

An Bord Pleanála



Inspector's Report

Appeal Reference No:

PL06F.246305

Development:

Demolition of sun lounge to rear garden, construction of a house to side with ancillary works and new access at 4 Drynam Road Swords, Co. Dublin

Planning Application

Planning Authority:

Fingal County Council

Planning Authority Reg. Ref.:

F15A/0596

Applicant:

Chris Reilly

Planning Authority Decision:

Refuse

Planning Appeal

Appellant(s):

Chris Reilly

Type of Appeal:

1st Party

Observers:

1. Vincent Byrne & Chris Mc Guinness

Date of Site Inspection:

12.05.2016

Inspector:

Fiona Fair

1.0 SITE LOCATION AND DESCRIPTION

The subject appeal site (0.032ha) is located at 4 Drynam Road, approx. 1 Km to the east of Swords town centre, in north County Dublin and approx. 0.5km to the west of the M1 Motorway. The Drynam road provides a link between the R132 and Feltrim.

The appeal site is a corner site, located at the junction of Drynam Road (to the north) and a short residential cul de sac (to the east). The area is characterised by a mix of house types. Detached two storey houses of similar design are located to the west of the appeal site. The 5 no. houses on the cul de sac to the south of the appeal site are also detached. No 5 Drynam Road shares the southern party boundary with the subject appeal site. This dwelling faces east onto the cul de sac.

The site is formed by the entire plot of No. 4 Drynam Road which contains a two storey detached four bedroom dwelling (stated GFA 118 sq. m).

2.0 PROPOSED DEVELOPMENT

Planning Permission is sought for:

- Demolition of sun lounge to rear garden
- Construction of a new semi-detached two storey, 3 bedroom house to side,
- New vehicular access
- Ancillary works.

The site area is stated as 0.032 ha

The GFA of the existing building is stated as 118 sq. m

The GFA of demolition works is stated as 15 sq. m

The GFA of the proposed works is stated as 84 sq. m

Application accompanied with:

- A Planning Report

3.0 PLANNING HISTORY

None

4.0 PLANNING AUTHORITY DECISION

Fingal County Council Refused Planning Permission for 3 no. reasons: Summarised as follows:

1. Unacceptable break in the building line with the property to the south, limited separation from adjoining properties to the south, over development of a restricted site.
2. Design of the dwelling would appear visually incongruous.
3. Restricted rear garden depth and proximity to boundaries would afford limited amenity value to future residents and would seriously injure the residential amenities of future residents.

4.1 Planning and technical reports

The Planners report reflects the draft decision to refuse planning permission. It is considered that the proposed development is not acceptable through the breaking of an established building line, significant detrimental impact on neighbouring properties through overbearing and through loss of daylight. Would set an undesirable precedent.

Water Services Department: Report indicates no objection subject to condition.

Transportation Department: Report recommends no objection subject to condition.

Irish Water: Report recommends further information.

4.2 Objections/Submissions

Submissions were received by the planning authority and the issues raised are summarised as follows:

- Breaking of established building line
- Loss of daylight to an existing house
- Inadequate separation distances between the proposed house and existing houses
- Poor quality private amenity space for the proposed house
- Limited car parking in the area
- Flooding concern

5.0 GROUNDS OF APPEAL

A first party appeal has been lodged by JEA Joseph English Architecture. The grounds of appeal are summarised as follows:

- The proposed house design uses a lower ridge height to clearly define it as a new house
- In keeping with Objective RD11 which promotes the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area
- The windows to the first floor bedroom to the rear of the proposed house have been designed so they overlook the road only
- The house has been designed so that it does not overlook the front garden of the dwelling to the rear / south
- Query why the p.a. consider a blank first floor rear wall is unacceptable – not substantiated by policy.
- Currently there is a hedge to the southern boundary of 4 Drynam Road which gives privacy to the rear garden. A wall up to 1.8m in height could be constructed, without requirement for planning permission, due to it being a rear garden wall.
- The house will not give rise to overlooking due to design proposed.

- The building line is unclear and meanders along the cul de sac to the south therefore the proposed dwelling does not break an existing building line
- Due to the location of the dwelling to the side of an existing house to the north of the neighbouring house on the cul de sac behind, any shadows would fall to the north, only.
- The neighbouring house will never be overshadowed by the proposed house
- The new dwelling is proposed to have a new access from the cul de sac road to the east of the existing house / proposed new house.
- Each dwelling will have its own access. The vehicular access to the front onto Drynam Road will remain unchanged.
- The proposed house will connect to the existing water mains, waste water and surface water mains at Drynam Road.
- Proposal will not give rise to flooding
- The proposal represents a model development of an underutilised appropriately zoned site
- The size, design and layout will add variety to the area
- The proposal meets standards in terms of private open space, room sizes and complies with all requirements and standards as set out in the residential development section of the Fingal County Development plan 2011 – 2017.
- Appeal accompanied with:
 - Shadow Analysis

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

Response is summarised as follows:

- The depth of rear garden is unacceptable
- Over development of the site
- Proposal will have a negative impact upon the residential amenity of the area – regard is had to Objective RD09

- The planning authority consider that the blank first floor rear elevation demonstrates a poor architectural response to overcoming the constraints of this site. Such a solution may be acceptable in other circumstances but not in an established area.
- A boundary wall of 2 m could be built without planning permission. However, the wall forms part of this application and combined with the proposed house it would have a negative impact on the amenity of those living on the cul de sac.
- It is accepted that the building line is staggered but it does not extend beyond a certain point. Good architectural design has allowed for a staggered building line but with a sense of order.
- The proposed development will seriously impact and erode the established building line.
- Overshadowing is not foreseen as an issue given the orientation of the proposed house. However, daylight will be lost through the close proximity of the proposed house to the existing units on the cul de sac to it's rear.

6.2 Observations on grounds of appeal

An Observation was received from Peter P. Gillett & Associates on behalf of Vincent Byrne and Chris McGuinness. It is summarised as follows:

- Overdevelopment
- Adverse impact upon residential amenity of adjoining properties, due to significant breach of the established building line, incongruous visual appearance, overbearing, aspect when viewed from No. 5 and loss of daylight to No. 5 Drynam Road (dwelling to the rear)
- Orientation of the dwellings to the rear on cul de sac, faces the rear of the proposed dwelling – unsightly.
- Location and design of the dwelling is visually incongruous

- Substandard rear garden depth – garden will be of limited amenity value to future residents.
- The short rear garden proposed and separation to no. 5 Drynam Road immediately to the rear will exacerbate this effect in visual and perception terms.
- Daylight to No. 5 Drynam Road will be affected due to the close proximity of a large and high structure as proposed.
- The existing foul drainage system serving the houses at this location is at capacity
- The site is subject to periodic flooding
- Should the Board consider a grant of planning permission, request that a condition be imposed prohibiting any windows at first floor level to the rear of the house

7.0 POLICY CONTEXT

The current statutory Development Plan for the area is the Fingal County Development Plan 2011 – 2017.

The site is zoned 'RS', with the objective: *'provide for residential development and protect and improve residential amenity'*.

The relevant sections of the Fingal County Development Plan as they apply to this development are as follows;

Objective OS35: Overlooking, seeks adequate private open space for each proposed dwelling, with a minimum standard of 22m separation between opposing first floor windows.

Objective OS38: Open Space Provision, seeks 60m² private open space behind the building line for 3 bedroom houses, or 75m² for 4 bedroom houses.

Objective OS39 states: *'Allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/corner sites. In no instance will the provision of less than 48 sq m of private open space be accepted per house'*.

8.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

8.1 Principle of the Proposed Development

8.2 Design, layout and visual amenity

8.3 Residential Amenity

8.4 Other Issues

8.1 Principle of the Proposed Development

The proposed development is located within an area zoned with the objective "RS" which seeks to *"Provide for residential development and protect and improve residential amenity"* in the in the Fingal County Development Plan 2011 – 2017. The proposed development, for a semidetached dwelling, is compatible in principle with this zoning objective, subject to compliance with development management criteria set out in the Fingal County Development Plan.

8.2 Design, layout and visual amenity

The existing host dwelling at No. 4 Drynam Road, the subject appeal site, is the last in a group of 5 similar detached houses facing Drynam Road. It is proposed to demolish a conservatory to the rear of the host dwelling and to split the site to provide for a semidetached dwelling in the side garden.

Essentially the proposed new dwelling would be constructed on the end of the row of houses, to create a pair of semi-detached houses at this location. The front of the dwelling has been designed to be in keeping with the adjoining host dwelling, with matching façade and materials. However the design incorporates a domineering blank wall at first floor level to the rear.

While the applicant submits that the dwelling has been specifically designed to address issues on site, I am of the opinion, in agreement with the planning authority, that the blank first floor rear elevation demonstrates a poor architectural response to overcoming the constraints (overlooking) of the site. It is my opinion that the blank first floor approximate to the front of the dwelling to the south (namely, No. 5 Drynam Road) would appear overbearing, domineering and incongruous, when view from the front of this dwelling and from the cul de sac generally and would thereby injure the visual amenities of the area.

Depth of Rear Garden and Private Open Space

It is acknowledged that the appeal site has a generous side garden. However, the depth of the rear garden is limited. It extends 7.0 – 7.9m to the rear of the existing dwelling. From observations made during my site inspection it is evident that the existing conservatory and garden sheds located to the rear of the dwelling take up almost all available space. Useable private open space associated with the host dwelling is located to the east side of the dwelling. I note that the applicant proposes to demolish the existing conservatory to the rear of the host dwelling in order to comply with (OS38) 60 sq. m private open space requirement. This is considered acceptable in principle.

The proposed depth of rear garden is only 5.0 – 7.0m with a width of 7m and taking into account an area of land to the side of the house, there will be 60 sq. m of private open space to serve the proposed dwelling. While I am of the opinion that it may be acceptable in certain circumstances to allow a reduced garden depth, provided an

adequate area of private open space is proposed, I would have concern in the subject instance. I agree with the planning authority that the development by reason of its restricted rear garden depth and proximity to site boundaries would afford limited amenity value to future residents and set an undesirable precedent.

The appeal site backs onto the front garden and the front of the adjoining dwelling No. 5 Drynam Road to the rear (south). I note that planning permission is sought in the current proposal for a 2m high boundary wall along the southern boundary with No. 5 Drynam Road. Given the layout on the ground and the proximity of this boundary to the front of No. 5 Drynam Road I am of the opinion that a 2m high wall at this location would give rise to overbearing and negatively impact on the outlook from the dwelling to the south of the appeal site. Contrary to the opinion of the first party and the planning authority a 2.0 m high block wall at this location would not be exempted development. Class 5, Schedule 2 Part 1 of the Exempted Development – General, as set out in the Planning and Development Regulations 2001, as amended, in respect of the construction of ‘...a wall of brick, stone, blocks...’, states: ‘*The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres*’. The southern boundary of the appeal site is clearly located to the front of the adjoining dwelling to the rear (No. 5 Drynam Road).

Building Line

The Council’s first reason for refusal specifies that having regard to the established pattern of development in the vicinity of the site, the proposed development would by reason of its location forward of the front building line of the property to the south and the limited separation from adjoining properties to the south would result in overdevelopment of this restricted site which would seriously injure the amenities of the adjoining property.

Regard being had to the first party’s submission that the proposed dwelling does not break an existing established building line, as the building line is unclear and

meanders along the cul de sac to the south. It is my opinion, in agreement with the planning authority that while it is accepted that the building line is, somewhat staggered, the proposed development would extend forward to such a significant extent that it would appear visually incongruous.

I agree with the planning authority, that having regard to the established pattern of development in the vicinity, the existing building lines on the cul-de-sac to the south of the appeal site and the proximity to site boundaries, it is considered that the provision of an additional dwelling at this location would constitute overdevelopment of this restricted site, would be visually obtrusive and would seriously injure the visual amenities of the area.

8.2 Residential Amenity

Overlooking, Overshadowing, Overbearing and Loss of Daylight

I accept and agree with the first party submission that neighbouring houses would not be overlooked or be overshadowed by the proposed house. In this regard I note the blank first floor rear elevation design and position of the proposed dwelling to the east side of an existing house and to the north of the neighbouring house. I agree that any shadows cast would fall to the north, only.

Given proximity and height of the structure to No. 5 Drynam Road I have concern with respect to loss of day light and overbearing impact. Cognisance is had to the proposal for a 2m high wall, which would be located directly to the front of the dwelling to the rear. I am of the opinion, the proposed development constitutes overdevelopment of a restricted plot. The proposal, if permitted, would be injurious to the amenities of surrounding properties and set an undesirable precedent for other similar future developments.

8.3 Other Issues

Drainage

The issue of flooding was raised by the appellants. However no evidence has been submitted to support the claim that the existing foul drainage system serving these houses is at capacity or that flooding is an issue on or adjoining the appeal site. The applicant proposes to connect to the existing public sewer. I did not witness any evidence of flooding at the time of my site visit. I note that the Water Services Department of the Council have been consulted on the proposal and have raised no objections, subject to conditions. Irish Water have requested further information with respect to layout drawings and connection details, only. The appeal site is not included as a site identified as a flood point or an area of flooding in the OPW National Flood Hazard Mapping for the area.

Based on the foregoing I do not recommend a refusal of planning permission based on inadequate foul drainage system or flooding related reasons and considerations.

Appropriate Assessment

The appeal site is not within or adjoining any Natura 2000 site.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and 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.

9.0 CONCLUSION AND RECOMMENDATIONS

I have read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising. I recommend that planning permission be Refused for the reasons and considerations outlined below.

10.0 REASONS AND CONSIDERATIONS

1. Having regard to the established pattern of development in the vicinity, the existing building lines on the cul-de-sac to the south of the appeal site and the proximity to site boundaries, it is considered that the provision of an additional dwelling at this location would constitute overdevelopment of this restricted site, would be visually obtrusive and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fiona Fair
Planning Inspector
26.05.2016