



An
Bord
Pleanála

Inspector's Report PL 29S.247282.

Development	1 no detached 2 storey dwelling with vehicular entrance. Permission previously granted for 8 no dwellings on the site under 2603/16.
Location	Millrose House, Bluebell Avenue, Bluebell, D12.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3274/16.
Applicant(s)	Jong Kim.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Jong Kim.
Observer(s)	None.
Date of Site Inspection	1 st of December 2016.
Inspector	Karen Hamilton.

1.0 Site Location and Description

- 1.1. The subject site contains two derelict buildings and is located along the northern section of Bluebell Avenue in Dublin 12. To the east of the site is Millrose Estate and to the west is a row of single storey semi-detached dwelling on individual plots. To the rear of the site is an area of open space associated with the Millrose housing estate which is adjacent to the Grand Canal.
- 1.2. This site is 0.032 ha in size and is part of an overall development granted (2603/16) for demolition of derelict buildings and 8 no terraced 2 storey dwellings (0.25ha) The site is located in the south east corner of the larger site directly opposite the access into the Bluebell Industrial Estate.

2.0 Proposed Development

- 2.1. The proposed development includes:
 - One detached 2 storey dwelling with vehicular access to the front of the permitted terrace of two storey dwellings.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for reasons of substandard private open space, inadequate separation distance with proposed dwellings in 2603/16 and non-compliance with C. 3 of permission 2603/16.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and states the inclusion of the dwelling would lead to an incoherent housing layout disjointed from the overall development.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

Roads and Traffic Planning Division- No report received.

3.3. Prescribed Bodies

No report requested.

3.4. Third Party Observations

No submissions received.

4.0 Planning History

2603/16

Permission granted for demolition of 2 storey studio and derelict outbuildings and construction of 8 no terraced 2 storey dwellings and new vehicular entrance.

5.0 Policy Context

5.1. Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (DEHLG, 2007).

Section 5.3.2: Space requirements and room sizes:

5.2. Dublin City Development Plan 2016-2022

The site is zoned in **Z 1** “*To protect and/or improve the amenities of residential amenities*”.

New dwelling

Policies QH18: Ensure that new houses meet the needs of family accommodation with satisfactory residential amenity.

Policy QH19: Ensure that new housing adjacent to existing reflects the character and scale unless exceptional circumstances.

Section 16.10.2: Residential Quality Standards for dwellings include but not restricted to separation distance of 22m to rear between first floor rear windows,

open space provision of 10m² per bed space, generally up to 60-70m² of rear garden is sufficient in the city.

16.10.3 Residential Quality Standards – Apartments and Houses: Public open space – 10%

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows:

- The site complies with the zoning and makes good use of an infill space.
- If the Board consider it appropriate, the dwelling can be moved forward 1.7m to achieve the required separation distance.
- There is a large front and rear open space, therefore in combination there is sufficient quantum.
- There will be no overlooking on the site and the proposal is generally in keeping with the streetscape.
- The total area is 0.25ha with 9 dwellings giving a density of 36 per ha which complies with the minimum residential standards.
- There is already a large amount of public open space to the north of the site along the canal.
- The remainder of the open space will be 332m² (13%) of the total area which complies with the development plan standards.
- The site is well serviced.

6.2. Planning Authority Response

No response was received from the planning authority.

6.3. Observations

No observations were received.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development.
- Planning History
- Visual Amenity.
- Development Standards.
- Other Matters.
- Appropriate Assessment

Principle of Development

7.2. The proposed development includes construction of a house and vehicular entrance. The site is zoned for residential development in the current development plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Planning History

- 7.3. Planning permission 2603/16 was granted on the site for 8 no terraced dwellings, Condition 3 required the removal of a dwelling and second vehicular entrance, which is now the subject of this application. The first reason for refusal for the proposed development states that the proposed development is a material contravention of permission 2603/16. The grounds of appeal argue the inclusion of this additional dwelling does not compromise permission 2603/16 and it complies with all the standards of the development plan as discussed in section 7.9 below.
- 7.4. C.3 of 2603/16 required the area, subject to this application, to be reseed and used for the enjoyment of the residents of the remainder of the site. The grounds of appeal argue that there is sufficient public open space already allocated (332m²) which is 13% of the total area, in addition to this there is a large area of open space north of the site along the canal. I note the open space area to the north of the site is designated public open space for the residents of Millrose Estate although I note the open space requirement of the development plan is 10% is met by the open space allocation for 2603/16. Therefore, based on the location of the communal open

space in an accessible location, which is overlooked by the proposed dwellings, and the quantum provided (332m²) I consider the open space allocation sufficient for the enjoyment of the residents of the development.

- 7.5. I note the planners report for Plan Ref. 2603/16 and the reasons for the removal of this unit from the overall scheme included as overlooking and overshadowing on existing areas in the vicinity and the creation of an area of SLOP (site left over after planning). I have dealt with the open space requirement in context of the overall site, previously, and I will assess the impact of the individual dwelling on visual and residential amenities in sections below.

Visual Amenity

- 7.6. The proposed development forms part of a large infill site located between a row of two storey terraces to the east and single storey semi-detached dwellings to the west. I do not consider there is a definitive residential character present in the vicinity and the location of Bluebell commercial estate and wide through road to the front of the site provides an industrial feel to the area. The second reason for refusal states the proposed development *“would result in the creation of a disjointed and incoherent housing layout”* The grounds of appeal argue the dwelling integrates well into the street space. I consider there are two aspects relevant for assessing the impact of the visual amenity, the first being the existing dwellings and the second, Plan Ref. 2603/16.
- 7.7. I note the location of the current terrace of dwellings to the east are set back 10m from the edge of the footpath, whilst the proposed development is setback 8m the separation distance to the side of the current dwelling to the east of 7m, and the similar scale and mass. Therefore, I consider the scale, design, and location of the proposed dwelling in keeping with the existing dwellings in the vicinity.
- 7.8. I have assessed plan ref 2603/16 and I note the location of the proposed terrace to the north of the site, set back 25m from the front of the site. The proposed dwelling faces south onto Bluebell Avenue. I do not consider the inclusion of this dwelling within the overall proposed scheme would have a detrimental effect on the remainder of the proposed units although I consider it appropriate to condition a link with permission 2603/16 to prevent an uncoordinated approach to the residential development of the site.

Development Standards

- 7.9. The second reason for refusal refers to the substandard rear garden space and non-compliance with the minimum separation distance. The grounds of appeal argue that the proposed development can meet the provisions set out in the development plan and therefore can be granted. I have assessed the compliance with the main development standards below.
- 7.10. Internal dimensions: The standards for minimum room dimensions are included in “Quality Housing for Sustainable Communities”. The gross floor area required for a three bed unit is 83m², aggregate living space 30m² and aggregate bedroom space 28m². I consider the dimensions of the proposed dwelling complies with the required standards as they are 120m², 37m² and 30m² respectively.
- 7.11. Separation distance: Section 16.10.2 of the development plan includes a requirement for 22m between opposing first floor rear windows. The proposed development fronts onto Bluebell Avenue and does not contain any windows along the gable walls. The first floor rear windows will be located 19m from the front of the proposed terrace granted in 2603/16. I consider this separation distance reasonable and I do not consider the proposed development would cause any overlooking on any adjoining residential amenity.
- 7.12. Open Space: Section 16.10.2 of the development plan requires the provision of open space provision of 10m² per bed space where up to 60-70m² of rear garden is generally sufficient in the city. The proposed development includes 71m² of open space to the side and rear of the dwelling, I consider the allocation of private open space useable, and sufficient to comply with the development standards.

Other Matters

- 7.13. Access: The proposed development includes for a vehicular access into the site. Plan Ref 2603/16 required the removal of this access in conjunction with the removal of unit No 9. I note this access is in a similar location to the existing site access and I also note there was no objection to the access from the Roads and Traffic Section for Plan Ref 2603/16. Therefore, I do not consider the proposed vehicular access would have a detrimental impact on the movement and flow of traffic in the vicinity.

Appropriate Assessment

- 7.14. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to an Bord Pleanála on the 23rd of September 2016, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be linked to the requirement of permission 2603/16.

Reason: In the interest of public health.

3. 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

Karen Hamilton
Planning Inspector

19th of December 2016