



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308263-20

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<b>Development</b>	Demolish single-storey shed, construction of 1-bedroom dwelling, new vehicular access to the front of site.
<b>Location</b>	2A, Cedar Walk, Raheny, Dublin 5, D03 DX93
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	1449/20
<b>Applicant(s)</b>	Marian Enright
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Marian Enright
<b>Observer(s)</b>	J McGuinness & L O'Higgins
<b>Date of Site Inspection</b>	12 <sup>th</sup> November 2020
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located approximately 700 metres northeast of Raheny village centre, within a larger residential area that lies between Howth Road (to the south) and the DART rail line (to the north). The surrounding area has a strong residential character generally consisting of mature estates with two-storey semi-detached housing.
- 1.2. The site itself is located at the junction of Cedar Walk (to the west) and Foxfield Road (to the south). It originally formed the side garden of the adjoining property to the north (No. 2 Cedar Walk). A two-storey detached dwelling (2A Cedar Walk) now exists on the site, fronting onto the Cedar Walk estate road to the west.
- 1.3. On the western site boundary is a pedestrian entrance onto Cedar Walk, whilst a larger vehicular gate at the extreme south-eastern corner of the site provides access to the rear garden area. There is a shed in the north-eastern corner of the site, and two small trees in the south-eastern corner.

## 2.0 Proposed Development

- 2.1. In summary, permission is sought for the following works:
  - Demolition of existing single storey shed (stated floor area 15 sq.m.)
  - Construction of new single storey one-bedroom dwelling (stated floor area 50 sq.m.), to be serviced by the existing vehicular access off Foxfield Road
  - Provision of a new vehicular access off Cedar Walk to serve the existing dwelling (2A Cedar Walk)
- 2.2. The proposed dwelling is to be located at the extreme north-eastern corner of the site, adjoining the shared boundaries with the neighbouring properties. The proposed dwelling is a low-profile single storey building (maximum height c. 3.8m), arranged in an 'L' shaped plan form.
- 2.3. It is proposed to connect to the existing surface water network via a permeable paving system, and to connect to the existing foul sewer network and watermains.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 8<sup>th</sup> September 2020, Dublin City Council (DCC) issued notification of the decision to refuse permission. The refusal reason can be summarised as follows:

The proposed projecting building line along Foxfield Road would be incompatible with the established character of the area and would be a visually intrusive and incongruent element on the streetscape. The proposal would constitute overdevelopment of a restricted site and would have a negative impact on the residential amenity of the existing dwelling on site. The proposal would therefore, by itself and by the precedent it would set for other development, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning officer's assessment can be summarised as follows:

- The development is 'acceptable in principle subject to a review of the proposal against the relevant Development Plan criteria'.
- The breach of the building line is not an appropriate precedent, notwithstanding the proposed retention of existing trees and the reduction in scale compared to a previously refused proposal (Reg. Ref. 4837/19).
- The proposal, in combination with the existing dwelling, would be incongruous and incompatible with the established character. Concern raised about the precedent for haphazard development of other sites in the city.
- The proposal will negatively impact on the residential amenity of the existing dwelling by reason of its overbearing appearance and the reduction in quality of private open space. It would constitute overdevelopment of the site.

- The quantum of private open space provided for the proposed dwelling is 'technically acceptable'. However, cognisance must be had to the relatively restricted nature of the space.
- A refusal of permission was recommended in accordance with the terms of the DCC Notification of Decision.

### 3.2.2. Other Technical Reports

- Transportation Planning Division: No objections subject to conditions.
- Drainage Division: No objections subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

3.4.1 There are 2 no. submissions recorded on the planning file, from (1) J. McGuinness & L. O'Higgins, c/o 67 Foxfield Road, and (2) Mr Vincent Crimmins, 68 Foxfield Road.

3.4.2 The issues raised relate to the following matters:

- Inadequate parking and access/exit proposals resulting in traffic hazard
- Structural safety of boundary wall
- Retention of existing vegetation
- Impact on the character of the area
- Impacts relating to overlooking / overshadowing
- The adequacy of foul and surface water drainage
- Lack of clarity relating to the drawings and documents submitted

## 4.0 Planning History

- P.A. Ref. 5871/04: Outline permission granted by DCC for a two-storey detached house in the side garden of 2 Cedar Walk, Raheny.
- P.A. Ref. 4338/05: Permission granted by DCC for a two-storey detached house to the south side of No. 2 Cedar Walk, Raheny.

- P.A. Ref. 4837/19: Permission refused by DCC for demolition of existing shed and construction of 1-bedroom dwelling and associated siteworks at No. 2A Cedar Walk, Raheny. The reasons for refusal related to (1) substandard level of open space, residential amenity and over development of the site, and (2) the impact on the building line and character of the area would be seriously injurious to the visual amenities of the area.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1 The operative plan for the area is the Dublin City Development Plan 2016-2022. The site is within an area zoned 'Z1 Sustainable Residential Neighbourhoods', where the land use zoning objective is "*to protect, provide and improve residential amenities*".
- 5.1.2 Section 4.5.3.1 relates to urban density and promotes sustainable density, compact development, and the efficient use of urban land. Chapter 5 outlines the Council's approach to the provision of quality housing and encourages a good mix of house types and sizes with a satisfactory level of residential amenity.
- 5.1.3 Chapter 16 sets out detailed policies and standards in respect of development proposals within the city. Section 16.2 "Design, Principles & Standards" provides design principles outlining that development should respect and enhance its context.
- 5.1.4 Section 16.2.2.2 discusses 'Infill Development' i.e. gap sites within existing areas of established urban form. It is particularly important that such development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.
- 5.1.5 Section 16.10.2 of the Plan sets out 'Residential Quality Standards' for houses, relating to floor areas; aspect, natural light and ventilation; and private open space.
- 5.1.6 Section 16.10.8 deals with 'Backland Development'. It states that the Council will allow for comprehensive backland development where the opportunity exists, and highlights that the development of individual backland sites can conflict with the established pattern and character of development in the area and cause a significant loss of amenity to existing properties.

5.1.7 Section 16.10.9 deals with 'Corner/Side Garden Sites'. Such sites are acknowledged as a means of making the most efficient use of serviced residential lands and will generally be allowed on suitable large sites. However, some corner/side gardens are restricted and would be more suitable for extending an existing home.

## 5.2 National policy and guidance

5.2.1 The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings.

5.2.2 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009) sets out the key planning principles which should guide the assessment of planning applications for development in urban areas.

5.2.3 The guidance document 'Quality Housing for Sustainable Communities' (DoEHLG, 2007), identifies principles and criteria that are important in the design of housing and highlights specific design features, requirements and standards.

## 5.3. Natural Heritage Designations

The site is not located within a designated Natura 2000 site. The nearest Natura 2000 sites are North Bull Island SPA (Site code 004006) and North Dublin Bay SAC (Site code 000206), both of which are located approximately 700 metres southeast of the site. North Dublin Bay is also designated as a proposed Natural Heritage Area.

## 5.4 EIA Screening

Having regard to the nature and scale of the proposed development, comprising a new dwelling house in a serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The applicant has appealed the decision of DCC to refuse permission. The appeal requests that the Board consider a planning submission which accompanied the application to DCC. In summary, that submission sets out the following:

- The need for additional accommodation within existing built-up areas
- How the current application addresses the previous refusal on the site (P.A. Ref. No. 4837/19)
- Compliance with the zoning, policies and standards of the Development Plan
- Contended precedent cases in the surrounding area
- That the proposed development would have minimal visual impact

6.1.2 The appeal itself elaborates on the above issues and specifically addresses the reason for refusal. The grounds of appeal can be summarised as follows:

- The need for a changed mindset towards such proposals in urban areas considering national policies in favour of compact development.
- The proposed breach of the established building line along Foxfield Road would not warrant a refusal due to the limited height and size of the dwelling; the presence of 2A Cedar Walk which has already altered the building line; and because of the screening provided by existing vegetation.
- The existing and proposed dwellings will be afforded adequate internal and external amenity space.
- It is suggested that off-street parking is not necessary, and that the appellant would accept a condition requiring all the space to the front of the house to be used for amenity purposes.

### 6.2. Planning Authority Response

No response has been received from DCC.

### 6.3. Observations

There is one observation recorded on the appeal file, from J. McGuinness and L. O'Higgins. The issues raised in the observation can be summarised as follows:

- Adverse visual impact as a result of the altered building line and concerns regarding the potential loss of trees.
- Inadequate parking proposals, which result in additional on-street parking and will generate further traffic hazard concerns.
- Lack of clarity as a result of ambiguity, inconsistency and inaccuracy within the various drawings and documentation submitted with the application.
- Concerns about surface water drainage and potential flooding.

### 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having inspected the site and considered the relevant local and national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Visual amenity
- Residential amenity
- Parking and traffic
- Surface water
- Appropriate Assessment

### 7.2 Principle of the development

7.2.1 The appeal site is wholly contained within an area zoned 'Sustainable Residential Neighbourhoods – Z1', where the land use objective is to protect, provide and improve residential amenity, and where residential development is considered a permissible use.

- 7.2.2 The site has variously been referred to as 'infill', 'backland' and a 'corner/side garden' by the parties to this appeal. I consider that the site and the proposed development exhibit characteristics of all these development types, and accordingly the policies and guidance relating to each is relevant.
- 7.2.3 In terms of 'backland development', it is important to note that section 16.10.8 of the Development Plan generally supports comprehensive proposals and highlights that individual sites can conflict with the established pattern and character of development in an area. Similarly, section 16.10.9 supports proposals for 'Corner/Side Garden Sites', on suitable large sites.
- 7.2.4 Ultimately, I am satisfied that, from a zoning and policy perspective, the construction of a new detached dwelling house in an established residential neighbourhood is acceptable in principle. However, I consider that the Development Plan is consistent in stating that the suitability of any such proposal would be subject to detailed consideration of the impacts on visual amenity, residential amenity, traffic conditions and other standard assessment criteria, as is discussed further hereafter.

### **7.3 Visual amenity**

- 7.3.1 Responding to the grounds of the appeal, I would acknowledge that the original building line along Foxfield Road has been somewhat altered by the construction of 2A Cedar Walk to the west. However, because of its orientation, I consider that 2A Cedar Walk clearly reads as part of the building line of the remainder of Cedar Walk to the north. For that reason, the established building line of the adjoining dwellings to the east of the site is more relevant to the proposed new dwelling.
- 7.3.2 The presence of screening vegetation within the site and along Foxfield Road is also acknowledged. However, I would be cautious about placing too much reliance on the presence of trees as a mitigating factor given their varying seasonal cover and the potential for felling at some time in the future. I would also have concerns about the practicalities of constructing the proposed dwelling whilst retaining the tree cover in the south-eastern corner of the site. The branch spread is significantly wider than is indicated on the existing and proposed site plan drawings and the trees may cause significant obstruction at construction and post-construction stage. The proposal to retain the trees is nonetheless considered in my assessment of the appeal.

7.3.3 Notwithstanding the above, I consider that the proposed development will have an adverse visual impact on the character of the area. The proposed building line is significantly in advance of the established line to the east. Furthermore, the proposed form of the dwelling, involving a staggered gable-fronted façade, differs significantly from surrounding properties. I consider that the proposal would form an incongruent feature in the streetscape, which would be out of character with the established pattern and character of development.

7.3.4 While I accept that the visual impact would be localised, I would have serious concerns about the precedent that it would set for further such development, and the potential cumulative impact of further such development on the character of the area and other similar neighbourhoods.

#### **7.4 Residential amenity**

7.4.1 Dealing firstly with the proposed dwelling, section 16.10.2 of the Development Plan states that houses shall comply with the standards for internal layout and space as outlined in section 5.3 of 'Quality Housing for Sustainable Communities' (DoEHLG, 2007). Consistent with the opinion of the DCC planner's report, I consider that the proposed dwelling complies with the specified standards for floor areas and widths.

7.4.2 Regarding 'Aspect, natural light and ventilation', section 16.10.2 states that glazing to all habitable rooms shall not be less than 20% of the floor area of the room. While the planner's report has deemed proposals compliant in this regard, I note that the bedroom window (c. 2 sq.m.) would not meet the specified standard for the floor area of that room (11.8 sq.m.).

7.4.3 It is also relevant to note that this section of the plan states that, in general, back-to-back dwellings will not be permitted due to their single aspect and restricted access to private open space. While the proposed development does not involve back-to-back dwellings, it is relevant that the proposed dwelling will be single aspect and will not provide any private open space to the rear of the dwelling.

7.4.4 Finally, in relation to the issues of aspect and natural light, I consider that the proposed retention of the existing trees on site will have the effect of limiting the availability of light to the future occupants of the dwelling. The existing branch spread causes significant overshadowing of the site and, as previously discussed, the retention of the trees is highlighted as an important part of mitigating the visual

impact. Furthermore, it is a condition of the planning permission for 2A Cedar Walk (P.A. Ref. 4338/05) that these trees must be retained.

7.4.5 Section 16.10.2 of the Plan acknowledges that private open space is usually provided by way of private gardens to the side or rear of the house. Section 7.8 of the guidance document 'Sustainable residential development in urban areas' is more specific in this regard, stating that '*All houses (terraced, semi-detached and detached) should have an area of private open space behind the building line*'. While I consider it clear that the provision of a rear garden area is the appropriate approach, the proposed front garden area is nonetheless assessed for suitability.

7.4.6 In terms of quantity, the Development Plan states that a minimum standard of 10 sq.m. per bedspace will normally be required. While this normal standard is noted, I would question its applicability to a smaller house such as the proposed dwelling, which results in the requirement for an area of just 20 sq.m. The Plan also states that, generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city.

7.4.7 The application proposes a front garden area of 45 sq.m. However, I would concur with the view of the DCC planner's report that the driveway and bin spaces should not be counted as usable open space. While the remaining private open space area (calculated in the DCC planner's report as c. 25.25 sq.m.) may exceed the 20 sq.m. figure, I consider that the quality of the space is severely compromised by its subdivision into two separate areas, and by the enclosed nature of the space which would be bounded by high walls. Again, I consider that the retention of the trees in the south-eastern corner of the site would have the effect of further enclosing this space and limiting the availability of light.

7.4.8 I note the appellant's suggestion that the space could be improved through the omission of on-site parking. I do not consider this an acceptable solution however, as discussed further in section 7.5 of this report.

7.4.9 In conclusion I consider that the proposed development would result in a substandard and unacceptable level of residential amenity for the prospective occupants of the proposed dwelling. This relates to both the single aspect nature of the dwelling and the limited availability of light to its internal spaces, as well as the substandard quality of the proposed external private open space. The views of the

appellant on this matter are noted but I do not consider that this approach to housing provision warrants approval on the grounds that it would reduce the need for commuter travel. While national policy aims regarding compact growth must clearly be pursued, I consider that this should be achieved through a co-ordinated and comprehensive approach, rather than the haphazard, piecemeal nature of the proposed development.

7.4.10 Turning to the question of the residential amenity of surrounding properties, I would concur with the view expressed in the DCC planner's report that the proposed development would not have significant impacts on the properties to the east (68 Foxfield Road) and north (2 Cedar Walk).

7.4.11 The question in relation to the existing dwelling on site (2A Cedar Walk) effectively concerns the impact of its reduced garden and the proximity of the proposed new dwelling to its rear facade. In terms of quantity, I consider that the retained rear garden area (stated to be 78 sq.m.) clearly satisfies Development Plan standards. I also agree with the view of the appellant who contends that there is no specific standard for rear garden depth, and that the requirement for 11 metre depths originates from the 22-metre separation between first floor windows.

7.4.12 I note that the proposed dwelling would result in the construction of a 3-metre-high wall within c. 5 to 5.6 metres of the rear façade of the existing dwelling. While the DCC planner's report accepts that 2A Cedar Walk will not be unacceptably affected in terms of daylight/sunlight, it contends that the proposed dwelling will have 'an overbearing and dominating appearance for the occupants of the existing dwelling'. While such an impact is difficult to quantify, I am not convinced that the proposed dwelling would have such a negative impact on the existing dwelling as to warrant refusal on this basis.

## **7.5 Parking and traffic**

7.5.1 The application proposes a new vehicular entrance to 2A Cedar Walk, along with an associated parking area which can accommodate 2 no. cars. The existing entrance off Foxfield Road will access the proposed new dwelling and an associated parking space for one vehicle is provided. Having regard to the standards set out in section 16.38 of the Development Plan, I consider that the proposed development contains acceptable parking provision. In the event that the Board is minded to grant

permission, I would not concur with the suggestion by the appellant that dedicated off-street parking is unnecessary. Such an approach would lead to disorderly on-street parking and would interfere with the safety and free flow of traffic.

7.5.2 In relation to the existing and proposed vehicular entrances, I have inspected the site and considered available sight distances. I also note that this issue was assessed by the DCC Transportation Planning Division, which had no objection subject to standard conditions. Having regard to the above and the location of the site within a built-up residential area containing a multiplicity of residential entrances, I do not consider that the existing or proposed entrances would adversely impact on the safety and free flow of traffic at this location.

## **7.6 Surface water**

I note that the matter was examined by the DCC Drainage Division, which had no objection subject to standard conditions. In light of the substantive concerns I have raised about other elements of the proposed development, I do not propose to examine this matter any further. In the event that the Board is minded to grant permission, I would suggest that this matter can be satisfactorily dealt with by means of condition.

## **7.7 Appropriate Assessment**

Having regard to the nature and scale of the proposed development, comprising the construction a dwelling within a built-up and serviced urban area, and the location of the site at a distance of approximately 700 metres from the nearest Natura 2000 sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

## **7.8 Other issues**

7.8.1 I note that the appeal, through reference to the original planning submission to DCC, contends that several precedent cases support the proposed development. Having reviewed the relevant properties, I do not concur with this view. While there are indeed detached houses in the area, some of which would have been added as infill development, I consider that the circumstances of the proposed development are quite different in that it is effectively proposed to construct a second dwelling within

the curtilage of the original property. Unlike the other cases, the proposed dwelling is directly to the rear of the existing house on the site and is inconsistent with the established pattern and form of development at this location.

7.8.2 I note that the observer to the appeal has raised concerns about the lack of clarity and inconsistencies between the drawings and documentation accompanying the application. Where any inconsistency exists, I have based my assessment on the drawings submitted, which I consider adequate to assess the appeal.

## 8.0 Recommendation

Having regard to the above, I recommend that permission be refused based on the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the restricted size and nature of the subject site, and having regard to the substandard proposals for the provision of internal living space and private open space to serve the proposed new dwelling, it is considered that the proposed development would be seriously injurious to the residential amenity of the prospective occupants of the proposed dwelling. Furthermore, the proposed dwelling, by reason of its advanced building line and incongruent form and design, would detract from the established pattern and character of development at this location. The development would constitute haphazard overdevelopment of a restricted site and, by itself and by the precedent it would set for further such development, would be contrary to the proper planning and sustainable development of the area.

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Stephen Ward  
Senior Planning Inspector

16<sup>th</sup> November 2020