

An Bord Pleanála



Inspector's Report

PL 29S 246471

DEVELOPMENT: Relocation of existing vehicular access at Larkfield Gardens and associated works.
Construction of a two storey detached house with dormer windows.

LOCATION: Rear of Nos. 6 and 8 Larkfield Park and adjacent to 32 Larkfield Gardens. Harold's Cross, Dublin 6W.

PLANNING APPLICATION

Planning Authority: Dublin City Council.

P. A. Reg. Ref: 2106/16

Applicant: Paul Howard.

Decision: Refuse Permission.

APPEAL

First Party Appellant: Paul Howard.

Observers: Terry and Edurne Timmins,
Michael and Mary Lawless.

Inspector: Jane Dennehy.

Date of Inspection: 16th June, 2016.

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site which has a stated area of 250 square metres is formed from lands at the rear of Nos 6 and 8 Larkfield Park, two terraced two storey houses and has frontage which is circa thirteen metres in length on Larkfield Gardens to the south west. A bungalow, (an infill) is located to the north side and an end of terrace two storey house is located to the south side. There are sheds and storage containers within the space to the rear of No 6 including part of the site.
- 1.2 Larkfield originally built by the British Land Commission is an established residential area of modest sized two storey houses in terraces of four units with front and rear gardens. Many of these original houses have been extended, upgraded and altered to provide for off street parking. Some infill dwellings have been added over the past twenty years throughout the development.

2. THE PLANNING APPLICATION.

- 2.1 The application lodged with the planning authority indicates proposals for construction of a detached house which has a total stated floor area of 216 square metres with accommodation over three floors. According to the lodged plans;
- The second (attic) floor which has dormer windows to the front contains office, study and storage accommodation.
 - The first floor contains bedroom and bathroom accommodation
 - The ground floor contains kitchen, dining and living room accommodation.
- 2.2 Based on examination of the lodged plans, the footprint is 12.8 metres in width and eight metres in depth. The roof ridge height is 8.760 metres and eaves height is six metres with the half pitch at seven metres above ground level. Private open space to the rear has a total area of ninety square metres in area with a depth of circa 6.25 metres and width of 14.2 metres.
- 2.3 Vehicular access onto Larkfield Gardens is shown at the southern end of the frontage with a width of 3.5 metres and parking is to be provided at the front of the dwelling.

3. PLANNING HISTORY:

P. A. Reg. Ref. 2684/05: Permission was granted for a new vehicular access and boundary wall at the rear of No 6 Larkfield Park (the property to the north side in the applicant's ownership. The vehicular

access onto Larkfield Park was fenced off at the time of inspection. Condition No 4 attached contains the requirement that the front boundary and pedestrian be reinstated. These required works were not carried out. The planning authority has an enforcement file in relation to this matter. (E0015/16 refers.)

P. A. Reg. Ref. 3137/06: Permission was refused for a shed to the rear for reasons of serious injury to the residential amenities of the area.

4. THE PLANNING AUTHORITY DECISION.

4.1 **Technical Reports:** The reports of the Drainage Division and Roads and Traffic Planning Division indicate no objection subject to conditions.

4.2 **Third Parties:** over twenty objections were received by the planning authority in which the main issues raised are:

- excessive size and scale,
- incompatibility with the existing scale and character of development in the area,
- potential for creation of two dwelling units and, the failure of the applicant to comply with the requirement by condition of the prior grant of permission to reinstate the front boundary at No 6 Larkfield Park.

4.3 The planning officer, with reference to Policy QH 18 of the development plan on infill housing design states that the proposed dwelling has the appearance of two dwellings, is three times the size of the original houses in floor area, has a footprint that is twice the width and, introduces a new incompatible feature by way of the dormer windows to the front. He concludes that the established proportions, scale and materials of surrounding buildings have not been taken into account.

4.4 **Planning Authority Decision:** By order dated, 21st April, 2016, the planning authority decided to refuse permission on the basis of the reason reproduced below:

“The proposed development by reason of its design scale and bulk would be seriously out of character with the established pattern of residential property in the area, would represent a dominant and incongruous structure in this area and would subsequently set an undesirable precedent for similar development in the area. The proposed development therefore seriously injure the residential amenities of property in the vicinity, fail to comply with policies and requirements for new houses and the land use zoning objective to protect, provide and improve residential amenities as contained in the Dublin City

Development Plan, 2011-2017 and would be contrary to the proper planning and sustainable development of the area.”

5. THE APPEAL.

5.1 An appeal was received from Green Build Design on behalf of the applicant on 18th April 2016. The applicant is willing to modify the design according to the appeal by reducing the height and selecting materials that harmonise with the existing houses in the area.

5.2 An outline summary of the appeal grounds follows:

- There are many similar infill developments throughout the city that do not exactly match the design or character of existing development. The development does accord with relevant development plan objectives and standards which include Paras 17.9.1, 17.9.6, 17.9.7 and Objectives, QH1 QH2 QH18, QH19 and NC2.
- Infill developments of mixed character and design are at 25 Larkfield Gardens, 2A Larkfield Park, 46 Larkfield Park, 50 A Larkfield Park, 45A Larkfield Avenue, and at Aideen Place, Aideen Avenue, The Cloisters and at Kimmage Road Lower.
- The proposed dwelling is larger and wider than the typical seventy square metres of the existing dwellings and has a dormer height. The existing houses were built in a different (pre-World War 2) era Current day standards and requirements are different and there is a need for diversity to suit all housing needs.
- The applicant is willing to provide for obscure glazing to all upper floor rear windows, as has been provided for the house at N0 25A Larkfield Gardens.
- The geometry and alignment of the facades relates to the houses opposite the occupants of which have no objection.
- Dormer window are not common in Larkfield but are becoming increasingly common around the city and No 25A Larkfield Gardens has dormer windows. The applicant is willing to relocate the dormer windows to the rear of the dwelling.
- The dwelling is no larger than existing houses with regard to eaves and ridge heights, window sizes and proportions. Materials can be modified by condition if required. It reads as two dwellings in view from the street and compares favourably with existing housing stock taken as a semi-detached pair.

- There is a compelling case for overturning the decision of the planning authority and granting permission for a needed sustainable home which is a Dublin City Council objective.

6. RESPONSES TO THE APPEAL

6.1 **Planning Authority:** There planning authority in a letter dated 26th April, 2016 indicates that it has no comments to make on the appeal and it is requested that the planning authority decision be upheld.

6.2 **Observer Submissions:** Submissions were received on 16th May, 2016 from Terry and Edurne Timmins of No 10 Larkfield Park and from Michael and Mary Lawless of No 26 Larkfield Park. It is requested that Permission be refused and the concerns expressed by one or both parties are outlined below:

- The applicant who owns Nos. 6 and 8 Larkfield Park has little regard for planning laws. He uses the site as a builder's yard which is unauthorised development and failed to reinstate the front boundary and pedestrian entrance at No. 6 Larkfield Park.
- Close proximity to No. 10 Larkfield Park which adjoins No 8 Larkfield Park and overshadowing will result in a damp and waterlogged area in the back garden of No. 10.
- Rear gardens and rear façade windows at upper and ground floor levels will be overlooked at No 10 Larkfield Park. The appeal site is not deep enough to prevent overlooking of No. 10 as well as Nos. 6 and 8.
- Insufficient private open space is to be retained to the rear Nos. 6 and 8 Larkfield Park which are three bedroom houses each with five bed spaces. Seventy five square metres is required at 15 square metres per bedspace and only sixty square metres is allocated to No 8 and seventy square metres to No. 6.
- Ninety square metres private open space for the proposed house at six bed spaces is provided. However it is deficient if one bedroom at thirty one square metres in area with an additional 7.3 square metres walk-in wardrobe is divided into two and the attic space at 49.6 square metres is subdivided and made into more bedrooms. The design is suggestive of two houses or flats.
- Over half of the depth of the footprint extends beyond the front building line of No. 32 Larkfield Gardens and is within one foot of the footpath obscuring No. 2A. The development is too big for the space and adversely affects residential amenity. With reference to Policy QH18 there are no exceptional design reasons for it to be

different to existing housing character. The applicant is attempting to achieve the biggest dwelling possible. Many of the existing houses have been successfully modernised, upgraded and extended without injury to the landscape or other residences.

- The developments referred to in the appeal bear no resemblance to the current proposal which would be the first of its kind and would set undesirable precedent. No 25 Larkfield Gardens is a bad example leading residents of the area to be very concerned about protecting of the area from future unsuitable development

7. DEVELOPMENT PLAN:

7.1 The operative development Plan is the Dublin City Development Plan, 2011 – 2017 according to which:

- The site location is within an area subject to the zoning objective Z1: to protect, provide for and improve residential amenity.
- Relevant policies and objectives are in Section 17 and in particular, Paras 17.9.1, 17.9.6 and 17.9.7 and in Policy Objectives QH1, QH6, QH 18 and QH 19. Policy QH is to ensure new residential development reflects character and scale of existing houses in proximity unless there are exceptional design reasons.

8. EVALUATION

8.1 The issues central to the determination of a decision and considered below are that of:

Capacity of the site to accept the development and,
Integration with the established pattern and character of development.

8.2 Capacity of the site to accept the development.

The position is forward of the building line of the original terrace but picks up the building line of the single storey development to the west side. This is potentially acceptable for a low profile, and ideally single storey dwelling. The extensive eight metre wide surface and high eaves to the half pitch at 6.5 metres area of the gable wall is excessive, conspicuous, obtrusive and overbearing on the adjoining single storey property and the approach along the public road and footpath.

8.3 The development plan standards for private open space provision per bed space are silent with regard to bedroom size. The proposal within the application is for a single dwelling unit with six bed spaces and a

strict interpretation of the development plan standards would indicate a minimum standard of ninety square metres private open space.

- 8.4 The argument in the observer submissions in relation to the size of the master bedroom at thirty one square metres exclusive of the walk in wardrobes and bathroom is reasonable. The possible capacity for conversion of the attic space into bedroom accommodation and for subdivision of the structure in to two or more units also referred to in the observer submissions is also noted.
- 8.5 For a dwelling of the size proposed, the private open space provision is of limited amenity potential due to the size and configuration. These limitations are more a concern for the amenity potential at existing adjoining properties due to the size of the proposed structure. Due to the short depth of the rear private open space and relative proximity of the rear building line, the excessive scale, width, mass and height of the proposed house relative to the original terraced houses are conspicuous, obtrusive and overbearing in impact on the adjoining properties on Larkfield Park both directly to the rear at Nos 6 and 8 and also at No 10 which is the property of one of the observer parties.
- 8.6 Bearing in mind the deficiency in depth of the rear garden and separation distances from the rear elevation windows of the properties at Nos. 6 and 8 Larkfield Park it is accepted that the angled windows that are proposed overcome the potential for direct overlooking. Nevertheless, given the separation distances and angle of the windows, a perception of overlooking of No. 10 is likely to occur.
- 8.7 The ridge height at almost nine metres, six metre high eaves half pitch roof and twelve metre width is a considerable massing at the rear and within twenty two metres wall to wall separation distance to Nos 6 and 8 Larkfield Park. This scale, massing and height, taking into account the deficiency in rear garden depth also gives rise to adverse impact on the development potential for extensions and additions to the houses and to the amenities of the rear gardens of the properties on Larkfield Park
- 8.8 **Integration with the established pattern and character of development.**

The original British Land Commission constructed estate has homogeneity in house type comprising terraces of four two storey houses with pairs of dwellings at the corners of the roads.

- 8.9 It is agreed that there is some other infill development that is dissimilar to the established and original character of the existing development and it is agreed that in some instances, contrasting infill development can be successful and can positively contribute to an established urban built environment. No 25A Larkfield Park has been referred to by the parties in support of their opposing arguments. It is also noted that there is a large two storey detached house at No 45A Larkfield Avenue to the

north. However it is not accepted that justification for the current proposal can be taken from previously permitted developments. The current proposal is considered on its own merits.

- 8.10 It is not necessarily essential that new development matches original development in scale, form and height and design. There may be and generally is some scope for variation subject to satisfactory compatibility and integration and capacity of an infill site to accept a development.
- 8.11 It is considered that be reason of the scale, width, mass height and design detail the proposed development is visually obtrusive and incompatible with the established character of residential development in the area. As a result it would have significant negative rather than positive impact on residential amenities in the area and on the achievement of protection and improvement of the residential amenities of the area as provided for in the "Z1" zoning objective. Of note in this regard is the twelve metre width and eight metre depth of the structure in which there are three floors and eaves and ridge height in excess of the original houses and a floor area of 216 square metres which approximates to that of three of the original dwellings which each have approximate floor areas of 70 to 80 square metres.
- 8.12 The design detail introduces in addition to the large mass of the structure the dormer element involving projection above the eaves which is not an established design characteristic in Larkfield. It is considered that this feature exacerbates the impact of the scale, mass and height on the failure of the structure to satisfactorily integrate. The applicant's suggestion that the dormers could be relocated to the rear of the building would not be acceptable, owing to reasons of overlooking and overbearing impact on the amenities of the adjoining properties to the north.
- 8.13 The position is forward of the building line of the original terrace but picks up the building line of the single storey development to the west side. This is potentially acceptable for a low profile, and ideally single storey dwelling. The extensive eight metre wide surface and high eaves to the half pitch at 6.5 metres area of the gable wall is excessive, conspicuous, obtrusive and overbearing on the adjoining single storey property and the approach along the public road and footpath. Nevertheless with a smaller scale lower profile dwelling the footprint may be acceptable.
- 8.14 The issues regarding compliance with conditions of prior grants of planning permission and unauthorised development are noted. However, these matters do not come within the remit of determination of an Appeal by An Bord Pleanála and would be a matter for the planning authority.
- 8.15 The concerns indicated in the observers submissions as to possible subdivision of the dwelling are noted and considered reasonable. There

is considerable symmetry in the internal layout and sufficiency in the room sizes to indicate that subdivision into two dwelling units would be feasible. However, it is noted that no such proposal has been made in the current application and a new planning application would be necessary for subdivision to be authorised. Subdivision can also be disallowed by condition, should permission be granted.

8.16 Other issues.

It is noted that the applicant has proposed parking to the front. There are no details of the proposed front boundary treatment and entrance arrangements other than the position of the three metre opening on the site plan. While the acceptance of the proposal by the road and transportation division is noted, it does not appear to have been established that vision to the west in particular the entrance and that a satisfactory parking layout can be achieved.

In the event that it is decided to grant permission, it is recommended that conditions to be attached included removal of exempt development entitlements due to the limitations in site size and configuration, that the structure is restricted to use as a single dwelling unit only and that layout and entrance details, inclusive of site layout be subject to a compliance submission. .

8.9. Appropriate Assessment Screening.

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

9.0 CONCLUSION AND RECOMMENDATION.

9.1 In view of the foregoing, it is recommended that the appeal be rejected and that the planning authority decision to refuse permission should be upheld. A draft order is set out overleaf.

DECISION

Refuse Permission on the Basis of the Reasons and Considerations set out below:

REASONS AND CONSIDERATIONS

The site is within an area subject to the zoning objective: Z1: *to protect, provide for and improve residential amenity*” in the Dublin City Development Plan 2011-2017. The proposed development by reason of the size, width, height and design which includes dormer windows above the eaves in the front elevation would be excessive in scale and proportion, visually dominant, incongruous and out of character with the established character of the original two storey terraced houses throughout Larkfield. As a result the proposed development would be seriously injurious to the visual and residential amenities of property in the vicinity and would materially contravene the development objective for the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

JANE DENNEHY

Senior Planning Inspector.
23rd June, 2016.