



An  
Bord  
Pleanála

## Inspector's Report PL29S.247255

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<b>Development</b>	Construction of a two-storey house with attic, dormer window to rear, new vehicular entrance and associated development works.
<b>Location</b>	Rear of No. 6 Larkfield Park and adjacent to No. 2A Larkfield Gardens, Harold's Cross, Dublin 6W.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3240/16.
<b>Applicant</b>	Paul Howard.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party against Refusal of Permission
<b>Appellant</b>	Paul Howard.
<b>Observers</b>	1. Una McClean and Others 2. Edurne Timmins
<b>Date of Site Inspection</b>	10 <sup>th</sup> November, 2016.
<b>Inspector</b>	Jane Dennehy.

## **Site Location and Description**

- 1.1. The site which has a stated area of 316 square metres, has frontage onto Larkfield Gardens and is formed from private open space at the rear of No. 6 Larkfield Park. A bungalow, (an infill) is located to the north side and the site of a concurrent application and appeal under PL29S.247552 is to the south side adjacent to an end of terrace two storey house on Larkfield Park. The space is in use as a builder's yard. The frontage on Larkfield Gardens of the appeal site and adjoining concurrent appeal site to the rear of No 8 Larkfield Park is fenced off by hoarding. (PL 29S 247252 refers.)
- 1.2. Larkfield was 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

## **2.0 The Proposed development**

- 2.1. The application lodged with the planning authority is one of two concurrent applications, both of which are subject to appeal and are for two detached two storey houses with attic and dormer windows and vehicular access onto Larkfield Gardens. (Details of the application are in section 3 below.)

## **3.0 Decision of the Planning Authority,**

- 3.1. By order dated, 22<sup>nd</sup> August, 2016 the planning authority decided to refuse permission based on the following reason:

*“It is considered that the proposed development by reason of its size bulk width height and design would be excessive in scape and proportion, visually dominant, incongruous and out of character with the established character of the original two storey terraced houses throughout Larkfield, and would result in significant overdevelopment of this site. The proposed development would seriously injure the visual and residential amenity 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.”*

#### **4.0 Internal Technical Reports**

4.1. The report of the Engineering Drainage Division indicates no objection subject to standard conditions. There is no report from the Roads and Transportation Department on file. This Department provided reports on the prior proposal for the site details of which are under Planning History in section 4 below.

#### **5.0 The Planning Officer**

5.1. The report of the planning officer in which the planning history is noted, indicates concern about bulk and scale in the context of established development in the area, overdevelopment and incongruity, insufficient private open space provision, the depth to the rear of the house being 4.9 metres. Relevant sections of the Dublin City Development Plan, 2011-2017 are referred to in her report.

#### **6.0 Third Party Submissions and Objections**

6.1. A number of submissions which include one submission with multiple signatures were received from residents of the area in which the main objections to the proposed development expressed relate to inappropriate design and form, scale, bulk and overbearing impact, footprint and proximity to adjoining properties lack of clarity on ridge height. Overlooking, overshadowing, density and intensity, private open space provision, surface water drainage, parking and traffic and precedent.

#### **7.0 Planning History:**

7.1. **PL 29S 247252/P. A. Reg. Ref. 3239/16:** This is a concurrent application and appeal case for permission for a two storey house with attic, dormer window to rear, new vehicular entrance and associated development works at the rear of No 8 Larkfield Park.

7.2. **PL 29S 246471/P. A. Reg. Ref. 2106/16:** The planning authority decision to refuse permission for a house, relocation of the access at Larkfield Gardens and associated works was upheld following a first appeal. 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. The reason for refusal of permission following appeal is 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 injures 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, 2011-2016.*

7.3. **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.

7.4. **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. Condition No 4 attached contains the requirement that the front boundary and pedestrian entrance, (which were fenced off) be reinstated. These required works were not carried out. The planning authority has an enforcement file in relation to this matter. (E0015/16 refers.)

## 8.0 The Appeal

8.1. An appeal was received from the applicant on his own behalf on 14th September, 2016. (The submission also includes a coloured sketch showing the proposed house and proposed adjoining house within the context of adjoining development on Larkfield Gardens.) It is stated that enforcement proceedings relating to the access and shed on site are not continuing until the outcome of the application and appeal are determined.

8.2. According to the appeal,

- The proposed development is not overdevelopment because: the house is not larger in length, width, height, proportions than existing development; proportions and materials also harmonise with existing development and preserve visual and residential amenity; height is eight metres; dormer windows are common in residential estates; the angular windows and proposed twenty seven metre separation distances overcome overlooking; building line transitions between the properties along the street in accordance with the development plan standards; private open space is the same size as it is for other dwellings and, it to accords with development plan standards.
- The proposed development complies with development plan policies <sup>1</sup> and standards for infill housing and objectives QH 1, 6 18, 19 and NC 2 and sections 17.9.1, 7.9.6 and 19.9.7 reference being made to the established character of the area, room sizes and safe access and egress.
- The construction stage will be as minimal in length as possible and minimal impact on residents' amenity.
- Supportive observations have been received from residents and businesses on grounds of overall positive impact, the builder's yard will be replaced by a house which is needed to address the housing crisis and it will make the area more secure.
- The National Spatial Strategy, Regional Planning Guidelines for the Greater Dublin area and to Rebuilding Ireland – An Action Plan for Housing and

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<sup>1</sup> Dublin City Development Plan 2011-1017

Homelessness and five pillars within the plan and research by the ESRI on housing supply support of the proposed development.

- There is precedent for the proposed development. Reference is made to seven prior grants of permission for residential development in Larkfield and the surrounding area (P A. Reg. Refs 4184/15, 3250/14, 2891/13, 2773/10, 6363/05,

## 9.0 **Observer Submissions**

There are two observations on file which are outlined individually below.

### 9.1. Una McClean and Residents, C/O 42 Larkfield Park.

A submission was received on 11<sup>th</sup> October, 2016 from Ms McClean. Attached are copies of objections submitted by some parties at application stage, Drainage layout drawings for the area, google images and photographs.

- The submission comprises detailed comments on objections submitted at application stage. It is contended that these submissions were false and part of a conspiracy. The claims in the objections are rejected and rebutted. It also contains some observations on homelessness and some details about the involvements of the observer in assisting homeless people.
- It is also claimed that there is precedent in the area for the proposed development. The permitted developments which are referred to in the appeal to support the proposed development are listed in the submission.
- In the concluding remarks, it is stated that the proposed development is highly compliance with the development plan can provide a much-needed home good home for people. It is respectfully submitted that there is a compelling case for overturning the decision to refuse permission when all the elements are considered together.

### 9.2. Edurne Timmins and four other parties. Larkfield Park, Dublin 6.

A submission as received on 11<sup>th</sup> October, 2016. According to the submission:

- The assessment and reasons for refusal of permission for the previous application and appeal under PL 246471, (upholding the planning authority decision) are fully applicable to the current proposal.
- The applicant also intends to build rear extensions to Nos 6 and 8 Larkfield Park.
- The rear access is being used for reasons which differ from those for which the applicant stated he required the rear access in the application for which permission was granted under P. A. Reg. Ref. 2684/05.
- Although permission was refused to the applicant's partner for a storage shed, under P. A. Reg. Ref. 3137/06 the site is now used as a builder's yard and this is contrary to the zoning objective. The applicant refers to the yard as an "eyesore" in support of his application but it is already within his control to remove the eyesore.
- The applicant describes the site is vacant but it is not vacant because it is a rear garden of an existing house.
- In objection to the current proposal it is submitted that:
- There are no precedents. An inappropriately built house at 25 Larkfield Gardens is now subject of an application for permission for retention
- The proposed house is three storey not a two storey as described in the application
- The separation distances between opposing window is 13.6 metres. 22 metres is the minimum standard.
- The dormers and angular windows will cause overlooking. Only part of the angular window has obscure glazing and they need to be opened for ventilation and the face the back gardens of houses.
- Levels are not shown on the drawings. It can be estimated that the height at ridge will be considerably higher than that of the existing houses. Levels and contours must be shown on the drawings.
- The floor area at 101 square metres is much greater than that of the existing houses at 68 square metres with many extending into the rear garden, without destroying the rear garden to cater for modern living.
- There is deficient private open space. Only 38 square metres is provided and the requirement is 46 square metres. A higher amount is required if the attic

is used for bedrooms. Only 61 square metres is left at the existing house where 75 square metres is required.

- Design is out of character. The house with half hip roofs and large gables is too large. It erodes the building line and appears squashed into the site and is visually obtrusive and incompatible, too close to the adjoining house.
- Dimensions on the drawings are illegible and the drawings are misleading.
- The potential for extensions to the existing houses is compromised.
- There is no surface water sewer in the area and a soakaway is to be provided. It cannot comply with BRE 365 due to the small site size and required separation distance from buildings and between soakaways and boundaries.
- Two cars cannot be accommodated on the site – dimensions are not shown. One space would be on top of the living room window.
- The entrance is a traffic hazard. It has a severe angle which is not appropriate for entering and exiting from the site.
- Wall heights and gates and finishes on the drive are not available.
- Most of the signatures of support have come from individuals from homeless hostels who support the idea of more housing being provided. They are not familiar with the area.

## 10.0 The Planning Authority Observations

10.1. A submission was received on 30<sup>th</sup> September, 2016 in which there is a description of the site and the views expressed in the planning officer report are confirmed. It is requested that the planning officer decision be upheld.

## 11.0 Development Plan

11.1. The operative development plan is the Dublin City Development Plan, 2016-2022 which was brought into effect in October, 2016 after the determination of the decision on the application by the planning authority.

11.2. The site is subject to the zoning objective Z1: 'to protect, provide for and improve residential amenities'.



- 11.3. Development Management standards are set out in Chapter 16.2.2.2. In brief, the policy objectives and standards set out in this section for infill development on “gap sites” in areas of significant quality include requirements that development proposed respect and complements prevailing scale architectural quality and uniformity, have a positive response to context and the character of the area.
- 11.4. Standards for residential accommodation are set out in section 16.10.

## 12.0 Assessment

The issues central to the determination of the decision can be considered under the following subheadings:

- site configuration and size,
- scale, massing, design, and height,
- surface water drainage,
- traffic and parking,
- housing supply,
- precedent and,
- appropriate assessment.

### 12.1. Site configuration and size.

The application entails subdivision of the site by severance of the rear garden of an existing end of terrace house and access from the Larkfield Gardens at the rear. The proposed house has capacity for habitable accommodation on three floors, the attic level accommodation being feasible owing to the half hip roof and rear dormer window. Notwithstanding the proposals for angled windows, the proposed development because of proximity to the existing house and adjoining houses gives rise to perceptions of overlooking at first and at second floor/attic level. The attic level window has the greatest impact on residential amenity of adjoining properties and a minimum separation distance in over twenty-two metres is generally required. In the subject case the separation distance from the windows in the rear elevation of the existing house at circa thirteen metres is considerably less than the minimum standard of twenty-two metres.

- 12.2. Furthermore, as indicated by both the planning officer and by an observer party, the potential to extend the existing house to the rear is seriously compromised.
- 12.3. The private open space provision as pointed out is seriously deficient in length and in addition there is a shortfall in total area assuming a provision of three bed spaces. It is also noted that the accommodation at attic level would be suitable for bedroom use as well as a study as indicated on the plans. The remaining private open space for the existing house is also compromised in configuration and depth. The existing and proposed development would be substandard having regard to development plan standards and, the attainable residential amenity for occupants, which would be diminished at the existing house and deficient at the proposed house.
- 12.4. Should the standards of residential amenity at existing development not be diminished and the attainable residential amenity of a proposed dwelling is at a satisfactory standard an element of discretionary scope for flexibility in application of development plan standards may be feasible. However, in this regard satisfactory standards to this end cannot be achieved in the case of the current proposal.

12.5. **Scale, massing, design, and height: Visual Impact.**

As pointed out by third parties the exact height relative to the adjoining properties cannot be fully established as details of ground levels and finished floor levels have not been made available. Nevertheless, it can be established that eaves and ridge heights would be circa one metre above that of the original house. Furthermore, the half hip element and high gable element of the houses gives the appearance of relatively top heavy bulk which is obtrusive in the context of development in the immediate environs comprising the bungalow, and original terraced houses and especially on approach from the north from the junction of Larkfield Gardens and Larkfield Park and streetscape views from either direction.

12.6. **Surface water drainage.**

It is noted that the area is served by a combined sewer and the concerns of the third parties as to capacity to dispose of surface water through soakaways are noted. Calculations are not available. The Drainage Division has indicated satisfaction as to the proposed arrangements in its report. The opportunity could be taken to seek further information should it be deemed necessary. Alternatively, it would be acceptable to finalise details by compliance with a condition.

### **12.7. Traffic and Parking.**

It is agreed the site curtilage is confined and unsuitable for parking for two cars. Provision for one space would be satisfactory with reliance on public on street facilities for additional parking. There is no objection to the proposed entrance arrangements for traffic and pedestrian safety and convenience but details of front boundary treatment which should not exceed one metre in height. and gates can be finalised by compliance with a condition.

### **12.8. Housing Supply.**

The appellant has referred to strategic planning and national policy in supporting his case for the proposed development of two houses. While there is no dispute with his argument, there is no case for setting aside satisfactory standards that are applicable for residential development on subdivides sites or infill housing in established residential areas. There is objection in principle to additional residential development or extensions to or an upgrading of existing development subject to satisfactory standards and consistency with the interests of proper planning and sustainable development. No strategic policy or technical guidance endorses for substandard development as a response to housing supply needs.

### **12.9. Precedent.**

Several previously permitted developments including development recently permitted has been referred to in the appeal and one of the observer submissions.

### **12.10. Appropriate Assessment.**

Having regard to the scale and nature of the proposed development no Appropriate Assessment issues arise and it is not considered that the proposed development has a significant effect individually or in combination with other plans or projects on a European site.

## **13.0 Conclusion and Recommendation**

In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld and the appeal rejected based on the reasons and considerations set out below:

## 14.0 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, 2016-2022. The proposed development by reason of site configuration would constitute overdevelopment of the site resulting in deficient private open space provision to serve the existing dwelling and the proposed dwelling, insufficient separation distances between dwellings, and by reason of dwelling size, scale, massing, design, design and height in conjunction with the eaves and ridge height and roof profile would be visually dominant and would fail to integrate with the predominant established character, pattern and layout of the original two storey houses within Larkfield. The proposed development would therefore be seriously injurious to the residential amenities of existing development and future occupants, would depreciate the value of property in the vicinity and would be seriously injurious to the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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**Jane Dennehy,  
Senior Planning Inspector.  
29<sup>th</sup> November, 2016.**