



An  
Bord  
Pleanála

## Inspector's Report PL06S.247046

### Development

Detached two storey dwelling on a new site at rear of the existing house and ancillary siteworks including a new drive-in from Whitehall Road and off street parking for the new and existing houses, at 66 Whitehall Road West, Dublin 12.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD16A/0167.

### Applicant(s)

Harold Daly.

### Type of Application

Permission.

### Planning Authority Decision

Refuse permission.

### Appellant

Harold Daly (1st Party vs. Refusal).

### Observer(s)

Camilla Tuffy, Ronan Flynn and others.

### Date of Site Inspection

19<sup>th</sup> October 2016.

### Inspector

Ciara Kellett.

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the rear garden of no. 66 Whitehall Road West, Dublin 12. No.66 is an end of terrace two storey house on the south-eastern side of Whitehall Road West. The Ashleaf Shopping Centre is on the opposite side of the road approximately 70m from no.66. Hillsbrook Grove and Roebuck Drive form a block with the Whitehall Road West terrace. Two laneways provide access into the centre of the block – one to the rear of the subject site and one to the north providing access to the rear of Roebuck Drive properties. The wider area is characterised by rows of terraced houses.
- 1.2. The back gardens of Whitehall Road West and Hillsbrook Grove are particularly long and narrow while Roebuck Drive's are quite short. The front gardens of Whitehall Road West are small resulting in on-street parking on the footpath. The rear of no.66 is an exceptionally large wedge shaped garden which adjoins the rear gardens of no.'s 1 – 6 Roebuck Drive to the north and no.'s 27 and 28 of Hillsbrook Grove to the east. The site is stated as being 715sq.m in area.
- 1.3. Appendix A includes a map, an aerial view and photos of the site.

## 2.0 Proposed Development

- It is proposed to develop a three bedroom, two storey dwelling in the rear garden of no.66 and to provide a new vehicular entrance off the Whitehall Road.
- The proposed new dwelling is stated as being 139.5sq.m in floor area, 7.05m high to roof ridge, 15.4m wide and between 5-7.4m in depth. The roof is hipped/pitched profile with a projecting front gable. The stairwell features a circular staircase which projects to the rear.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a decision to **refuse permission** for three reasons.

1. The proposed development would represent piecemeal backland development of a long rear garden. The development as proposed does not include any level of site analysis or other supporting information, that would demonstrate whether a comprehensive backland redevelopment, in conjunction with other adjoining long rear garden sites, utilising existing access lanes and proposed vehicular access from Kimmage Road West could, or could not be achieved. This site analysis and other supporting information is a requirement of Sections 11.3.2(i) and 11.3.2(iii) of the South Dublin County Development Plan 2016 – 2022. As such the proposal would represent an unsustainable use of zoned serviced lands and would contravene the aforementioned requirements of the County Development Plan 2016 – 2022, and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development of a two storey, three bedroom detached dwelling (139.5 sq.m in floor area, 7.05m in height to roof ridge, 5.4m to eaves height, 15.4m long and between 5-7.4m in depth) with hipped/pitched roof profile in a rear garden of a suburban block would significantly differ from the scale and massing of housing in the vicinity and as such, would result in overlooking and overbearing impact on adjoining houses to the south-east, north-west and north-east. The proposed development would, therefore, seriously injure the amenities of the area and depreciate the value of property in the vicinity, would be contrary to the zoning objective of the area which is “RES – to protect and/or improve residential amenity” and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Site has an 'A' zoning objective (To protect and/or improve residential amenity). Backland development is permitted in principle, subject to accordance with relevant provisions of the Development Plan.
- There are two relevant policies. Both policies require submission of site analysis. The proposal is standalone and without any evidence to the contrary, must be considered piecemeal.
- Proposal is two storeys, whereas policy requires development in close proximity to adjoining properties to be limited to single storey in order to avoid overshadowing and overlooking.
- No attempt has been made to design a dwelling or to lower the height to reduce visual impact and overlooking. Proposed dwelling is overly large and out of scale.
- Sufficient parking proposed. No site analysis provided which may have determined if it was possible to use the rear access laneway.
- No landscape proposals provided.
- Proposal would seriously injure the amenities of the area and recommends refusal.

### 3.3. Other Technical Reports

The application was referred to:

- Environmental Services Department – Additional information requested regarding soakaway details.
- Irish Water – No objection subject to conditions.
- Roads Department – No objections.
- Parks Department – No response.

### 3.4. Third Party Observations

The Planning Authority received seven submissions from third parties living in the vicinity of the proposal. The main planning points raised include:

- The proposed new building because of bulk and scale will not be in keeping with the style and scale of existing houses.
- Development will overshadow and overlook private space.
- Footprint would be twice the size of all existing dwellings.
- Character, layout, orientation, roofline, and building lines will not be in keeping with existing dwellings.
- Proposal will set an undesirable precedent.
- Further hindrance to traffic and pedestrians – pattern already exists of cars parking on footpath along Whitehall Road West.
- Errors on planning application documentation.

### 4.0 Planning History

- None on record.

## 5.0 Policy Context

### 5.1. South Dublin County Development Plan 2016 – 2022

Under the new County Development Plan 2016 – 2022, the site is zoned ‘**RES: To protect and/or improve residential amenity**’.

Section 2.4.0 of the Development Plan considers *Residential Consolidation – Infill, Backland, Subdivision and Corner sites*. Housing Policy 17 states that “It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County”.

H17 Objective 2 states “To maintain and consolidate the County’s existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation”.

H17 Objective 3 states “To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation”.

H17 Objective 5 states “To ensure that new development in established areas does not impact negatively on the amenities or character of an area”.

Table 11.20 of Chapter 11 specifies *Minimum Space Standards for Houses*. It states that the minimum space for two and three bedroom houses is 80sq.m and 92sq.m respectively. The required private open space is 55sq.m and 60sq.m respectively.

Section 11.3.2 (iii) specifically refers to Backland Development. It states that the design of development on backland sites should meet the criteria for infill development in addition to the following criteria: Be guided by a site analysis process in regard to the scale, siting and layout of development; avoid piecemeal

development that adversely impacts on the character of the area and the established pattern of development in the area; Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking; Access for pedestrians and vehicles should be clearly legible and where appropriate, promote mid-block connectivity.

## 5.2. Natural Heritage Designations

There are no designated European sites within the vicinity

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal against the decision to refuse permission has been lodged by the applicant responding to each reason for refusal.

The grounds of appeal can be summarised as follows:

- It is unreasonable to suggest that the applicant has the resources or experience to compile a portfolio of properties of adjoining rear gardens. Notwithstanding this, this proposal will not preclude such future backland development, due to the position of the garden at the end of the laneway.
- Property is well serviced with full range of utilities and this is an under-used area of the rear garden. Good separation space is provided allowing in excess of 22m between first floor windows to directly opposing windows at the east and west of the proposal and there are no windows to the north and south, therefore no overlooking or overshadowing. The proposal will be sympathetic to the residential character.
- No.66 is situated at the end of a terrace with a larger than normal site footprint of which a large portion is contained in the rear garden. There is good access width of 3700mm at the side of the end of terrace to allow a drive in for off-street parking.

- These factors confirm the site is unique within the vicinity and therefore no precedent can be set for similar development.

## 6.2. **Planning Authority Response**

The Planning Authority confirmed its decision and noted that the issues raised in the appeal have been covered in the Planner's Report.

## 6.3. **Observations**

One third party observation on the appeal has been submitted by four of the original parties who made submissions to the Planning Authority. They request the Board to uphold the decision made by the Planning Authority to refuse permission. The original submissions are included as part of the observation. It is stated that the same issues still apply. They state that two of the three reasons for refusal refer to contravention of the Development Plan and they are of the opinion that the Board is statute barred from granting permission other than in very limited circumstances, none of which arise in this instance. Permission was refused for reasons relating to contravention of the Development Plan policies including the zoning objective, impact on residential amenity and setting an undesirable precedent. They state that all of the reasons are warranted and not surmountable in the absence of significant changes in circumstances which the applicant has not presented.

## 7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Principle of Development
- Residential Amenity
- Visual Impact
- Appropriate Assessment



## 7.2. Principle of Development

The site is located within an area zoned 'RES: To protect and/or improve residential amenity' in the recently adopted South Dublin County Development Plan 2016 - 2022. Planning policy supports development of dwellings in backlands or corner/side gardens, subject to appropriate safeguards and standards.

Whilst I am satisfied that the proposed development is acceptable in principle, the Development Plan states that a site analysis should accompany proposals for backland development. I accept the applicant's contention that he is not in a position to compile a portfolio of properties, however, I am of the opinion that the intent of the policy is to consider how the proposal integrates with the surrounding area in terms of architectural integration, site, scale and layout. No such information has been provided to ensure that this proposal will not result in piecemeal development, or set a precedent.

## 7.3. Residential Amenity

The area is characterised by long established terrace housing. The proposal is located 3-5m from the boundaries of the properties along Roebuck Drive, in particular no.'s 4,5 and 6. The back gardens of these dwellings are south/south-west facing and are shorter than the other gardens in the area at only c.10m in depth. The two storey design will result in a loss of sunlight and result in overshadowing, which is contrary to the Development Plan which states that development in close proximity to adjoining residential properties should be limited to a single storey to reduce overshadowing and overlooking.

There is sufficient distance between opposing first floor windows to the east and west, but there is a substantial amount of glazing to the rear, particularly on the circular projecting staircase which could impact on the privacy of properties no.6 and 7 Roebuck Drive.

The façade facing Roebuck Drive will also have an overbearing effect on those properties. There are no dimensions on the drawings but the information states that the height to roof ridge is 7.05m. The chimney stack which faces Roebuck Drive would appear to be at least another 700-800mm higher. The façade is blank and will have an overbearing effect.

Therefore, I am satisfied that the proposed development as currently designed will have an overbearing effect on properties in the immediate vicinity, will result in overshadowing, and will overlook those same properties. This is contrary to the Development Plan policies which states that development in close proximity to adjoining properties should be limited to a single storey to reduce overshadowing and overlooking.

#### **7.4. Visual Impact**

As stated earlier, the area is characterised by traditional terraced houses of a modest scale of 5-7m in width. This proposal is for a dwelling 15.4m in width with substantial glazing and a projecting gable wall to the front.

A contiguous streetscape elevation is provided with the application drawings indicating how the proposal will be viewed from Whitehall Road West. The design as currently proposed will be overly large and out of scale. The scale, siting and layout of the development will adversely impact on the character of the area.

Therefore, I am satisfied that this proposal will adversely impact on the visual amenities and the established pattern of development in the area, contrary to the Development Plan objectives.

#### **7.5. Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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.

## 8.0 **Recommendation**

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

## 9.0 **Reasons and Considerations**

The proposed development constitutes inappropriate backland development which would seriously injure the residential and visual amenities of property in the vicinity by reason of proximity, overshadowing, overlooking, and overbearing impact and accordingly would be contrary to the proper planning and sustainable development of the area.

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Ciara Kellett  
Inspectorate

24<sup>th</sup> October 2016

## **Appendix A: Location Maps and Photographs.**