



An
Bord
Pleanála

Inspector's Report

ABP 320757 - 24

Development	Construct two storey house with roof lights and all ancillary site works.
Location	Crimthann, St. Fintan's Road, Sutton, Dublin 13, D13 P588.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0003
Applicant(s)	Sarah and Anthony Doyle.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	Third Party
Appellant(s)	Sarah and Anthony Doyle.
Observer(s)	Teresa and David Murrow.
Date of Site Inspection	25 th November 2024
Inspector	Aisling Dineen

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1.0 Site Location and Description

- 1.1. The site is located in an established residential area in Sutton and is c. 2 km southeast of Sutton village. It is located c 70 metres to the south of St. Fintan's Road and to the east of Shielfmartin Road. The site is accessed off St Fintan's Road by way of a private access lane. The landholding contains a dormer bungalow with vehicular access off the said private lane, which also provides access to an additional dwelling house on an adjacent site to the south.

2.0 Proposed Development

- 2.1. It is proposed to construct a two-storey dwelling house in the rear garden of an existing dwelling house. The established dwelling is called 'Crimthann'. The proposed four-bedroom dwelling would have a floor area of 195 sq. m. on a site, which has a stated area to be 0.235 Ha.
- 2.2. This access for the proposed dwelling is off the private lane and would swing around to the rear of the existing dwelling along the east boundary.

3.0 Planning Authority Decision

3.1. Decision

The planning authority made a decision to refuse planning permission on the 14th August 2024 for the following reason:

The access lane from the site to St Fintan's Road suffers from inadequate sightlines. The proposed development would represent an intensification of the use of this substandard access/egress. The applicant has not demonstrated that sufficient amendment could be carried out on land within their ownership such that adequate sight lines could be achieved. The proposed development would intensify the use of a substandard entrance and would therefore endanger public safety by reason of a traffic hazard. As such the development would contravene Objective DMSO32 of the Fingal Development Plan 2023 – 2029, would set a seriously detrimental precedent for development in the immediate vicinity, and is therefore not in accordance with the proper planning and sustainable development of the area.

The Chief Executive's decision reflects the planner's report.

3.2. Planning Authority Report

3.2.1. Planning Report

This report considered that the proposal is acceptable in principle with regard to the objectives for the area.

Additional information was requested regarding the following:

- Accurate sight line drawings based on accurate surveyed dimensions to demonstrate sight lines with a visibility of 35 metres to the near edge of the road on both sides of the entrance, viewed from 2.4 metres set back from the edge of the road at the entrance. Drawing should detail all works and if such works require consent over third party lands same should be submitted.
- A pre connection enquiry to be submitted to Uisce Eireann and a letter of Confirmation of Feasibility (COF) must be submitted to the planning authority.
- A landscaping plan and a tree protection plan to be submitted, boundary treatment details required.
- Contiguous elevations required showing differing ground elevations clearly and depicting what is on the site and surrounding sites to fully assess the proposed infill at this location.

Following the response to this request a refusal was recommended based on sightlines and traffic hazard.

3.2.2. Other Technical Reports

Transportation Planning Section - Additional Information required

- The access laneway is not taken in charge and is a private access which opens on St Fintan's Road. St Fintan's Road is a public road, under maintenance of the Council.
- Required Additional Information regarding sight lines.

Following the response to this request a refusal was recommended based on inadequate sightlines and traffic hazard.

Water Services – No objection subject to conditions.

Parks and Green Infrastructure – Additional Information required

- The site is within a highly sensitive area, the Howth SAA (Special Amenity Area) where emphasis must be place on retention of landscape features such as trees and boundary vegetation.
- Required arboriculture information.
- Required a landscape plan for the site.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Teresa and David Morrow

4.0 Planning History

Planning Register Reference F24A/0011, ABP PL 06F.320241 (Adjacent site to the south).

Permission to consist of alterations to reduce size of existing dormer and to form a new detached smaller bungalow to the side by converting the existing dormer garage and games room into two bedrooms bathroom and study/car parking to the front.

This application was refused by the planning authority for the same reason as stated on the subject decision to refuse permission.

The Board refused planning permission for the above on the 19/11/2024, for the following reason:

1. The sight lines at the existing access road are currently substandard to the northwest due to the obstruction created by the hedge line, as the hedge line is not within the control of the applicant, the Board is not satisfied that appropriate sight lines can be achieved at this location. As such, the proposed development would represent an intensification of use of the substandard access/egress. The proposed development would therefore constitute a traffic

hazard and would contravene Objectives DMSO32 and SPQH01 of the Fingal County Development Plan 2023-2029, through the failure to provide a safe means of access and egress on the access road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning Register Reference F17A/0605, ABP PL.301364 (Adjacent site to the south).

Board decision: Grant of permission – inspector recommendation not accepted.

5.0 Policy Context

5.1. Fingal Development Plan 2023 – 2029

The site is zoned RS, wherein it is an objective ‘To provide for residential development and protect and improve residential amenity’.

Adjacent lands are also zoned RS.

DMSO32 – Infill Development on Corner / Side Garden Sites

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.

Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.

Ability to safeguard the amenities of neighbouring residential units.

Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.

Provision of side/gable and rear access arrangements, including for maintenance.

Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings.

Existing boundary treatments should be retained/ reinstated where possible.

Impact on street trees in road-side verges and proposals to safeguard these features.

Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.

Provision of secure bin storage areas for both existing and proposed dwellings

Objective SPQH039 – New Infill Development

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

SPQH 042 - Development of Underutilised Infill, Corner and Backland Sites

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

SPQH 043 - Contemporary and Innovative Design Solutions

Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.

Objective SPQHO1 – Sustainable Communities

Ensure that proposed residential development contributes to the creation of sustainable communities and accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 (and any superseding document) and companion Urban Design Manual – A Best Practice Guide, DEHLG 2009 and the Design Manual for Urban Roads and Streets (DMURS) (as revised).

5.2. Natural Heritage Designations

The site is located c. 400 metres east of North Dublin Bay SAC (Site code 000206) and North Bull Island SPA (Site code 004006) and c 380 metres north of Howth Head SAC (Site code 000202).

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The refusal of planning permission is based on the concerns regarding sightlines at the development entrance but it is considered that while 35 metres cannot be met, the decision fails to adequately consider a suite of mitigation safety measures submitted.
- Safety measures to mitigate the sightline include: hedge trimming, enhanced signage, road markings, a convex mirror and lighting improvements.
- Safety measures would create a safe environment for all road users aligning with the core principles of DMURS.
- The refusal does not take account of a positive meeting with an official of the County Council Operations Department on the 21st August 2024. Outcomes from the meeting included:
 - FCC Operations Department proposed to replace the existing speed ramps with a full ramp across the road. This would reduce the average speed approaching the entrance.

- It was proposed to introduce double yellow lines, which would restrict parking along this section of road and reduce the need for overtaking.
- The Operations Department conducted a speed survey on the road and the actual road speed was nearly 40 km/p/hr.
- The Dept of Transports' Speed Limit Review Report has a principal recommendation, which is that in urban/built up areas, a default speed limit be introduced of 30 km/hr.
- FCC Operations Dept confirmed that the speed limit on St Fintan's Road will be reduced to 30 km/hr in 2025.
- The decision does not reflect the context of the site, characterised by slow vehicle speeds and low traffic flows.
- The refusal disregards the established precedent of granting permission for developments with constrained sight lines in the vicinity, such as for 2 dwellings on Le Vista Avenue (Reg Ref 16B/0205 and F12A/0069). This suggests an inconsistent application of planning policy.
- Planning permission was granted by the Board on an adjacent site using the same entrance (ABP 301364-18).
- The refusal appears to prioritise a strict adherence to a single design standard over a holistic assessment of the developments impact on safety and the surrounding environment.
- It is submitted that contrary to Fingal Co. Co.'s Transport Report, a letter of consent was submitted to the planning application to trim the hedges.
- The proposed refusal is unreasonable and unjustified and the board is urged to overturn the decision.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

- The application was assessed against the policies and objectives of the Fingal County Development Plan 2023 – 2029 and existing government policy and guidance. It was assessed having regard to the development plan zoning objective and as well as impact on adjoining neighbours and the character of the area.
- The applicant has failed to satisfactorily demonstrate that the required sightlines could be achieved and as such the proposed development was considered would intensify the use of a substandard entrance and as such would contravene the Objective DMSO32 of the Fingal Development Plan 2023 -2029.
- The planning authority notes the decision to refuse permission for similar reasons for planning register reference number F24A/0011.
- The Board is requested to uphold the decision of the planning authority and refuse planning permission.

6.4. Observations

- The observers share a boundary with the appeal site, at Sutton Creek View, D13CF85.
- Support is given generally for the development but it is respectfully observed that there appears to be inconsistencies in the contiguous elevations that create ambiguity.
- The contiguous elevations indicate level terrain between the proposed build and neighbouring bungalow at Sycamore Lodge, although there are significant undulations across the site. The multi-level pitch roof at Sycamore Lodge is not represented with the upper height being stated as a FFL rather than a ridge level. A height differential of 1.325 metres is shown between Sycamore Lodge, which is inconsistent with the top levels marked for both houses. The existing chimney stacks do not appear in the drawings for Sycamore Lodge or for Crimthann.

- It is difficult to form a clear view of the plans in their context.

6.5. Further Responses

None.

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file and having regard to the relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and the planning authorities' reasons for refusal and I am satisfied that no other substantive issues arise. AA also needs to be considered. The main issues, therefore, are as follows:

- Principle of Development
- Traffic Safety
- Visual and Residential Amenity
- Other
- Appropriate Assessment

7.2. Principle of Development

7.3. The site of the proposed development entails the redevelopment of a sizable site, which has one established dwelling thereon. Minimum distances appear to be achieved and although there is an absence of sufficient details on file, regarding contiguous elevations, which is a requirement of the Planning and Development Regulations 2001 (as amended), on balance, subject to an assessment of relevant planning criteria, it is considered that the principle of the proposed development on this RS zoned land is acceptable. Additionally, the proposal is considered to comply with Objective SPQH042, which aims to encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

7.4. Traffic Safety

7.5. The substantive issue under this appeal is that of traffic safety with particular reference to the junction between the private lane (which the subject site is accessed

off) and St. Fintan's Road. The sight distance to the west (to the left) when turning out of the private lane, is particularly problematic.

- 7.6. It is noted that as per para number 4.0 above the planning authority made a decision to refuse planning permission for a site at the end of this lane, for reason of traffic safety/intensification of use.
- 7.7. The planning authority, under an additional information request, referring to the Transportation Sections report on the application, requested the following: 'An accurate sightline drawing based on accurately measured/surveyed dimensions to demonstrate sightlines in accordance with the requirements of the Design Manual for Urban Roads and Streets, which has a visibility of 35 metres to the near edge of the road on both sides of the entrance'. This drawing was also required to be measured from a 2.4 metre setback from the edge of the road at the entrance. The request appropriately noted that if any works are required to achieve sightlines, that are on 3rd party lands, then consent would be required.
- 7.8. The response to the Additional Information request acknowledged that due to existing site constraints that a full 35 metre sightline cannot be met at the development entrance (Understood to be the junction of the private lane and St. Fintan's Road) and a holistic approach to safety was submitted, which it was argued, mitigated the sightline limitation.
- 7.9. The holistic approach provided for a number of measures; trimming of hedgerows, additional signage such as 'caution school ahead', 'concealed entrance ahead' and 'speed ramps' to be repainted and a continuous white line was proposed to prevent overtaking, which are consistent with DMURS recommendation regarding traffic calming. Adequate lighting was proposed to be installed and a convex mirror was to be strategically placed to improve visibility of oncoming traffic. All of the above proposals are reiterated under the appeal submission.
- 7.10. The Transport Section, upon review of the response to the additional information request, did not accept the proposed holistic safety measures. Regarding the hedge trimming it was considered that there were no details submitted regarding the extent to which the hedge would be trimmed back and how much it would improve sightlines. The Transportation Planning section had concerns about how this would be implemented and did not accept this as a safety measure.

- 7.11. The Transport Section made an inaccurate statement that there was no consent from the relevant landowner to carry out the hedge trimming. Having reviewed the file, I can confirm that there was a letter of consent submitted with the application, from the owner of the property known as Kincade, which is the corner property, at which the sight lines from the lane are restricted. This consent letter provides consent for 'occasional hedge trimming'.
- 7.12. I note the appellants submission regarding the proposed holistic approach to achieving vehicular and pedestrian safety at this location. Having inspected the site at a time when the subject hedge appears to have been recently trimmed given its very tidy condition, I am of the viewpoint that the trimming of the hedge, will only play a partial role in the overall resolution of the sightline problem at this location. Sight lines were clearly obstructed by the corner stone wall and hedge at the rear of the Kincade property at the junction and along St. Fintan's Road. There is little to no visibility for a motorist exiting the private lane onto St Fintan's Road, towards the west of the lane. The motorist is required to advance onto the road to assess whether or not there is clear and safe egress. This situation is clearly a traffic hazard.
- 7.13. While there is consent to trim the hedge at the relevant corner and along St. Fintan's road, there is no proposal nor consent to carry out the required modifications to the side of the Kincade property boundary, on St Fintan's Road at the stone wall, which it is considered, would be required, without prejudice, to make a safe junction at this location. Having assessed the file in its entirety and having inspected the site, I concur with the decision of the planning authority and I recommend that permission be refused in line with the planning authority's recommended refusal reason.
- 7.14. It is noted that the appellant submits that the speed limits will be reduced at a future time at this location and suggests other measures towards improving the safety situation at this location, and also refers to a meeting with the operations team of Fingal County Council, which it is stated, supported the measures put forth to mitigate the sight limitations. Notwithstanding this, I remain concerned regarding the lack of satisfactory sight distance triangle available at this junction with a private lane and I would have concerns regarding the intensification of use on the lane, at this point in time. I note policy objective DMSO32 of the plan with regard to development of corner/garden sites, requires that proposed development provide: 'Ability to

provide a safe means of access and egress to serve the existing and proposed dwellings’.

- 7.15. The appellant also refers to a previous grant of planning permission by the board for a house on the adjacent site; ABP 301364 - 18. This assessment and direction were issued in 2018. It is noted that traffic safety was a consideration under this appeal also. The Transportation Section of Fingal recommended a refusal on safety grounds in this instance also. Under this appeal the inspector also had reservations about the proposal from the perspective of traffic safety and she recommended a refusal on this ground. The planning inspector noted that there was ‘a blind corner’ from the lane onto St. Fintan’s Road and noted that the stone wall would likely require realignment in order to achieve required sight distances at the location of the intersection with the private lane and St Fintan’s Road. It was also noted that consent for the required modifications from the owners of the property in question was not on file.
- 7.16. While I note that the Board overturned the inspector’s recommendation and granted permission under this appeal (ABP 301364 – 18), I remain of the opinion that the proposal, with the current access arrangement onto St. Fintan’s Road, remains a traffic hazard and the intensification of use would exacerbate the situation. Therefore, I recommend a refusal on this basis.
- 7.17. Visual and Residential Amenity
- 7.18. There is a general mix of house types in the area of the site and I am satisfied with the general design proposed. Regarding residential amenity there are dormer windows proposed; however, I do not consider that there would be overlooking given separation distances involved.
- 7.19. The observer to the appeal makes a legitimate statement that it is not possible to get context as the ground levels do not appear to reflect the higher ground levels at the house to the south of the site. The observer also notes that the Ridge Level is indicated as a FFL on the drawings. I consider this latter element to be a typographical error, however, having inspected the site to the south also, I do accept that the ground levels are not accurately demonstrated on the contiguous elevations submitted. This issue is important considering the importance of having accurate information on file, however, given the overall substantive reason for refusal as

outlined above, I am content to flag the issue for potentially future reference, without prejudice. Should the board be mindful of a favourable decision, accurate information on the contiguous elevations should be sought in this regard.

7.20. Other

7.21. The appellant suggests that the refusal of the subject application is a departure from established precedent of granting permission for developments with constrained sight lines in the vicinity, such as for 2 dwellings on Le Vista Avenue (Reg Ref 16B/0205 and F12A/0069). It is argued that this suggests an inconsistent application of planning policy.

7.22. The first reference cited 16B/0205 refers to alterations to design of dormer windows and roof lights. This is not directly relevant to the subject appeal. This followed a previous application on the same site, F12A/0069, which relates to an application for demolition of an existing dwelling and the construction of 2 No semi-detached dwellings on a site on La Vista Avenue in 2012. I note that the references quoted have a development address at No 5 La Vista Avenue, Sutton. I also note that the site in question had direct access onto a public road taken in charge by the planning authority with public lighting and a public footpath.

7.23. Although both applications are for infill development, I do not consider that the precedent cited represents a like-with-like comparison to the current appeal site, therefore I do not concur that there has been an inconsistent application of planning policy.

7.24. Regarding the other issues raised at additional information stage, I am satisfied that each of the items were appropriately addressed other than traffic safety, therefore I concur with the planning authority regarding these items.

7.25. Appropriate Assessment

7.26. I have considered ABP 320757.24 in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located proximate to the North Dublin Bay SAC (Site Code 000206), North Bull Island SAC (Site Code 004006) and Howth Head SAC (Site Code 000202). The proposed development comprises a new dwelling house. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and established urban

context of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Minimal nature of works in an established urban context.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at an intersection of a private lane with a public road at a point where sightlines are restricted in a west/northwest direction. As such the development would contravene Objective DMSO32 and Objective SPQHO1 of the Fingal Development Plan 2023 – 2029, would set a detrimental precedent for development in the immediate vicinity, and is therefore not in accordance with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Aisling Dineen
Planning Inspector
26th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 320757 - 24		
Proposed Development Summary	House and ancillary works.		
Development Address	Crimthann, St. Fintan's Road, Sutton, Dublin 13, D13 P588.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10, (b), (i)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP 320757 - 24
Proposed Development Summary	House and ancillary site works
Development Address	Crimthann, St. Fintan's Road, Sutton, Dublin 13, D13 P588.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development	The proposed development is for a dwelling house in an urban spatial context. There are existing dwelling houses in proximity to the site. The proposed development would therefore not be exceptional in the context

	of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants.	
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	NO
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: Aisling Dineen Date: 26th November 2024

DP/ADP: _____ Date:

(only where Schedule 7A information or EIAR required)

Inspector: _____

Date: _____