



An
Bord
Pleanála

Inspector's Report ABP-318479-23

Development

Demolition of a small section of boundary wall for pedestrian gate and access route. Construction of a front entrance porch, first floor extensions over the single storey bays to front and rear and extension to the rear at ground floor level, minor alterations to high level obscure glazed side windows and all associated site works.

Location

Baldoyle United FC, Brookstone Road, Baldoyle, Dublin 13.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0535

Applicant(s)

Baldoyle United FC

Type of Application

Permission

Planning Authority Decision

Grant permission subject to conditions

Type of Appeal

Third Party

Appellant(s)

Patricia Brown

Observer(s)

None

Date of Site Inspection

5th February, 2024

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on Brookstone Road in Baldoyle. The site is currently occupied by football club premises which has an existing stated floor area of 438 sq metres and including changing rooms, a sports hall and ancillary areas. The site connects with the club sports grounds to the rear where there are a number of grass football pitches. The layout of the existing building on the site comprises a central sports hall element with a pitched roof behind a parapet wall of c.9.2 metres in height with single storey elements to the front and rear.
- 1.2. Immediately to the west and north west, the site is bounded by the Saint Laurence O'Toole National School. On the opposite side of the football club premises residential development fronts Brookstone Road and the opposite (northern) side of Brookstone Road in the vicinity of the site is also characterised by residential development. The residential property in closest proximity to the appeal site is immediately to the south east at No.5 Brookstown Road and comprises a single storey bungalow. This dwelling is situated relatively far forward on the site however it has been extended to the rear and has a dormer window in the rear roofslope.
- 1.3. The site currently has car parking to the front and a vehicular access to Brookstone Road.
- 1.4. The stated area of the appeal site is 0.1311 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises a number of elements that can be summarised as follows:
 - The demolition of a section of the front boundary wall along the southern side of the frontage to Brookstown Road to allow for a new pedestrian access and access route to the site. The proposed new access would also involve the reorganisation of the car parking to the front of the site with a reduction in the number of spaces from the existing c.14 to c.10.

- The construction of a new entrance porch, new first floor extensions over the existing single storey bays to the front and rear and new extension to the rear at ground floor level. The stated floor area of the proposed extensions is stated to be 567 sq. metres.
- Alterations to the existing high level windows in the side elevations.
- Internal alterations to the layout of the existing building to provide for a new floor above the sports hall accessed by new staircases to the front and rear of the building. The new accommodation proposed at first floor level would include a gym room, sensory room, fitness / yoga room, and recreation / dining room. The new floor would be located within the existing structure of the sports hall and would not result in an increase in overall height.
- Ancillary works including landscaping of the site, drainage, refuse storage and site works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a Notification of Decision to Grant Permission subject to conditions. The most notable conditions in the context of the subject appeal are as follows:

Condition No.2 requires that the entire premises shall be used as a single facility and shall not be sold, rented or leased independently from the football club.

Condition No.3 requires that the proposed gym and fitness / yoga rooms shall not be operated between 22.00 hrs and 07.00 hrs and that the proposed recreation / dining room shall not be operated between 24.00 hrs and 08.00 hrs.

Condition No.4 requires that all windows on the south west facing elevation shall be fitted with obscure glazing.

Condition No.5 requires the provision of 33 no on site cycle parking spaces.

Condition No.9 requires that the construction hours shall be limited to 08.00 to 19.00 Monday to Friday and 08.00 to 14.00 on Saturdays.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the existing use of the site, its zoning for civic / religious use and objections received. The planning history of the site including a previous grant of permission for the installation of a new sports floor within the existing building is also noted. The report recommends a grant of permission that is consistent with the notification of decision issued.

3.2.2. Other Technical Reports

Water Services – No objection subject to conditions.

Parks – No objection.

Transportation – No objection.

4.0 Planning History

The following planning history is noted in the report of the Planning Officer:

Fingal Co Co Ref. F12A/0368; ABP Ref. PL06F.241652 – Permission granted by the Planning authority and decision upheld on appeal for a new sports floor within the existing football club building, internal alterations to layout, minor changes to elevations, new front porch, new first floor extensions the existing single storey bays to the front and rear and new viewing deck to the rear at first floor level. The form of development proposed in this application is essentially the same as that which is the subject of the current appeal. It is noted that the decision issued by the Board included conditions requiring the provision of obscure glazing (Condition 6), and that the accommodation shall not be used as a function room (Condition 2).

Fingal County Council Ref. F03A/0831 – permission granted for the construction of an all weather floodlit grass training pitch.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is the *Fingal County Development Plan, 2023 – 2029*.

The site is zoned Objective CI - Community Infrastructure under the provisions of the above plan. The existing football club use is not a use that is specifically listed in the zoning matrix as being either a Permissible in Principle or an Open for Consideration use on lands zoned Objective CI.

The stated objective for the zoning is to *‘provide for and protect civic religious, community, educational, health care and social infrastructure’*.

The stated vision for the objective includes reference to the importance of facilitating *‘the development and expansion of such services in order to deliver a quality environment whilst improving the quality of life for all’*.

Objective CIOSP7 – states that it is an objective *‘to ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy for adjacent residents.’*

Objective CIOSP8 states that it is an objective to *‘ensure that all communities in the county are facilitated with a variety of sporting facilities that are fit for purpose, accessible and adaptable’*.

Policy SIOSP14 states that it is an objective to *‘support sports, recreational and play amenities in the county for all ages and abilities; encourage sporting and recreational organisations to achieve their aims and goals and support platforms for new and alternative sports to develop.’*

5.2. Natural Heritage Designations

The site is not located within or close to any European site.

5.3. EIA Screening

- 5.3.1. See completed form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA is therefore not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the third party grounds of appeal submitted by the occupant of the single storey house located immediately to the south east of the appeal site:

- That the appellant is not opposed to the development in principle and consider that their concerns can be addressed by way of condition.
- That the development would bring the clubhouse closer to the appellants house. In particular the first floor extension proposed to the front.
- That the extension proposed would give rise to overlooking of the appellants house and particularly to their bedroom.
- That the potential for noise from the extension and the proposed gym are a source of concern notwithstanding the restricted hours of use.
- That a potential solution to the above concern would be to switch the gym to the opposite side of the building and therefore facing towards the school and not towards the appellants property. This would help both overlooking and noise issues.
- That the two windows nearest the appellants property should be fitted with opaque glass.
- That the hedges on the club grounds near the appellants property give a degree of screening and landscaping. It is requested that at least 1 metre

would be left in this location and that landscaping would be kept to a reasonable height to protect light to the appellants property.

6.2. Applicant Response

- Noted that the appellant is not opposed to the proposed development.
- That the applicant met with the appellant prior to the submission of the application. As noted by the appellant, there have not been significant issues related to the use of the site.
- That the grant of permission (Condition No.4) requires that windows would be opaque.
- Not seen how there would be significant noise from the gym particularly given the insulation of the building and the separation between the gym and the appellants property.
- That it is intended to keep some planting along the boundary with the appellants property. The applicant is happy to keep this to a reasonable height and to discuss with Mrs Browne.

6.3. Planning Authority Response

The response of the planning authority request that its decision would be upheld and states that it is considered that the proposal is consistent with the zoning objective for the site. It is also stated that regard was had in the decision to the previous grant of permission and to the amenity of the appellants property. It is requested that in the event of a grant of permission a condition under s.48 (financial contribution) would be attached.

6.4. Other Responses

Details of the application were referred to the development applications unit, the Heritage Council and An Taisce. No response to these referrals is recorded as being received.

7.0 Assessment

7.1. It is considered that the issues for consideration in this appeal can be considered under the following headings:

- Principle of Development
- Impact on Residential Amenity
- Other Issues

7.2. Principle of Development

- 7.2.1. The appeal site is located on lands that are zoned Objective CI – Community Infrastructure under the provisions of the *Fingal County Development Plan 2023-2029*. The existing and proposed use of the site is as a sports club, and it is noted that such a use is not listed as being either open for consideration or permitted in principle on lands zoned for Community Infrastructure use under the plan. In such situations the Plan states that uses will be assessed in terms of their contribution towards the achievement of the zoning objective and vision and their compliance and consistency with the policies and objectives of the development plan.
- 7.2.2. The stated CI zoning objective seeks to '*provide and protect civic, religious, community, education, health care and social infrastructure*' and the existing and proposed use of the appeal site as a sports club is in my opinion clearly consistent with this stated objective. I also note the reference in the vision for the zoning objective to facilitating '*the development and expansion of such services in order to deliver a quality environment whilst improving the quality of life for all*'. In addition, as set out in the first party response to the grounds of appeal, it is noted that the existing use is a long established one, having been active in the area for c.60 years.
- 7.2.3. In conclusion therefore, having regard to the nature of the use at the appeal site which comprises a community sports facility and the existing and long established nature of the use I consider that it is consistent with the Objective CI land use zoning objective and is acceptable in principle in this location.

- 7.2.4. In addition to being consistent with the land use zoning objective, I also note the provisions of Objectives CLOSP8 and CLOSP 14 of the development plan (see section 5.1 above) which promote the provision of a variety of sporting facilities within local communities. The proposed extension to the existing Baldoyle United FC premises on the appeal site would in my opinion be consistent with these objectives.
- 7.2.5. With regard to the principle of the development proposed, it is noted that a development of very similar format to that the subject of this appeal was permitted by the Planning Authority and the Board under Fingal Co Co Ref. F12A/0368; ABP Ref. PL06F.241652 (Copy of Board Direction attached with this report). It is also noted that, notwithstanding the addition of a new level of accommodation within the structure, the basic format of development proposed would not result in any increase in the overall height of the main central element of the existing building on the site. Rather the increase in scale is proposed to be accommodated in new first floor extensions at the front and rear of the floorplan and in the form of a new single storey extension to the rear of the site.
- 7.2.6. Objective CLOS07 of the development plan states that it is an objective '*to ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy for adjacent residents.*' The proposed development would result in the loss of c.4 no. parking spaces from the existing off street parking provision on the site. The proposed development would not be consistent with the development plan policy with regard to parking, however as set out in the report of the Planning Officer on file, the existing parking layout is excessively restricted with some spaces inaccessible. The proposed layout would also enable a disabled parking space to be provided as well as better and safer pedestrian circulation. The notification of decision to grant permission issued by the Planning Authority includes a condition requiring the provision of 33 no. on site cycle parking spaces and in the event of a grant of permission I recommend that a similar condition would be attached. Overall, given the established nature of the use and to the location of the site in close proximity to bus services and to Bayside and Howth Junction DART stations, I consider that the parking provision on site is acceptable.

7.2.7. Finally with regard to the principle of the proposed development, it is noted that the appeal submission submitted by the resident of the house to the south east states that they do not have an objection to the proposed development in principle. Rather there are a number of specific concerns regarding the design, proposed uses and potential impact on residential amenity that are raised and these are considered in detail in the following sections.

7.3. Impact on Residential Amenity

7.3.1. With regard to the potential for the development to have an **overbearing visual impact** of significantly **overshadow** the appellants property I note the fact that the original cottage on the appellants property is located relatively far forward on the site. This property has been extended to the rear with the addition of a single storey rear extension that has some windows which face the appeal site. The front c.4.8 metres of the clubhouse is proposed to be raised to two storeys in height and this will have some impact on the sunlight available to the appellants property in late evening periods. No shadow projection diagrams showing this impact are provided, however given the limited depth of this front extension and its separation from the boundary by up to 5.6 metres and by c.11 metres from the appellants property then the impact on sunlight to the appellants property and daylight to their dwelling is not considered likely to be significant. Similarly, these separation distances are in my opinion such that significant overbearing visual impacts are unlikely to arise.

7.3.2. At the rear of the site, the proposed first floor and ground floor extensions to the clubhouse building will have the effect of increasing the bulk of the structure when viewed from the appellants property as well as some overshadowing impact. Given the significant length of the rear garden in the appellants property these impacts are not considered such as to have a significant negative impact on residential amenity.

7.3.3. The appellants raise concerns with regard to the potential impact of the development in terms of **overlooking** of their property with specific reference being made to the impact on a bedroom in their property. As noted by the first party, the notification of decision to grant permission issued includes a requirement (Condition No.4) that all windows facing south east towards the appellants property would be fitted with obscure glazing. I also note that a similar condition was attached to the grant of

permission previously issued by the Board under Ref. PL06F.241652 (Condition No. 6 of that decision). In the event of a grant of permission I recommend that a similar condition should be attached and consider that this would protect the appellants property from a significant loss of residential amenity by virtue of overlooking from the relocated windows proposed in the south east facing elevation of the clubhouse.

7.3.4. I note that the third party appeal makes reference to the potential for overlooking from the first floor extension and to it being preferable if '*the two windows nearest me were opaque glass*'. As noted above the windows in the side (south west) facing elevation are recommended to be fitted with opaque glazing. It is not clear if it is these windows or those in the front (north east) facing elevation are being referred to by the appellant. The closest windows in the front elevation of the extension are proposed to serve the gym. These windows are however located at c.12 metres distance from the appellants property at the closest point and face north east towards the car park area to the front of the appeal site. The relative building lines between the proposed development and the appellants property and the direction of these windows are in my opinion such that I do not see how any significant issues of overlooking of the appellants dwelling could arise.

7.3.5. The appellant raises concerns with regard to the potential for the new accommodation on the site to give rise to noise issues. Specifically, the proposed gym is noted as a potential source of noise, and I would agree that this is a potential concern notwithstanding the fact that the gym use is proposed only to be directly connected with the football club and not outside or third party use. The first party response to the grounds of appeal cite the sound insulation properties of the building and the separation to the appellants property as mitigating any noise impacts arising from the use of the proposed gym, however I would share the concerns of the appellant with regard to potential noise and resulting loss of residential amenity given the proposed location of the gym facing their rear garden and the first floor location of the proposed gym accommodation. It is possible to see a situation where windows serving the gym facing the appellants property would be open and the potential for noise, including music, to be a problem. The third party appellant has suggested the relocation of the gym to the opposite (north west facing) side of the floorplan and I consider that this is a potential mitigation to the loss of residential amenity that may arise from the proposed gym use. The gym would then be facing

the school grounds, however the main period for use of the gym is likely not to conflict with school hours. Therefore, in the event of a grant of permission I consider it appropriate that a condition requiring the relocation of the gym to the opposite side of the floorplan would be attached. Such a condition, in conjunction with the restrictions on the use of the facility to activities directly related to the football club with no third party usage as attached by the Planning Authority in their Notification of Decision (Condition No.2), would in my opinion be sufficient to mitigate any loss of residential amenity arising from noise emissions.

- 7.3.6. The appellant makes reference to the existing planting within the appeal site and to the function that this serves in mitigating overlooking of their property. It is requested that planting, to a limited height, would be retained in this location. From my inspection of the site there is some, albeit limited planting located along the south east boundary of the appeal site. I note that the Proposed Site Layout Plan submitted does indicate some landscaping to be provided along the south east facing boundary, albeit that this would appear to be located further to the south than the existing planting. I also note that the site plan indicates a narrow strip of less than a metre in width adjoining the proposed pedestrian access along the south western boundary. I do not have an objection in principle to the proposed provision of a new pedestrian access and pedestrian access route along the south eastern side of the appeal site but consider that this should provide for an adequate landscaped buffer in this location between the path and the appellants property. In the event of a grant of permission it is recommended that a condition be attached requiring the submission of a landscaping plan for the south western boundary of the site and that this plan would include proposals for the screening of the appellants property from the proposed development.

7.4. Other Issues

- 7.4.1. The response submission on file from Fingal County Council and specifically the request that a financial contribution condition would be attached in the event of a grant of permission is noted. I note that no such condition was attached to the Notification of Decision issued by the Planning Authority and also note that Section 11 of the Fingal County Development Contribution Scheme 2021-2025 under the

heading of Exemptions, states that the following shall be exempt from a requirement to pay a financial contribution under s.48 of the scheme:

‘Non-commercial community related developments by voluntary non-profit making groups, clubs or organisations. The development must be exclusively for the primary purpose of the organisation, and not to be used for profit or gain.’

I therefore recommend that no financial contribution condition should be attached to any grant of permission that the Board may issue.

7.5. Appropriate Assessment Screening

- 7.5.1. 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 AA at an initial stage.

8.0 Recommendation

- 8.1. It is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to the established use of the appeal site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not, therefore, be contrary to 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 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. The proposed development shall be amended as follows:
 - (a) The proposed club gym room indicated as No.13 on the Proposed First Floor Plan (Drg No. 23116-2-DWG-003) shall be relocated to the opposite side of the floorplan by swapping positions with Team Analysis Room 1 and Team Analysis Room 2 indicated as Nos 16 and 17 on the same drawing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. The permitted sports facility shall be used for purposes and functions connected with the club only and not be used, sold, let or leased for events and functions independent of the club.

Reason: In the interests of clarity and to protect the amenity of surrounding residential properties.

4. The following operational limits shall be complied with in the development:

(a) The proposed gym room and fitness / yoga room shall not be operated between 22.00 and 07.00 hours on any day, and

(b) The proposed recreation / dining room shall not be operated between 24.00 hours and 08.00 hours on any day.

Reason: In the interest of residential amenity.

5. All windows on the south east facing elevation of the permitted development shall be fitted, and thereafter permanently maintained, with obscure glazing.

Reason: In the interest of residential amenity.

6. A landscaping plan indicating proposals for the landscaping of the southeast boundary of the site shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This landscaping plan shall indicate landscaping / screening proposals to protect the residential amenity of the adjoining residential property to the south east of the site and may require amendments to the existing layout to facilitate the provision of a landscaped strip along this boundary.

Reason: In the interests of residential amenity.

7. A revised Site layout Plan indicating the provision of 33 no. covered bicycle parking spaces shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of sustainable transport and active travel.

8. 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.

9. Details of the external finishes of 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.

10. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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.

Stephen Kay
Planning Inspector

6th February, 2024