



An
Bord
Pleanála

Inspector's Report PL29S.246883

Development	Demolish single storey detached garage and construct 2 storey one bedroomed detached dwelling at 16 Cullenswood Park, Ranelagh, Dn 6.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2690/16
Applicant(s)	John McCarthy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Appellant(s)	John McCarthy
Observer(s)	None
Date of Site Inspection	21 st of September 2016
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The application site is located on the north western side of Cullenswood cul-de-sac which is accessed via the Ranelagh/Sandiford Road (R117). The site is close to the commercial area of Ranelagh and there is a public house on the opposite side of this road facing the junction with the cul-de-sac.
- 1.2. It is a narrow triangular shaped site, which contains an existing single storey garage in the wider northern section of the site. On the day of the site visit there was a white van parked in front of the garage. There is a low wall along the road frontage of the site and it appears generally untidy with some waste building type materials stored in the frontage area.
- 1.3. There is a high block wall to the west of the site. A new development is currently being constructed to the rear of this site boundary (Ref. PL29S.244985 refers). There is a terrace of modern 3no. two storey houses to the north of the site and the rear of the garage is further forward of and facing the frontage area of these houses. A three storey apartment development 'Cullenswood Court' and sheltered housing complex for older people and adults with disabilities further to the north. The subsequent east/west orientated northern section of the cul-de-sac is a terrace of period properties to the north east.
- 1.4. There are double yellow lines along the access point to the site. Elsewhere there is pay and display/permit parking along either side of this cul-de-sac and it was noted that the area was well parked on the day of the site visit. There is an entrance lane opposite the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - a) Demolition of the single storey detached garage.
 - b) The construction of a two storey, one bedroomed detached dwelling.

- 2.2 The planning application form provides that the total site area is 61sq.m. The floor area of the proposed new building is 58.4sq.m. The floor area of the existing garage to be demolished is 21sq.m. The proposed plot ratio is 0.94 and the site coverage is 59.6%.
- 2.3 A Site Layout Plan, Floor Plans, Sections and Elevations have been submitted. A Contiguous Elevation showing the front elevation from Cullenswood Park has also been submitted.
- 2.4 A Potential Daylight and Sunlight impact of the proposed Residential Development has been submitted, prepared by Digital Dimensions.

3.0 **Planning Authority Decision**

On the 8th of June 2016 Dublin City Council refused permission for the proposed development for the following reason:

Having regard to the configuration and severely limited area of the site, it is considered that the open space provided would result in an unacceptable level of overlooking of the garden space by permitted development to the West, would be overshadowed by the boundary walls and as such would seriously injure the residential amenities of occupants of this dwelling. The proposed development would, if permitted, set a precedent for other such substandard developments and would therefore be contrary to the proper planning and sustainable development of the area.

3.1. **Decision**

3.2. **Planning Authority Reports**

The Planner's Report has regard to the location context of this constrained site, planning history relative to the previous Board refusal and policy. They have concerns about substandard residential development and issues of overlooking.

They consider that the private open space is unacceptable and represents a poor standard of residential amenity for the occupants of this dwelling.

3.3. **Other Technical Reports**

Internal

Engineering Department Drainage Division

They have no objection to the proposed development subject to compliance with standard drainage conditions and incorporation of SuDs in the management of stormwater.

Roads Streets & Traffic Department, Road Planning Division

They note that there is no onsite parking available and the applicant proposes permit parking. They do not object to the proposal subject to conditions.

Archaeological Report

The City Archaeologist notes that the site falls within an archaeological zone of constraint. They recommend a number of conditions relative to monitoring and mitigation.

3.4. **Third Party Observations**

No submissions from Third Parties have been received relative to the proposed development.

4.0 **Planning History**

- 4.1. Reg.Ref.2746/15 -Permission to demolish single storey detached garage & to construct 2-storey one bedroom detached dwelling refused to John McCarthy by Dublin City Council and upheld on appeal to the Board (Ref.PL29S.245187 refers) where it was refused for the following reason:

Having regard to the configuration and severely limited area of the site, it is considered that the configuration of the proposed dwelling and living accommodation would result in a poor standard of living space and residential amenity for future residents of the proposed dwelling. Furthermore, the configuration and severely limited area of the site would dictate a cramped layout such that the proposed dwelling would be positioned immediately adjoining the front garden of the dwelling to the north in a manner that would overshadow the windows of habitable rooms and be visually overbearing when viewed from these windows. Accordingly, it is considered that the proposed development would seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Adjoining site to the West

- Reg.Ref.3980/14: Permission granted for the construction of 4no.dwelling houses and all associated site works at 130 Ranelagh, this was upheld at appeal where permissions was granted subject to conditions (PL29S.244985 refers) on the 10th of September 2015.

This development is to the west of the subject site and is currently under construction. A copy of this Decision is included in the History Appendix of this Report.

5.0 **POLICY CONTEXT**

5.1 **Dublin City Development Plan 2011-2017**

Chapter 11 refers to 'Promoting Quality Homes in a Compact City'. Section 11.4.2 encourages higher densities and varied housing typologies. Section 11.4.7 relates to Housing and Objectives QH18 and QH19 support quality housing in character with the area.

The site is within the Map 'H' land use zoning area - Section 15.10.1 refers to the 'Zoning Principles' – Z1 (residential) land use zoning. This Map shows that the site is within the area encircled as a site of Archaeological Interest 018-036 refers.

Chapter 17 provides the 'Development Standards' and regard is had in particular in this case to the following Sections:

Section 17.9.1 provides the Residential Quality Standards A3 refers to House only (in addition to A1 standards –all residential development).

17.9.7 refers specifically to infill housing.

5.2 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009 The guidelines encourage more sustainable urban development through the promotion of higher density housing in appropriate locations, such as unused or derelict land and backland sites in town centre and inner suburban areas. In particular, higher densities are considered appropriate in inner city and brownfield lands and in locations which are served by public transport under the Transport 21 programme, having regard to the proximity of the site and the capacity of the system of public transport. The objective is to achieve an efficient use of land appropriate to its context, while avoiding the problems of overdevelopment. In determining the appropriate density in residential areas whose character is established by their density or urban form, a balance must be struck between reasonable protection of amenities and privacy of adjoining neighbours, the protection of established character and the need to provide residential infill. Section 5.9 refers to Inner suburban/infill sites and has regard to residential infill. Chapter 7 concerns the home and it's setting and discusses issues such as daylight, sunlight, privacy, open space and communal facilities.

Detailed advice is contained in the Department's companion urban design manual document. Strong emphasis is placed on the need to achieve a high quality of design in terms of layout, elevational treatment, public and private open space, traffic safety and pedestrian linkages with local facilities, and levels of privacy and amenity.

5.3 Delivering Homes, Sustaining Communities (2007) provides an overarching policy framework for an integrated approach to housing and planning. The statement noted that demographic factors will continue to underpin strong demand for housing, which in turn will present considerable challenges for the physical planning of new housing and the provision of associated services. The quality of the housing environment is central to creating a sustainable community. Sustainable neighbourhoods are areas where an efficient use of land, high quality design, and effective integration in the provision of physical and social infrastructure combine to create places people want to live in.

5.4 Quality Housing for Sustainable Communities - Best Practice Guidelines 2007

The aim of these Guidelines is to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards. This includes Table 5.1 which refers to Space provision and room sizes for typical dwellings.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Auveen Byrne Associates, Consultant Town Planners have submitted a First Party appeal on behalf of the applicant. This has regard to the locational context of the site, planning history and policy. The grounds of appeal can be summarised as follows:

- The subject site represents a visual gap in Cullenswood Park and this is clearly illustrated in the photomontages presented.
- They consider that it would be preferable to utilise this site as infill development in this Z1 residentially zoned area close to amenities and good transport infrastructure.

- They note the differences between the current application and that previously refused by the Board in PL29S.245187. This proposal responds to the Board's concerns and they provide details relative to these issues.
- They consider that the revised house design and layout will correspond to its surrounds and addresses the Board's previous reason for refusal of a dwelling on this site.
- They note that the Report of Digital Dimensions has examined the potential impact on sunlight and daylight analysis to no.13 Cullenswood Park and to the dwellings recently permitted to the west Ref.PL29S.244985 refers.
- This found that there was no adverse impact on these properties. A copy of this detailed Report and regard to views before/after and photographs are included with the Appeal.
- The proposal has no material impact on no. 13 Cullenswood Park, nor on 'Silverton', no.130 Ranelagh adjoining the site to the south.
- Photographs, Photomontages and Views have been presented showing the with and without scenario relative to the proposed development.
- They have regard to the impact of the proposed development on other dwellings recently permitted in the area and consider there is no adverse impact.
- They provide details of the revisions to the design and layout and note that the house has been reconfigured internally to provide accommodation to meet standards and externally corresponds to the site.
- They suggest that a balance needs to be struck between consideration of the residential amenity of permitted but not complete houses and the environmental value of a house to be provided on the subject site.
- They note a precedent to grant permission at Price's Place Ranelagh – a significantly smaller house on a smaller site (Reg.Ref.2845/12, ABP Ref.no. PL29S.241055 refers).

- They have regard to the Council's reason for refusal and note that the quantum of open space was not a reason for refusal in the previous Board decision.
- A significant improvement has been made relative to the allocation and usability of the open space. They note that 72% of the DCDP required quantum is to be provided and that the Draft DCDP allows for a reduced level of private open space.
- This proposal does not compromise the residential amenities of future and neighbouring occupants.
- The proposed development will contribute significantly to the visual and residential amenity of Cullenswood Park and will add to the mix of dwelling types in the area.

6.2 **Planning Authority Response**

The Planning Authority notes the content of the First Party appeal and provide that the reasoning on which the PA's decision was based is set out in the Planning Report on file. They wish to re-iterate the refusal which issued and request that ABP upholds their decision.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development and planning Policy
- Differences in Design and Layout with Previous Scheme
- Impact on Residential Amenity
- Impact on the Character and Amenities of the area.

- Appropriate Assessment

7.2 Principle of Development and Planning Policy

This proposal seeks to construct a two storey one bedroomed dwellinghouse on this restricted triangular site in the residential cul-de-sac, Cullenswood Park, close to Ranelagh Village. The issue in this case is whether the restrained site area is considered to be suitable for residential development. At present there is a single storey garage on the site and this is proposed for demolition to allow for the construction of the house. The garage is further forward of adjacent property to the north and does not add to the attractiveness of the streetscape. There is no objection to the removal of this garage. The First Party consider that to allow a house on this site on residentially zoned lands would be preferable to the current situation, where the site is prone to vandalism.

The subject site is zoned 'Z1' the residential objective being: *To protect, provide and improve residential amenities*, and the provision of a new dwelling on the site is permissible in principle, subject to a detailed assessment. In this respect Section 17.9.7 of the DCDP 2011-2017 provides: *Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites.*

Therefore while the principle of an infill development is supported within the residential land use zoning, it needs to be ascertained whether the proposed development would be sustainable on this restricted site area and would comply with standards for residential development. It is of issue that such infill residential development not be detrimental to the amenities of future and adjoining residential occupants or the character of the area. Also it needs to be ascertained as to whether the Board's previous reason for refusal for a dwelling on this site can be overcome in the new application. Regard is had to these issues, in the Assessment below.

7.3 Design and Layout and differences between that previously refused

The site area of the site is given as 61sq.m and this tapers to a point at the southern end. The site Layout Plan shows the location of the proposed dwelling on the northern portion of the site. This is shown as a one bed two storey dwelling, with livingroom and kitchen on the ground floor and bedroom and bathroom at first floor level. The proposed dwelling is designed to fit in with the configuration of the site and the floor area is given as c.58.4sq.m. The internal layout is more open plan and room sizes are somewhat different to that previously proposed.

It is noted that Section 17.9.1 A1 of the DCDP 2011-2017 provides a minimum floor area of 55sq.m for a one bed roomed house. This includes: *In relation to houses only, Dublin City Council will also have regard to the principles and standards outlined in section 5.3 'Internal Layout and Space provision' contained in the DoEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).* Table 5.1 recommends a target floor areas and room sizes. It is noted that it refers only to a 1 bed single storey house. The g.f.a of the proposed dwelling and room sizes are within the recommended standards for such. The majority of the windows face east, with a patio door to the living room accessed via the narrow northern area of open space and a landing window on the southern elevation. In view of the orientation and the boundary wall it is not considered that the northern patio door will provide much additional light to the proposed living accommodation. To prevent overlooking no windows are proposed on the western elevation facing the units being constructed.

Regard is had to the refusal of the previous application to construct a house on this site in the Planning History Section above (Reg.Ref.2746/15, Ref.29S.245187 refers). This referred to the same site area as 61sq.m and the proposed one bed two storey house was 59sq.m. with a pitched roof and a stepped front elevation due to the triangular shape of the site. It is provided that the current proposal is for a flat-roofed two storey dwelling of modern architectural expression and brick finish, taking its cue from the residential development being constructed at 130 Ranelagh

immediately to the west of the site (Reg.Ref.3980/14 and ABP PL29S.244985 refers). The previous Site Layout Plan also showed that the dwelling was to be located at the wider northern end of the site and was designed to have a more staggered approach to the eastern (front) and southern (side) elevation visible from Cullenswood Park. The Section submitted with the current application show the difference in the design and line of the roof. It is noted that while it is now shown slightly less than 6m in height, the current proposal, particularly the eastern and western elevations will appear more box like and of greater bulk than the staggered design previously refused. It is provided that quality finishes are to be provided with all brick elevations, topped by reconstituted stone parapet coping. Boundary walls to Cullenswood Park and facing no.13 are also to be brick faced. Also that the flat roof and fenestration pattern, the general architectural expression, reference the development being constructed to the west at no.130 Ranelagh.

The First Party provide that this application differs in that a different house type is now proposed, designed to fit into the northern part of the site, to allow for a greater area of open space at the southern end. It is noted that a single storey store was then proposed as the northern end adjacent to the end of terrace no.13 Cullenswood Park. This has now been omitted to allow for a small narrow strip of private open space between the new house type and the northern boundary to mitigate the impact of the house which will be forward of the building line of the properties to the north.

7.4 Regard to Open Space

The First Party ask the Board to take particular note of the fact that the proposed house in the current proposal is to be served by two areas of open space, one to the north of the house and one to the south. In the previous application a similar area of open space to the south of the house was proposed, along with two triangular spaces on the east boundary addressing the footpath. They provide that a significant improvement has been made in the subject application in the provision of a better located and more usable open space including the northern open space.

It is noted that S.17.9.1, A3.1 of the DCDP refers to private and communal open space relative to dwelling houses. A standard of 15m of private open space per bedspace will normally be applied. The floor plans show a double bedroom i.e. 2no. bedspaces in the house i.e 30sq.m. The current Site Layout Plan shows that these two separate areas of open space would be the northern strip at 5.5sq.m and the triangular area to the south at 16.2sq.m i.e a total area of 21.7sq.m. Therefore the open space area is less than the recommended standards. It is considered that the usability and amenity of the proposed open space also needs to be queried, as it is of triangular shape will be overlooked and also overshadowed by the high walls along the western site boundary. The narrow strip to the north of the house is only shown 1m in depth and will most likely be used for bin storage etc. the quality of amenity space in these areas would not be significant.

7.5 Access and Parking

In view of the constrained nature of the site it is not possible to accommodate on site car parking for the unit. The site frontage is currently subject to double yellow line parking prohibition to facilitate access to the garage. The First Party consider that this could be replaced with a paid car parking space and the resident could apply for a permit if required. It is noted that the Council's Roads and Traffic Planning Division provides that given the constrained nature of the site and location next to the busy village of Ranelagh with access to good public transport links they do not object to this or the absence of parking in this instance. I noted on my site visit that there is paid/permit parking in the area and that the area was heavily parked.

7.6 Impact on Residential Amenity

It is of note that the First Party provide that there is no compromise to the residential amenity of the future or neighbouring occupants relative to this dwelling. In this case the house to be constructed will be occupied in the knowledge that, on the party boundary there will be houses with living rooms and balconies at first floor level. They provide that the design of the scheme and as is required by Section 17.9

Standards for Residential Accommodation is informed by best practice for site planning for daylight and sunlight in the City Development Plan. Par 17.9.1 has regard to natural lighting in residential development.

In relation to the matter of overshadowing the design of schemes should be guided by the principles of good site planning to allow for access to daylight and sunlight for the proposed development and in particular the residential units and also neighbouring residential properties. The issue of adverse impact on sunlight and daylight and of overshadowing from the proposed development on the adjacent residential properties has been raised. The First Party refer to the detailed Report prepared by Digital Dimensions and provide that this presents an evaluation of the potential loss of sunlight to the gardens and open space of no.13 Cullenswood Park, the nearest house to the north and the proposed dwellings to the west granted planning permission under Reg.Ref.3980/14 and ABP PL29S.244985 refers, in particular unit C and D. It also assesses the impact on daylight to the window to the front ground floor of No. 13 Cullenswood Park and the windows of the development now being constructed to the west. They note the use of BRE guidance document (2011) 'Site layout planning for daylight and sunlight' and BS8208 Part 2: 2008 Lighting for Buildings, Code of Practice for Daylighting.

The proposed development will be c.3m higher than the existing garage and the western boundary wall. There will be a change in outlook for these properties, having regard to the rear elevation of the proposed dwelling. The outdoor amenity for these units is split between the garden at the rear at ground level, a small balcony/terrace at first floor level and a roof terrace at second floor level. Shadow Casting diagrams have been submitted for the March Equinox only. Vertical Sky Component diagrams have also been submitted. The East/West orientation of the proposed development at 130 Ranelagh Road means that the gardens will be in shadow from the afternoon from Units B and C. It is noted that Table 2 on p.7 of the Digital Dimensions Report indicates that the Vertical Sky Component at ground floor level of Units C and D to the west will be slightly below the recommended levels and that there will be an

impact on sunlight availability in the mornings to the garden level of Units C and D. For the afternoon and evening the courtyard of Unit D is overshadowed by the houses themselves. It is provided that any impact will be marginal.

The existing dwelling to the north no.13 Cullenswood Park has private open space to the front and the rear. The front area is used for parking, as a result it has not been assessed in the Digital Dimensions Report. I noted on my site visit on the 21st of September at c.3pm that the existing garage overshadows this frontage area, and would consider that the proposed development which will increase the height, while set back 1m from the northern site boundary may cause some additional overshadowing of the frontage area of no.13 Cullenswood Park. In view of the location of the subject site the rear garden area of no.13 will not be affected by the proposed development.

Having regard to the issues raised, the locational context of the site relative to the residential properties and to the Analysis and Studies submitted by the Parties it is considered that there will be some additional overshadowing at certain times of the year due to the height and massing of the development proposed in this urban area.

7.7 Impact on the Character and Amenities of the Area

The details submitted with the appeal include a number of Architectural Visualisations showing a number of Views of the site with/without the proposed development. This also shows how it is proposed that the development will correspond with that now being constructed at the rear of the site. It is considered that View nos.3 and 4 are of particular note showing the forward projection of the proposed development relative to the streetscape and the residential to the north.

While it is acknowledged that the building line is somewhat staggered and not in a more definite line as are the row of period properties in the north eastern part of Cullenswood Park, the proposed development will appear to be jutting out in a box like form in the streetscape and considerably further forward of the residential development immediately to the north. Unlike no.132 Ranelagh Road to the south

the frontage will abut the footpath. In view of its location it will appear more dominant in the streetscape than the buildings being constructed at the rear.

It is considered that this proposal would constitute an overdevelopment on this limited and restricted site area which would have inadequate private open space for future occupiers and lead to issues of overshadowing for adjoining properties being constructed to the west. In view of the above it is concluded that the proposal would detract from the character and amenities of the residential area.

7.8 Precedent Cases

The First Party refers to the favourable decision of Dublin County Council (Reg.Ref.2845/12 – upheld on appeal – Ref. PL29S.241055 where permission was granted by the Board, in what they consider has strong similarities to the current proposal. In that case permission was granted for the: ‘Rebuilding of a two storey one bedroom cottage on site of similar type demolished cottage at 31s Price’s Place (formerly 1 Price’s Lane), Ranelagh’. However it is noted that the character of this area is different and this location is considered more of a back lane mews area (where Section 17.9.14 of the DCDP 2011-2017 would apply) and is not proximate to the subject site. This represented a different scenario in that there was previously a cottage on this site and a planning history of a grant of permission for a replacement house in 1982. It must also be noted that this development has not yet been constructed. Each case is considered on its merits, this proposal concerns the replacement of a garage with a dwelling house. Taking all of the above into account is important than an undesirable precedent for substandard development is not set.

7.9 Appropriate Assessment

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.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

8.2. Reasons and Considerations

1. The proposed development on this restricted site area, would lead to a cramped and substandard form of development, with inadequate usable private amenity open space and would be overbearing and contribute further to overshadowing of the residential units being constructed to the rear. As such it would be seriously injurious to the amenities of future and adjoining occupants and contrary to planning policy concerning infill development (Section 17.9.7 of the Dublin City Development Plan 2011-2017 refers). It would set an undesirable precedent for such development, would detract from the residential character of the area and would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

28th of September 2016