



An
Bord
Pleanála

Inspector's Report

ABP-321274-24

Development	Demolition of 2 houses, construction of 13 houses and all associated site works.
Location	Baldford, D13 EX17 & Dubhlaoch, D13 YW96, Drumnigh Road, Portmarnock, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0781E
Applicant(s)	Darren Jackson
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party against refusal
Appellant(s)	O'Neill Town Planning on behalf of Darren Jackson
Observer(s)	1. Concerned residents of Old Portmarnock Road 2. Marston Planning Consultancy on behalf of John Maguire

Date of Site Inspection

11/2/25

Inspector

Ronan Murphy

1.0 Site Location and Description

- 1.1. The subject is located within the development area of Portmarnock. Portmarnock is located approximately 12km to the north of Dublin City Centre. The appeal site is located approximately 0.45km from Portmarnock Train Station to the north-east of the site on foot and approximately 0.9km from the H2 Bus Route on Station Road. More specifically the appeal site is located on the eastern side of Drumnigh Road which is a regional road (R-124), which is a narrow, curving, two-way road which includes speed ramps to the north and south of the site. The area is rural in appearance with a sylvan character.
- 1.2. The character of the area is one of an area in transition from an almost semi-rural character with one off houses set within large grounds which are screened from the road by tree lines and hedges to a more residential / suburban character as evidenced by permitted development to the south of the site (Drumnigh Oaks).
- 1.3. The appeal site is a predominantly rectangular shaped parcel of land with a stated area of 0.46ha at present comprises of two derelict dwellings known as 'Balford' and 'Dubh Laoch.' 'Balford' is a large two storey dwelling with a floor area of 600m². 'Dubh Laoch' is a single storey bungalow with a floor area of 153m² and includes a separate garage.
- 1.4. The subject site is bounded by a dwelling to the north, a residential development known as Drumnigh Wood to the east, a dwelling known as 'Dunkeld' to the south. The western, southern, and northern boundaries of the site are heavily landscaped.

2.0 Proposed Development

- 2.1. The development comprises of the demolition of two existing houses (including associated sheds) and the construction of 13 two storey dormer dwellings, replacement of two site entrances with one consolidated site entrance and various ancillary developments including SUDs, open space, car and bicycle parking boundary treatments and services provisions.
- 2.2. The proposed dwellings comprise of 8 no. semi-detached four bed dwellings, 2 no. semi-detached five bed dwellings, 1 no. four bed detached dwelling and 2 no. five bed detached dwelling. The dwellings are set out in a linear fashion on the northern and

southern side of a central access road. The proposed public open space is located to the rear of the site and is overlooked by 4 dwellings.

- 2.3. The proposed houses would have maximum heights of c. 9.1m to 9.5m with dormers at attic level to the front of the dwellings. The houses would be finished with a mixture of brick and smooth render.
- 2.4. A footpath and cycleway are proposed to the front of the site.
- 2.5. The following key parameters are noted:

Site area	0.46ha
Residential Units	13
Total floor space	2306m ²
Building Height	9.1m-9.4m
Density	27 units per hectare
Aspect	North-south
Public open space	467.27m ²
Access	Via Drumnigh Road
Car and cycle parking	26 car parking spaces

- 2.6. The following housing mix is proposed:

Unit Type	No of units / occupancy rate	%
4 bed detached	1 x 4 persons	7.6
4 bed semi-detached	8 x 4 persons	61.5
5 bed detached	2 x 5 persons	15.3
5 bed semi-detached	2 x 5 persons	15.3
Max persons	46	

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council decided to refuse planning permission by order dated 24/10/24, for four reasons:

1. *The proposed development by virtue of its layout, design, and removal of significant numbers of mature trees and hedgerows would adversely affect the Old Portmarnock (Drumnigh Road) Architectural Conservation Area. In addition, the proposed development would fail to be in harmony with the established character of the area and would be visually detrimental to the streetscape. The proposed development would therefore contravene Objectives DMSO31, SPQHO42, DMSO187, and GINHO46 of the Fingal County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would incorporate an excessive quantum of car parking, having regard to its location and proximity to Portmarnock Station, and as a result would contravene Specific Planning Policy Requirement 3 of the ‘Sustainable Residential Development and Compact Settlement’ Ministerial Guidelines.*

3. *The application site is located within the Dublin Airport Outer Public Safety Zone; residential development in this zone is subject to a density restriction of 60 persons per half hectare. The applicant has not sufficiently demonstrated that the proposed development would comply with these restrictions, having regard to the precautionary principle, and the proposed development in its current format, given the information submitted and lack of justification of assumptions therein would contravene Objective DAO18 of the Fingal County Development Plan.*
4. *The proposed development would provide an inadequate quantum of public open space and would consequently contravene Objective DMSO51 of the Fingal County Development Plan 2023-2029.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There is one planning report on file dated 23rd October 2024. The area planner's report assessed the application in terms of Appropriate Assessment, principle of development, density in compliance with the outer public safety zone of Dublin Airport, design and impact on residential amenity, conservation, transportation, parks and landscaping, part v and water and drainage.

3.2.2. Other Technical Reports

- **Water Services:** Report dated 27/9/24 seeking further information relating to allowance for climate change, Suds infiltration rate and overland flood design route.
- **Transportation:** Report dated 18/9/24 seeking further information relating to the need to reconsider the taking in charge proposal and to reconsider the location and quantity of car parking to align with the Sustainable Residential Development and Compact Settlement Guidelines for Local Authorities.
- **Conservation:** Report dated 26/9/24 outlining concerns in relation to the setting and mature trees on the site, the need to set development back from the roadside boundary and have a strong planted edge. Need for new trees along the southern boundary of the site.

- **Public Lighting:** Report dated 30/9/24 no objection, subject to conditions.
- **Environment:** Report dated 30/9/24 no objection, subject to conditions.
- **Housing:** Report dated 1/10/24 no objection, subject to conditions.
- **Parks:** Report dated 10/9/24 seeking further information including full detail on tree removal, details in relation to private open space and a detailed landscape plan.

3.3. Prescribed Bodies

Dublin Airport Authority: Letter dated 30/9/24 requesting that, should permission be granted, then a condition requiring that noise sensitive uses to be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone B of Dublin Airport.

4.0 Planning History

4.1 *Subject land*

Reg. Ref. F03A/0894. Application for the demolition of the existing habitable house at Dubh Loch and replacing it with a new two storey four-bedroom dwelling with red brick and slate finishes to match the adjacent 'Dunkeld'. The existing septic tank is to be decommissioned and replaced with a biocycle effluent treatment unit. The existing driveway is to be retained. Permission granted, subject to conditions.

Site to the south

Reg. Ref. F23A/0221. Application for 3 No. new dwellings to the side garden of Dunkeld. Permission refused for three reasons:

1. *Having regard to the proposed design and form of the proposed development within an ACA and adjacent to Dunkeld and other residential development, the proposed development would present an incongruous and visually discordant features, would fail to be in harmony with the established character of the area, and would seriously injure the visual amenities of the area. The proposed development would be contrary to Objective DMS031, Objective SPQHO42 and DMS0187 of the Fingal Development Plan, which seeks to protect the*

character of existing residential areas that are subject to infill or backland development.

- 2. Having regard to the principal heights, design and depth of the proposed development together with the restricted set-back from the northern boundary and the omission of any shadow analysis, significant negative concerns remain with respect to overshadowing, overlooking and overbearance to the neighbouring property, 'Dubh Loch' The proposed development would, therefore, be contrary to the RS zoning of the site and to the proper planning and sustainable development of the area.*
- 3. The development if permitted would adversely affect an Architectural Conservation Area (ACA) and set an undesirable precedent for other similar development in the immediate vicinity within the ACA.*

Reg. Ref. F22A/0297. Application for amendments to a previously permitted development for 29 no. residential units (F17A/0556 / ABP-301635-18). To allow for the provision of 1 no. additional dwelling providing 30 no. residential units overall. Permission granted, subject to conditions.

Reg. Ref. F17A/0556 / ABP-301635-18. Application for the demolition of the existing two-storey dwelling house and associated single-storey outbuildings (c. 260m²) and the construction of an infill residential scheme comprising 30 no. terraced and semi-detached, 3-storey dwellings. The number of dwellings was reduced by way of condition to 29. The decision of the local authority was upheld by An Bord Pleanála.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The *Fingal County Development Plan 2023-2029* is the operational plan for the area. The appeal site is zoned RS 'Residential' with the associated land use objective to provide for residential development and to protect and improve residential amenity. The vision for the RS zone is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.1.2 In addition to this, the appeal site is located with the Old Portmarnock Architectural Conservation Area and is located within the Outer Public Safety Zone and Noise Zone B associated with Dublin Airport.

5.1.3 There is general policy support for the concept of residential development. Policies of relevance to this site relate to infill development and development within an Architectural Conservation Area. The following policies are the most pertinent to the proposed development.

Objective SPQHO39 which seeks to ensure that new infill development respects the height and massing of existing residential units, and that infill development retains the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping and fencing or railings.

Objective SPQHO42 which seeks to encourage and promote the development of underutilised infill sites in existing residential areas.

Objective SPQHO43 which seeks to promote the use of contemporary and innovative design solutions, subject to design respecting the character and architectural heritage of the area.

Objective DAO11 which seeks to Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps

Objective DAO18 which seeks to promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.

Objective GINHO46 which seeks to ensure that there is adequate justification for tree removal in new developments and require documentation and recording of reasons where tree felling is proposed and avoid removal of trees without justification.

Policy HCAP14 which seeks to protect the special interest and character of all areas which have been designated as an ACA and to ensure that development within or

affecting the ACA must contribute positively to its character and distinctiveness and that development does not harm buildings, historic boundaries or features, which contribute positively to the ACA.

Policy HCAP15 which seeks to support and encourage the sympathetic and appropriate adaptive reuse, refurbishment, and upgrading of protected structures and buildings or structures that contribute to the character of an Architectural Conservation Area and to prohibit development that seeks the demolition of buildings that contribute to the character of an ACA in almost all circumstances.

Objective DMS031 which seeks to ensure that new infill development respects the height and massing of existing residential units, and that infill development retains the physical character of the area.

Objective DMSO187 which seeks to ensure that all planning applications for works in an Architectural Conservation Area shall have regard to the information outlined in Table 14.24.

5.2 Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031

5.2.1 It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

5.3 National Planning Framework (2040)

5.3.1 The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. In November 2024 the Government approved revised housing targets for the period 2025 to 2030. These targets are now 50,500 homes per year scaling up to 60,000 homes in 2030.

Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4 Section 28 Ministerial Guidelines

5.4.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These guidelines seek to support sustainable residential development and the creation of compact settlements for urban and rural areas.
- Quality Housing for Sustainable Communities: Design Guidelines. The purpose of these Guidelines is to assist in delivering homes, in sustainable communities that are socially inclusive.
- Architectural Heritage Guidelines for Planning Authorities, 2011. which provide a guide on the protection of architectural heritage.

5.5 Other Relevant Guidance

- Design Manual for Urban Roads and Streets, 2019. The manual sets out design guidance for constructing new and reconfigured roads and streets.

5.2. Natural Heritage Designations

There are no designated sites in the immediate vicinity of the appeal site. The closest sites are the Baldoyle Bay SAC and the Baldoyle Bay SPA which are located c. 890m to the east of the site.

5.3. EIA Screening

5.3.1 See completed Form 2 attached by way of appendix to this report. 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 that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by O'Neill Town Planning on behalf of Darren Jackson against the Notification to Refuse Permission issued by Fingal County Council.

6.1.2 In responding to the refusal the appeal submission includes an updated layout plan for the consideration of the Board. The amendments to the scheme include the following:

- The western boundary of the site has been set back an additional 1m from the road reservation to allow for the widening of the road and for the increase of the landscaping.
- All of the dwellings proposed have been slightly realigned to take account of the increased set back.

6.1.3 The grounds of this first party appeal can be summarised as follows:

- The layout of the proposed development has been amended to reflect the comments of the road section. The amended landscape plan allows the development to achieve one of the objectives of the ACA.

- The historic core of Old Portmarnock is 600m from the subject site. The site offers nothing to the historic heart of the area. The removal of the roadside boundary trees is necessary and positive due to the type and age of trees on the boundary and will assist in assimilating the proposed development into the ACA.
- The proposed development is in keeping with both and new residential units in the area. The proposed development will be a huge improvement in landscape terms but also in terms of defining a modern residential estate.
- Reason for refusal No.2 in relation to car parking could be dealt with by way of condition. There would be no objection to a condition requiring 16 car parking spaces within the development.
- No definition In the ERM report on how density should be calculated. The Fingal County Development Plan uses an average household size of 3.5 persons per dwelling for density calculation and this is considered to be robust and the proposed development would comply with the precautionary principle set as set out in Objective DAO18.
- The public open space provided on site is dependent on the amount of land required by the Planning Authority for road widening.
- A pocket park is all that can be achieved on site.
- The appellant would have no objection to a condition requiring a small contribution towards public open space.

All of issues will be considered in detail in the assessment below.

6.2. Observations

Two third party observations have been received as set out below:

1. Concerned Residents of Old Portmarnock Road
2. Marston Planning Consultancy on behalf of John Maguire

The main planning issues are set out below:

Concerned Residents of Old Portmarnock Road

- Concerns relating to traffic congestion and pedestrian safety including a lack of facilities on Old Portmarnock Road, including footpaths and traffic lights and the need for a clear line of sight for 90m for traffic approaching the proposed exit.
- Concerns relating to dust / dirt from construction on the road surface and on private properties.
- Concerns relating to environmental impacts caused by an increase in carbon from construction.
- Concerns relating to a lack of sufficient amenities in the area to accommodate the proposed development.

Marston Planning Consultancy on behalf of John Maguire

- Insufficient grounds to overturn the decision of Fingal County Council.
- Density does not comply with the ERM report in relation to Public Safety Zones.
- Location and design of public open space is poor and is below 10% of the site area.
- Alterations to the scheme as proposed by the first party in their appeal would still be incongruous to the Portmarnock ACA.
- Excessive level of car parking.
- Removal of trees on the northern boundary would have negative impacts on the residential amenity of Grasmere.
- Separation distances of the proposed 9 houses to the north of the site from Grasmere is deficient. The proposal would have a profound negative impact on the residential and visual amenity of Grasmere in terms of overlooking and loss of privacy.
- Proposal would lead to overshadowing. No overshadowing analysis included with the application.
- Inadequate justification for the demolition of the existing dwellings on the site and would set an undesirable precedent.
- The proposal would significantly denude the setting and character of the ACA.

6.3. Planning Authority Response

A response from the planning authority dated 12 December 2024 has been received. The main points are set out below:

- The proposed scheme was not an appropriate response to the site location.
- The design and treatment as it addresses Drumnigh Road would be unsympathetic and detrimental to the Architectural Conservation Area.
- The planting proposed by the applicant is welcomed, however a fundamental redesign of the scheme is required.
- The scheme would under-provide public open space, incidental open spaces overly dominated by SuDS features are not adequate to contribute to this.
- The applicant has not adequately demonstrated compliance with the density restrictions imposed by the Dublin Airport Outer Public Safety Zone, particularly having regard to the size of the homes proposed.
- The Planning Authority does not accept the appellants arguments that there is no data of that larger homes do not have larger households, there is ample data from Census 2022.
- Car parking would be excessive and contrary to SPPR 3 of the 'Sustainable Residential Development and Compact Settlement Guidelines which require 1.5 spaces per dwelling.
- An Bord Pleanála is requested to uphold the decision of the Planning Authority.
- If permission is granted then conditions relating to financial contributions in accordance with the Section 48 Development Contributions Scheme, bond / cash levy and tree bonds are requested.

7.0 Assessment

I make the Board aware that the proposed development has been amended by way of the applicant's appeal submission as described in Section 6.1.2 of this report. In my opinion, the changes are not material and can be appropriately considered by the Board.

Having examined the appeal details and all other documentation on file, including submissions / observations, the report of the local authority and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Demolition
- Layout /design
- Impact on the Architectural Conservation Area
- Car parking
- Dublin Airport Outer Public Safety Zone
- Public Open Space
- Other matters
- Appropriate Assessment

7.1 Principle of Development

7.1.1 The appeal site is zoned RS 'Residential' with the associated land use objective to provide for residential development and to protect and improve residential amenity. The vision for the RS zone is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Residential is permitted in principle. I am satisfied that the proposed uses are in accordance with the sites zoning objective and that the proposed development is acceptable in principle.

7.2 Demolition

7.2.1 The proposed development seeks to demolish the two existing dwellings on the appeal site known as Balford and Dubh Laoch. The area planner noted that a Demolition Justification Report accompanied the application and that the dwellings are in a poor condition, are not energy efficient and would require substantial works to bring the buildings up to an acceptable standard.

7.2.2 It must be noted that the appeal site is within the Old Portmarnock Architectural Conservation Area and that Policy HACP15 seeks to support and encourage the sympathetic and appropriate adaptive reuse of buildings that contribute to the

character of the Architectural Conservation Area and to prohibit development that seeks the demolition of buildings which contribute to the character of the Architectural Conservation Area.

7.2.3 I note Policy HACP15 however, neither building proposed to be demolished were built with Portmarnock Brick and given the poor state of the buildings and national, regional and local policy which promote greater density on serviced land within proximity to high frequency public transport, I am satisfied that the demolition of the existing buildings on site is acceptable.

7.3 **Layout / Design**

7.3.1 The proposed development comprises of 13 no. two and a half storey dormer style dwellings set out in four pairs of semi-detached and one detached dwelling to the north of a central access road and two detached dwellings on either side of a pair of semi-detached houses to the south of the central access road.

7.3.2 The density of the proposed development would be 27 units per hectare, and I am satisfied that in terms of units per hectare that the proposal would be acceptable having regard to national, regional, and local policy which promote greater density on serviced land within proximity to high frequency public transport. Notwithstanding this, the proposed dwellings are large, and the density of persons should also be considered. In my opinion, the occupancy number of persons per 4 bed dwellings would likely be 5 and the occupancy number of people per 5 bed dwellings would likely be six. The proposed development would therefore generate 46 persons. I am satisfied that that this figure complies with the necessity to limit occupancy in this general location.

7.3.3 In assessing the proposed development including the design statement submitted with the initial application, I note that all units exceed the minimum overall floor area requirements as set out in Quality Housing for Sustainable Communities: Design Guidelines except for unit two where the aggregate living area falls slightly below the minimum standard. However, given the overall high level of compliance, this minor noncompliance is considered acceptable.

7.3.4 Private open space to serve each of the dwellings is proposed by way of back gardens. The relevant areas range between c. 58m² and 109m². I am satisfied that the back gardens are acceptable and would comply with the minimum area standards set out

in SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

7.3.5 I note the concerns of the third-party observation submitted by Marston Planning Consultancy on behalf of John Maguire in relation to overlooking from the rear elevations of the dwellings on the dwelling to the north of the site. I note that the first floor of the proposed dwellings would be set back c.15m from the opposing elevation on the property to the north. I am satisfied that, this set back is acceptable and would not cause undue overlooking.

7.4 Impact on the Architectural Conservation area

7.4.1 Reason No.1 for refusal states (inter alia) that the proposed development by virtue of its layout, design and removal of mature trees and hedgerows would adversely affect the Old Portmarnock (Drumnigh Road) Architectural Conservation Area and that the proposed development would fail to be in harmony with the established character of the area and would be visually detrimental to the street scape.

7.4.2 The appellants state that minor adjustments to the overall layout of the proposed development have been made to address reason for refusal No.1. The alterations include the increase in the set back of the boundary of the development from the road reservation to allow the road to be widened and enhanced landscaping along the roadside boundary.

7.4.3 I note the reason for refusal, the first party appeal and the concerns of the observers.

7.4.4 Table 14.24 of the *Fingal County Development Plan 2023-2029* outlines direction for development within Architectural Conservation Areas. With regard to new builds it states that development proposals need to follow a sensitive design approach that respects the established character of the ACA in terms of the scale, massing, bulk, plot sizes, proportions, and materials of the adjoining buildings to the development site. The description of the Old Portmarnock ACA (Drumnigh Road) as set out in Appendix 5 of the *Fingal County Development Plan 2023-2029*, states that part of the character is set by the natural boundaries and mature trees along the site frontage and within the grounds of properties within the ACA.

7.4.6 I note that, while the purpose of ACA designation is to protect and enhance the special character of an area, it does not necessarily prohibit new development. New

development should be sympathetic to the special character of the ACA. Therefore, a balance needs to be struck between protecting the character of the area and allowing residential development on residentially zoned lands.

7.4.7 I note that the amended plans submitted as part of this appeal do show a higher level of planting along the roadside boundary than that proposed in the initial application. The updated landscape plan shows a total of 6 'field maples' along the roadside boundary with understorey 'coniferous trees' which are not detailed. I make the Board aware that Field Maple is a deciduous tree reaching 15–25 m (49–82 ft) tall, with a trunk up to 1 m (3 ft 3 in) in diameter. In addition to this, the landscape plan shows that an existing large Sycamore tree and two Leyland Cypress trees would be retained. I am satisfied that the roadside planting shown on the updated landscape plan is acceptable and would provide for appropriate response to the character of the ACA.

7.4.9 In addition to the above, while I note that the updated landscape plan shows planting on the northern and southern boundaries of the land, I am of the opinion that the planting on the northern and southern boundaries should be retained. This would ensure that the character of the ACA is reasonably protected. I am satisfied that this matter could be dealt with by way of condition, should the Board be of a mind to grant planning permission.

7.5 Car parking / Traffic and pedestrian safety

7.5.1 The second reason for refusal states that the proposed development would incorporate an excessive quantum of car parking, having regard to the site location in proximity to Portmarnock Train Station and therefore would not comply with SPPR 3 of the Sustainable Residential Development and Compact Settlement Guidelines.

7.5.2 In assessing the application the Transport Officer notes that the site would be classified as being in an accessible location having regard to Table 3.8 and SPPR 3 of the Sustainable Residential Development and Compact Settlement Guidelines and therefore car parking provision should be substantially reduced.

7.5.3 The appellant states that having regard to Table 12.14 of the *Fingal County Development Plan 2023-2029* a maximum of 1.5 car parking spaces should be provided within the curtilage of the dwellings and a further space provided for visitors. The appellant states that this matter could have been dealt with by way of a condition.

- 7.5.4 I note that SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024 relates directly to car parking, and it states that in accessible locations car parking should be substantially reduced and that parking shall be no more than 1.5 space per dwelling. I am satisfied that the appeal site is within an accessible location (having regard to its location in proximity to Portmarnock Train Station and H2 Bus connects route).
- 7.5.5 The amended plans submitted with the first party appeal shows one in curtilage car parking space per dwelling. While I note the concerns of the observers in relation to car parking, I am satisfied that the provision proposed as part of the amended plans submitted with the first party appeal would comply with SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024. I am satisfied that this matter could be dealt with by way of condition.
- 7.5.6 I note the concerns outlined in third party observations in relation to traffic congestion, the difficulties existing exiting existing driveways in the area and the lack of footpaths.
- 7.5.7 Having been on site I note that road infrastructure immediately adjacent the site is narrow with a sweeping turn to the north and south. At the time of my site inspection the road was heavily used. With regard to traffic safety, the proposed development would consolidate two existing access points into one central access point. The proposed access point would be set back from the road and drawing No. C02 submitted with the initial application demonstrates that sightlines of 45m in both directions along Drumnigh Road can be achieved. I am satisfied that the sightlines achieved are acceptable.
- 7.5.8 Pedestrian connectivity from the site is provided by a small footpath on the opposite side of Drumnigh Road. While the proposed development does provide for a set back from Drumnigh Road to provide for a footpath connection, there are no connections to the north and south of the appeal site. In my opinion the provision of footpaths would be piecemeal at the current time. However, I note that there are speed ramps on Drumnigh Road to the north and south of the site. These traffic calming measures significantly reduce the speed of cars to the front of the site, and I am satisfied that that this low-speed environment would allow pedestrians to cross Drumnigh Road to access the existing footpath in a safe manner.

7.5.9

7.6 Density and compliance with Dublin Airport Outer Public Safety Zone

- 7.6.1 Reason No.3 for refusal states that the subject site is located within the Dublin Airport Outer Public Safety Zone and that residential development in this zone is restricted to 60 persons per half hectare. It is stated that the applicant has not sufficiently demonstrated that the proposed development would comply with these restrictions.
- 7.6.2 I note the reason for refusal, the first party appeal and the concerns of the observers.
- 7.6.3 I have consulted the ERM report and note that there is no specific formula for density calculation. I note that neither the initial application nor appeal include a detailed justification of the proposed development considering the density restrictions imposed by the Outer Public Safety Zone. In the absence of such I intend to rely on the average household size as outlined in the 2022 Census figures and *the Fingal County Development Plan 2023-2029*. In addition to this, I also have regard to the methodology accepted by the Board on similar applications in the area. In my opinion this would allow for a consistent approach to the consideration of this matter.
- 7.6.4 The 2022 Census states that Fingal has an average household size of 3.02, while the *Fingal County Development Plan 2023-2029* states that the current average household size is 3.03 within its functional area, reducing to 2.73 by 2029.
- 7.6.5 In ABP-301635-18 (Innishannon, Drumnigh Road) I note that a household occupancy target of 3.5 bedspaces for houses with +3 bedrooms per household was accepted by An Bord Pleanála. I note that the houses proposed as part of this application are larger houses of 4 and 5 bedrooms. Having regard to Objective DAO18 of the *Fingal County Development Plan 2023-2029* and the precautionary principle, I consider that the higher occupancy target of 3.5 persons per household as accepted by the Board in ABP- 301635-18 would be appropriate in this case. Using this figure the proposed development would achieve a population of 45.5 people on a site with an area of 0.46ha. Further to this, I would point to the population figures I have previously outlined in Section 7.3.2 above. Having considered all the foregoing, I am satisfied that the proposed density is acceptable in this instance having regard to the constraints imposed due to the location of the lands within the Outer Public Safety Zone of Dublin Airport. The density complies with the ERM report, and the methodology used to calculate such is consistent with other Board decisions in the area.

7.7 Public Open Space

- 7.7.1 Reason No.4 for refusal states that the proposed development would provide an inadequate quantum of public open space and would consequently contravene Objective DMSO51 of the Fingal County Development Plan 2023-2029.
- 7.7.2 I note the reason for refusal, the response of the applicant and the concerns of the observers.
- 7.7.3 I note that Table 14.12 of the *Fingal County Development Plan 2023-2029* states that a target minimum amount of 15% private open space is required except in cases where the developer can demonstrate that this is not possible, in which case a 12% to 15% range will apply. Section 14.13.2 of the *Fingal County Development Plan 2023-2029* states that the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities and that it is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 12% of a development site area.
- 7.7.4 Policy and objective 5.1 of the Compact Settlement Guidelines for Planning Authorities 2024 state that the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. It is further stated that in some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan. This can occur in cases where the planning authority considers it unfeasible due to site constraints or other factors, to locate all of the open space on site.
- 7.7.5 The updated site plan submitted with this appeal shows a public open space area of 467.27m² located to the south-eastern corner of the site. This would equate to c.9.7% of the overall stated site area (4,770m²). The landscape plan submitted with this appeal shows an area which is primarily grassed with two tree stands (3x birch to the north of the area and 3x Rowan to the south of the area) and the retention of Scots Pine trees.
- 7.7.6 While I note that the proposed public open space is below the area set out in the *Fingal County Development Plan 2023-2029*, I have regard to Policy and Objective 5.1 of the Compact Settlement Guidelines for Planning Authorities 2024, I am satisfied that the proposed public open space is acceptable and makes reasonable use of a constrained

area of the site (6m foul sewer wayleave). The public open space area is overlooked by houses 7,8 and 9 and retains a number of Scots Pine trees.

7.7.7 The Board may take the view that the public open space area is deficient in terms of area. In this case, there is the option of omitting house No.10 from the scheme or changing the design of House No.10 to be the same as House No.9. Both of these options could allow for the area of public open space to be increased. This matter could be dealt with by way of condition.

7.7.8 I note the concerns relating to the soakaway proposed beneath the area of public open space. In this regard I refer the Board to appendix A (Glossary of Terms) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which defines public open space as including 'areas used for Nature-based Urban Drainage and other attenuation areas where they form part of an integrated open space network may include smaller retention basins that are integrated into and form part of the open space and landscaping scheme'. Therefore, I am satisfied that the use of open space areas for SuDS is acceptable.

7.8 Other Matters

7.8.1 Third party observers outline concerns relating to dust and unsightly conditions as a result of building works. This matter could be dealt with by way of a condition requiring a Construction Management Plan should the Board be of a mind to grant planning permission.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an urban area in proximity to Portmarnock. The proposal comprises of the construction of 13 dwellings and associated site works.

6.1 The subject land is not directly adjacent to a European site. The closest such site to the appeal site is the Baldoyle Bay SAC and Baldoyle Bay SPA which are c.890m to the east of the site. It is noted that there is no hydrological connection between the site and either the Baldoyle Bay SAC and Baldoyle Bay SPA. In this regard, all surface

water, effluent, and greywater generated on site is required to be discharged to the Uisce Eireann Sewerage Network.

6.2 Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The relatively small scale of the proposal; and
- The location of the development and its distance from the closest European Site.

6.3 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

9.1 It is recommended that planning permission be granted.

10.0 Reasons and Considerations

10.1 Having regard to the provisions of the residential zoning objective of the subject site, its location in relation to Portmarnock Train Station and to the nature and scale of the proposed development, the emerging pattern and character of development in the area it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would not negatively impact on the built heritage of the Old Portmarnock ACA (Drumnigh Road) and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the first party appeal documentation lodged on 18 November 2024, 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. A total of 1 car parking space per dwelling shall be provided on site.

Reason: In the interest of orderly development and traffic safety

3. No development shall commence on the site until such time as the following have been agreed and complied with:

(a) Requirements of Fingal County Councils Transport Planning Section in relation to the roads and footpath, public lighting, open spaces and water services to be taken in charge.

(b) Requirements of Fingal County Councils Water Services Planning Section.

(c) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Full details shall be agreed with the Planning Authority prior to commencement of development and all works shall be completed by the applicant, to the

satisfaction of the Planning Authority prior to the occupation of any house within the proposed development.

Reason: In the interests of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - a) Details of the roadside tree planting referred to as coniferous tree planting on the landscape plan submitted with this appeal.
 - b) The existing screen planting on the northern and southern boundaries of the land shall be retained.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. The area shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped

before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

Reason: In the interest of the amenities of the occupants of the proposed housing

6. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including

cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

8. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health

9. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

12. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

13. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning

authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan 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.

Ronan Murphy
Planning Inspector

3 March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321274-24		
Case Reference			
Proposed Development Summary	Demolition of 2 houses, construction of 13 houses and all associated site works.		
Development Address	'Balford' and 'Dubh Laoch,' Drumnigh Road, Portmarnock, Co. Dublin		
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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	<p>10(b)(i): Construction of more than 500 dwelling units</p> <p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p> <p>Demolition: Class 14</p>	

No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	The proposed development comprises of a residential development (13 residential units) on a site with an area of 0.477ha. The proposal is below the thresholds set out in Class 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.	The proposed scheme falls below the applicable thresholds

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____

Date: _____

**Appendix 2 – Form 2
EIA Preliminary Examination**

An Bord Pleanála Case Reference	ABP-321274-24
Proposed Development Summary	Demolition of 2 houses, construction of 13 houses and all associated site works.
Development Address	'Balford' and 'Dubh Laoch,' Drumnigh Road, Portmarnock, Co. Dublin
<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>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The demolition of two existing dwellings and construction of a 13-house development comes forward as a stand-alone project, with 13no. car parking spaces, vehicular access, hard and soft landscaping. The development requires modest demolition works and clearance of overgrown site required. The development 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.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an urban built-up serviced location within an ACA.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity,</p>	<p>Loss of trees and demolition of buildings required. Having regard to the nature of the proposed development, consisting of a 13-</p>

duration, cumulative effects, and opportunities for mitigation).	unit residential development, landscaped area, car parking and vehicular access, 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.
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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.	No.
There is a real likelihood of significant effects on the environment.	EIAR required.	No.

Inspector:

Date:

