

An
Bord
Pleanála

Inspector's Report ABP318292-23

Development

Single-storey, 3-bedroom, detached residential dwelling in the existing side garden of no. 5 Church Avenue including new pedestrian access from Church Avenue, site development works and connections to services.

Location

No. 5 Church Avenue,
Blanchardstown, Dublin 15 D15HA2K

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW23A/0228

Applicant(s)

Serhii Zhyhulim.

Type of Application

Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant(s)

Serhii Zhyhulim.

Observer(s)

None.

Date of Site Inspection

05/12/2023

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site is located on the north side of Church Avenue between nos. 4 & 5 Church Avenue proximate to the main street of Blanchardstown village.
- 1.2. The streetscape on the north side of Church Avenue in the location of the development is single storey comprising in principal terraces of double-fronted style cottages with front and back gardens. The period cottages are one-room deep judging by the gable width of no. 5 Church Avenue and the gable width of no. 4 Church Avenue, which is located at the end of a single-storey terrace of cottages to the west.
- 1.3. No. 5 Church Avenue is a semi-detached double-fronted cottage with a contemporary projecting porch. There is a large contemporary rear extension to the back of no. 5 Church Avenue with window openings in the west elevation proximate to the development site. The large side garden of no. 5 Church Avenue has been cleared and the development site is readily identifiable.
- 1.4. Nos. 4 & 5 are single-storey period cottages separated by a gap in the streetscape, which separates two of the terrace blocks on this side of the street. No. 4 Church Avenue has an elongated frontage of 4-bays comprising an asymmetrical entrance;
- 1.5. The site forms part of the side garden of no. 5 Church Avenue. The frontage comprises the gap in the streetscape between the existing single-storey terraces. A low boundary wall forms the boundary with the street;
- 1.6. The blank gable of No. 4 Church Avenue faces the shared property boundary with no.5 Church Avenue in the location of the infill development site.
- 1.7. The site area is given as 0.0497 hectares.

2.0 Proposed Development

- 2.1. The construction of an infill single-storey, 3-bedroom, detached residential dwelling, new pedestrian access and site development works including connections to services.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused planning permission for the following reason:

- (1) The proposed development would result in a haphazard for of development that would be visually obtrusive and out of character with the pattern of development in the area. The proposal would have an overbearing impact on No. 4 Church Avenue due to the proximity, height and extent of the proposal to the south-western boundary of the site and would unduly impact on the residential amenity of No. 5 Church Avenue. The proposed development would, therefore, seriously injure the amenities of property in the vicinity, depreciating the value of same, would be contrary to Table 14.4 and would contravene Policy SPQHP39, Objectives SPQHO40, SPQHO42 and Objective DMSO32 and the RS zoning objective of the site in the Fingal County Development Plan 2023-2029 which is to 'Provide for residential development and protect and improve residential amenity', set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Fingal County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Transport Planning Section have no objection to the proposal conditional on the provision of bicycle parking to the front of the development.

The water services Department have no objection.

Uisce Eireann: Irish Water have no objection subject to condition.

4.0 Planning History

The relevant planning history is summarised below:

Under FW22A/0219 permission for the creation of a new vehicular entrance with gates at no. 5 Church Avenue was refused for the following reason:

The proposed development would materially contravene Objective DMS127 of the Fingal Development Plan, which is to “presume against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces”, would be injurious to the amenities of the area and property therein by virtue of the loss of on-street parking which serves this street, set an undesirable precedent for other similar proposals and would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The local policy framework is provided by the Fingal Development Plan 2023-2029. The relevant policies and objectives are set-out below:

- Zoning

The relevant land-use zoning objective is RS (Sheet 12 – Blanchardstown North):
Provide for residential development and protect and improve residential amenity.

Chapter 13 (Land use Zoning) states the vision for the objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenities.

The proposed development is permitted in principle.

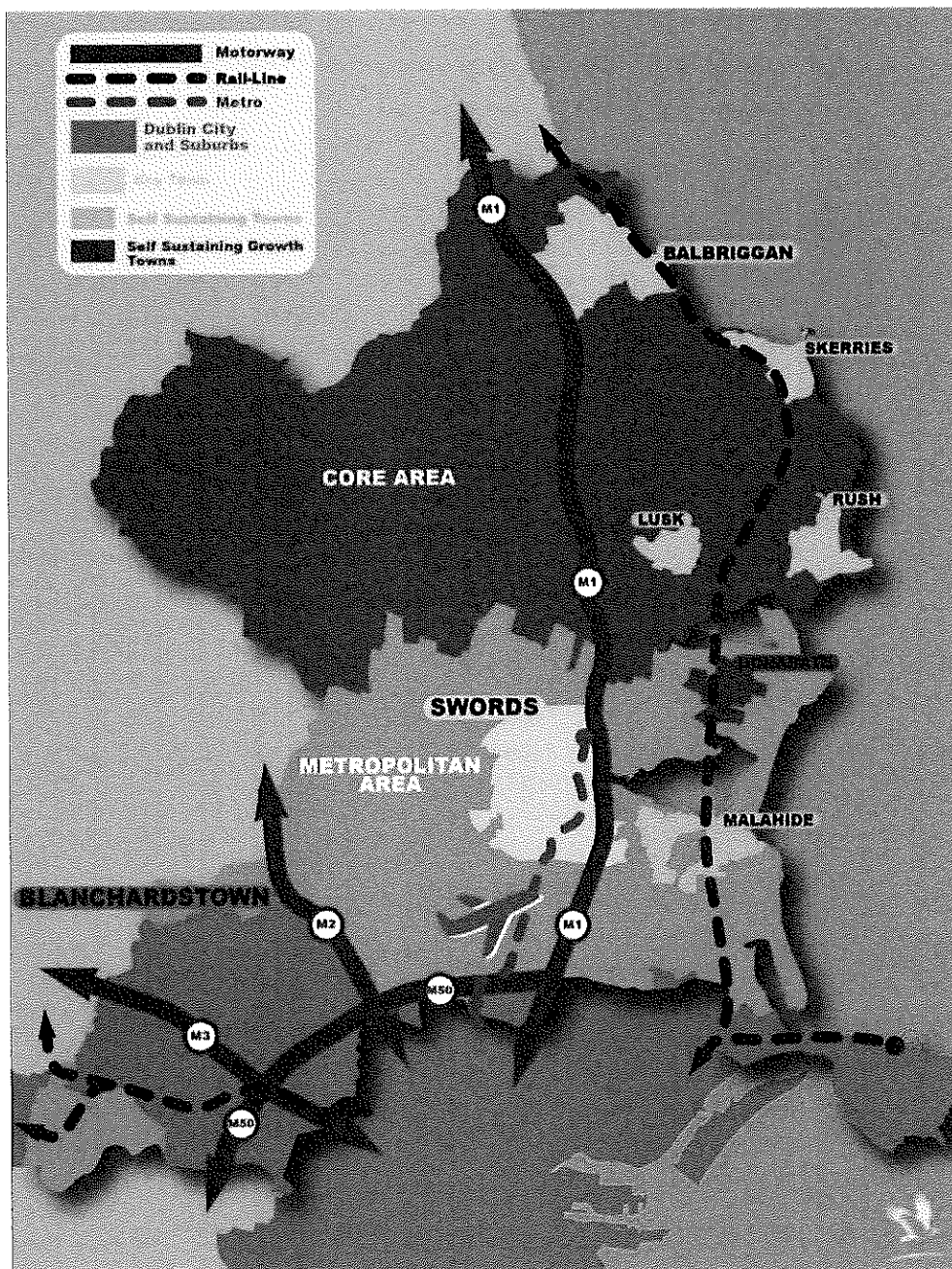
- Urban Consolidation

Chapter 2 (Planning for Growth) Section 2.2 (Core Strategy) of the Fingal Development Plan is relevant and states:

The purpose of this Core Strategy is to guide the spatial direction of future development and regeneration in the County in line with the principles of compact growth.

The core strategy is depicted diagrammatically in Figure 2.1 (Core Strategy Map) and locates Blanchardstown within the strategic zonal designation of 'Dublin City and Suburbs'.

Figure 2.1: Core Strategy Map



Section 2.7 (Settlement Strategy) cites the Dublin Metropolitan Area Plan (MASP), which form part of the relevant RSES, and sets out a strategic planning and investment framework for the Dublin Metropolitan area. Future growth within Fingal will align with the MASP and the development plan settlement hierarchy will ensure that development is directed to the existing settlements including those defined as being within Dublin City and Suburbs. This recognises the ambitious goal of the NPF to ensure compact growth with 50% of housing to be provided within or contiguous to the built-up area of Dublin City and Suburbs recognising that key public transport corridors (existing and planned) present significant development opportunities.

Policy CSP14 (Consolidation and Re-intensification of infill/ Brownfield Sites) is relevant *inter alia* the policy supports the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensify uses within the existing built up area of Dublin City and suburbs.

Policy CSP20 (Blanchardstown) is relevant and states:

Consolidate the growth of Blanchardstown as set out in the Settlement Strategy for RSES by encouraging infill and brownfield development and compact growth rather than greenfield development and by intensification at appropriately identified locations.

And Chapter 3 (Sustainable Placemaking and Quality Homes) Policy SPQHO9 (consolidated Residential Development) is relevant and states consolidate within the existing urban footprint, by ensuring 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.

- Infill Development

Chapter 3 (Sustainable Placemaking and Quality Homes) Section 3.5.13 (Compact Growth, Consolidation and Regeneration) is relevant and states *inter alia* that quality housing and increased housing options may be achieved in several ways and by projects of varying scale including small residential

extensions, subdivision of large gardens to accommodate infill development and where appropriate, back-land development opportunities.

- Policy Objective SPQHO39 (New Infill Development) is relevant and states 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 treatment.
- Policy Objective SPQHO42 (Development of corner or wide garden sites) is relevant and states that the planning authority will 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 achievement of prescribed standards and safeguards, as set out in development management (Chapter 14).
- Policy Objective SPQHO42 (Development of Underutilised Infill, Corner and Back-land Sites) is relevant and states that the planning authority will encourage and promote the development of underutilised infill, corner and back-land sites in existing residential areas subject to the character of the area and environment being protected.

- Development Management Standards

Chapter 14 (Development Standards) Section 14.10.1 (Corner / infill Development) is relevant and states that the development of infill housing in established residential areas will be encouraged by the planning authority where proposals are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed.

- Section 14.8.2 (Separation Distances) and Policy Objective DMSO26 (Separation Distance between Side Walls of Units) is relevant and requires a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units. The separation distance may be reduced on a case-by-case basis in relation to infill 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 arrangement shall be submitted in such cases).

- Objective DMSO32 (Infill Development on Corner / Side Garden Sites) requires that applications for infill development on corner / side garden sites will be assessed against a list of criteria including *inter alia* compatibility with adjoining structures, consistency with the character and form of development in the area, provision of satisfactory open space, the safeguard of the amenities of neighbouring residential units etc.

- Table 14.3 (Brownfield Opportunities and Regeneration) and Table 14.4 (Infill Development) are relevant. Table 14.4 states:

The Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms.

Proposals for infill development will be required at a minimum to:

- " Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width.
- " Examine and address within the overall design response issues in relation to over-bearance, 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 including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised.
- " Promote active street frontages having regard to the design and relationship between the public realm and shopfronts of adjacent properties.

Section 14.8. 3 (Private Open Space) and Table 14.8 (Private Open space for Houses):

Table 14.8: Private Open Space for Houses

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

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).

5.2. EIA Screening

The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal statement prepared by Stephen Moly Architects on behalf of the applicant and is summarised below:

- No. 5 Church Avenue was purchased by the applicant in 2021 with the objective of providing an extension in the large side garden or a separate dwelling. An extension was subsequently constructed to the rear of the property, which would not compromise the development potential of the side garden;

- The site location is extremely central to Blanchardstown Village and represents underutilized development land in established serviced areas placing emphasis on designing the best possible dwelling for the site satisfying required amenities and planning policy objectives;
- The design ensures that the front building line isn't breached and that the dominant ridge line along the street is maintained including roof pitch and eaves. The front elevation exhibits full height glazing with contemporary materials including standing seam zinc finish to the main roof with timber brise-soleil screening to the elevation;
- The refusal states the infill house will not conform with various aspects of the development plan. However, there is no mention in the reason for refusal in the matter of Table 14.3 (Brownfield Opportunities & Regeneration), which it is claimed the proposed development would support;
- The applicant concedes there are 2 windows in the western elevation of no. 5 Church Avenue. One lights a bathroom the other light a ground floor bedroom. The applicant intends to relocate the bedroom window to the rear of the existing extension and the bathroom window does not light a habitable space;
- The rear building line of the proposed house extended 6.5m beyond the rear building line of no. 5 Church Avenue and by 12.5m beyond the building line of no. 4 Church Avenue. No. 4 has an extension to the side closest to the application site which is a bedroom. The main living and kitchen space is set back 6m from the boundary with the development site;
- The proposed house is single storey with a flat roof. The planning authority have not fully assessed the minimal height in the context of the location of the proposal northeast of no. 4 Church Avenue. There would be no overshadowing. There was no objection from no.4 Church Avenue;
- The appellant has attached a number of aerial photographs of Church Avenue showing the extent of extension to the rear of adjoining properties including single-storey extension;

- The proposed development is in accordance with the development plan policy framework identified in the planning authority assessment and asserts that compliance can be demonstrated to permit the development;
- The applicant asserts that the planning authority is not qualified to assess the devaluation of property in the area and that the statement is untrue;
- There is no dedicated car parking, which seems to be accepted by the planning authority. There is a requirement for 5 bicycle spaces for the house. The spaces can be provided in the rear garden. It is argued to accommodate bicycle spaces to the front of the property would make the street look cluttered given the modest front garden;
- This is a proposal for a distinguished residential home with high quality contemporary design taking full cognisance of its surroundings and utilising serviced land in Blanchardstown.

6.2. Planning Authority Response

The planning authority response is summarised below:

- The issues considered were considered in the detailed assessment of the planning application;
- The Fingal County Development Plan 2023-2029 reflects national policy to support consolidation of urban centres subject to the protection of the amenities of the area and the urban environment;
- In the instance of the subject development the planning authority had serious concerns regarding the impact of the proposed development on the character and amenities of the area including adjacent properties;
- The planning authority considers that the development is contrary to the detailed policies in the Fingal Development Plan in respect of infill development.

- The planning authority trusts that the Board will take this submission into account and respectfully requests that the Board uphold the decision of Fingal County Council.

7.0 **Assessment**

- 7.1. The following assessment covers the points made in the appeal submission, the reason for refusal and my *de novo* consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The proposed development would comprise a single-storey 3-bedroom dwelling comprising a floor area of approximately 100 sqm (97.6 sqm.) on a site of 497sqm. located in the side garden of no. 5 Church Avenue. This appeal relates to the refusal by the planning authority of permission for this infill house.

The appellant explains that the property at no. 5 Church Avenue was purchased by the applicant in 2021 with the objective of providing an extension in the large side garden or a separate dwelling. An exempted development extension was subsequently constructed to the rear of the property, which would not compromise the development potential of the side garden. The appellant notes that the infill site is extremely central to Blanchardstown Village on serviced lands and that the house design places emphasis on the best possible infill solution satisfying required amenities. The proposed development is assessed below under the following headings with reference to the reason for refusal:

- Compact growth achieving urban consolidation;
- Building form, site layout and elevation design;
- Impact on visual and environmental amenities of adjacent residential properties;
- Internal and external residential amenities of the proposed infill dwelling;
- Car parking / bicycle parking
- Boundary treatment

Compact growth achieving urban consolidation

- 7.3. The appellant states that the location of the development site is extremely central to Blanchardstown Village and represents underutilized development land. It is claimed the development would be aligned with strategic compact growth planning policy objectives citing compliance with Table 14.3 (Brownfield Opportunities and Regeneration) of the development plan.

Fingal County Development Plan 2023-2029, Chapter 2 (Planning for Growth), states that Blanchardstown is strategically located at the intersection of the N3 and M50 national roads and is the largest settlement centre in Fingal. Blanchardstown is designated as a Level 2 'Major Town Centre' and there are numerous large public sector employers based in the area. Furthermore, Blanchardstown is a key location for foreign direct investment.

The National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban / suburban areas and as such promotes the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes. Policy CSP20 (Blanchardstown) of the Fingal County Development Plan 2023-2029 supports *inter alia* the consolidation and growth of Blanchardstown as set out in the settlement strategy for the RSES by encouraging infill and brownfield development and compact growth rather than greenfield development.

The proposed development would provide an additional dwelling within the existing built-up area designated as 'Dublin City and Suburbs' within the settlement hierarchy of the Fingal County Development Plan 2023-2029 – See Figure 2.1 (Core Strategy Map) above. The strategic objective of compact growth is supported in principle by densification of urban / suburban lands in particular under-utilised lands accessible to commercial centres by walking, cycling and public transport. The development site is located on Church Avenue adjacent to the main street of Blanchardstown Village and is accessible to high frequency public transport.

In the instance of the development on appeal, Policy Objective SPQHO42 (Development of Corner or Wide Garden Sites) is relevant and states that the planning authority will 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 achievement of prescribed standards and safeguards, as set out in development management guidelines provided elsewhere in the development plan (Chapter 14 of Fingal County Development Plan 2023-2029).

The merits of the proposed development are assessed below in order to ascertain whether the strategic objective of compact growth achieving urban consolidation within 'Dublin City and Suburbs' can be achieved providing for a high quality outcome in the instance of the proposed infill development.

Building form, site layout and elevation design

- 7.4. In the matter of the infill typology of the development site and the scale and nature of the development, comprising an additional single-storey dwelling house in the side garden of no. 5 Church Avenue, Section 14.10.1 (Corner / infill Development) is relevant. Section 14.10.1 states that the development of infill housing in established residential areas will be encouraged by the planning authority where proposals are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed.

The objective of Section 14.10.1 and in the matter of infill development generally is to achieve a balance between the protection of existing amenities and the provision of infill development, which represents an efficient use of valuable serviced land promoting urban consolidation and compact growth. The criteria guiding appropriate infill development is provided for in Table 14.4 (Infill Development) and by policy objective DMSO32 (infill Development on Corner / Side Garden Sites).

The proposed infill house would be a single-storey pitched roof dwelling with a front and rear garden. There would be a pedestrian access to the street. It is noted that no in curtilage car parking is proposed – see assessment below. The footprint of the house would have a street frontage width of approximately 5.5m and a dept of approximately 21m. It is considered by reason of the location, height, and site layout of the proposed development that built-form of the infill house would respect the existing front building line of the streetscape, the ridge line of adjoining properties and would be consistent with the character of the existing streetscape on the north side of Church Avenue.

Section 14.10.1 states that a contemporary approach is desirable in infill house design. The proposed front elevation of the infill house would exhibit full height glazing with vertical openings with timber brise-soleil screening to the elevation. The house design would use contemporary materials including standing seam zinc finish to the main roof. I consider the design solution would represent an appropriate contemporary built transition in the existing period streetscape. In summary, the infill house would fill the gap between the single storey terraces to the west and east of the development site between nos. 4 & 5 Church Avenue with a readable modern intervention in the streetscape that respects the existing building height, form and roof profile while advertising that it is a modern insertion.

The Separation distance between side walls of units

Policy Objective DMSO26 (Separation Distance between Side Walls of Units) is relevant and requires a separation distance of at least 2.3 metres between *inter alia* detached and terraced houses. It is noted that the separation distance between the proposed infill house and the existing house at no. 5 Church Avenue would be a minimum of 1m. It is further noted that the separation distance between the proposed infill house and no. 4 Church Avenue adjacent would be approximately 1.5m.

Policy Objective DMSO26 provides the separation distance may be reduced on a case-by-case basis in relation to infill 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. It is considered separation can be relaxed in the instance of the subject development given the configuration of the existing streetscape that comprises abutting dwellings in terraces, the design quality of the infill house and the infill nature of the development.

Impact on visual and environmental amenities of adjacent residential properties

- 7.5. In the matter of infill development and the impact on residential and visual amenities, the reason for refusal cites *inter alia* policy objective DMSO32 (infill Development on Corner / Side Garden Sites) and Table 14.4 (infill development criteria). Table 14.4 states the following criteria:

- Provide a high design response to the infill context;

- Address potential issues of overbearing, over shadowing and overlooking;
- Respect and compliment the character of the surrounding area in terms of scale and design;
- Provide a positive contribution to the streetscape including *inter alia* that the impact of waste services and parking are minimised;
- Provide active street frontages.

The planning case officer in assessing compliance with Table 14.4 criteria assessed the potential visual and residential amenity impacts on the adjacent properties including the existing house at no.5 Church Avenue and the adjoining property adjacent to the development site at no. 4 Church Avenue. The case officer considered *inter alia* that the extension of the rear building line beyond the established building line (approximately 6.5m beyond the rear building line of no. 5 Church Avenue), the existence of windows in the western elevation of the rear extension to no. 5 Church Avenue and the immediacy of the proposed infill dwelling to the boundary with no. 4 Church Avenue (extending approximately 19.5m along the shared boundary) would have a significant adverse impact on the visual and residential amenities of nos. 4 & 5 Church Avenue.

I cannot concur with this assessment. I acknowledge that the proposed infill house will change the receiving environment by reason of its physicality including the relationship to the rear of no. 4 Church Avenue, as the infill house would extend beyond the rear building line and proximate to the shared property boundary at a measured distance of approximately 15m. However, I do not consider that there will be a significant adverse negative impacts on the amenities of adjacent adjoining properties given that the proposed dwelling is single storey in height with a pitched roof to the front (approximately 5m to ridge height) and a flat roof to the rear (approximately 3.4m).

The appellant has stated that the existing bedroom window in the west elevation of the rear extension of no. 5 Church Avenue will be relocated to the rear elevation of the extension. It is noted that the infill house would be located to the north-east of No. 4 Church Avenue. There would be no issues of significant overshadowing and overlooking arising. It is considered on balance that the proposed infill house would not have a significant adverse negative impact on the visual and residential

amenities of adjacent properties, including no. 4 Church Avenue, given its single-storey height, design and material finish.

The appellant cites Table 14.3 (brownfield opportunities & regeneration criteria) Fingal County Development Plan 2023-2029, claiming that the proposed development is in compliance with the stated development parameters for brownfield and regeneration sites. It is considered that the proposed development by reason of its infill nature, design, height and material finish would satisfy the requirements of Table 14.3 and would substantially satisfy the requirements of Table 14.4 (infill development) of the Fingal County Development Plan 2023-2029 including addressing context, protecting existing residential and environmental amenities, providing an active street frontage and making a positive contribution to the streetscape.

I consider that the proposed development successfully achieves the objective to balance the protection of existing amenities and provide for infill development, the development represents an efficient use of valuable serviced land and promotes consolidation and compact growth, as required by Section 14.10.1 (Corner / Infill Development) and policy objective DMSO32 (infill Development on Corner / Side Garden Sites).

Internal and external residential amenities of the proposed infill dwelling

- 7.6. In the matter of the internal residential amenity of the infill house, it is considered that the internal layout of the house would represent a reasonable standard of residential amenity providing a balance of reception and bedroom accommodation. The internal floor area comprises 97.6sqm in excess of minimum standards. In the matter of the external amenity of the infill house, the following is relevant:

Open Space

Section 14.6.5 (Open Space Serving Residential Development) requires private open space provision to be dependent on the nature and scale of the subject residential unit. Table 14.8 (Private Open Space for Houses), Chapter 14, of the Development Plan requires 60sqm. for house of three bedrooms or less. It is considered that the proposed development can satisfy the relevant open space standard (DRG.01 Rev. A dated July 2023 – Table of Building Measurements confirms a rear garden area of 60sqm.).

Waste storage

It is noted that bin storage is provided to the rear of the infill house. It is further noted that access to the rear of the infill house and the existing house at no.5 Church Avenue is provided by a shared side passageway measuring between 1125mm and 1000mm.

Car parking / bicycle parking

- 7.7. The applicant submitted a roads & services report, prepared by Gordon White Consulting Engineers, dated 17th July, 2023 as part of the planning application. The report notes that there is no vehicular access at no. 5 Church Avenue that the property has no dedicated car parking. There is a temporary builders access but no permanent access. Furthermore, there is no new vehicular access or parking proposed as part of the development. The planning authority has previously refused off-street parking by virtue of the loss of on-street parking at No. 5 Church Avenue under FW22A/0219 noting that residents are largely reliant on on-street parking, *which serves this street.*

The proposed development is located in car parking Zone 1, which relates to developments within 800m of Bus Connects spine route, or 1600m off an existing or planned Luas/Dart/Metro rail station etc. The Transport Planning Section report prepared by the planning authority notes that the proposed development is located within 500m of the Castleknock train station and within 300m of the Future Blanchardstown to City Centre Bus Connects Core Bus corridor. The Transport Planning Section report accepts the principle of no dedicated car parking given the location of the proposed dwelling proximate to public transport and the fact the existing development has no curtilage parking.

It is considered that the existing on street parking provision on which the existing houses in the streetscape are reliant can facilitate the development given the existing car parking provision on the north side of Church Avenue. It is noted the streetscape comprises double fronted cottages with no. 4 Church Avenue adjacent having an elongated 4-bay street frontage. The Transport Planning Section of the planning authority recommended a request for additional information principally in relation to bicycle parking noting that the minimum cycle parking requirements for a 3-bed dwelling is 5 spaces. It noted a revised site layout is desirable showing where

secure and covered cycle parking spaces can be accommodated to the front of the development in a suitably designed store. I do not agree with the appellant that the location of the bicycle parking to the front of the development is not viable. The requirements of the Transport Planning Section of the planning authority can be dealt with by way of condition.

Boundary treatment

- 7.8. Policy objective DMSO31 (Infill Development) requires *inter alia* that infill development retain the physical character of the area including features such as boundary walls, pillars, gates / gateways, trees, landscaping, and fencing or railings. It is noted that there would be a new front and rear side boundary walls between the existing house at no. 5 Church Avenue and the infill house.

The applicant proposes to match the existing front boundary treatment comprising a low boundary wall (1000mm) with a pedestrian access from the street defined by pillars, aligned with the proposed side passage between no. 5 Church Avenue and the infill house. It is considered that this proposal is acceptable in principal. The material finish of the front and side boundaries can be detail with by way of condition.

Conclusion

- 7.9. In conclusion, the proposed infill house would be consistent with compact growth urban consolidation goals including Fingal County Development Plan 2023-2029 Policy Objective CSP14 (Consolidation and Re-intensification of infill/ Brownfield Sites), Policy CSP20 (Blanchardstown) and, Policy Objective SPQHO9 (consolidated Residential Development), would not have an adverse negative impact on existing visual and residential amenities of adjacent properties, including no. 4 Church Avenue, would be consistent with Section 14.10.1 (Corner / Infill Development) and policy objective DMSO32 (Infill Development on Corner / Side Garden Sites) and would be substantially satisfy the requirements of Table 14.4 (infill development) and, as such, would be consistent with the proper planning and sustainable development of the area.

7.10. Appropriate Assessment Screening

The proposed development comprises an infill dwelling house in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to conditions having regard to the reasons and considerations below.

9.0 Reasons and Considerations

- 9.1. Having regard to the reason for refusal, the grounds of appeal, the residential zoning objective for the area, which provides for residential development and to protect and improve residential amenity, the national, regional and local compact growth objectives to achieve urban consolidation, including Fingal County Development Plan 2023-2029 Policy Objective CSP14 (Consolidation and Re-intensification of infill/ Brownfield Sites), Policy CSP20 (Blanchardstown) and, Policy Objective SPQHO9 (consolidated Residential Development) and the policy framework for infill development, including the provision for additional residential units within the side gardens of existing dwellings, it is considered that the proposed development, subject to compliance with the conditions set out below, would not have an adverse negative impact on the existing visual and residential amenities of adjacent properties, including no. 4 Church Avenue, would be consistent with Section 14.10.1 (Corner / Infill Development) and policy objective DMSO32 (infill Development on Corner / Side Garden Sites) and would substantially satisfy the requirements of Table 14.4 (infill development) of the Fingal County Development Plan 2023-2029 and, as such, would be consistent with the proper planning and sustainable development of the area.

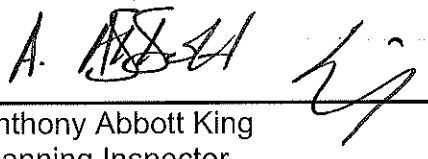
10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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
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	<p>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 developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<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>
4.	<p>Details of the external finishes of the proposed development, including the material finish of the front and side boundary walls, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The following recommendation of the Transport Planning Section of the planning authority shall be adhered to:</p> <p>A revised site layout showing 5 number secure and covered cycle parking spaces accommodated to the front of the development within a suitably designed store shall be submitted to the planning authority prior to the commencement of development.</p> <p>Reason: in the interests of orderly development and modal split within car parking zone 1 (operational from 5th April 2023).</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>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>
7.	<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>

"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".



 Anthony Abbott King
 Planning Inspector

08 December 2023