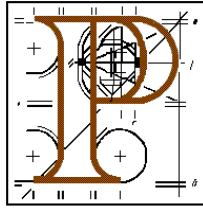


An Bord Pleanála



Inspector's Report

PL29N. 245728

DEVELOPMENT: House
ADDRESS: To the side of 24 Convent Way, Dublin 7

PLANNING APPLICATION

Planning Authority: Dublin City Council
Planning Authority Reg. No.: 3530/15
Applicants: Mary Ralph
Application Type: Permission
Planning Authority Decision: Refuse permission

APPEAL

Appellants: Mary Ralph
Type of Appeal: 1st party vs refusal
Observers: None
DATE OF SITE INSPECTION: 26th January 2016
INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a first party appeal against a decision of Dublin City Council to refuse permission for a house in a side garden.

2.0 SITE

- 2.1 The site is in a suburban area of Dublin c.5km north-west of Dublin city centre. It has a stated area of 327m² and consists of the curtilage of a semi-detached, two storey house with a floor area of 122m². It occupies a corner site within an estate of similar houses that dates from the latter part of the last century.

3.0 PROPOSAL

- 3.1 It is proposed to build a two-storey house attached to the side of the existing semi-detached house on the site. The proposed house would be a two-storey structure with two bedrooms. The development would require the demolition of a single storey extension to the side of the existing house. The submitted drawings show a flat roofed dormer window at the rear of the existing house, and separate vehicular entrances for both houses.

4.0 POLICY

- 4.1 The site is zoned residential under objective Z1 of the Dublin City Development Plan 2011-2017. Section 17.9.6 deals with houses in side gardens. It states that such houses can constitute valuable additions to the residential building stock of an area and will generally be allowed on suitably large sites. However on smaller sites they may compromise the character of the existing house while providing a new house of poor quality. They will be assessed with regard to the character of the street; compatibility of design and scale; impact on amenities of adjoining houses; open space and refuse standards for existing and proposed houses; provision of landscaping and boundary treatments; and the maintenance of building lines.

5.0 HISTORY

- 5.1 Reg. Ref. 2154/15 – the planning authority granted permission on 29th April 2015 to convert the attic of the existing house on the site and to alter the roof profile and insert a rear dormer projection. This permission has not been implemented.
- 5.2 Reg. Ref. 3487/14 – the planning authority refused permission for an additional house on the site for a single reason that referred to visual intrusion and overlooking of the neighbouring house.
- 5.3 Appn. 0298/14 – a social housing exemption certificate under section 97 of the planning act was granted in respect of the site.

6.0 DECISION

6.1 The planning authority decided to refuse permission for two reasons

The first reason stated that the development would create a terraced effect that would be overdevelopment of the site and depreciate the value of property in the vicinity.

The second reason stated that the proposed development would impact the attic conversion to the existing house that had already been approved and compromise access to it.

7.0 REPORTS TO THE PLANNING AUTHORITY

7.1 Planner's report – The proposed house would contain an adequate amount of internal accommodation and private open space. The separation distance from the houses to the rear is acceptable, given that the proposed development would follow the established building line. The proposed access arrangements are acceptable. The proposed development would result in the existing house becoming a mid-terrace house. The access to the authorised attic conversion in the existing house is not shown on the submitted plans. The proposed house would compromise the quality of the existing house and the character of the street and so would not accord with section 17.9.6 of the development plan. It was recommended that permission be refused.

8.0 GROUNDS OF APPEAL

8.1 The grounds of appeal can be summarised as follows –

- Similar developments in the area have not effected the growth in house prices there, including those which create a terrace effect.
- The attic conversion proposed for the existing house would not impact the new build in any way and is similar to others carried out in the area. About one of five of the houses in the area have permission for a rear dormer and this does not have a negative impact on surrounding dwellings.
- The proposed house would provide a home for the applicant's daughter who is nursing locally.

9.0 RESPONSES

9.1 The planning authority's response referred to the planner's report on the application and stated that it had no further comments.

10.0 ASSESSMENT

- 10.1 The proposed house would contain an adequate level of habitable accommodation for a two bedroom dwelling, at c80m². An adequate amount of accommodation would remain in the existing house, c105m². The proposed house would have enough space on its curtilage for a single parking space to the front and a back garden of c60m². It would also leave enough space for similar parking space and back garden with the existing house. The proposed house would maintain the front and rear building lines along Convent Way. It would be built up to the edge of the site along Church Walk, but there is no clear building line or streetscape on this side of that road. The scale and design of the proposed house would be similar to the existing houses along Convent Way. It would result in an asymmetrical front elevation for the building containing it and the existing semi-detached pair of houses. However the implementation of the permission granted under Reg. Ref. 2154/15 would result in an asymmetrical roof over that pair whether or not the proposed development was carried out. In these circumstances it is not considered that the proposed development would constitute over-development of the site, or that it would have a negative impact on the streetscape and visual character of the area, or that it would tend to depreciate the value of property in the vicinity of the site. The planning authority's first reason for refusal is not justified, therefore.
- 10.2 It is not apparent that the proposed development would interfere with the conversion of the attic in the existing house to a study or store and the insertion of a box dormer into the back of the roof there which was authorised under Reg. Ref. 2154/15. If there is some incompatibility, then the question of which of any two extant permissions should be implemented is one for the owner of the site. The planning authority's second reason for refusal is not justified, therefore.
- 10.3 The proposed development would be in keeping with the residential zoning of the area. It would provide an additional dwellinghouse with adequate residential amenity, access and parking without unduly reducing the standard of residential amenity, access and parking available to the existing house on the site. It would be in keeping with the character of the area and would not injure the amenities of property in the vicinity. It would therefore be in keeping with the provisions of section 17.9.6 of the development plan, and with the proper planning and sustainable development of the area.

11.0 RECOMMENDATION

- 11.1 I recommend that permission be granted subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the area 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 character of the area or the amenities 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.

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. The external finishes of the proposed house (including roof tiles/slates) shall be the same as those of the existing dwelling on the site in respect of colour and texture.

Reason: In the interest of visual amenity

3. The existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrances to the authorised and existing houses on the site

Reason: In the interest of visual amenity

4. 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.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management

8. 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.

Stephen J. O'Sullivan
28th January 2016