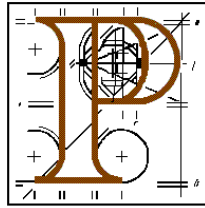


## An Bord Pleanála



### Inspector's Report

**Appeal Ref No:** PL 29N.245632

**Development:** Demolish rear extension and shed, new entrance to house, construct new house in side garden at 12 Villa Park Gardens, Navan Road, Dublin 7.

#### Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3325/15

Applicant: Mary Marren

Type of Application: Permission

Planning Authority Decision: Grant

#### Planning Appeal

Appellant(s): Margaret Flynn and Others

Type of Appeal: 3<sup>rd</sup> Party

Observers: Navan Road Community Council

Date of Site Inspection: 08/01/2016

**Inspector:** **L. Dockery**

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site, which has a stated area of 564 square metres is a corner site located at a bend in the road of Villa Park Gardens, off Blackhorse Avenue, Dublin 7. The site currently contains a two-storey end-of-terrace dwelling with single storey extension to side and rear and garage to rear. The total stated floor area of existing development on site is 131.6 square metres. There is vehicular access to the site from a lane running to the rear of the property. The site is well screened along the western boundary with high planting behind a concrete wall.
- 1.2 It is noted that many of the properties in the vicinity have carried out extensions and renovations to their properties. In addition, a number of dwellings have been constructed in the side garden area and it may be argued that a precedent has been set for such developments in the general vicinity.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development, as per the submitted public notices, comprises the following:
1. Demolish single storey side/rear extension and rear detached shed, new vehicular entrance to front garden of existing dwelling and construct two-storey detached dwelling in side garden, pedestrian entrance to front garden and vehicular entrance/car parking to rear and associated site development works.
- 2.2 The proposed dwelling is to be located in the existing side garden of the property. The stated floor area of the proposed dwelling is 135 square metres with a maximum stated height of 8.62 metres. The proposed floor plan accommodates living/dining/kitchen, WC and utility at ground floor level with four bedrooms and a bathroom at first floor level. A 1m separation distance is proposed between the gable elevation of the proposed dwelling and that of the existing. The

proposed elevations comprise self-finish render with brick detailing while the proposed hipped roof is to be finished with selected roof tiles.

2.3 The stated floor area of the works proposed to be demolished is 41.6 square metres.

2.4 Two off-street parking spaces are proposed to the rear of the proposed dwelling while one off-street space is proposed to the front of the existing dwelling.

### **3.0 PLANNING AUTHORITY'S DECISION**

Permission GRANTED, subject to 11 no. conditions

Condition No. 4 relates to private open space provision while Condition No. 5 relates to boundary treatments

### **4.0 TECHNICAL REPORTS**

#### Planner's Report

The Planner's report generally reflects the decision of the Planning Authority.

#### Engineering Department- Drainage Division

No objections, subject to conditions

#### Roads and Traffic Planning Division

No objections, subject to conditions

## **5.0 APPEAL GROUNDS**

5.1 The grounds of the third party appeal by Margaret Flynn and Others may be summarised as follows:

- Concerns regarding impact on amenities- concerns regarding impacts on outlook and privacy
- Impact of design and size of proposed dwelling on appearance of street- proposal not in keeping with existing dwellings- concerns regarding height, positioning on site and finishes
- External finishes not matching
- Proposal does not integrate with design of existing houses- location of bathroom within proposed dwelling
- Concerns regarding creation of traffic hazard- limited access- inadequate car parking- proposal for parking not in keeping with existing- only limited on street parking available presently
- Overlooking of existing dwellings
- Lane currently used as service lane- concerns regarding use and visual obstruction as a result of proposal
- Loss of light
- Considers that proposal cannot be compared to development permitted at 11 Villa Park, Ref. 2536/15.

5.2 Additional points made in an addendum to the appeal submission from Robert Good and Alison Brady relates to breaking of building line; width of site measurements on plans; area and layout of dwelling and issues of overhanging

## **6.0 RESPONSES**

6.1 No response was received from the planning authority

6.2 A first party response to the appeal was received and may be summarised as follows:

- Refutes claims made in relation to visual impact and appearance of proposed dwelling
- Proposal similar in height, width and general proportions to adjoining dwellings- pitched roof with appropriate materials and finishes
- Proposal in keeping with side and front building lines
- No adverse impacts on adjoining properties or on character of the area- similar in scale and massing to existing and integrates well into streetscape
- Area well served by public transport and cycle routes- parking available on street and most dwellings have curtilage parking
- Proposal would have virtually no impact on local parking demand- adequate provision for both existing and proposed dwellings
- Parking provision meets Development Plan requirements
- Construction Management Plan will be prepared
- Proposal does not give rise to any adverse overlooking impacts on adjoining properties- proposed setbacks does not have any adverse overshadowing impacts on adjoining properties
- Proposal will set good planning precedent- in compliance with Development Plan standards- design carefully considered having regard to location of site in existing residential neighbourhood
- Similar in design to that permitted at 11 Villa Park Road (Ref. 2536/15)

## **7.0 OBSERVATIONS**

7.1 An observation was received from Navan Road Community Council in support of the appellant's submission. Issues raised include

- Missing dimension on drawing

- Laneway acts as right of way
- Concerns regarding construction vehicles, especially when cars are parked on roadway during daytime

## **8.0 PLANNING HISTORY**

### 2802/15

Permission REFUSED by planning authority to demolish extensions to side and rear, new vehicular entrance to front garden of existing dwelling and construction of two-storey detached dwelling in side garden

## **9.0 DEVELOPMENT PLAN**

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

### Zoning

The site is located within 'Zone 1' the objective for which is "to protect, provide and improve residential amenities".

Section 17.9           Standards for Residential Accommodation

Section 17.9.6       Corner/Side Garden Sites

## **10.0 ASSESSMENT**

10.0.1 I have examined all the documentation before me and have conducted a visit of the site and its environs. In my mind, the main issues relating to this appeal are

- Principle of proposed development
- Impacts on amenity of area
- Traffic Issues
- Other issues

## **10.1 PRINCIPLE OF PROPOSED DEVELOPMENT**

10.1.1 The subject site is located within 'Zone 1' of the operative City Development Plan, which seeks to 'to protect, provide and improve residential amenities'. This objective is considered reasonable. The proposed development, as described in the submitted public notices, provides for the construction of a dwelling in the side garden area of an existing dwelling, within an established residential area. I note the precedents which have been set for similar type development in the general vicinity and consider that the site has adequate capacity to accommodate a dwelling of the size and scale proposed, subject to compliance with all other Development Plan requirements.

10.1.2 Having regard to all of the above, I consider the development as proposed to be acceptable in principle and generally in compliance with the zoning objective of the area.

## **10.2 IMPACTS ON AMENITY**

10.2.1 I acknowledge the concerns raised in the submissions in relation primarily to issues of residential amenity. Having examined the documentation before me, together with having carried out a visit of the

site and its environs, I am of the opinion that the proposal is generally considered acceptable and I consider that the site has adequate capacity to accommodate a development of the nature, size and scale proposed without detriment to the amenity of the area. The height, design, building lines and finishes are all considered acceptable. The proposed dwelling will integrate well with existing development in the vicinity and I do not anticipate that it will negatively impact on the character of the area. I consider that issues of overlooking, impacts on privacy or overshadowing are not substantial in this instance. Adequate private open space is provided for both the existing and proposed dwellings to comply with Development Plan standards.

10.2.2 I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. I consider that the works proposed would not detract from the visual or residential amenities of the area. I consider that the proposal is in compliance with relevant Development Plan policies in relation to such works and that the proposal is consistent with the proper planning and sustainable development of the area.

### **10.3 TRAFFIC ISSUES**

10.3.1 Concerns have been raised in relation to traffic and parking issues. At the outset I note that there is on-street parking available on the roadway and at the time of my visit on a Friday morning, there was ample parking available on-street. I also note that many properties have off-street parking available to them. Two parking spaces are proposed to the new dwelling, to the rear of the site accessed from an existing rear laneway while one off-street space is proposed to the front of the existing dwelling. I note the report of the Roads Division of the planning authority which states that they have no objections to the proposal, subject to conditions. I consider that the parking provision is acceptable and in compliance with Development Plan standards.



10.3.2 I have no information before me to believe that the proposal, if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity. Any disruption caused by construction traffic would be temporary in nature and I note that a Construction Management Plan is to be prepared. I recommend that if the Bord is disposed towards a grant of permission that this issue be dealt with by means of condition.

10.3.3 I note the concerns raised in the submissions in relation to the use of the proposed laneway. I have no information before me to believe that the proposal will impact on the existing stated right of way. In any event, this is a legal matter, outside the remit of this planning appeal.

10.3.4 I do not anticipate that the traffic generated by the proposed dwelling would be substantial and I do not believe that it would cause undue disruption to the existing workings of the lane. I noted that at the time of my site visit, a van was parked blocking the lane further along.

## **10.4 OTHER ISSUES**

10.4.1 There is adequate information on file to allow me undertake a comprehensive assessment of the proposed development.

10.4.2 The subject site is located in an established residential area, within the rear garden of an existing residential property and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity 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 a European site.

## **11.0 CONCLUSION**

11.1 Having regard to all of issues raised above, I consider that the proposed development is acceptable and consistent with the proper planning and sustainable development of the area, subject to conditions.

## **12.0 RECOMMENDATION**

In light of the above assessment, I recommend that the decision of the planning authority be UPHeld and that permission be GRANTED for the said works, based on the reasons and considerations under.

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development; together with the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the depreciation of property values and would not lead to the creation of a traffic hazard in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**REASON:** In the interest of public health and to ensure a proper standard of development.

3. The entire dwelling shall be used as a single residential unit

**REASON:** In the interests of clarity

4. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

**REASON:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

5. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**REASON:** In the interest of visual amenity.

7. The applicant shall ascertain and comply with all requirements of the planning authority in relation to roads, access and parking issues, prior to the commencement of any works on site

**REASON:** In the interests of traffic safety

8. Details of proposed boundary treatments and landscaping shall be submitted to the planning authority for their written consent, prior to the construction of any works on site

**REASON:** In the interests of amenity

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**REASON:** In the interest of visual amenity.

10. Prior to commencement of development, the naming and numbering of the proposed house shall be agreed in writing with the planning authority.

**REASON:** In the interest of orderly development.

11. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**REASON:** It is a requirement of the Planning and Development Act 2000 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.

L. Dockery

Planning Inspector

11<sup>th</sup> January 2016