



An
Bord
Pleanála

Inspector's Report

ABP-321609-25

Development

Retention permission for alterations to approved permission Ref: FW13A/0033 which include:

- i. Projection of two storey side extension 1.46m beyond front building line with gable roof over and incorporating a front porch;
- ii. A vehicular access opening to rear with dished kerb dishing leading to Old Navan Road;
- iii. Inclusion of 1 no. rooflight at porch level and at attic level, both south facing;
- iv. Omission of rear garden garage.

Location

1 Phoenix Gardens, Castleknock, Dublin 15

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW24A/0440

Applicant(s)

Claire Doherty & Phelim O'Doherty.

Type of Application

Retention Permission.

Planning Authority Decision

To Grant Permission

Type of Appeal

First Party

Appellant(s)

Claire Doherty & Phelim O'Doherty.

Observer(s)

None.

Date of Site Inspection

21/03/2025.

Inspector

R Taylor

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	4
3.1. Decision.....	4
3.2. Planning Authority Reports.....	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations.....	6
4.0 Planning History	6
5.0 Policy Context	7
Development Plan.....	7
5.2. Natural Heritage Designations.....	10
6.0 EIA Screening	10
7.0 The Appeal.....	11
7.1. Grounds of Appeal	11
7.2. Applicant Response.....	11
7.3. Planning Authority Response	11
7.4. Observations	12
7.5. Further Responses.....	12
8.0 Assessment	12
9.0 AA Screening	17
10.0 Recommendation	18
11.0 Reasons and Considerations.....	18

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- The appeal site is located at 1 Phoenix Gardens and comprises a two-storey semi-detached dwelling with brick finish to ground floor and smooth render at first floor. The site is rectangular in shape and broadly orientated on a north to south alignment, with the front elevation orientated southwards and rear to the north. Between the front elevation and front site boundary largely comprises a hard surfaced parking area. The front boundary is largely undefined, save for 2 short sections of rendered walls approximately 1.2 metres in height adjacent to the western and eastern site boundaries. A public footpath and Phoenix Gardens public road are immediately adjacent to the south.
- The western boundary comprises a block wall approximately 2.4 metres in height with an area of public open space immediately adjacent consisting of very mature trees and soft landscaping.
- The northern boundary also comprises a block wall approximately 2.39 metres in height apart from a gated section approximately 4.22 metres in length in the northeastern corner of the site. The gate is finished in timber. Immediately adjacent to the north there is a public footway incorporating a soft landscaping strip between the rear site boundary and a public road, known as the Old Navan Road beyond.
- The eastern site boundary comprises a mix of block wall and timber fencing approximately 2 metres in height with a semi-detached dwelling and associated front and rear garden areas immediately adjacent.
- The rear garden area is largely hard surfaced and has split-level topography, with approximately half of the rear garden area approximately 0.5m below the section closest to the dwelling. A single storey lean-to extension attached to the rear elevation of the dwelling. A two-storey side extension is located adjacent to the western boundary with a varying separation distance between 0.8 metres and 1.8 metres approximately.
- Phoenix Gardens is a cul-de-sac and consists of 16 semi-detached dwellings in linear form with finishes matching the appeal site but have hipped and pitched roofs. Plot characteristics are all rectangular in shape and similar in area, orientation and alignment to the appeal site.
- There is an area of public open space comprising soft landscaping to the south of Phoenix Gardens, opposite the row of dwellings. Further to the south and southeast is a GAA pitch and associated facilities known as Tom Russell Park/ St Brigid's GAA club. This includes a large hard surfaced area demarcated for car-parking.

2.0 Proposed Development

The proposal seeks retention permission for alterations to a previous approval (PA ref: FW13/0033) and comprises 4 elements as follows:

- i. Projection of two storey side extension 1.46m beyond front building line with gable roof over and incorporating a front porch;
- ii. A vehicular access opening to rear with dished kerb dishing leading to Old Navan Road;
- iii. Inclusion of 1 no. rooflight at porch level and at attic level, both south facing;
- iv. Omission of rear garden garage.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decision to grant permission for retention is dated 12th December 2024 and subject to 7 conditions.

3.1.1. Conditions

- 1 Development retained in accordance with the plans and particulars;
- 2 The house and extension shall be jointly used as a single dwelling unit for residential purposes and shall not be subdivided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, or otherwise save as part of the single dwelling unit.
3. This permission does not authorise the rear access/egress from the rear of the site of the Old Navan Road/Castleknock Manor. Within six months of the date of the final ground of retention permission, the existing rear access and associated dish kerbing shall be removed, ground and rear wall reinstated.

Reason: In the interest of public and traffic safety.
4. Surfacewater drainage details.
5. Restriction of construction hours.
6. Provision of measures to preclude mud and debris on adjoining roads and applicant liable for any damage and repair to adjoining public roads.

7. Financial contribution for public infrastructure in accordance with the Council's Development Contribution scheme.

I consider the conditions are broadly of a standard nature, save for condition 3 which is the subject of the appeal and considered below.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There is a single planning report dated 6th December 2024 in support of the decision.
- There was no pre-planning consultation or submissions/observations received.
- Departmental Reports: Water services and Transport Department have no objections.
- The proposal is acceptable in principle and in accordance with the zoning objective subject to compliance with standards and objectives.
- Elevation changes and extension will not negatively impact on visual amenity, or result in overlooking or overshadowing and are acceptable.
- Rear Vehicular Access retention: Noted the purpose is for maintenance of adjacent trees to the west. The proposal is contrary to condition 2 of the previous permission and deemed 'superfluous' due to the existing access at the front of the dwelling. It would also cause significant impact to residential amenity of the site and result in an unacceptable precedent.
- Omission of previously approved garage is acceptable.
- No impacts in relation to Appropriate Assessment and Environmental Impact Assessment is not required.

3.2.2. Other Technical Reports

- Transport Planning Section: access for retention sightlines in accordance with DMURS requirements and width allows for intervisibility between vehicles and pedestrians at back of the footpath. Need for the vehicular access is not clear.
- Blanchardstown to City Centre Core Bus Corridor: The approved scheme design allocates the adjacent section of the Old Navan Road/Castleknock Manor as a shared cycle street and connects to the Active Travel Network alongside the Bus Corridor and future Royal Canal Greenway. Limiting unnecessary vehicular accesses is appropriate

where no clear need is established.

- Parking at the front of the dwelling would not be obstructed by the porch.
- Retention of the vehicular access is not supported but no objection to the other items for retention.
- Water Services: no objections regarding flood risk. No objections regarding surface water drainage subject to not discharging to the foul system and drainage in compliance with Greater Dublin Regional Code of Practice, v6 April 2006.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- None.

4.0 Planning History

- FW13/0003: Permission for a two-storey extension to the side to include a gable end wall replacing the current hipped roof profile and 3 no. velux roof-lights to the front roof. Also a single storey extension to the rear and a detached single storey domestic use garage to the rear garden with vehicular access onto the Old Navan Road. Granted 17 Feb 2014. Condition 2 of the decision states the following:

The existing rear boundary wall and pedestrian entrance shall be retained. ii) No vehicular access/egress to or from the rear of the property off the Old Navan Road shall be permitted.

Reason: In the interest of traffic safety.

- ABP 313892: Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme. Approved with Conditions 21/06/2024

5.0 Policy Context

Development Plan

- The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023. It has regard to national and regional policies in respect of residential development and infrastructure. The following policy considerations are relevant based on the nature of the proposal:
- Map Sheet No.13 Blanchardstown South Zoning Objective: RS – Residential: Objective: Provide for residential development and protect and improve residential amenity.
- Chapter 3: Sustainable Placemaking and Quality Homes.
- 3.5.13.1 Residential Extensions: The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- Policy SPQHP41 – Residential Extensions: Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.
- Objective SPQHO45 – Domestic Extensions: Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- Chapter 14 Development Standards:
- 14.10.2 Residential Extensions: The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions.
- 14.10.2.1 Front Extensions: Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original

house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. The porch should complement the existing dwelling, and a contemporary design approach may be considered.

- Front extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. Significant breaks in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Sufficient depth to the forecourt is required to ensure off-street car parking is not impacted.
- 14.10.2.2 Side Extensions: Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. In certain cases, a set-back of the extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall generally match the existing.
- 14.10.2.4 First Floor Extensions: First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:
 - Overshadowing, overbearing, and overlooking – along with proximity, height, and length along mutual boundaries.
 - Remaining rear private open space, its orientation and usability.
 - Degree of set-back from mutual side boundaries.
 - External finishes and design, which shall generally be in harmony with existing.
- Roads and Access considerations: Chapter 6: Connectivity and Movement:
- Objective CMO6 – Improvements to the Pedestrian and Cyclist Environment: Maintain and improve the pedestrian and cyclist environment and promote the development of a network of pedestrian/cycle routes which link residential areas with schools, employment, recreational destinations and public transport stops to create a pedestrian/cyclist environment that is safe, accessible to all in accordance with best accessibility practice.
- Objective CMO23 – Enabling Public Transport Projects: Support the delivery of key sustainable transport projects including MetroLink, BusConnects, DART+ and LUAS expansion programme so as to provide an integrated public transport network with efficient

interchange between transport modes to serve needs of the County and the mid-east region in collaboration with the NTA, TII and Irish Rail and other relevant stakeholders.

- Objective CMO27 – Public Transport Routes: Work with the NTA and other relevant national transport agencies to establish future public transport routes that will support the County’s medium to long term development, including orbital routes to provide connectivity between key urban centres and outer suburban areas.
- 6.5.10 Roads Network: Road infrastructure retains an important position in the overall transportation network, catering for the movement of people and goods. Over the plan period, the challenge is to ensure that new developments do not add to congestion or saturation of the road network to the point of rendering the network inefficient. The County’s road network must be managed effectively in order to keep all road users interacting safely and efficiently while ensuring full accessibility and maintaining the economic competitiveness of the County in accordance with the robust policies and objectives set out in this chapter including supporting objectives in Chapter 14 Development Management Standards.
- 6.5.10.2 Regional/Local Roads: The regional and local road network provides important links between the towns and villages across the County and they supplement the national road network. Fingal County Council will continue to maintain, manage and operate the existing regional and local road network in an efficient and restrictive manner to protect the strategic function of the national road network as well as providing for high-quality walking and cycling connections where appropriate and access and priority for public transport routes.
- Policy CMP32 – Sustainable Roads Infrastructure: Prioritise changes to existing roads infrastructure that underpins sustainable development, maintains road safety and network efficiency.
- Objective CMO40 – Management of Regional and Local Road Network: Improve, manage and maintain the strategic regional and local road network in the County, in a manner which safeguards the strategic function of the road network.
- Chapter 14: Development Management Standards: 14.17 Connectivity and Movement
- 14.17.5 Road Network and Access: For new developments, securing access onto the road network is a key issue, particularly in rural areas. The intensification of use of an existing access is normally preferable to the creation of a new access onto a rural road. Where new entrances are necessary, the relevant road design standards will be applied (DMRB in rural situations and DMURS in urban situations).
- Objective DMSO108 – Improvements to Public Transport Network: Support improvements to the public transport network by reserving proposed public transport connections and

corridors free from inappropriate development. Provide setbacks along public transport corridors to allow for future improvement to enable the provision of a safe and efficient network of public transport infrastructure.

- Objective DMSO115 – Restriction of New Access Arrangements: Restrict unnecessary new accesses directly off Regional Roads... Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.
- Objective DMSO118 – Road Safety Measures: Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.
- Objective CISO52 – Trees: Protect, preserve and ensure the effective management of trees and groups of trees.
- 14.18.2.2 Biodiversity Conservation in Fingal

5.2. Natural Heritage Designations

- The site is not within a designation. The closest Natural Heritage designations are as follows:
- South Dublin Bay and River Tolka Estuary SPA Site Code 004024 c. 8.5km
- South Dublin Bay SAC Site Code 000210 c. 10.47km
- North Dublin Bay SAC Site Code 000206 c. 11.57km
- Glenasmole Valley SAC Site Code 001209 c 13.27km
- Baldoyle Bay SAC Site Code 000199 c. 14.54km
- Natural Heritage Areas (NHA) – none in close proximity to the site.
- Proposed Natural Heritage Areas:
- Royal Canal pNHA Site Code 002103 c. 215m to northeast.
- Liffey Valley pNHA Site Code 000128 c. 1.9km to south.

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

- The first party wish to appeal against condition 3 which, in summary, seeks to preclude the rear access/egress to the rear off Old Navan Road/Castleknock Manor. There are no objections to the remaining conditions.
- The access is necessary to allow Council machinery access to the rear of the property for maintenance of trees immediately adjacent to the boundary. These trees are causing structural damage to the boundary wall, for a second time, previously occurring in 2004/5, which the appellant had to rectify at significant cost.
- The need for Council access is the reason for omission of the garage.
- Council also require access to a stormwater drain within the property at the rear of the site. This is within a legal agreement for transfer of additional lands to the appellant (extract from solicitor attached). The Council have previously verbally indicated that the rear wall would be removed if access is required to access the storm drain.
- There is no room to store a vehicle. Garden furniture can be moved to facilitate Council access. Photo evidence provided.
- Three other properties on the Old Navan Road have double access gates and use them for vehicular access (photo evidence provided). The road is a slip road 'cul-de-sac' running to the GAA, seldom used beyond Castleknock Manor entrance between 7am-6pm weekdays, and generally only used up to lunchtime on weekends.

7.2. Applicant Response

- N/A - The Appellant is the applicant.

7.3. Planning Authority Response

- There is a single response from the Council dated 4th February 2025. It summarises and repeats the findings in the planning report, stating the following:
- The development would generally comply with the development plan policy and guidance for development in residential areas.
- The need for a rear access was considered superfluous due to an existing access and egress to the site from the front. Rear access is not appropriate due to the Old Navan Road/Castleknock Manor being allocated as a shared cycle street in the approved

Blanchardstown to City Centre core bus corridor. Granting retention would materially contravene condition 2 (ii) of previously permitted case FW13A/ 0033.

- The requirements of condition 3 of the grant of permission are reasonable, justified, in the interests of traffic safety, and in accordance with condition 2 (ii) of the previous permission.
- In the event of a successful appeal, provision should be made for the following:
 1. A financial contribution or provision for any shortfall and open space and or any special development contributions required in accordance with Fingal County Council Section 48 Development Contribution Scheme.
 2. The inclusion of a bond/ cash security for residential developments of two or more units.
 3. Conditions where a tree bond or a contribution in respect of a shortfall of play provision facilities are required.

7.4. Observations

- None.

7.5. Further Responses

- None.

8.0 Assessment

8.1 Having examined all the application and appeal documentation on file and having regard to 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 I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:

- a) Scope of appeal;
- b) Planning history;
- c) Condition 3: rear access and associated traffic, road safety, and impact on Bus Corridor;
- d) Precedent
- e) Design issues and remaining elements for retention;
- a) Scope of appeal;

8.2 The application submitted to the Council consists of the retention of four elements. This is set out in the description of the proposal as follows:

- i. Projection of two storey side extension 1.46m beyond front building line with gable roof over and incorporating a front porch;
- ii. A vehicular access opening to rear with dished kerb dishing leading to Old Navan Road;
- iii. Inclusion of 1 no. rooflight at porch level and at attic level, both south facing;
- iv. Omission of rear garden garage.

For clarity, the Council have no objections to elements i, iii, and iv as described above, and issued a grant of permission. However, the Council considers element ii relating to the retention of the vehicular access at the rear of the site and associated dished access unacceptable and contrary to the plan, precluding this element by condition 3 of the permission. The appeal therefore relates to this condition and associated issues, as specified in Section 139 of the Planning and Development Act.

8.3 Condition 3 of the permission is worded as follows:

This permission does not authorise the rear access/egress from the rear of the site of the Old Navan Road/Castleknock Manor. Within six months of the date of the final grant of retention permission, the existing rear access and associated dish kerbing shall be removed, ground and rear wall reinstated.

Reason: In the interest of public and traffic safety.

b) Planning history;

8.4 Permission was granted 17 February 2014 (same applicant) under reference FW13A/0033 for: a two-storey extension to the side to include a gable end wall replacing the current hipped roof profile and 3 no. velux roof-lights to the front roof. Also, a single storey extension to the rear and a detached single storey domestic use garage to the rear garden with vehicular access onto the Old Navan Road.

8.5 The side extension extended along the length of the western gable of the existing dwelling, aligning with the front elevation, and is two storeys in height with an overall length of 9.65 metres and 4.225 metres at the widest point at the rear of this section of the extension. The front section of the extension has an internal width of 3.1 metres. It also included conversion

of the existing hipped and pitched roof form to pitched, with a ridge height to match the existing roof of approximately 8.33 metres. To the rear, an extension to an existing single storey 'lean-to' extension was also approved, with an internal width of 2.1 metres. The rear lean-to extension has an overall width of approximately 8 metres. The depth of this extension is 3.44 metres and also aligns with the rear wall of the existing lean-to extension.

8.6 The garage dimensions are approximately 8 metres in depth, 7.278 metres in width, and a ridge height of 5 metres. The front elevation of the garage forms the majority of the new rear site boundary for the site.

8.7 Condition 2 of the permission states the following:

- i) The existing rear boundary wall and pedestrian entrance shall be retained.
- ii) No vehicular access/egress to or from the rear of the property off the Old Navan Road shall be permitted.

Reason: In the interest of traffic safety.

8.8 There is no evidence that this condition, or the decision, was subject to appeal.

c). Condition 3: rear access and associated traffic, road safety, and impact on Bus Corridor;

8.9 In summary the appellant seeks retention of the rear access to enable the Council to maintain mature trees that are planted within public open space immediately adjacent to the western boundary. These trees are causing structural damage to the western boundary wall owned by the appellant, and this has occurred previously approximately 20 years ago.

8.10 The Council, including the Transport Planning Section, consider that the access is contrary to policy and is "superfluous" due to an existing access at the front of the site. They consider that this raises issues of road safety. The Transport Planning Section state that the need for the rear access is "unclear". Furthermore, they indicate that, if approved, the access would compromise a road improvement scheme identified for a public road that traverses the rear of the site known as the Old Navan Road.

8.11 The appellant states that the need for the access is to facilitate the Council access for machinery to maintain mature trees adjacent to the site, abutting the western boundary. In addition, it is necessary to allow maintenance of water infrastructure within the lower section of the garden area. Written evidence from the Council or the Water Authority to this effect has not been provided. Notwithstanding this, I noted at my site visit visual evidence that

branches of the adjacent trees have been cut, including at high level. I inspected the adjacent public open space and consider that these trees provide public amenity value to the local area. Their height and crown spread is significant, and associated maintenance from the open space area would be difficult due to their limited separation distances between trees and relative to the common boundary with the appeal site. Appropriate maintenance would be necessary in the public interest for safety purposes, including the safety of the appellant and their property, and long-term health and viability of these trees. On this basis, I therefore consider that there is a need for an access to the appellant's property from the Old Navan Road. The proposal would facilitate compliance with Objective CIO52 relating to the protection, preservation and management of trees.

- 8.12 The Council consider that the proposed access is superfluous due to an existing access at the front of the site and that the proposal would compromise road safety if permitted.
- 8.13 The Council has not articulated how the proposal would adversely impact on road safety. Whilst there is an existing access at the front of the site, the proposal could not facilitate a through access from Phoenix Gardens to the Old Navan Road, as there is insufficient distance between the existing dwelling and western boundary for vehicular access.
- 8.14 The Old Navan Road is a public street from which there are a number of road accesses, including Castleknock Manor, which is approximately 200 metres northwest of the rear boundary of the appeal site. This facilitates access for 14 dwellings. Pecks Lane is approximately 175 metres northwest of the rear boundary of the appeal site which facilitates access for existing residential development to the south of Old Navan Road.
- 8.15 22 Phoenix Court, approximately 125 metres northwest of the appeal site, includes a vehicular access both to Phoenix Court cul-de-sac and directly accesses onto the Old Navan Road. There are also 2 vehicular accesses at the rear of numbers 8 and 13 Phoenix Gardens onto the Old Navan Road. The Council has not provided any evidence regarding the planning status of these accesses. I can therefore only conclude that these are lawful.
- 8.16 The section of the public road to the rear of the appeal site facilitates access to and from an existing sports facility further to the southeast. I noted from my site visit that this includes an extensive area of hard surfacing with approximately 148 parking spaces marked/demarcated on the ground.
- 8.17 Regardless of the outcome of this appeal, the Old Navan Road will still be subject to vehicular traffic from existing residential development to the west and south of the appeal site, and the sports pitches facility to the southeast. The dimensions of the road are sufficient

to accommodate two-way traffic, and there are no visual indications that there is a road safety issue at this location or in other sections of the Old Navan Road further to the northwest. Furthermore, the section of the Old Navan Road to which access is sought, is subject to limited vehicular movements, almost exclusively to/from the sports facility to the southeast. This was confirmed by my observations at the site visit.

- 8.18 Due to the constrained nature of the site, it would not be possible for a significant number of vehicles to be accommodated or parked. Accordingly, I do not consider that the proposal, if approved, would therefore significantly impact on traffic or road safety also taking account of the limited vehicular movements within this section of the street. Sightlines and associated visibility satisfy requirements set out in the plan, and this is confirmed by the Transport Section of the Council. I therefore conclude that the proposal satisfies Objective DMSO115.
- 8.19 For clarity and completeness, I am satisfied that sufficient private amenity space would remain to satisfy policy requirements if the rear garden area was used for parking. In addition, use of the access and parking area would not adversely impact on the amenity of neighbouring properties given the proximity of existing roads infrastructure in the area and separation distances to respective garden areas and habitable rooms.

Impact on Bus Corridor

- 8.20 The Council consider that the proposal would compromise a proposed cycle route as part of a public transport improvement scheme from Blanchardstown to Dublin city centre. ABP approved this scheme with conditions on 21/06/2024.
- 8.21 Sheet 16 of the supporting documentation of this scheme is the relevant map relating to the appeal site and immediate area. This map confirms that this section of the Old Navan Road will continue to facilitate vehicular traffic, and associated accesses to adjacent residential streets as discussed above. This map also includes annotations of existing accesses, including the appeal site and those at numbers 8 and 13 Phoenix Gardens also discussed above. Furthermore, the access at 22 Phoenix Court onto the Old Navan Road is also annotated.
- 8.22 On this basis I conclude that the Roads Authority were cognisant of these accesses at the design stage of this scheme. This scheme does not include any proposals to significantly alter the existing access arrangements or road alignment in the locality of the appeal site. I therefore disagree with the Council that the appeal proposal would compromise this planned infrastructure project in the vicinity of the site or wider area, and no evidence to conclusively

demonstrate otherwise has been presented. I do not therefore consider that the proposal constitutes “inappropriate development” as discussed in Objective DMSO108 and would not compromise the delivery of related improvements within this section of the scheme.

d). Precedent

8.23 The Council concludes that the proposal if permitted would result in an unacceptable precedent.

8.24 I consider that the proposal is distinguishable from other sites given the need for facilitating maintenance of public trees adjacent to the site for safety purposes and ensure their ongoing health and viability. Other accesses present on this stretch of the public road as discussed above are also a consideration.

e). Design issues and remaining elements for retention;

8.25 Design treatment of the proposed opening comprises painted timber large gate for the vehicle access. The proportions of the openings match the height of the adjacent wall boundary treatment. The design is acceptable and does not adversely impact on the streetscape.

8.26 For clarity and completeness, the design of the revised extension sought for retention will not adversely impact on the streetscape of Phoenix Gardens. There will be limited impact on visual amenity due to the location of the site at the end of a cul-de-sac with public views limited to within Phoenix Gardens itself. Public views are not possible from the north and west due to intervening buildings and vegetation. There will be no adverse impact on privacy, overshadowing, or overbearance due to the location of the extension relative to adjacent properties and resulting separation distances. Finish materials match the existing and adjacent dwellings and are therefore acceptable. The extension also does not compromise incurtilage car parking within the driveway/hardstanding area.

9.0 AA Screening

- I have considered the proposed access and associated works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- The subject site is located within an urban area of Fingal and 8.5km and 10.47km to the nearest European Sites.
- The proposed development comprises retention of extensions, alterations and access works within the curtilage of an existing dwelling.
- No nature conservation concerns were raised in the planning appeal.
- Having considered the nature, scale and location 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:
 - small scale nature of works and nature of the development;
 - distance from nearest European site and lack of connections.
- 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 therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- I recommend to REMOVE condition 3 of the permission for the retention of the development as constructed.

11.0 Reasons and Considerations

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to

(a) REMOVE condition number 3 and the reason therefor

Having regard to the provisions of the Fingal County Development Plan 2023 – 2029, in particular the residential zoning of the site, to the prevailing pattern and character of existing

development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be 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.

R Taylor

Planning Inspector

28th March 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	321609-25		
Proposed Development Summary	Retention permission for alterations to approved permission Ref: FW13A/0033 which include: i. Projection of two storey side extension 1.46m beyond front building line with gable roof over and incorporating a front porch; ii. A vehicular access opening to rear with dished kerb dishing leading to Old Navan Road; iii. Inclusion of 1 no. rooflight at porch level and at attic level, both south facing; iv. Omission of rear garden garage.		
Development Address	1 Phoenix Gardens, Castleknock, Dublin 15.		
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	√
		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			Proceed to Q3.
No	√		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of			

