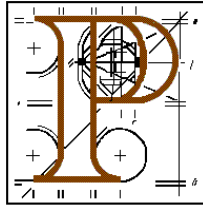


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29N.245838

Development: Construction of 3 no. houses to the rear of No. 68/69 Brookville Park, Coolock, Dublin 5 with access onto Old Malahide Road to the rear.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3635/15
Applicant: Alan & Jason McLoughlin
Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Alan & Jason McLoughlin
Type of Appeal: First party
Observers: (i) J & J Stephen and others
(ii) Mondelez International
(iii) Yvonne Stacey
(iv) Liam & Geraldine Kessie
(v) Thomas Armstrong
(vi) Terence Flanagan TD and Cllr. Declan Flanagan
(vii) Pauline & Michael Flanagan
(viii) Ivan Chase
Date of Site Inspection: 9th February 2016

Inspector: Donal Donnelly

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located to the rear of Brookville Park, Coolock approximately 6km to the north-east of Dublin City Centre. Brookville Park comprises a row of semi-detached dwellings located to the north of the junction of Malahide Road (R107) and Oscar Traynor Road (R104). Brookville Park faces onto Malahide Road but is accessed off Oscar Traynor Road.
- 1.2 The appeal site comprises part of the rear gardens of no's. 68 & 69 Brookville Park. The single storey garages to the side of these dwellings adjoin one another. No's. 68 & 69 back onto Old Malahide Road which comprises a cul de sac accessed off Oscar Traynor Road and Brookville Park. The entrance to the Cadbury/ Mondelez factory is off Old Malahide Road opposite the appeal site.
- 1.3 The appeal site has a frontage of approximately 22.5m onto Old Malahide Road and a stated area of 408.28 sq.m. The site tapers into the western corner and occupies a depth of between 23.5m and 18.2m of the garden of no. 68 and between 21.6m and 16.8m of the garden of no. 69. The residual garden areas of no's. 68 and 69 will be approximately 82 sq.m. and 52 sq.m. respectively. It would appear that the site has already been subdivided and an access gateway onto Old Malahide Road has been installed.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises the following:
 - Sub-division of no's. 68 & 69 Brookville Park to create three new residential sites in rear gardens;
 - Construction of 3 no. 2-bedroom houses;
 - Provision of three separate vehicular accesses onto Old Malahide Road.

3.0 PLANNING HISTORY

Dublin City Council Reg. Ref: 2755/97

- 3.1 Outline planning permission granted for a single storey bungalow at the rear of no. 69 Brookville Park with new entrance off the Old Malahide Road.

Dublin City Council Reg. Ref: 3772/09

- 3.2 Permission granted in October 2009 for a new dormer bungalow to rear of No. 69 Brookville Park with vehicular access opening off the Old Malahide Road.

Dublin City Council Reg. Ref: 6066/04

- 3.3 Permission refused on site to south-west of appeal site for demolition of single storey extension to side and provision of a 2-storey end of terrace dwelling to side and new entrance driveway for existing house at 82 Old Malahide Road.
- 3.4 It was stated under the reason for refusal that *“the proposed development would be substandard as a rear garden area of 54 sq.m. only would be provided to the proposed house...”*.
- 3.5 Permission was then granted under Reg. Ref: 5537/05 for the demolition of the existing single storey extension and garage and the construction of a 2-storey detached 2-bedroom house to the side of the existing house with new vehicular entrances to the existing and proposed houses, (original vehicular entrance to be closed up), together with associated site works.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- 4.1.1 Under the assessment of the application, it is noted that the Development Plan sets out criteria that must be taken into consideration for mews developments, such as compatibility of design and scale with the pertaining pattern of development, impact on residential amenities, open space standards, landscaping and maintenance of building lines.
- 4.1.2 In terms of open space, the proposed dwellings will be in accordance with Development Plan guidelines which require a minimum of 15 sq.m. of private open space per bedspace. However, Houses B & C do not meet the requirement that rear open spaces to mews dwellings should have a minimum length of 7.5m for the entire width. It is considered that the restrictive nature of these open spaces will have a detrimental impact on future occupants.
- 4.1.3 The Case Planner also has concerns regarding the separation distances between the proposed and existing houses. It is stated that the proposed separation distance to House A is substandard but that the rear of Houses

B & C have 1st floor windows that do not directly overlook the rear gardens of No's. 68 – 70.

- 4.1.4 The proposal for three dwellings is seen by the Case Planner to be overdevelopment that would have an overbearing impact and would encroach on existing property. As a result, the proposed gardens would not preserve the amenity of future residents and would demonstrate a substandard form of private open space provision.
- 4.1.5 Finally, it is noted that the side facing windows to bedroom 2 in Houses B & C are relatively small and would unlikely provide a quality residential environment for future occupants.

4.2 Planning Authority Decision

- 4.2.1 The Council issued notification of decision to refuse permission for the proposed development for two reasons. Under the first reason, it is stated that the proposed development would encroach excessively on neighbouring houses to the rear and would have an overbearing impact on no's. 67, 68, 69 and 70. This is considered to be overdevelopment that would be incompatible with the established character of the area.
- 4.2.2 It is considered under the second reason for refusal that the rear private open spaces to Houses B & C are insufficient to meet Development Plan standards for mews dwellings.

5.0 GROUNDS OF APPEAL

- 5.1 A first party appeal against the Council's decision has been submitted on behalf of the applicant. The grounds of appeal and main points raised in this submission are summarised as follows:
- Proposed development should not be assessed as backland or mews development – site is an under-utilised infill site that has the benefit of road frontage.
 - Site has the benefit of existing infrastructure including roads, environmental services, public transport and proximity of a neighbourhood centre and Key District Centre. Site is also within 1.6km of three Dart stations.
 - Each of the three dwellings comply with the development standards set out in the Development Plan.

- Policy QH6 seeks “to promote the development of underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.”
- National Spatial Strategy advocates the physical consolidation of Dublin, supported by effective land use and transportation policies – this necessitates the physical development of all vacant, derelict and underused lands, with focus on areas close to public transport.
- Throughout the Development Plan there is a strong policy emphasis on the need to gain maximum benefit from existing infrastructure and the consolidation of the city by way of infill and brownfield developments. Proposal is in alignment to the core strategy of the Development Plan.
- Proposal would provide a mix of type and size of dwelling with alternative tenure and would be in compliance with Section 17.3 of the Development Plan relating to varied typology of residential units.
- Departmental reports have no objection to the proposed development and would endorse the applicant’s view that the proposal is in accordance with the proper planning and sustainable development of the area.

6.1 Planning Authority response

6.1.1 No response.

6.2 Observations

6.2.1 There are a total of 8 no. observations on the appeal. The main points raised in these submissions, avoiding repetition, are summarised as follows:

J & J Stephen and others, 65 Brookville Park

- Proposed development would encroach excessively on No’s. 67, 68, 69 and 70 Brookville Park and No. 82A Old Malahide Road.
- Observers were told by the Council that drainage would not be able to sustain any more houses being built after No. 82A – there have been major issues with waste backing up.

- Driveways for proposed properties are at an entrance to Cadburys, which has large containers entering and exiting all day and evening – overdevelopment will cause serious congestion and even more hazardous conditions for vehicles trying to access Brookville Park.
- Proposal will give the appearance that No. 82A has no space around it and will block a considerable amount of light to this property.

Mondelez International, Malahide Road, Coolock

- Mondelez factory operates 7 days a week and involves considerable traffic movements that cause congestion on this access road.
- Proposed units are directly opposite the entrance to the site and they would be subject to headlights shining into windows at shift changeovers during darkness. They would also be subjected to traffic noise.
- Area opposite entrance to factory is marked with double yellow lines to prevent parked vehicles impacting on the turning area available for commercial vehicles accessing the site.
- Increased traffic during construction and operational phases of the proposed development will lead to increased potential for accidents involving other road users.
- Visitor parking has not been considered for the proposed units.

Yvonne Stacey, 67 Brookville Park

- Up until recently the appeal site was in use as fully functioning gardens – site is not a derelict/ vacant site or an under-utilised infill site.
- Length of gardens decrease to the north-east and proposed houses will be squashed into the space. Backs gardens have been reduced to a smaller size than the rest of the properties along this row.
- Proposed house will have two upstairs windows directly looking into observer's garden – separation distances are inadequate.
- Observer would be living in constant darkness in winter months.

- Appellant is using the Development Plan in the wrong context – mix of dwelling types relates to new housing estates.
- Sewerage in the area has blocked 10 times since 6th November 2015.
- Parking is still a huge issue especially with the Cadbury/ Mondelez factory entrance opposite.
- The majority of residents (21 out of 23) are against the proposed development.

Liam & Geraldine Kessie, 70 Brookville Park

- Observer's light and privacy will be completely gone – proposed development will encroach excessively on neighbouring dwellings.

Thomas Armstrong, 76 Old Malahide Road

- Proposed development would overshadow all houses to the rear.
- Entrances to the rear of 68-69 Brookville Park might encourage burglars to come into the back gardens of existing houses.
- Houses could attract anti-social behaviour.

Terence Flanagan TD and Cllr. Declan Flanagan

- Public representatives together with all the residents of Old Malahide Road, Brookville Park and crescent fully agree with the Council's decision to refuse permission.

Pauline & Michael Flanagan, 74 Old Malahide Road

- Similar points raised in this submission.

Ivan Chase, 66 Brookville Park

- Proposed drainage already serves 6 residential units and 1 commercial premises – this is a combined foul and surface water system.
- Applicant does not have the permission of other houses to connect to this system and application does not comply with Building Regulations (ISBN-1-4064-2338-9 Part 1.3).
- No road markings.

- Development design is not in keeping with the area – existing dwellings have hip roofs and are in uniform line following the road.
- Use of water recovery systems, as included in the planning application, will not benefit the development – overflow will only be discharged into a drainage system which is already at capacity.

7.0 POLICY CONTEXT

7.1 Development Plan

7.2 Within the Dublin City Council Development Plan, 2011-2017, the appeal site is zoned Z1, where the objective is *“to protect, provide and improve residential amenity.”*

7.3 Development Standards for backland development, infill housing and mews dwellings are contained in Chapter 17. A number of standards are set out for mews dwellings that refer to typology, scale, design, setbacks, parking, boundaries, open space and separation distances.

7.4 Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities

7.4.1 Infill residential development is recognised in these Guidelines for its potential to accommodate increased residential densities. It is stated that *“in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”*

7.4.2 It is also noted that *“the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.”*

8.0 ASSESSMENT

8.1 In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Layout, design and space considerations;
- Access and parking;
- Drainage.

Development principle

- 8.2 The appeal site is zoned Z1 where it is the objective “to protect, provide and improve residential amenity.” The construction of a residential development of 3 no. dwellings would therefore be acceptable in principle subject to an assessment of the impact of the proposed development on the amenities of existing and future residents and compliance with other relevant Development Plan policies and objectives.
- 8.3 The proposal has been assessed by the Planning Authority as a mews development and whilst not located on a mews lane *per se*, I agree that the context is similar in that the properties back onto a separate road. There are certain criteria relevant to mews dwellings that would apply in this case (Section 17.9.14) and having regard to the characteristics of the site, I concur that it is appropriate to assess the proposal as a mews development.

Layout, design and space considerations

- 8.4 It is stated in Section 17.9.14 of the Development Plan that the amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The proposal would see the development of 3 no. dwellings within 2 no. existing gardens. It should be noted, however, that the width of no. 80, 82 and 82a Malahide Road immediately to the south-west of the site is approximately 22m when the adjoining rear boundaries of no’s 66 & 67 Brookville Park measure approximately 19.5m. The width of the appeal site is approximately 19m and the widths of the sites accommodating Houses A, B & C will be 5.36m, 6.535m and 7.3m respectively. The site areas will be 130.6 sq.m., 136.58 sq.m. and 141.1 sq.m. respectively. The site area of the dwelling permitted on the adjoining site to the south-west under Reg. Ref: 5537/05 is approximately 130 sq.m.
- 8.5 The proposed dwellings will be laid out in a stepped arrangement addressing Old Malahide Road. The building line of the existing dwellings to the south-west is determined by the curvature of the road and this pattern of development would be continued. The built

up area between Old Malahide Road and Brookville Park begins to taper to the north-east and this restricts the potential for dwellings to be constructed in rear gardens. Overall, I would have no objection to the proposed layout of the dwellings and with the pitched roof design, provided that there is sufficient internal and external space to comply with Development Plan requirements.

- 8.6 In general, the proposed dwellings are sufficiently sized internally to comply with Section 17.9 – Standards for Residential Accommodation. A standard of 15 sq.m. of private open space per dwelling is normally required and the dwellings have been presented as containing three bedspaces. I note, however, that there is potential for the larger bedroom to be subdivided into two rooms, thereby increasing the number of bedspaces to at least four. Furthermore, the residual open space serving no. 69 is shown on the site layout plan to be 62.5 sq.m. and I have scale this off the Proposed Site Plan to be approximately 52 sq.m.
- 8.7 It is stated in Section 17.9.14 of the Development Plan that there should be sufficient depth between the main dwelling and the mews building to ensure privacy. In this regard, private open space shall have a depth of at least 7.5m for the full width of the site and the distance between the opposing windows of the mews dwelling and the main house shall be 22m. In exceptional circumstances, the Development Plan allows for relaxation of the 15 sq.m. of private open space per bedspace standard provided the 7.5m depth is maintained. The 22m separation distance may also be relaxed if privacy is ensured.
- 8.8 The depth of the private open space to the rear of House C is c. 6m. House B has a garden depth of c. 5.8m for 3.8m of the 6m width of the site. The separation distance between the House C and the main dwelling is c. 12m. There are no rear facing first floor windows within Houses B & C; however, the side facing windows are considered by the Planning Authority to be relatively small. I also note that the first floor levels of Houses B & C would have poor levels of passive solar gain.
- 8.9 Overall, I would be in agreement that the proposed dwellings would have an overbearing impact having regard to their close proximity to surrounding properties. The proposal for 3 no. dwellings of this scale represents overdevelopment of the site and I consider that this would offer a poor level of amenity for future residents. There may, however, be scope for development of this site for 2 no. dwellings provided that all other relevant Development Plan standards are met. I would have no objection to the layout of the proposal or the design of the dwellings. I also agree with the applicant that the

provision of 2-bed units would help to improve the typology in the area. The floor areas of proposed units, however, are more appropriate suite to 3-bed units.

Access and parking

- 8.10 A single parking space is proposed to serve each dwelling with individual access onto Old Malahide Road. The road is now essentially a cul de sac and traffic volumes are generally low. There would be some increase at peak periods associated with shift changes at the factory opposite the site. However, I do not consider that the addition of accesses for 3 no. vehicles would add to traffic volumes on the road to an unacceptable degree.
- 8.11 It would appear that double yellow lines have been placed along the road outside the appeal site to allow for larger vehicles to safely access the factory site. These double lines may therefore need to remain in place to prevent residents parking across their own driveways.

Drainage

- 8.12 The applicant proposes to connect to an existing 6" foul sewer, which continues along the rear gardens of existing properties on Brookville Park. Residents have complained that this drain frequently gets blocked and they are opposed to any new dwelling connecting to same that might exacerbate the problem.
- 8.13 I note comments from the Engineering Department that the developer must comply with the relevant Building Regulations, obtain permission from all owners and satisfy themselves to the adequacy of any connection to a private drainage system. It is stated that the nearest public system is approximately 100m distant and if the applicant cannot obtain permission from owners of the private system, a new connection to the public system must be made.

Appropriate Assessment

- 8.14 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an suburban and fully serviced location, no appropriate assessment issues arise

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.1 It is considered that the proposed development should be refused for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the scale and proximity of the proposed dwellings to existing properties, and to the inadequate quantity and quality of existing and proposed private open spaces, it is considered that the proposed development would represent overdevelopment of a restricted site and would seriously injure the residential amenities of the area by reason of its overbearing effect on adjoining dwellings. The proposed development would, therefore, set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector
Date: 24th February 2016