



An  
Bord  
Pleanála

## Inspector's Report ABP 317663-23

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<b>Development</b>	Dormer bungalow to side/rear of 85 Offington Avenue, Sutton, new driveway from Offington Court, and associated works.
<b>Location</b>	Side/rear of 85 Offington Avenue, Sutton, Dublin 13, D13 P2K5
<b>Planning Authority</b>	Fingal county Council
<b>Planning Authority Reg. Ref.</b>	F23A/0243
<b>Applicant(s)</b>	Ann Marie Murphy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ann Marie Murphy
<b>Observer(s)</b>	Deirdre and Peadar Kirke Andrew Smith for Offington Residents Association
<b>Date of Site Inspection</b>	16/09/2023
<b>Inspector</b>	Rosemarie McLaughlin

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## 1.0 Site Location and Description

- 1.1. The subject site is in an established residential area situated east of Sutton Cross, on the Howth peninsula. The area is characterised by detached bungalows and dormer houses set at a variety of angles to the street frontage on generous sized plots. The area may be described as a mature, low density, residential area, with a distinctive 1970s American influenced, open estate style. It may be noted that mature planting is evident to the front of many of the houses in the wider area which partially alters the original open design setting.
- 1.2. The subject site is a 544 sqm plot forming part of the rear / side garden of No.85 Offington Avenue, Sutton, Dublin 13. Mature planting and a block wall bound the private open space to the rear and side of No.85 while the front amenity space is open.
- 1.3. No. 85 Offington Avenue is located on a junction with Offington Court, where the larger part of the site fronts Offington Court along the eastern boundary. The southern boundary adjoins an access road to a significantly set back house (c.54m), No.67 Offington Court.
- 1.4. Opposite the appeal site on Offington Court, is a side walled boundary of a bed and breakfast No.83 Offington Avenue. To the south of the bed and breakfast is a large house No. 66 Offington Court with a solid very high hedge and solid high gates.

## 2.0 Proposed Development

- 2.1. The proposed development is for a two bedroom dormer bungalow, 114.35 sqm, to the side/rear of 85 Offington Avenue, with new driveway entrance from Offington Court, drainage and water connections, Sustainable Urban Drainage System and other associated site works.
- 2.2. The proposed pitched roof house is set back from the eastern boundary on Offington Court by c 10.4 m with an eastern facing front garden and two parking spaces accessed from Offington Court c 42 m south of the junction with Offington Avenue. The proposed access is 2.65 m from the access to a setback house No. 67 Offington Court. A west facing rear private amenity space c 167.5 sqm is proposed and the private amenity space of No.85 is proposed to be reduced to c 161 sqm. The

proposed ridge height is illustrated as 7.662m and is marginally lower than No.67 Offington Court to the southwest and higher than No.85 which is 6.309m excluding the chimney. A brick and render finish is proposed with a long dormer window on the western side. A proposed pitched roof profile overhangs the building.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Permission was refused for one reason as follows.

“The proposed development by reason of subdivision of an existing plot, design and relationship to adjoining properties would be inconsistent with the established character and pattern of development in the area which is characterised by low density housing. The proposed development would be visually obtrusive on this prominent site location and would contravene materially Objective SPQHO42 - 'Development of Underutilised Infill, Corner and Backland Sites' and Local Objective 94 of the Fingal Development Plan 2023-2029. The proposed development would be contrary to the proper planning and sustainable development of the area.”

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report (28/6/2023)**

3.2.2. The planning authority refers in detail to the wider planning history in the area extending back to 1999.

3.2.3. The 3 no. observations are detailed which relate in summary to the following:

- Traffic Safety.
- Impact on residential amenity of neighbouring properties in terms of overlooking and privacy.
- Impact on character of area.
- Design and scale is considered visually obtrusive.
- Development is contrary to planning history in wider area.
- Inadequate drainage details.

3.2.4. The planning assessment refers to the relevant planning policies and in particular local objective 94 relates to the unique and successful layout off the estate which is afforded additional protection. The Inspectors report associated with planning history file, F10A/0505 is referred to. The assessment considers the proposed development requires the subdivision of an existing site which is characteristic of the traditional layout and would represent a departure from the original plot layout. The set back of the dwelling at 10.4 metres is considered different to the adjacent dwellings. The proposed design and scale with an unbalanced roof ratio is considered inconsistent with the prevailing character. The assessment distinguished the development approved on appeal on the lands to the northwest, at No. 67 Offington Avenue as a unique situation with specific characteristics. The report concludes there is no justification in overturning the substantial planning history within the overall development. Permission was recommended to be refused.

3.2.5. **Other Technical Reports**

3.2.6. **Water services report (7/6/23).** Additional information was required in relation to provision of an acceptable surface water drainage design and an adequate separation distance to be maintained between the existing 450mm diameter surface water sewer. The proposed development was considered a highly vulnerable development, and the general area is at risk of coastal flooding. The applicant was required to submit a flood risk assessment for the development. The proposed FFL to be no less than +4.00 ODM.

3.2.7. **Parks (27/6/2023).** Requested additional information in the form of landscape plan and details of boundary treatment.

3.2.8. **Irish Water Report (8/6/23).** No objection and requests a standard condition.

3.2.9. **Transportation Planning Section (14/6/2023).** No objection subject to 6 conditions, where the following are of note:

- 1) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- 2) The walls and piers of the boundary adjacent to the vehicular entrance shall be maximum 900mm high in order to provide adequate pedestrian-vehicular intervisibility at the vehicular crossing of the public footpath

## 4.0 Planning History

### 4.1. Relevant planning history on appeal site.

- **ABP Ref. PL06F.228651 (F08A/0096)** Permission refused for three-bedroom detached dormer style dwelling, a new vehicular entrance from Offington Court and associated site works adjacent to 85 Offington Avenue, Sutton, Dublin for the following reason.

“Having regard to the location and configuration of the site, the character and layout of the residential estate, the restricted size of the site and its relationship to the building line of adjoining properties and the proximity of adjoining dwellings, it is considered that the site is unsuitable and too restricted to accommodate the proposed dwelling. The proposed development would constitute overdevelopment, which would seriously injure the amenities of the area and the character and appearance of the streetscape, would be contrary to the zoning objective of the Fingal County Development Plan, 2005-2011, which is to provide for residential development and to protect and improve residential amenity, and would, therefore, be contrary to the proper planning and sustainable development of the area.”

### 4.2. Relevant planning history in wider area.

- **No. 69 Offington Park: ABP-300732-18 (F17A/0671) 22/05/2018.** Permission was refused by the Board for a house with a new vehicular access from Offington Avenue for one reason. In summary, the Board considered the proposal to unequally subdivide an existing plot contrary to the low density character of the existing estate layout. The proposed development constituted an overdevelopment of the site relative to the established pattern of development, would set an undesirable precedent for the subdivision of plots within the estate which would conflict with the pattern of development in the estate and would seriously injure the amenities of properties in the vicinity.
- **67 Offington Park ABP 313675-22 (F22a/0122) 20/02/23.** Permission was granted by the Board, overturning the decision of the PA, for a two bedroom dormer bungalow with new driveway entrance from Offington Avenue, subject to conditions for the following reason:

“Having regard to Project Ireland 2040: The National Planning Framework, and the relevant objectives which seek to consolidate residential growth in urban areas, and the provisions of the Fingal Development Plan 2017-2023, including the residential zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be detrimental to the character of the Offington Estate, would be in accordance with Local Objective 118 and Policy Objective DMS44 of the Fingal Development Plan 2017- 2023 and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.”

- **60 Offington Avenue, ABP 307192-20 (F19B/0329), 18/5/20.** Grant permission for demolition of garage and replacement, construction of two storey extension to rear and single storey porch to front
- **Historical files** F05A/1566, F05A/0054, F03A/0404, F99A/0421, refused permission for development on various properties in the Offington estate.

## 5.0 Policy and Context

### 5.1. National and Regional policy

- 5.1.1. Project Ireland 2040, the National Planning Framework (NPF) provides compact growth is expected where effective densities and consolidation of urban areas is required to minimise urban sprawl and is a priority. NPO 3a provides 40% of future housing delivery is to be within the existing footprint of built up areas. NPO 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- 5.1.2. The Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) seeks to achieve the shared goals set out in the NPF. RSO 2 on compact

growth and urban regeneration promotes regeneration by making better use of under-used land and buildings within the existing built-up urban footprint. RPO 4.3 seeks to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

## 5.2. Development Plan

The Fingal County Development Plan 2023 – 2029 (CDP) applies. The CDP promotes compact growth and encourages infill development generally. The following are the key policies in relation to the appeal, summarised where relevant.

- The site is zoned RS to ‘Provide for residential development and protect and improve residential amenity’.
- Map 10, local objective No.94 applies which is detailed in Appendix 8, to ‘Ensure that development is in keeping with the layout, scale, design and character of existing development’. (This objective forms part of the reason for refusal).
- Objective SPQHO37 – Residential Consolidation / Sustainable Intensification.
- Objective SPQHO38 – Residential Development at Sustainable Densities.
- Objective SPQHO39 – New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective SPQHO40 – Favourably consider proposals providing for the development of corner or wide garden sites within the curtilage of existing dwellings in established residential areas subject to the achievement of prescribed standards and safeguards.
- Objective SPQHO42 – ‘Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas



subject to the character of the area and environment being protected'. (These objective forms part of the reason for refusal).

- Policy CSP22 – Consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.
- Chapter 14 - Development Management Standards.
- Objective DMSO23 –A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed. Section 14.8.2 also clarifies, a minimum standard of 22 metres separation between directly opposing rear first floor windows shall be observed, normally resulting in a minimum rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced – subject to the maintenance of privacy and protection of adjoining residential amenities.
- Objective DMSO27 – Ensure a minimum open space provision for dwelling houses (exclusive of car parking area): 3 bedroom houses or less - minimum of 60 sqm.
- Objective DMSO26 –Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units. This separation distance may be reduced on a case-by-case basis.
- Objective DMSO31 – Infill Development – same wording as SPQHO40 above.
- Table 14.4 requires a list of design parameters for consolidation of the built form in relation to infill development including in summary; High-quality design response to the context; Cognisance of architectural form; Address issues in relation to overbearance, overlooking and overshadowing; Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site; Provide a positive contribution to the streetscape, and; Promote active street frontages.

- Objective DMSO32 –Applications for residential infill development on corner/side garden sites will be assessed against 10 criteria including:
  - Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
  - Consistency with the character and form of development in the surrounding area.

### 5.3. **Natural Heritage Designations**

5.3.1. The site is not in or adjacent to a European site. North Dublin Bay SAC (Site Code: 000206) and North Bull Island SPA (Site Code: 004006) are c. 300m to the west of the site. Baldoyle Bay SAC (Site Code: 000199) is c. 900m to the north of the site and Howth Head SAC (Site Code: 000202) is c. 1km southeast. The pNHA, North Dublin Bay, is located c. 300m to the west of the site. The European sites are separated from the subject site by lands in a mix of residential uses and other purposes.

### 5.4. **EIA Screening**

5.5. 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 grounds of appeal may be summarised as follows.

- The proposed development is for a small dwelling on a spacious suburban corner site that can accommodate a new dwelling with ample open space,

parking and adequate separation distances. It will not impact adversely the visual or residential amenity of the area. The design and scale closely harmonise with the layout, design and character of the estate. The proposal enhances the appearance of the corner location. The proposal offers an opportunity to provide an additional family home in an established residential area consistent with all relevant planning policies.

- There is limited potential for housing in the general area. There are few remaining corner sites of sufficient size and configuration to accommodate similar infill development. The proposal will not therefore set a precedent.
- The planning authority are critical of the position of the proposed house and consider that the open setting would be disrupted. The proposal is stepped back from the existing house and neighbouring properties and has a similar set back to the property across the road. The creation of an open front garden in lieu of a high screen wall will enhance the streetscape and create a continuous open aspect at this section of Offington Avenue.
- The design rationale is detailed in the architect's design statement which maximises solar gain, to the southwest rear elevation and provides a single story profile to the street. The proposed lower roof is splayed upwards at the eaves and is a common design feature on most of the bungalows in the estate as is the brick and render finish.
- The proposed development is very similar to the corner site at No. 67 Offington Park where the Board granted permission overturning the PA and is directly relevant to the current application. The PA accepted the unique and special characteristics of that site. Both the permitted and proposed development are corner properties with extensive frontages on 2 roads. Both are similar sizes, and both propose open front gardens, maintaining the American original style. The unattractive boundary wall will be removed.
- In relation to the extensive planning history cited by the planning authority, there has been a space fundamental shift in government policy towards more infill corner developments. The proposal remains a low density development providing an efficient use of serviced land, served with community and good transport links. The files referred to in the planning assessment are historic

files. The planning refusal by the Board in the 2008 application was for a larger dormer dwelling which has been addressed by a proposed significantly smaller dwelling where the design and layout is in character with the adjacent housing.

## 6.2. **Planning Authority Response**

- The proposed development would represent a departure from the original plot layout which contributes to the overall character of the estate, contrary to local objective 94 and objective SPQH042. It is requested the decision be upheld. If permission is granted a section 48 contribution is requested to be imposed.

## 6.3. **Observations**

### 6.3.1. Two observations were received.

- The Offington Residents Association do not support any infill development which undermines the character of the model estate, where increased density would destroy the estate and consider the site a flood risk. The submitted original observation to the PA is attached.
- Deirdre and Peadar Kirke of No. 67 Offington Court (the home to the southwest of the proposed development) state their privacy will be impacted by the proposed development, the dormer window will overlook their property, the new access will be a traffic hazard, a precedent will be established, and the design of the house is inappropriate with a negative visual impact on the area.

## 6.4. **Further Responses**

None sought.

## 7.0 **Assessment**

### 7.1. I consider that the assessment may be addressed under the following headings:

- Principle of Development

- Design, including impact on character of estate, open space and separation distances
- Planning history and precedent
- Residential amenity of adjoining properties
- Other Matters
- Appropriate Assessment

**7.1.1. Principle of Development**

7.1.2. The proposed development is for a single dormer dwelling on a corner site on lands zoned RS 'Provide for residential development and protect and improve residential amenity' with a local objective No.94 to 'Ensure that development is in keeping with the layout, scale, design and character of existing development'. Accordingly, and having regard to the NPF and RSES which promotes compact growth, the principle of development is acceptable subject to the local objective, other relevant planning policies, residential amenities and the impact on neighbouring properties.

**7.1.3. Design, including impact on character of estate, open space and separation distances**

7.1.4. The principal issue in this appeal is whether this specific site can accommodate an additional house having regard to the distinctive character a design of the estate where it is situated. The Planning Authority (PA) and the observers consider the proposed subdivision of an existing plot, design and relationship to adjoining properties would be inconsistent with the low density established character and pattern of development in the area and it would be visually obtrusive on a prominent site location. The appellant contends the proposed development is not out of character in terms of design and density, is not injurious to residential or visual amenity in the area and is consistent with national policy. The appellant also contends there is recent precedent for similar development granted by the Board.

7.1.5. Local Objective No.94 in the CDP provides an additional objective to this residential area, where development is to be in keeping with the layout, scale, design and character of existing development. It may be noted that the design parameters for infill development in the CDP also broadly align with the wording of Local Objective 94. It is noted that the Offington area is not located in an Architectural Conservation

Area in the recently adopted CDP and does not contain any protected structures or properties included in the Inventory of Irish Architecture.

- 7.1.6. While the estate demonstrates a distinctive character of a low density, open estate with houses located at varying angles, the area has been partially visually altered by significant and mature planting along the boundaries of many of the houses. While proposed development lies mainly to the rear of No.85 Offington Avenue, the site would be located with its road frontage to Offington Court and the main impact would occur along that road. I agree with the appellant that corner sites are limited within the estate owing to the very significant length of the streets.
- 7.1.7. The proposed front elevation facing Offington Court is set back from long elevation of No.85 Offington Avenue which also fronts Offington Court. No.85 Offington Avenue is somewhat unusual as the long access road along the south of the site into No. 67 Offington Court results in road/access on three sides. The proposed house would be set back from Offington Court c 10m, significantly reducing the visual impact on the streetscape and reducing the view of proposed building from the junction. In this regard, while it is a corner site, I would not go as far as to consider the appeal site section as a prominent location within the estate. It is also noted that the subject site and site opposite are characterised by walls along the side boundaries.
- 7.1.8. No. 67 Offington Court is the home of an observer to the appeal. A c 53m long access to No. 67 Offington Court runs along the southern boundary of the appeal site. No.67 Offington Court is an L shape house and is somewhat different to the houses to its south (commencing at No.1 Offington Court) where each plot has some street frontage, while No.67 is limited to the access road. The planning documents indicate this house was built in 1985 and this may account for the different numbering and different shape to the houses to the south fronting Offington Court. Regardless of the time of development, I consider that No.67 Offington Court has a similar pattern of development to the houses to the south of it, stepping back from Offington Court in a consistent manner.
- 7.1.9. In terms of design and layout, the proposed development is for a structure forward of the existing house No. 67 Offington Court. Owing to the unusual and staggered setbacks on large sites within the estate, there is potential for development either forward or to the rear of some of the houses, but such development would not be

consistent with Local Objective No.94 where development is to be in keeping with the layout, scale, design and character of existing development. While I would not consider the specific location of the proposed house as integral to the character of the estate, I consider that to develop a house forward of another house on Offington Court would be inconsistent with the pattern of development in this area, and would introduce a new and unacceptable pattern of development having regard to the local objective. I consider this site and proposal can be distinguished from the recent grant of permission at No. 67 Offington Park in that permitted dwelling was not forward of any dwelling fronting the road and read as an integrated site within the estate.

7.1.10. If the proposed house was not forward of another dwelling west of the appeal site, I would consider this corner site could be developed for another dwelling having regard to the NPF objective of compact growth and the overarching policy of increasing density on serviced lands close to transport, the lack of any architectural conservation designation and the size of the site. While the proposed building would be forward of the houses to the south fronting Offington Court, I would consider that acceptable having regard to the variations in setbacks around the estate. I also consider that the proposed development would not have a significant adverse visual impact from the junction.

7.1.11. I will assess the development against the relevant remaining issues as the Board may disagree with the assessment above.

7.1.12. The proposed design is for a simple pitched roof house where the PA considers the roof structure ratio disproportionate to the building. While the proposed house is not elegant in proportions, it responds to the available width of the site, providing a two bedroom house with standard brick and render frontage similar to other houses in the area but more squat in appearance. The existing houses in the estate are generally bungalows with a shallow roof profiles or dormers, some L shaped and some long form, and many of the houses are extended. Having regard to the set back and modest scale of the house, I consider the proposed design of the building as satisfactory but consider that the location forward of another house that is integrated into the pattern of development fronting Offington Court as failing to respect the character of the layout, scale, design and character area to which the local objective applies. This is further elaborated on in relation to the issue of precedent below where it is considered that the subject site can be distinguished

from the recent grant of permission at No. 67 Offington Park, ABP Ref. 313675-22 (F22A/0122).

7.1.13. The proposed layout allows for adequate private open space for the existing and proposed dwelling, off street parking and adequate separation between the new and the existing dwelling. The proposed separation between the rear elevation and other properties in the vicinity does not cause an issue. It is proposed that the gable wall of the existing house would have a side passage of 1.6m adjacent to a new boundary with the new dwelling. This would be significant change to the existing house on a large site but given the orientation of the long elevation, it is considered this separation with the boundary is acceptable in this urban situation. The proposed house is set back and splayed from the existing house improving the separation distances which at the closet pinch point would 4.2m and exceeding the Objective DMSO26 of at least 2.3m between the side walls.

7.1.14. I do not consider that there would be any significant overlooking given the distances between the properties.

7.1.15. **Planning history and precedent**

7.1.16. The planning history on this site and the wider area have historically restricted development within this estate. Having regard to the subject site, I consider that the proposed development is smaller than previously proposed and there has been a considerable time period since that decision. Furthermore, the NPF objective of compact growth developed since the previous refusal is a material consideration. The NPF is the overarching policy where increased density on serviced lands close to transport is a key objective and is factor in assessment of infill developments on corner sites. The Inspector's report that accompanied the pervious decision of the Board recommended a refusal "based more on objections to harmful sub-division of the plot, than on the scale or details of the proposed building". The Inspector particularly considered that the adjacent set back houses on Offington Court created an open and spacious street scene which would be disrupted by a building closer to the road.

7.1.17. The Board has both refused and granted permissions in the vicinity in the last 5 years and in particular the two decisions at No. 69 Offington Park (ABP-300732-18) was refused in 2018 and No. 67 Offington Park (ABP 313675-22) was granted in



early 2023. In both cases, the site characteristics were different to the subject site and the unusual layout of the angles of the houses centrally within the corner sites makes each corner site quite different within the overall estate. The subject site is smaller and a more irregular in shape than the recent permission granted at No. 67 Offington Park where also the separation distances from side boundaries was greater. In that grant of permission, there is no house to the rear of the permitted development. The proposal can also be distinguished from No. 69 where the proposed house was lodged between two existing houses with a similar building pattern resulting in a greater visual impact.

7.1.18. I do not consider that there is a precedent in the wider area for either granting or refusing permission and each of these corner sites within the estate should be assessed in relation to their specific location. I am mindful of the previous decision of the Board and the time frame that has elapsed. I consider that for the reasons set out in the preceding assessment, that this site is not appropriate for an additional dwelling having regard to the proposal located forward of an existing house, No. 67 Offington Court in the context of the local objective in the recently adopted CDP.

7.1.19. **Residential amenity of adjoining properties**

7.1.20. The residential dwellings in proximity to the proposed development where residential amenity could be impacted are the existing dwelling, No.85 Offington Avenue and No.67 Offington Court. In relation to the existing development, there are no openings on the existing southeast facing gable wall that would be located adjacent to the proposed northwest gable wall. The proposed location due south of the existing house and overlapping gables would cause some overshadowing of the private amenity space at No. 85 but given the proposed quantum of space, it is considered acceptable in an urban area.

7.1.21. In relation to No.67 Offington Court, I estimate the distance between the closest part of the existing skewed front elevation (northeast facing) to the rear elevation of the proposed development is c 33m. I do not consider that there would be any negative impact on residential amenity of No.67 Offington Court in terms of loss of privacy but as above, I consider the proposed development would introduce an unacceptable pattern of development in this estate.

### 7.1.22. **Other Matters**

7.1.23. An internal PA report raised the issue of potential flooding of this wider coastal area.

I consider that the recently permitted development by the Board was subject to the same issues and that this could be conditioned for the finished floor level to be agreed and an appropriate setback from the sewage network that is located in the access to No.67 Offington Court.

7.1.24. In terms of parking and access I agree with the PA that this is satisfactory subject to a condition regarding maintenance of vision lines.

### 7.2. **Appropriate Assessment Screening**

7.3. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from 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**

8.1. I recommend that permission be refused.

## 9.0 **Reasons and Considerations**

1. The proposed development is located in an architecturally distinctive housing estate which is subject to Local Objective No.94 in the Fingal County Development Plan, 2023 – 2029 to 'Ensure that development is in keeping with the layout, scale, design and character of existing development'. It is considered that the proposed development by reason of its location and relationship to adjoining properties, and in particular that it is located forward a dwelling accessed from Offington Court, would be out of character with the prevailing pattern of development in the area and would set an undesirable precedent for dwellings forward of other dwellings within the estate. It is considered that the proposed development would be in conflict with the

pattern of development and character of this estate, contrary to Local Objective No.94 in the Fingal County Development Plan, 2023 – 2029.

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.

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Rosemarie McLaughlin  
Planning Inspector

16<sup>th</sup> September 2023