



An
Bord
Pleanála

Inspector's Report ABP317367-23

Development	Construction of 2-storey dwelling in side garden of semi-detached house
Location	15 Porters Gate Close, Clonsilla, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW23A/0024
Applicant(s)	Stephen McGurk and Odette Gaffney
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party v Decision
Appellant(s)	Aaron and Fiona Slater
Observer(s)	none
Date of Site Inspection	30 th August 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

The site is in a low density mature, residential estate in an outer suburb of Blanchardstown, Dublin. The estate is made up of semi-detached houses with front and back gardens. The subject site is the side garden of a corner plot and takes up more than half of the total area of the plot. The appellants occupy the house immediately to the rear, in Porters Gate Drive.

2.0 Proposed Development

The proposal is a 4-bedroom 2-storey, detached dwelling aligned with existing houses in Porters Gate Close. The front elevation has the same brick finish as existing houses, combined with more contemporary detailing. There is a vehicular entrance and paved area to the front and rear garden. Following a further information request the size of the rear garden of the proposal was increased to 66m², the internal room layout amended to meet minimum room size standards and an existing rear vehicular access closed off.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 14 conditions of a standard nature other than condition 7 concerning the planting and removal of street-side trees.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning reports are the basis of the council decision. Further information was sought because the proposal did not meet certain minimum council standards for new housing. The reports state that the proposal was acceptable in principle. The issues to be considered were residential amenity (existing and proposed), impact on visual amenity, water and drainage, and layout and traffic. A grant was recommended on the basis of the revised drawings submitted as further information.

In respect of Appropriate Assessment, the planning officer concludes that by itself or in combination would not have a significant effect on any European site.

In respect of screening for EIA, the planner concludes that significant environmental effects are unlikely to arise and therefore an EIAR is not required

3.2.2. Other Technical Reports

The Transportation Planning Section has no objection subject to standard conditions being applied.

4.0 Planning History

None relevant

5.0 Policy and Context

5.1. Development Plan

The relevant plan is the Fingal Development Plan 2023-2029. The plan includes an objective PM44 to *'Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.'*

5.2. Natural Heritage Designations

None relevant

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is lodged by neighbours living in a house, directly adjacent to the proposal site. Their grounds of appeal are:-

- Inadequate on-street parking,
- Traffic hazard due to new entrance,
- Design out of character with established character,
- Health and well-being during the construction period, and
- Procedural shortcomings

6.2. Planning Authority Response

The planning authority reiterates its decision to grant and reasons for that decision and draws attention to condition 5 of the grant requiring the removal of the rear vehicular entrance

6.3. Observations

There are no observations

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The procedural matters relating to delays in notifications reported by the appellants do not affect the validity of the application. The issues to be addressed are:-

- Inadequate on-street parking,
- Traffic hazard due to new entrance,
- Design out of character with established character, and
- Health and well-being during the construction period

7.2. Inadequacies of on-street parking provision. The condition of the grant requiring the removal of the rear vehicular entrance addresses the main aspect of this issue in Portersgate Drive. I do not think it sensible to close-off the entrance before construction begins. Having easy vehicular access to the site for contractors will help to mitigate traffic problems during the construction phase.

7.3. Traffic Hazard due to new entrance on Portersgate Close. Having regard to the limited residential function of the road network , the road geometry and the likely impact of one further domestic entrance I do not consider that the proposal would constitute a traffic hazard

7.4. Out-of-character design. In terms of front building line, roof-ridge height and overall building design, the proposal respects the established character of the estate. I consider that the proposed detailing in the front elevation will provide a not-unwelcome degree of variety which will not detract from the established character of the estate

7.5. Health and well-being during construction phase. It is reasonable to attach a condition restricting hours of construction activity to protect residential amenity.

7.6. Appropriate Assessment Screening

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

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1. Having regard to the the Fingal Development Plan 2023-2029, which includes an objective PM44 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,’* it is considered that, subject to compliance with the conditions listed, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the adjoining property and would be in accordance with the proper planning and sustainable development of the area.

9.2. 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.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 3rd day of May 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The existing vehicular entrance at the north east corner of the site shall be removed and the boundary wall constructed in its place in accordance with the details submitted to the planning authority on 3rd May 2023</p> <p>Reason: In the interest of clarity and the proper planning and sustainable</p>

	development of the area
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Brendan McGrath
Planning Inspector

25th September 2023