



An  
Bord  
Pleanála

## Inspector's Report PL29N. 248226

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<b>Development</b>	House
<b>Location</b>	Behind 506 Howth Road, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1523/16
<b>Applicants</b>	Emma Hayes and Rob Finlay
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Emma Hayes and Rob Finlay
<b>Observers</b>	Damien Mulholland
<b>Date of Site Inspection</b>	12 <sup>th</sup> May 2017
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 Site Location and Description

1.1. The site is in a suburban part of Dublin. It has a stated area of 0.2693ha. It consists of the curtilage of a semi-detached house with a stated floor area of 90m<sup>2</sup>. The house is one of a number which date from the middle of the last century and which are laid out around a cul-de-sac off the Howth Road. The layout of this scheme was not co-ordinated with other mid-20<sup>th</sup> century housing development in the area, leaving the house and neighbouring houses with large, elongated curtilages that extend to the railway. Part of the site behind the house is laid out and closely cultivated as a garden, but the larger area at the back of the site is not. The land to the west of the site is occupied by housing on standard plots, which that to the east of the cul-de-sac is occupied by a shopping centre and its car park. A house to the south of the site appears to have been built on the curtilage of one of the original houses on the cul-de-sac.

## 2.0 Proposed Development

2.1. It is proposed to build a detached house behind the existing house with a floor area of 264m<sup>2</sup> and a roof ridge height of 6.3m. Access would be along the southern side of the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused permission for one reason which stated that the proposed would be piecemeal backland development that would not provide for an adequate level of urban consolidation or sustainable residential density that would affect the development potential of the wider backlands area.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The house would not injure the amenities of neighbouring property. A single large dwelling is not a sustainable model of development for this key site. It was recommended that permission be refused.

### **3.3. Prescribed Bodies**

Iarnród Éireann made a submission outlining issues regarding development near the railway and conditions that should be attached to any permission.

### **3.4. Third Party Observations**

Several neighbours made submissions supporting the proposed development.

## **4.0 Planning History**

No previous applications on the site were mentioned by the parties. The appeal refers to a grant of permission by the planning authority for the backland house to the south of the site under 1526/77.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Dublin City Development Plan 2016-2022 applies. The site is zoned residential under objective Z1. Policy QH8 is to promote the sustainable development of underutilised infill site and to promote higher density proposals. Section 16.10.8 of the plan refers to backland development. It states that proposals for such will be considered on their merits. If it blocks access it may be piecemeal development and inhibit the development of a larger area. Section 14.7 of the plan refers to transitional zoned areas and states that it is necessary to avoid injury to the amenities of the more environmentally sensitive of adjoining zones.

### **5.2. Natural Heritage Designations**

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- A drawing is submitted showing how the proposed development could occur within a co-ordinated with 4 other backland houses. More houses could be provided in this framework. This is appropriate development at this location. A map is submitted showing similar garden and backland schemes that have been granted by the planning authority, in particular on the neighbouring site to the south.
- The proposed house would comply with the provision of the development plan and the housing standard set down in the DoE guidelines. It would be in keeping with the character of the area and would not injure the amenities of adjoining properties.
- The proposed house is to meet the housing needs of the owner's daughter.
- The site is in a transitional zonal area beside a shopping centre where lower density development would be appropriate under section 14.7 of the plan. There is ample scope for higher density elsewhere in Raheny village. The site is more than 550m walking distance.

### 6.2. Planning Authority Response

The response states that the authority has no further comments.

### 6.3. Observation

The observation from Damien Mulholland states that he lives on the adjoining site to the east at No. 14 Cill Eanna. The proposed house would overlook the observer's property. The large detached house would not be in keeping with the established character of development in the area which consists of modest two-storey houses. Inadequate notice was given of the application and the property owners most directly affected should have been informed of the application. t

## 7.0 Assessment

- 7.1. The proposed house would provide an adequate level of amenity for its occupants without injuring the amenities of adjacent houses. The proposed house would not include windows that would unduly overlook the observer's property to the east. The proposed house would not appear in a streetscape with any existing houses in the area and there is no need for its scale and form to resemble them. The residential use would be in keeping with the zoning of the site. The proposed house would not be objectionable in itself, therefore.
- 7.2. Nevertheless I would agree with the planning authority that a grant of permission would have unacceptable implications. The site contains a large area of unutilised urban land that is zoned and serviced. It is within easy walking distance of a wide range of commercial and social services, as well as the high quality public transport corridor that is the DART . It is part of a larger area of similarly underutilised land. The proper planning and sustainable development of the area would require that such land could be provided with a residential use at an appropriately high density, as stated by policy QH8 of the development plan. This could not be provided by detached houses such as that now proposed. I note the plan submitted with the appeal illustrating how the other backlands would be developed in conjunction with the current proposal to provide five detached houses. This quantity of development is inadequate and would represent an inefficient use of land that would hinder the proper provision of housing in the city. The submitted drawing illustrates that the proposed development would do nothing to facilitate the coherent development of the other land as it envisages each of the future houses having its own long driveway across the curtilage of an existing house. It would therefore amount to piecemeal backland development contrary to section 16.10.8 of the development plan. The practical and precedential effect of a grant of permission by the board in this case means this low density and inefficient form would be the only possible development of these lands. This renders the proposed development contrary to the proper planning and sustainable development of the area. It would not be justified by the personal circumstances of the applicants; by the proximity of the area zoned for local services at Raheny village; by historical grants of permission for detached houses in the vicinity; or by an assertion that residential development could happen somewhere else in the area.

## 8.0 Recommendation

8.1. I recommend that permission be refused.

## 9.0 Reasons and Considerations

The proposal constitutes piecemeal backland development which does not provide for an adequate level of urban consolidation or sustainable residential density of underutilised land in close proximity to Raheny village centre and DART station. Furthermore the proposal would establish an undesirable precedent for future development and affect the development potential of the wider backlands area. The proposed development would, therefore, be contrary to policy QH8 and section 16.10.8 of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of area.

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Stephen J. O'Sullivan  
Planning Inspector

17<sup>th</sup> May 2017