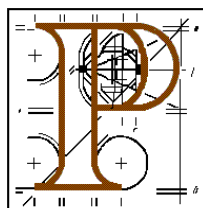


An Bord Pleanála



Inspectors Report

Development: Construction of house in rear garden site of 102 Glasnamana Road with separate access off Glasnamana Place at Tolka Valley Estate, Glasnevin, Dublin 11.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref. 3811/15
Applicant: Veronica & Seamus Deasy
Type of Application: Permission
Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Veronica & Seamus Deasy
Observers: Yvonne Reilly, 105 Tolka Estate
Emma and Joseph Sullivan 49 Redwood Hollystown, D15
Patrick and Rita Hanlon 104 Tolka Estate
Type of Appeal: First Party
Date of Site Inspection: 21/03/16
Inspector: Suzanne Kehely

1.0.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The subject site forms part of the original rear garden of a corner site house at the junction of Glasnamana Road and Glasnamana Place in the established Tolka Valley Estate in Glasnevin, north of Dublin City.
- 1.0.2 The estate dates from the 1940s and comprises a fairly ordered geometric and symmetrical layout with narrow deep plots centred around a mature green square. The houses are two-storey double fronted and are laid out in terraces with each terrace of five dwellings bookended by the narrow gabled end of the dwelling fronting the road.
- 1.0.3 In this case, with the site of 102 being an end of terrace, it has its narrow gable frontage onto Glasnamana Road but the front door is in the Glasnamana Place frontage. The site of 102 extends 45m deep and has a width of at least 13m which is much wider than the c.7.5m typical plots. There is a vehicular entrance on the side road and there appears to have been a demolished garage accessed from this side.
- 1.0.4 No 101 on the opposite corner has a similar original layout and a single storey dwelling has been constructed in the rear garden facing the subject the site on the opposite side of Glasnamana Place
- 1.0.5 Griffith Parade at the other end of Glasnamana Place features different house styles.
- 1.0.6 The site is adjoined to the rear by an access lane. The house at no. 3 Glasnamana Place is 41m from the existing dwelling at 102.
- 1.0.7 The subject site of 309 sq.m. comprises the distinctly raised garden area of the original site and has frontage of 22.5m. There is a bus stop in the public footpath fronting the site.
- 1.0.8 Photographs in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

- 2.0.1 Permission was sought for construction of a 123 sq.m. two-storey house with gabled pitch roof featuring:
- Ridge height at 7.4m
 - Eaves at 3.48m to rear
 - Eaves at 3.23m to front.
 - Gable projection to ridge height in front elevation
 - Pair of hipped dormers in front elevation

2.0.2 Total site area is 309sq.m. with site coverage of 26.1%. This provides for 75 sq.m. of private open space to the south side and 87 sq.m. will remain to the side to serve the existing original dwelling at no.102.

2.0.3 The application was accompanied by a certificate of exemption from Part V housing.

3.0.0 PLANNING HISTORY

3.0.1 DCC Reg. Ref. **4039/99** Permission granted for a single storey dwelling to rear of 101. (This was constructed)

4.0.0 PLANNING AUTHORITY DECISION

4.1.0 Planning and Technical Reports

4.1.1 **Drainage Division Engineering Dept:** No objection subject to developer complying with the Dublin Regional Code of Practice for Drainage Works. Verification of drainage layout, incorporation of Sustainable Drainage System, Flood risk impact assessment and all private drains drain fittings such as downpipes, gullies, manholes, Armstrong junctions etc. to be located within the final site boundary. Private drains should not pass through property they do not serve.

4.1.2 **Roads and Traffic Division:** No objection subject to conditions relating to kerbing and dishing of footpath and general compliance with building standards.

4.1.3 **Planning Report:** Development plan policies QH18 ad 19 require compliance with standards set out in section 17.9.1 and the need to reflect the character and scale of existing houses in the vent of new development. Detailed consideration in section 17.9.6 in respect of corner sites are set out. These relate to:

- character of street,
- compatibility of design and scale with adjoining dwellings, paying attention to building line (maintenance of front and side where appropriate), proportion, heights, parapet level and materials of adjoining buildings,
- Impact on residential amenities
- Open space standards, refuse storage ,
- car parking, landscaping and boundary treatment

4.1.4 The site can be considered as an infill site.

- 4.1.5 The breaking of building line is acceptable in view of new infill house opposite – although this is single storey.
- 4.1.6 Impact on neighbouring amenities is not considered a significant issue in view of separation distances and subject to condition relating to obscured glazing and fencing to mitigate potential overlooking. Car parking and open space provision are also proposed to an acceptable standard by reference to the current Development Plan guidance.
- 4.1.7 However the proposed house is of significantly different design compared to others in area, although the variety of finishes in the newer houses on the same stretch of road is acknowledged. The breach in building line in this context is not therefore acceptable.

4.2.0 Decision

- 4.2.1 By order dated 4/12/2015 a notification of intent to REFUSE permission was issued. The single reason for refusal stated:

Having regard to the pattern and design of development in the area it is considered that the proposed dormer dwelling by reason of its design and location would be out of keeping with adjoining properties and would therefore be visually prominent and visually obtrusive in the streetscape. The proposed development would seriously injure the amenities of the area and property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5.0.0 GROUNDS OF APPEAL

- 5.0.1 The first party appellant notes that the only issue relates to the design treatment and has submitted revised design treatment which omits the dormer winds and gable projection in the front elevation and effectively the streamlines the profile. It is submitted that is not out of character and is not visually prominent or visually obstructive in the streetscape.
- 5.0.2 The dormer proposal is defended on the basis of the pre-application meeting and the acceptability in principle of such treatment.

6.0.0 RESPONSES

6.1.0 Planning Authority Response

- 6.1.1 No reference to planning report or comment on appeal.

6.2.0 Observations

6.2.1 There are three similar observations on this appeal which amount to objections for the following reasons:

- Principle: loss of green space,
- Out of character – different design to existing houses in relation to front door and setback from footpath
- should be single storey to match opposite.
- Overlooking e.g. from roof lights
- Overshadowing of gardens
- Traffic hazard
- The need for new public notices in light of revised design submission on appeal.

7.0.0 POLICY CONTEXT

7.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017

7.1.1 The subject site is zoned “Z1” in the Dublin city development plan, with the stated objective “to protect, provide for and improve residential amenities” (‘Z1’ – Sustainable Neighbourhood Residential Zoning).

7.1.2 Chapter 11 sets out the framework for quality housing in a compact city. QH18 and 19 refer to the requirement for quality accommodation. Section 17.9.6 sets out detailed criteria in respect of development of corner sites.

8.0.0 ASSESSMENT

8.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of Development having regard to Location, Visual Impact, Impact of Residential Amenity and Traffic Hazard
- Public notices
- Appropriate Assessment

8.1.0 Principle of the Development

8.1.1 The proposed development refers to the construction of a two-storey dwelling house on a site of 309 sq.m. and measuring 22.5 along the

road frontage and 13.5m deep. I note the planning authority's opinion that that this is an acceptable infill site in principle. I also note the construction of a dwelling house on the opposite side of the road on a similarly configured site. I also note the gable end of property I the mirror road to the south and its relationship with corner houses on the Glasmeen Road facing no 102. Having regard to the pattern of development in the area and the size and configuration of the site I consider the development of dwelling in house on this site to be acceptable in principle in an area zoned to protect, improve and provide for residential amenity.

8.1.2 Having regard to the ordered layout and design of the original estate of which the site forms a part I consider the decision of the planning authority in respect of incongruity of design to be reasonable. I concur that the proposed roof profile by virtue of deviances from pitch, eaves height, gable projection and incorporation of two dormer windows at a point significantly forward of the building line and in a prominent location in the Tolka Estate would be obtrusive and injurious to visual amenity.

8.1.3 In response to the reason for refusal the applicant has submitted a revised roof profile and has effectively remodelled the dwelling but has substantially retained the overall scale of development and location of windows. By way of comparison with the original plans submitted to the planning authority and revised plans submitted to the Board on appeal I note the following comparisons and revisions.

- The ground floor is the same in terms of layout and windows
- The ridge height is the same at 7.4m
- The rooflights are in the same location although the pitch has altered to a more shallow pitch.
- The bedroom and bathroom floor layout remains the same except the eaves are raised, thereby removing the need for dormer windows. As a consequence the floor area has been marginally increased
- The eaves height at the rear at ground level has been lowered from 3.481 to 2.595m.
- A first floor eaves has been introduced at 5.22m which are set back about 1.1m from the ground level eaves.

8.1.4 While the revisions are submitted to address the planning authority concerns, I do not consider the remodelling to sufficiently address the issue of incongruity. In this context I refer the Board to the development plan guidance for infill sites: 'In all cases where

permitted infill housing should have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings'. In this case the roof pitch appears significantly shallow. The depth of the house at first floor level at around 6.5m compromises a match of profile which I consider to be critical in this case due to the prominent siting of the dwelling and the ordered styling and layout of the estate. Accordingly I consider it would be appropriate to restrict the depth of the house to that of the original dwelling i.e not more than 5.2m at first floor level in order to permit a more accurate matching of pitches and roof profile.

8.1.5 The proposed rooflight windows in the rear slope rear will not cause overlooking of the adjacent properties. The obscuring of glazing will address potential overlooking from the bathroom window.

8.1.6 Standard boundary treatment will address potential overlooking at ground level the applicant proposed a mix of boundary treatments reflecting the existing established hedge and rendered finishes in the area. A 2m high wall is proposed between the existing and new house on the site which is acceptable. Internally within the site, a timber fence is proposed to screen the rear garden from the front. A new boundary wall is proposed along the northern boundary with the access lane. The hedging is to be retained along the eastern boundary with 103. I would have some concerns about the ability to fully screen the proposed dwelling. While note new hedging is also proposed I consider a condition to permanently retain 1.8m screening would be appropriate.

8.1.7 With respect to concerns about traffic hazard, I note the satisfaction of the Roads and Traffic Division and also the road layout, extremely low traffic volumes and on-street parking together with the extensive site frontage and ability to comply with the provisions of the Development Plan as set out in Appendix 8. A 3.4m wide entrance is adequate and acceptable. I do not consider an objection on grounds of traffic hazard can be sustained.

8.1.8 The proposed development is considered acceptable in principle subject to modification of the first floor and roof profile. In these terms, the proposed development will not injure the residential amenities of the subject or surrounding dwellings and is in accordance with the proper planning and sustainable development of the area.

8.2.0 Public notices

8.2.1 I do not consider the revision and roof remodelling to amount to a material change in proposed plans or to warrant a further publication

of notices as I do not consider third party rights to be unduly compromised. In any event the further remodelling of the roof as referred to in my above assessment would ensure that the development *sits well within the four walls* of the original development proposed.

8.3.0 Appropriate Assessment

8.3.1 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 considered that 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.

9.0.0 RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 - 2017, the planning history on the subject and adjoining sites and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

10.0.0 REASONS AND CONSIDERATIONS

10.1.0 Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the plans submitted to the An Bord Pleanála on 7th January 2016 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 first floor shall be reduced in depth to an external depth of 5.2m and the roof shall be revised to match the original roof profile (in terms of pitch, eaves and ridge height) of the existing house at no. 102 Glasnamana Road. The reduction in house depth shall correspondingly increase the separation distance from the east boundary at first floor level. Revised drawings shall be submitted for the written agreement of the planning authority prior to commencement of development on site.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

4. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

- 5 The eastern boundary shall be provided with permanent screening to 1.8m in height. Details shall be submitted for written agreement of the planning authority.

Reason: In the interests of residential and visual amenity.

- 6 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.

7. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling and In the interest of the amenities of the area.

- 9 The window on the southern elevation at first floor level shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

- 10 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.

Suzanne Kehely
Senior Planning Inspector
24/03/16