Hierarchy - identifies the Local Centre LC within Loughshinny as within Level 5 Local Shops.*

Chapter 9: Green Infrastructure and Natural Heritage

Table 9.1 Protected Areas of International and National Importance

Identifies Loughshinny Coast as within

- *(proposed Natural Heritage Area (pNHA) and*
- *Water Framework Directive Register of Protected Areas site Ramsar (WFDRPA) - site designated pursuant to Ramsar Convention on Wetlands*
- *SNR - Statutory Nature Reserve*

Objective GINHO56 – Visual Impact Assessments

‘Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive locations.’

Objective GINHO59 – Development and Sensitive Areas

‘Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm;*
- Introduces incongruous landscape elements;*
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.*

Objective GINHO82 – Protection of Bathing Waters

‘Protect bathing waters, including those listed in the Water Framework Directive Register of Protected Areas for the Eastern River Basin District, at Sutton, Portmarnock, Malahide, Donabate, Portrane, Rush, Loughshinny, Skerries and Balbriggan in order that they meet the required bathing water standards and implement the findings and recommendations of the Quality of Bathing Water in Ireland reports as published.’

Landscape Character Areas – Appendices

Green Infrastructure 1 Sheet No. 14 - Identifies Loughshinny within the Coastal Landscape Area and Highly Sensitive Landscape (see map attached).

Chapter 14: Development Management Standards

Chapter 11: Infrastructure and Utilities

Table 11.1 Uisce Eireann’s Statement of Capacity (Uisce Eireann, February 2023)

Identifies Skerries and Loughshinny – Barnageeragh WWTW has ample headroom, with new pumping stations at Rush Road, Skerries and Loughshinny have been completed. Water supply and network are indicated as from Leixlip.

Chapter 13: Land Use Zoning

Section 13.2 Transitional Zonal Areas

Objective ZO2 – Transitional Zonal Areas

‘Have regard to development in adjoining zones, in particular, more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.’

Chapter 14 Development Management Standards

Section 14.10.1 refers to Corner /Infill Development

Objective DMSO26 – *‘Ensure a separation distance of at least 2.3metres is provided between the side walls of detached, semi-detached and end of terrace units. (Note: This separation distance may be reduced on a case-by-case basis in relation to infill and brownfield development which provides for the regeneration of under-utilised lands and subject to the overall quality of the design and the schemes contribution to the streetscape. A statement demonstrating design mitigation and maintenance arrangements shall be submitted in such cases).*

5.3. Natural Heritage Designations

The following designated sites are in proximity to the appeal site. The site is 120m from the North-West Irish Sea SPA (Site Code 004236), i.e. the sea at Loughshinny.

Name	Site Code	Designation	Distance from Site
Skerries Island	004122	SPA	2.8 km
Loughshinny Coast	002000	pNHA	1.7 km
Rogerstown Estuary	000208	SAC	3.2 km
Rogerstown Estuary	004015	SPA	3.2 km
Rockabill to Dalkey Island	003000	SAC	1.45 km
Rockabill	004014	SPA	1.6 km

5.4. EIA Screening

The PA determined that the proposed development is not listed in Schedule 5 (Part 1 or Part 2) of the Planning and Development Regulations as amended nor does it meet the requirements for sub-threshold EIA as outlined in Section 103 of the Planning and Development Regulations 2001 as amended, and that no EIA is therefore required.

The proposed development includes the construction of 17 residential dwellings on a residentially zoned and serviced site within an existing village. Having regard to the nature and scale of the proposed development 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

6.1. Grounds of Appeal

A First Party Appeal has been made by Hughes Planning and Development Consultants on behalf of the applicant. The three reasons for refusal are addressed in turn.

A number of revised drawings illustrating details of an alternative design option, accompanied the appeal including the following;

- Site Layout
- Site Location Map
- Site entrance elevation/Site visibility Splay
- Contiguous elevations
- House Type A, B and C Plans elevations and Building Section
- Landscape Plan

The main grounds of appeal can be summarised as follows;

- *Zoning Objective* - The proposed development is consistent with the sites 'RS – Residential' 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 a permitted in principle use on RS zoned lands.
- *Infill/backland Development* - 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/backland development site, whilst also providing for a high standard of residential accommodation for future residents.
- *Streetscape* - Contend that the proposal will significantly enhance the streetscape along Loughshinny Park, by providing a sympathetic design solution which relates well to its surrounding context.
- *Residential Amenity and Character* - The proposed development has been designed and redesigned by the Project Architects, Wherity Chartered Surveyors, to avoid any negative impacts on adjacent properties and the existing character of Loughshinny.
- *Scale and Density* - Contend that the scheme provides for an appropriate quantum of development, at a **density of c. 24 hectares**, which is in line with the guidance included within the 2009 Sustainable Urban Development Guidelines.
- *CDP Standards and Planning Guidelines* - The proposed development meets the quantitative residential standards as set out within the Fingal CDP 2017-2023, Fingal CDP 2023-2029 and the Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007).
- *RSES E&MR*- The proposed development accords with the key objectives as included within the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031) in that it contributes to the compact growth targets of at least 50% of all new homes to be built within or contiguous to the built-up area of Dublin City and suburbs.

- *NPF* - The proposed development is consistent with Project 2040: Nationals Planning Framework where the target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites (Objective 35).
- *Precedents* – Submit that a no. of identified permissions granted in small villages in Fingal including Garristown, Naul, Oldtown, Ballyboughal, Skerries, Rush, & Loughshinny are examples of appropriately scale and designed residential developments.

6.2. Planning Authority Response

Response received – no further comments to make in relation to the proposal.
Request that the Board uphold the decision of the PA.

In the event that the appeal is successful, provision should be made for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme (S48 Levy, Open Space Shortfall and Bond/Cash Security).

6.3. Observations

A third-party observation to the appeal was received by the Board from the following;

- Francis Maguire 14 Loughshinny Bay, Co. Dublin

Issues raised can be summarised as follows;

- Concerns raised in submission to PA have not been addressed.
- Excessive reduction in ground levels (approx. 1.6m) against the gable of house.
- Site levels - between proposed new road level (which is set at a level significantly below existing ground level) and the existing open space at Loughshinny Bay has not been reconciled.
- Proposal fails to show, how it physically relates to adjoining dwellings across any of the site boundaries, through site sections and contiguous elevations.
- Residential settlement in Loughshinny is largely composed of detached dwellings, in many cases closely spaced, thereby achieving density, almost all

are detached dwellings, there are some semi-detached dwellings. Dwellings are mainly single storey, storey and a half and a few are two storey, the scale is humane and the roofscape varied and harmonious with the coastal landscape.

- Notes existing terraced development at Loughshinny Park with terraces of 4 or more dwellings, which is considered out of character. Current proposed terraces of 4 dwellings and lengths of c. 30m would be out of character with the prevailing settlement pattern and visual character of Loughshinny.
- Proposal which has a frontage of 50 linear metres would represent approx. 25m with a blank wall, 2m high on top of a bank (overall height of indeterminate). This is out of character with the existing pattern of development where in general houses have a frontage addressing the street in an open inviting and friendly manor.

6.4. Further Responses

None received.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings.

- Principle of Development
- Scale and capacity of infrastructure
- Design Layout Density
- Visual Impact
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The Fingal County Development Plan 2023-2029 ('County Development Plan') took effect on 5th April 2023, after the notification of decision by the PA on 23rd February 2023, and lodgement of the First Party appeal on 22nd March 2023.
- 7.1.2. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities were issued on 15th January 2024. The Guidelines replace the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked).
- 7.1.3. In the interests of clarity, I will base my assessment on the current Fingal County Development Plan 2023-2029, having regard also to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- 7.1.4. The grounds of appeal note the zoning and relevant County Development Plan policy objectives under the previous and current County Development Plans.
- 7.1.5. The appeal site is in my opinion a textbook example of an infill residential development on a residentially zoned site which is currently vacant. The proposed infill residential development is therefore, in accordance with the zoning objective which seeks to "To provide for residential development and protect and improve residential amenity".
- 7.1.6. I note there is no Local Area Plan or Village Plan prepared for Loughshinny.
- 7.1.7. I am satisfied therefore, that the proposed residential development is acceptable in principle subject to infrastructural capacity, and design requirements as set out in the Fingal County Development Plan 2023-2029, and density requirements as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

7.2. Scale and Capacity of Infrastructure

- 7.2.1. The first reason for refusal relates to the scale of the proposed residential development within the village of Loughshinny.

- 7.2.2. It refers to Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Area 2019-2031, which seeks to *'support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans'*, and the policy of the Fingal County Development Plan (CDP) 2017-2023 which identifies Loughshinny as a core/town village identified for limited development.
- 7.2.3. It concludes that the proposal would be contrary the Fingal County Development Plan 2017-2023 and in particular to Objective SS02b which seeks to *'focus new development where infrastructural capacity is readily available in a phased manner alongside the delivery of appropriate physical and social infrastructure'*.
- 7.2.4. Scale is described in the guidelines as referring to *'the size of a building and how it is perceived in relation to its surroundings (based on its height and massing).'* The quantitative criteria to measure the scale of a development are explored below. Measures used to determine height and massing are discussed in more detail in section 7.3 of this report.
- 7.2.5. The grounds of appeal include an alternative design option and it is submitted that the alternative design is consistent with the Loughshinny Urban Capacity Analysis prepared by HRA Planning for the Fingal Development Plan 2023-2029.
- 7.2.6. The alternative design option provides for a reduction in the number of units from 17 no. as proposed at application stage to 14 no. dwellings. The proposed development in my opinion is modest in scale, however in an attempt to avoid I repetition proposed to deal with the issue of scale and density in more detail under section 7.3 of this report.

Core Strategy

- 7.2.7. It is submitted in the grounds of appeal that there is sufficient infrastructural capacity within Loughshinny to accommodate the proposed development, and that the proposal is not therefore contrary to the core strategy or objectives of the current Fingal County Development Plan.
- 7.2.8. I note that the Core Strategy of the Fingal CDP 2023-2029 sets out that Loughshinny has a current zoned land availability of c. 4 hectares, equating to a residential yield of 57 no. units. The Core Strategy further stipulates that Loughshinny is projected to

comprise a total population of 658 persons in 2023 (an increase in 25 no. from the 2016 census population results). The estimated population for Loughshinny to the year 2029 is 696 persons (an increase of 63 no. from the 2016 census population results).

Towns & Villages

- 7.2.9. The CDP 2023-2029 notes that towns and villages within the Fingal administrative boundary, such as Loughshinny, has potential for *‘appropriate levels of growth and consolidation’, ‘within such towns and village, development will be encouraged to be delivered in a sustainable, sequential manner, with the focus on consolidated growth of the centres, the identification of sites for renewal and a focus on enhancement of town centre public realms’.*
- 7.2.10. I note Objective SS02b under CDP 2017-2023 referred to in the reason for refusal is now contained within the CDP 2023-2029 as Objective SPQHO10. This objective seeks to similarly *‘focus new residential on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centres where infrastructural capacity is readily available, and along existing or proposed high quality public transport corridors and active travel infrastructure in a phased manner alongside the delivery of appropriate physical and social infrastructure. Active travel options should also be considered while liaising with the National Transport Authority and Transport Infrastructure Ireland to ensure public transport options to and from new developments to local amenities such as shops and libraries.’*

Appropriate locations

- 7.2.11. The first party appellant makes the case that the subject landholding, represents an appropriate site for development given its close proximity to the village nucleus of Loughshinny, that the site is within close proximity to St. Brendan’s National School, Loughshinny Beach and Harbour and Loughshinny pitch.
- 7.2.12. The appellant makes the related point that the proximity of towns Skerries and Rush each of which comprises a number of services and facilities which would aid in supporting the delivery of additional residential development in Loughshinny.

Infrastructural Capacity

- 7.2.13. The first party appellant makes the case that the subject lands and the village of Loughshinny and its hinterland are serviceable by the more recently completed

Portrane wastewater network and treatment infrastructure, which also serves the towns of Donabate, Portrane, Lusk, Rush and their environs.

- 7.2.14. In this regard I note Table 11.1 Uisce Eireann's Statement of Capacity (Uisce Eireann, February 2023) contained within Chapter 11 of the Fingal CDP 2023-2029. Table 11.1 refers to Skerries and Loughshinny and notes that the Barnageeragh WWTW has ample headroom, with new pumping stations at Rush Road, Skerries and Loughshinny which have been completed. Water supply and network are indicated as being from Leixlip.
- 7.2.15. I further note that the reports of the Environment Dept. and Water Services Dept. of the PA both of which recommended no objection, and that of Irish Water which recommends no objection subject to requirements. I can only conclude, therefore, on the basis of the current CDP which indicates there is infrastructural capacity in this area, PA Dept. reports which do not recommended refusal, and the PA response to the appeal which has not raised any further concerns, that the reason for refusal on this basis should not be upheld.
- 7.2.16. The first party in the appeal makes the case that the subject lands benefit from good quality road access, is convenient driving distance to the M1 motorway and that Rush-Lusk Dart Station is accessible via bus route 33 and 33A.
- 7.2.17. In this regard I note that the subject site is served by a public footpath and is located approx. 300m (4min walk) from Loughshinny Cross at which there are 2 no. bus stops to the north and south of the junction. I further note the provision of traffic lights and pedestrian crossing points at the junction between the L1320 to the east, L1285 to the west and the R128 which runs north to Skerries and south to Rush.
- 7.2.18. I note the report of the Transportation Department of the PA which recommended further information in relation to a number of items of detail.
- 7.2.19. Notwithstanding I am satisfied that the subject site is located proximate to an existing high quality public transport corridors and active travel infrastructure by way of existing footpaths and signalised pedestrian crossings. I am satisfied that some of the issues raised by the Transportation Dept have been addressed in the alternative design option submitted on appeal and if the Board are minded granting permission outstanding issues raised by the Transportation Dept can be dealt with by an appropriately worded condition.

Summary

7.2.20. I am satisfied therefore that the proposed development is consistent with

- Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Area 2019-2031, and
- Objective SPQHO10 of the Fingal County Development Plan 2023-2029.

7.2.21. I am satisfied, therefore, that the first reason for refusal has been addressed and, in this instance, should not be upheld by the Board.

7.3. Design Layout and Density – Overdevelopment

7.3.1. The second reason for refusal relates to the layout, design and density of the proposed development which would constitute a cramped and overdevelopment of the site with a poor quality of open space provision.

7.3.2. It states that the proposed development is inconsistent with the pattern of development and would be contrary to Objectives PM38, PM40, PM44, DMS29 and RF07 of the Fingal County Development Plan 2017-2023.

Layout and Design

7.3.3. The layout of the proposed development follows a linear pattern along a north/south axis from the southern entrance to the site and along an east/west axis to the northern part of the site addressing the internal road and adjacent residential development.

7.3.4. The layout addresses adjoining residential development within Loughshinny Bay to the west with the northern terrace positioned in line with the adjoining single storey terrace.

7.3.5. The split level two storey houses within The Old Well estate to the east back onto the eastern boundary of the site, and benefit from only one first floor window on the rear elevation. The proposed houses along the north/south axis provide for rear elevations and rear gardens onto this adjoining rear boundary.

7.3.6. I note the proposed development provides for two storey terraced houses with two different house types of House Type A and House Type B, both of which are of similar size and provide for 3 no. bedrooms.

- 7.3.7. Under the current CDP 2023-2029, Objective CSO17 refers to the Mixture of House Types and seeks to 'promote high quality residential development which meets the needs of all stages of the life cycle through an appropriate mix of house type and local amenities'. This objective replaces Objective PM38 under the previous CDP.
- 7.3.8. I share the concerns of the PA in the provision of 3 bed units only and consider that there is potential on a scheme of the size proposed to introduce a greater no. of housing types.

Open Space

- 7.3.9. Private amenity space to serve each dwelling is provided in the form of a rear garden. The size of the rear gardens is consistent with the requirements set out in the current County Development Plan.
- 7.3.10. The proposed development provides for the provision of 1,039 sqm of public open space. The site layout drawing indicates two areas of communal amenity open space. One linear area is proposed to the east (c.887sqm) of the internal road to the north (152sqm) of the site indicated as no. 11.
- 7.3.11. The Parks and Landscaping Division of the PA raised concern in relation to the smaller area of open space located at the front of house no's 13/14/15 which it considered is not 'Public Open Space' due to its size. They also raised concern in respect of the proposed 'Attenuation cells' located within the larger area of public open space which cover an area of 156sqm i.e., 18% of the public open space provision. While the Parks and Landscaping division recommended further information the PA did not pursue this as a means of addressing these issues.

Density

- 7.3.12. The PA calculated that the proposed development (based on the area of subject site of 0.6481 and proposal for 17 dwellings), would equate to a density of c. 26 units per hectare. The PA considered given the established pattern of development in Loughshinny that the density proposed was unacceptable and would constitute overdevelopment of the site, and therefore contrary to objective PM44 of the CDP 2017-2023.
- 7.3.13. Under the current CDP 2023-2029, Objective SPQHO42 which relates to the Development of Underutilised Infill, Corner and Backland Sites now refers. It seeks

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

7.3.14. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, refer to Rural Towns and Villages (<1,500 population) under Section 3.3.5.

7.3.15. The Guidelines state *'Rural towns and villages with a population of 1,500 persons or less offer services to a wide rural hinterland. These settlements are not identified for significant population growth under the NPF and should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support further development. Planning authorities should look to promote and support housing that would offer an alternative, including serviced sites, to persons who might otherwise construct rural one-off housing in the surrounding countryside in rural towns and villages.'*

The key priorities for compact growth in Rural Towns and Villages in order of priority are to:

(a) strengthen the existing urban core through the adaptation, re-use and intensification of existing building stock,

(b) realise opportunities for infill and backland development, and

(c) provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into or can be integrated into the existing built-up footprint of the settlement and can be serviced by necessary supporting infrastructure.'

7.3.16. The Guidelines define Rural Towns and Villages as *'small in scale with limited infrastructure and services provision. It is a policy and objective of these Guidelines that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services infrastructure). Lands zoned for housing at the edge of rural towns and villages at locations that can be integrated into the settlement and are connected to existing walking and cycling networks can offer an effective alternative, including serviced sites, to the provision of single houses in the*

countryside. The density of development at such locations should respond in a positive way to the established context.'

7.3.17. In my opinion, the guidelines allow flexibility with respect to densities in rural villages. However, having regard to the residential zoning and infill nature of the site, existing infrastructure capacity and services (including, wastewater and water services), the proximity to the centre of the village, which can be integrated into the settlement and is connected to existing walking networks and public transport the development of the appeal site does constitute an effective alternative to the provision of single houses in the countryside.

7.3.18. Notwithstanding concerns raised above in relation to housing mix and open space provision, I am generally satisfied that the residential density of the development generally accords with the guidelines in respect of the development of this infill site and would not be regarded as overdevelopment of the site.

Alternative Design Option (submitted at appeal stage)

7.3.19. The alternative design provides for a reduction in the number of units from 17 no. as proposed at application stage to 14 no. dwellings resulting in a residential density of c. 24 units/hectare. The proposed units consist of

- 12 no. two-storey, three bedroom terraced-style dwellings which includes House Type A and House Type B
- 2 no. two-storey, four-bedroom end of terrace dual frontage units which includes House Type C
- 1,559 public open space, which accounts for approx. 24% of the overall site area. (an increase / additional 626sqm communal open space area indicated on Drawing prepared by N.C.L.A. Landscape & Garden Design)

7.3.20. The alternative layout provides for the omission of 3no. terraced units arranged in a row along the north/south axis in the centre of the scheme. This omission, therefore, provides for a larger area of approx. 605sqm of open space located within the heart of the site.

7.3.21. Both remaining terraces proposed to the right of the entrance to the site have been set back further into the site. The set back of the end terrace unit (located on site no.

1) has been increased from 2.45m to 7.6m. This allows therefore for an area of public open space along the southern boundary of the site of approx. 110sqm.

7.3.22. The linear area of open space of approx. 838sqm located along the western boundary provides a buffer to the rear of neighbouring dwellings within Loughshinny Bay.

7.3.23. In my opinion the omission of these three units which facilitates the relocation of both terraces and introduction of a new house type C represents a significant intervention with respect to how the proposed scheme presents to the streetscape.

7.3.24. I have had regard to the contiguous elevations and cross section drawings and am satisfied that the revised proposals present a variety of house types. I note the proposed zinc cladding finishes to the canopy over the front doors and surrounds to first floor windows.

7.3.25. I have examined the design of the new house type C and note the entrance door, porch and lean-to along the south facing elevation addresses the public road.

7.3.26. I have considered the proposed two storey building height/form and do not consider that it would be out of character with the prevailing pattern of development in the immediate area. I note the proposed landscaping, and tree planting as indicated on N.C.L.A Landscape Plan submitted with the appeal.

7.3.27. In relation to the concerns raised by the Transportation section of the PA with regard sightlines at the entrance and visibility splays I note the revised layout provides for a new raised ramp at the site entrance. The proposed entrance provides for adequate sightlines with all planting to be set back 1m. In relation to bin storage and bicycle parking I note the storage solutions proposed for the mid terrace unit and consider these acceptable.

Summary

7.3.28. I In my opinion the alternative design option (submitted at appeal stage) on balance provides for an appropriate layout, design and density on this infill site which does not constitute overdevelopment of the site and provides for an acceptable quantum and quality of open space.

7.3.29. I am satisfied therefore that the proposed development is consistent with

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 15th January 2024,
- Objective CSO17, DMSO26, SPQHO9, SPQH10 and SPQHO42 of the Fingal County Development Plan 2023-2029.

7.3.30. I am satisfied therefore, that second reason for refusal has been addressed and, in this instance, should not be upheld by the Board.

7.4. Visual Impact

- 7.4.1. The third reason for refusal notes that the subject site is located within a 'Highly Sensitive Landscape' in the Fingal Development Plan 2017-2023, and relates to design, form and layout, which would be seriously injurious to the visual amenities of the area, would be out of character within the existing streetscape and the existing pattern of development.
- 7.4.2. It further notes that the proposed development would materially contravene Objective NH36 and Objective SS21 of the Fingal County Development Plan 2017-2023 which seeks to ensure Loughshinny is sensitively designed, and future development respects the unique character and visual amenities of the village.
- 7.4.3. It is submitted in the grounds of appeal that the proposed development has been designed and redesigned by the Project Architects, Wherity Chartered Surveyors, to avoid any negative impacts on adjacent properties and the existing character of Loughshinny.
- 7.4.4. It is also submitted in the grounds of appeal that the proposal will significantly enhance the streetscape along Loughshinny Park, by providing a sympathetic design solution which relates well to its surrounding context.
- 7.4.5. I note that Loughshinny is identified within the 'Coastal Landscape Area' and 'Highly Sensitive Landscape' under the current Fingal County Development Plan 2023-2029. I also note that the subject site is not located within an Architectural Area, within the curtilage of a Protected Structure, or in an area where there are designated Protected Views.

Material Contravention

- 7.4.6. The Board will note that the third reason for refusal states that the proposed development would materially contravene Objective NH36 and Objective SS21 of the Fingal County Development Plan 2017-2023.
- 7.4.7. Therefore, Section 37 (2)(b) of the 2000 Planning and Development Act (as amended) applies. This states:-
- (2) (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:
- (i) the proposed development is of strategic or national importance
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of the development, and permissions granted, in the area since the making of the development plan’.
- 7.4.8. I note the national policy context with introduction of The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities were issued on 15th January 2024 which underscores the need for compact settlements.
- 7.4.9. Under the current Fingal CDP 2023-2029 Objective GINH059 now refers (previously Objective NH36) relates to development in sensitive areas, and seeks to ensure that *‘new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area’*.
- 7.4.10. Objective CSO70 (previously Objective SS21) now refers and relates to historic towns and village centres which seeks to *‘protect and enhance the unique physical character of historic town and village centres.*

7.4.11. In order to establish whether the proposed development materially contravenes these objectives of the Fingal County Development Plan 2023-2029, I propose to consider the original scheme lodged at application stage and also the Alternative Design Option (submitted at appeal stage).

Original Scheme

7.4.12. The original scheme, lodged at application stage is articulated in the drawings, plans and particulars submitted to the PA. Notably however no landscaping/planting proposals were submitted.

7.4.13. As already described in section 2 and section 7.3 of this report all houses proposed are two storeys. In my opinion the two storey residential units which have an indicated height of 7.5m is not excessive and respond well to the low-profile design of the adjoining single storey houses to the west within Loughshinny Bay.

7.4.14. Again, as outlined in section 7.3 of this report the external finishes proposed (which comprise a dash render finish and black roof tiles), in my opinion will help assimilate the proposed development into its context.

7.4.15. I note the existing site boundaries and that currently there is an open grass boundary to the local road along the southern boundary. I note the concerns raised by the Parks and Landscaping Department and Roads Department of the PA with respect to the southern boundary, setbacks, landscaping and planting etc.

7.4.16. I have also examined the relationship of the proposed development and layout on the adjoining residential properties namely house no. 5 and 2 located to the east within The Old Well, and house no. 14 and adjoining open space within Loughshinny Bay.

Alternative Design Option (submitted at appeal stage)

7.4.17. The alternative design option (submitted at appeal stage) is articulated in the drawings, plans and particulars submitted to the Board. As outlined in section 7.3 of this report the revised option includes a reduction in the number of residential units to 14 no. units and the introduction of an additional house type C. A larger area of open space is provided, and a Landscape Plan and contiguous drawings accompanies the appeal.

- 7.4.18. In my opinion the reduction in the number of two storey residential units helps to reduce the overall visual impact of the proposed development.
- 7.4.19. I note the design and external finishes proposed to house type C which is proposed on site no. 1 at the entrance to the development and on-site no. 8 which addresses the public open space at the centre of the development. I also consider the use of zinc finishes which in my opinion will help provide a level of distinctiveness within the scheme.
- 7.4.20. I note the revised proposals submitted in relation to the southern boundary as detailed in the landscaping drawings submitted as outlined in section 7.3 of this report. I consider that the concerns raised by the Parks and Landscaping Department and Roads Department of the PA have now been addressed.
- 7.4.21. As outlined in section 1 of this report, the subject site is bounded to the east and west by existing residential development. On the opposite side of the road to the south local road (L1320) the pattern of development is defined by one off houses on large plots, in a variety of configurations.
- 7.4.22. In my opinion the revised layout/ setback from the southern / front boundary facing onto Loughshinny Park, in addition to the proposed landscaping allows for the proposed development to be more easily assimilated into the site and adjoining residential development.
- 7.4.23. I have also examined the relationship of the revised layout and areas of public open space with the adjoining residential properties namely house no. 14 and adjoining contiguous open space within Loughshinny Bay, and neighbouring house no. 5, 2 and 3 located to the east within The Old Well.
- 7.4.24. An issue has been raised by the observer to the appeal in relation to the site level differences proposed at the northwestern corner of the site where it adjoins existing house no. 14 Loughshinny Bay and public open space.
- 7.4.25. In this regard I note a separation distance of 2.4m at its closest point between the gable of the proposed house on site no. 13 and the existing gable of house no. 14 Loughshinny Bay. I also note the proposal to construct a new boundary wall along the western boundary with the Loughshinny Bay development including the existing area of open space and house no.14. Currently there is no significant level

difference between the subject appeal site and the adjacent residential development. In my opinion concern raised in relation to this matter is overstated.

- 7.4.26. I am satisfied that the proposed development as outlined in the alternative design option will not cause unacceptable visual harm and will not be incongruous in the village landscape. I am also satisfied that the proposed development as outlined in the alternative design option will not cause disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.
- 7.4.27. I am satisfied therefore that the alternative design option does not materially contravene Objective GINHO59 or Objective CSO70 of the Fingal CDP 2023-2029.
- 7.4.28. I am satisfied also that the proposed development as outlined in the alternative design option will promote sustainable expansion and development at a level appropriate to and integrated with the existing town or village, meeting the socio-economic and civic aspirations of the community, whilst preserving the settlements distinctive character, heritage amenity and local identity, and is therefore in my opinion consistent with Policy CSP40 of the Fingal CDP 2023-2029.
- 7.4.29. I am also satisfied that the scale of the new residential development within the village of Loughshinny as outlined in the alternative design option is in proportion to the pattern and grain of existing development and will provide a focus on delivering compact growth and providing for the organic and sequential development of the settlement. I also consider that the residential infill development has had regard to the existing village character and will help create and strengthen a sense of identity and distinctiveness for the village and is therefore in my opinion consistent with Objective CSO72 of the Fingal CDP 2023-2029.
- 7.4.30. Having considered the file, and the provisions of the Plans, as outlined above, I consider that the Planning Authority's conclusion that the development materially contravenes the Plan to be unreasonable. In these circumstances, the Board would have to address itself to the requirements of this section in the event that it was minded granting a permission in this case.

Summary

7.4.31. I am satisfied therefore that the proposed development as revised is consistent with

- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities were issued on 15th January 2024 and
- Objectives GINHO59, CSO70, CSO72 and Policy CSP40 of the Fingal County Development Plan 2023-2029.

7.4.32. I am satisfied, therefore, that the third reason for refusal has been addressed and, in this instance, should not be upheld by the Board.

7.5. Precedent

7.5.1. The appellant has included a number of examples of infill residential layouts in other villages in the administrative area of Fingal as examples of precedent relating to appropriate infill development. In this regard I note that the current proposal is assessed on its own merits.

8.0 AA Screening

8.1. 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.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to

- (a) the policies and objectives set out in the Fingal County Development Plan 2023-2029, which support the consolidation of

- (b) the nature, scale and design of the proposed development which provides for a mix of house types,
- (c) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and
- (d) Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Area 2019-2031

It is considered that subject to compliance with the conditions set out below, the proposed development would.

- not be visually obtrusive or out of character with the surrounding area,
- would not seriously injure the amenities of adjoining properties,
- would provide a satisfactory standard of amenity for the future occupants of the development,
- would not materially contravene the current development plan for the area, and
- would be acceptable in terms of pedestrian and traffic safety.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 22nd December 2022, and further amended on appeal on 22nd March 2023 except as may otherwise be required in order to comply with the following conditions.
Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
Reason: In the interest of clarity.
2. Planning permission is granted for 14 no. residential units only as indicated on further amended plans submitted on appeal on 22nd March 2023.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development,

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

6. Proposals for a unit numbering scheme and associated naming and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on the local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision for the storage, separation and collection of the waste and. In particular, recyclable within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. The construction of the development shall be managed in accordance with a construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide, inter alia, details of intended construction practice for the development, including noise management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme, providing adequate measures for the future maintenance of open spaces, roads and communal areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

10. The internal road network serving the proposed development, including junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Areas.

Reason: In the interest of amenity and or traffic and pedestrian safety.

11. A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed

in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

12. Revised plans indicating the preservation of the hedgerows on the site in such a manner as to ensure its value as a nesting habitat is protected during the nesting season that is between 1st March and 30th August shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the protection of local birds.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be

referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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.

Susan McHugh
Senior Planning Inspector

30th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316114-23		
Proposed Development Summary	Construction of 17 houses, entrance from Loughshinny Park Road, open space and associated site works.		
Development Address	Loughshinny Park, Loughshinny, Skerries, Co. Dublin.		
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	✓
		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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		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)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____