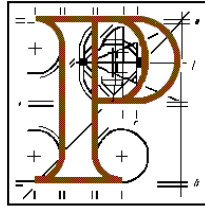


# An Bord Pleanála



## Inspector's Report

**PL 29S.245890**

### Development

House and associated site works.

East side of no.2 Temple Road, Dartry, Dublin 6

### Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3712/15

Applicant: Mr and Mrs Paul White

Type of Application: Planning permission.

Planning Authority Decision: Refuse permission.

### Planning Appeal

Appellant(s): Mr and Mrs Paul White

Type of Appeal: First v refusal

Observers: Three

Date of Site Inspection: 11<sup>th</sup> February 2016

**Inspector:** Karla Mc Bride.

## **1.0 INTRODUCTION**

### **1.1 Site and location**

The appeal site is located in the suburban residential area of Dartry on the south side of Dublin City. The surrounding area is characterised by a mix of 2-storey detached and semi-detached houses. The appeal site comprises the side garden of an existing 2-storey detached house located on the corner of Temple Road and Dartry Road. Photographs and maps in Appendix 1 describe the site and location in some detail.

### **1.2 Proposed Development**

Planning permission is being sought to construct a 2-storey over basement house in the side garden of an existing house:

- The house would be c.10.5m wide, 9.5m deep and 8.5m high with 3m deep basement.
- New c.4.2m wide vehicular entrance off Temple Road.
- Two of street car parking spaces.
- All associated site works.

***Accompanying documents:*** Site drainage report

### **1.3 Planning Authority's Decision**

The Planning Authority decided to refuse planning permission 1 reason related to:

The pattern of development in the area, inadequate private open space, overdevelopment by reason of its size and siting within a small housing plot close to neighbouring houses, out of character with the pattern of development in the area; obtrusive and dominant from within neighbouring residential property to the S and W; seriously injure the amenities of properties in the vicinity and the residential amenities of the future occupants of the house.

This decision reflects the report of the City Planning Officer.

***The Transportation Department*** had no objection subject to conditions.

***The Drainage Department*** had no objection subject to conditions.

***Prescribed Bodies:*** Not circulated

**Public submissions:** Three letters of objection raised concerns in relation to similarity to previously refused house on the site.

**Pre-planning:** Issues discussed included the building line, private open space, proximity to neighbouring boundary, overlooking and drainage.

#### **1.4 Planning history**

**Reg.Ref.:2923/14** – Permission refused by ABP for a house on the subject site for one reason related to inadequate private open space, overdevelopment, over dominant and out of character with the area.

## **2.0 DEVELOPMENT PLAN**

**Zoning objective:** The site is located within an area zoned with the objective “Z1 in the Dublin City Development Plan2011-2017which seeks “To protect, provide and improve residential amenities.”

**Corner/Side Garden Sites:** Section 17.9.6 states that the development of a house in the side garden of an existing dwelling will generally be allowed on suitable large sites subject to the following criteria:

- The character of the street.
- Compatibility of design and scale with adjoining dwellings.
- Impact on the residential amenities of adjoining sites.
- Open space and refuse standards for existing and proposed dwellings.
- Appropriate car parking facilities, and safe access and egress.
- The provision of appropriate landscaping and boundary treatments.
- The maintenance of the front and side building lines where appropriate.

#### **Development standards:**

*Private Open Space:* 15 sq.m. per bedspace.

*Separation distances:* 22m between directly opposing rear first floor windows.

*Rear garden depth:* 11m normally required.

*Car parking:* 2 off street spaces normally required.

#### **Heritage:**

*Protected Structures:* None in the vicinity

*Architectural Conservation Areas:* None in the vicinity

*Natural Heritage Areas:* None in the vicinity or directly connected to the site.

*European sites:* None in the vicinity or directly connected to the site.

### 3.0 APPEAL

#### 3.1 First Party appeal

Kiaran O'Malley + Co. Ltd submitted an appeal on behalf of the First Party:

- The existing house is centrally positioned on a large corner site with large side and rear gardens and there is sufficient space to accommodate a second house.
- Permission was refused for a house under 244612 for the following reasons and the current proposal takes account of these concerns:
  - Limited amount of private open space.
  - Size and siting within a small plot close to neighbouring houses.
  - Overdevelopment.
  - Visually obtrusive and dominant from within neighbouring residential properties to the S and W.
  - The Board considered that a wider site along with relocation away from the S boundary might have been appropriate.
- Drawing submitted which show the previous and current proposals and illustrate the layout differences:
  - The modified plot is now 600mm wider at Temple Road and the rear garden of no.2 is larger, and the conservatory is retained.
  - The ground level rear façade is further set back from the S boundary with no.42C, the W corner is c.6.6m and the E corner is c.4.25m from the boundary; the proposed rear garden is deeper; and the separation with existing houses is greater.
  - The first floor level, the house is 4.25m to c.6.6 from the boundary with no.2.
  - Overall the plot size and first floor has been reduced whilst the basement, ground floor and total floor area has increased.
- Complies with Development Plan zoning and other objectives, there is a mix of house types in the area, no impact on the residential amenities of neighbouring houses, sufficient private open spaces and off street car parking provided and building lines are maintained.

### **3.2 Planning Authority response**

The Planning Authority response raised no new issues.

### **3.3 Prescribed Bodies**

Not circulated to any of the Prescribed Bodies.

### **3.4 Observers**

Three letters of observation received from the following neighbours who raised collective concerns which are summarised below.

- Mr Weir of no.42C Dartry Road.
- Mr. James Kenny of no.4 Temple Road.
- Mr Peter Hanly of no.43 Dartry Road.
  - No substantial changes in this proposed house when compared to the previously refused application.
  - Adverse impacts on residential amenity on the existing and neighbouring houses by way of overlooking, overshadowing and visual intrusion.
  - Congestion and overdevelopment of a site that is not acceptable in principle for infill housing.
  - Inadequate separation distances with neighbouring houses.
  - Re-opened and widened vehicular entrance on to Temple Road would be visually obtrusive.

## **4.0 REVIEW OF ISSUES AND ASSESSMENT**

The main issues arising in this case are:

1. Compatibility with zoning objectives
2. Design and layout
3. Residential amenity
4. Vehicular access and car parking
5. Other issues

### **4.1 Compatibility with zoning objectives**

The proposed development would be located within an area zoned “Z1” for residential use in the current Development Plan and the proposed development is compatible in principle with this objective.

### **4.2 Design and layout**

The surrounding area is characterised by a mix of house types of various ages and designs and the site is located opposite Trinity Halls. The proposed house would be located on the E side of an existing detached 2-storey house that occupies a corner site on the junction of Temple Road and Dartry Road. The proposed 2-storey detached house would have a contemporary design with rendered external finishes and triple glazed windows.

The proposed house would front on to Temple Road. The c.3.5m wide E section would respect the established building line to the E along Temple Road whilst the c.6.5m wide W section would extend c.2.00m to 2.5m beyond it. The existing house at no.2 occupies a corner site and the side elevation is located at an angle to Temple Road. The c.6.5m wide W section of the proposed house would extend beyond the side elevation of no.2 by between 0.5m and 4.5m. The proposed house would not respect the established building line and it would therefore be out of character with the prevailing pattern of development in the area.

The proposed house would be c.10.5m wide, 9.5m deep and 8.5m high with 3m deep basement and the SW corner would be curved at ground level. The house would be set back c.7m from the N site boundary with Temple Road; between 1m and 5m from the site boundary with the existing house at no.2; c.1.5m from the E site boundary with no.4 Temple Road; and between 4.2m and 6.8m from the site boundary with no.42C Dartry Road to the S. The SW section of the first floor would have a slightly greater separation with the S site boundary with no.42C as the curved corner would be omitted.

The basement would contain a bedroom and cinema which would be lit by windows fronting onto an excavated light well, the ground floor would contain the main living accommodation whilst the first floor would contain a second bedroom, study and bathroom and the rear garden would be c. 54sq.m.

### **4.3 Residential amenity**

#### ***Proposed house:***

The dimensions of the proposed house are set out in section 4.2 above. The house would provide for an acceptable level of residential amenity in accordance with Development Plan requirements in relation to floor area, room sizes and storage. However the basement bedroom would receive natural light from a north facing excavated light well which is not ideal and the c. 54sq.m rear garden would fall below the minimum 60sq.m. required for a 2-bedroom house with 4 bedspaces which is unacceptable.

#### ***Relationship to existing house at no.2 Temple Road:***

The dimensions of the proposed house are set out in section 4.2 above. The proposed house would be set back between c.1m and 5m from the site boundary of the existing 2-storey house dwelling to the W. It would be set back c. 2m from the single storey conservatory and between 5m and 11m from the main rear elevation of the house. The proposed house would be located substantially forward of the existing house, it would not have any windows at first floor level in the S or SW elevations and it would not overshadow or overlook the existing house to any significant extent although it would be visually dominant

#### ***Relationship to no. 4 Temple Road:***

The dimensions of the proposed house are set out in section 4.2 above. The proposed house would be set back c.1.5m and c.2m from the site boundary and side elevation of the neighbouring 2-storey house which does not contain windows to any habitable rooms, and it would extend marginally beyond the rear building line. The proposed house would not adversely affect the residential amenities of the neighbouring house by way of overlooking, overshadowing, loss of privacy or visual intrusion.

#### ***Relationship to no.42C Dartry Road:***

The dimensions of the proposed house are set out in section 4.2 above. The proposed house would be set back between c.4.2m and c.7m from the site boundary with the rear garden of the neighbouring 2-storey house to the SW. The neighbouring rear garden would not be overshadowed having regard to the orientation of the proposed house to the N of no.42C. The proposed 2-

storey rear elevations would be set back c.11m and c.13m from the rear N corner of the neighbouring house which would not be overshadowed having regard to the juxtaposition of the two houses and the orientation of the proposed house to the N of the neighbouring house. The absence of windows to habitable rooms in the proposed first floor rear elevations would ensure that the neighbouring house and garden would not be overlooked. The proposed house would not adversely affect the residential amenities of the neighbouring house by way of overlooking, overshadowing or loss of privacy although it would be visually dominant.

#### ***Comparison with previous proposal:***

Planning permission was previously refused by the Board under PL29S.244617 for a 2-storey detached house on the site for one reason related to inadequate private open space, overdevelopment, over dominance and out of character with the area. The Applicant has attempted to address these concerns in the current application. However the proposed development would continue to provide for a substandard level of private amenity space to serve future occupants and it would be infringe the established building line along Temple Road. It would therefore constitute an overdevelopment of a small side garden site and it would be out of character with the pattern of development in the surrounding area.

#### **4.4 Vehicular access and car parking**

The proposed vehicular access arrangements via a re-opened and widened entrance off Temple Road would be acceptable. The entrance would not give rise to a traffic hazard or endanger the safety of other road users and it would not adversely affect the visual amenities of the area.

The provision of two off street car parking spaces complies with minimum Development Plan requirements.

#### **4.5 Other issues**

***Environmental services:*** The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the Council.

***Appropriate assessment:*** The proposed development would not have an adverse effect on any European Sites.

***Financial contribution:*** Standard conditions should be applied in accordance with the Council's Section 48 Scheme.

***Part V:*** The Part V Section 96 requirements in relation to the provision of social housing do not apply in this case.



## **5.0 RECOMMENDATION**

Arising from my assessment of the appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

### **REASONS AND CONSIDERATIONS**

Having regard to the pattern of development in the area and to the limited amount of private open space provided in the site, it is considered that the proposed dwelling house would, by reason of its size and siting within a small housing plot to the fore of the building line established by the neighbouring dwelling houses, represent over-development that would be out of character with the pattern of residential development in the surrounding suburban area. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity and the residential amenities of the future occupants of the house and would be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Inspector

12<sup>th</sup> February 2016