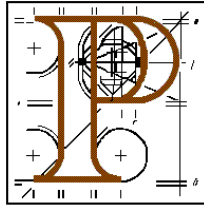


An Bord Pleanála



Inspector's Report

PL29N. 246592

DEVELOPMENT: House

ADDRESS: 1 Mornington Park, Malahide Road, Dublin 5

PLANNING APPLICATION

Planning Authority: Dublin City Council

Planning Authority Reg. No.: 2323/16

Applicant: Ray Garland

Application Type: Permission

Planning Authority Decision: Refuse permission

APPEAL

Appellants: Ray Garland

Type of Appeal: 1st party vs refusal

Observers: None

DATE OF SITE INSPECTION: 3rd August 2016

INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a first party appeal against a decision of Dublin City Council to refuse permission for a house in a side garden.

2.0 SITE

- 2.1 The site is on a main road in an established suburban area of north Dublin, c 100m south of the roundabout at the junction of the Malahide Road and Ardlea Road. It has a stated area of 507m² and consists of the curtilage of a 2 storey semi-detached house. The front garden has been surfaced entirely with stones. The attached house is to the north. The house to the south is a gable fronted bungalow. The vicinity of the site has a mix of residential and commercial uses. They are contained a variety of building types, although mid 20th century suburban forms are the most common.

3.0 PROPOSAL

- 3.1 It is proposed to build a detached house on the southern part of the site. The house would have a floor area of 105m² and roof ridge height of 7.185m over floor level. The gable of the roof would face the street. The two storey part of the house would have a similar depth to the existing house on the site, with a single storey return behind it. The houses would share the existing access from the road, with the front garden giving over to 3 parking spaces in a landscaped surface.

4.0 POLICY

- 4.1 The Dublin City Development Plan 2011-2017 applies. The site is zoned under objective Z1 – residential. Section 17.9.6 of the plan refers to houses in side gardens. It says that the planning authority will allow them on suitable sites, having regard to the character of the street; the compatibility with the design of adjacent houses; building lines; appropriate boundary treatments; impact of the amenities of other houses; and compliance with general development standards. The parking standards at table 17.1 of the plan require 1.5 spaces per house in this area.

5.0 HISTORY

- 5.1 Reg. Ref. 0050/16 – A social housing exemption certificate was granted for the site.

6.0 DECISION

6.1 The planning authority decided to refuse permission for one reason which stated that the design would detract from the visual amenities of the area and that it would constitute overdevelopment of the site with an overbearing impact on neighbouring property.

7.0 REPORTS TO THE PLANNING AUTHORITY

7.1 Third party submissions - None

7.2 Roads Division – No objection subject to conditions

7.3 Planner's report – The streetscape to the south is irregular with various building forms and line. The proposed house could be seen as a transition from that to the more uniform streetscape to the north. It would maintain a 1.5m separation from the houses on either side and provide adequate standards of accommodation. It would not unduly overshadow other properties. The first floor bedroom window to the rear should be moved to the northern end of the elevation. Adequate private open space would be provided for the proposed and existing house. A grant of permission was recommended.

7.4 Senior Planner's report – Permission should be refused due to concerns regarding over-development of the site.

8.0 GROUNDS OF APPEAL

8.1 The grounds of appeal can be summarised as follows-

- There is no impediment to the proposed development other than the unreasonable misgivings of the officer responsible for the decision. This is borne out by the reports from the roads and drainage division and from the council's own planner, which are repeated in the submitted appeal.
- An amended location for the rear first floor window is proposed in line with the suggestion in the planner's report.
- The current proposal is based on pre-application consultation with the planning authority. It advised against an attached house to create a terrace of three without the consent of the owner of the other house, which was not forthcoming. Plans for a detached gable fronted house

were submitted for advice from the planning authority who advised that the development plan standard was for a side separation of 1.5m, and that a contemporary design might be a better approach.

- While the site appears tight at the front, it widens to the rear so that it can accommodate a simple L-shaped plan over two levels with a single storey at the back to maximise living accommodation. The contemporary design is intended to be as simple and elegant as possible. Photomontages are submitted to demonstrate that the proposed house would enhance the building cluster within which it would stand.
- The proposed house would be a considered and appropriate response to the requirements of the site that would adhere fully to the requirements of the development plan and statutory guidelines, and which would be a unifying additional element to the street rather than a discordant intrusion.

9.0 RESPONSES

9.1 The planning authority did not respond to the appeal.

10.0 ASSESSMENT

10.1 The proposed house would contain an adequate level of habitable accommodation for a three bedroom dwelling, at c105m². An adequate amount of accommodation would remain in the existing house, c112m². Each house would have sufficient private open space with a back garden that provided an acceptable standard of amenity. The proposed house would respect the established building lines. Its two-storey element would not extend further back on the site than the existing two storey house. Its height would not exceed the height of the existing house on the site. In these circumstances it would not unduly overshadow or overbear other properties, or unduly interfere with the outlook from the neighbouring houses. The revised plans submitted with the appeal would ensure that it would not unduly overlook the neighbouring properties. The proposed development would not, therefore, constitute overdevelopment of the site nor would it seriously injure the amenities of property in the vicinity.

10.2 The proposed development would provide adequate parking within its curtilage for two houses in accordance with the parking standards in the development plan. The surface and landscaping of the area in front of the house require improvement to protect the visual amenities of the area. However this can be

addressed by condition. The maintenance of a shared parking area for two separate houses can be a practical problem in the longer term. However the possibility that a separate entrance might be sought in the future would not warrant a refusal of permission of the current application as, although the site is close the Artane roundabout, it is within a series of driveways onto the Malahide Road where one more would not be likely to cause a traffic hazard.

10.3 With regard to the impact on the streetscape and the character of the area, I would prefer the position put forward by the applicant and the council's planner to that expressed by the planning authority. There is a significant variation in building type, use and layout along this part of the Malahide Road. The semi-detached form is the most common, but it is not predominant. In this varied environment, the proposed house would tend to be a unifying element rather than a discordant feature. As such it would tend to enhance the character of the area.

11.0 CONCLUSION

11.1 The proposed house would be in keeping with the residential zoning of the site. It would provide an adequate standard of amenity for its occupants without seriously injuring the amenities of other properties in the vicinity. Adequate parking would be provided and the development would not be likely to affect the safety or convenience of road users. The scale of the house is similar to those around it and would not represent overdevelopment of the site. The proposed house would respect established building lines to front and rear. The design of the house would be acceptable in the varied streetscape in which it would stand and so it would not injure the character of the area. The proposed development would therefore be in keeping with the proper planning and sustainable development of the area.

12.0 RECOMMENDATION

12.1 I recommend that permission be granted subject to the conditions set out below.

REASONS AND CONSIDERATIONS

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

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted with the appeal to An Bord Pleanála on the 13th day of May, 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. Details of the external materials, finishes and colours of the proposed house shall be submitted and agreed in writing with the planning authority prior to the commencement of development. .

Reason: In the interest of visual amenity

3. The existing access to the public road from the site shall be maintained to serve both the existing and the authorised house on the site. The front boundary wall on the site shall be maintained and the access shall not be widened or altered unless a prior grant of planning permission for such works has been given. 3 parking spaces shall be provided and maintained on the site to the front of the existing and authorised houses. Prior to the commencement of development the applicant shall submit and agree in writing details of the surface treatment and landscaping of the area in front of the houses which shall provide for

suitable permeable surfaces as well as planting on the areas not required for the parking spaces and accesses to the house.

Reason: In the interest of visual amenity

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management

8. 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.

Stephen J. O'Sullivan
5th August 2016