



Development	Retain two dwellings from previously permitted single dwelling (PL29N238692) and all ancillary site development works.
Location	59-60 Clontarf Road, Dublin 3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3341/16
Applicant(s)	Clondev Properties
Type of Application	Permission to retain
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Jonathan O'Sullivan and Madeleine Lowery
Observer(s)	None
Date of Site Inspection	2 nd February 2017
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site relates to part of a recently constructed residential and commercial development on the former site of 59-60 Clontarf Road. There are 15 two storey houses and one dormer end of terrace arranged in two terraces in an 'L' layout. The first eleven houses that are perpendicular to the Clontarf Road front onto the footpath and there is designated parallel on-street parking – the spaces are marked 1-11. The other terrace of 5 units is at right angles and similarly opens onto the footpath. Parking at this location is perpendicular and marked out as numbers 12 to 18. There is a turning bay fronting no. 13 (southern end of short terrace) and residual green space at the other end. One side of the 4.8m wide road provides car parking whereas the other side of the road parking is restricted with double yellow lines. At the entrance there is reserved parking spaces and this appears to relate to the commercial premises and 4 no. apartment units in the development.
- 1.2. At time of inspection around mid-day 10 of the 18 car park spaces were occupied and a delivery truck occupied two of these.
- 1.3. A lane, also serving Hollybrook Road, backs onto the site. Access was blocked by a vehicle at time of inspection. A rendered and capped block wall encloses the site along the lane. There is a boarded up pedestrian scaled access onto the lane from the subject site 11A.
- 1.4. The subject site relates to unit 12 and unit 11A which were supposed to be amalgamated into one unit as a condition of permission but were constructed as two units. The units are 5.737m and 4.6m wide respectively - the wider plot being the prevailing width in the development. This is narrower than the terraced plots on Hollybrook Road at around 6m.

2.0 Proposed Development

- 2.1. The proposal is to retain two units as constructed contrary to the provision of the planning permission condition which requires amalgamation of initially proposed and subsequently modified two units into one. The overall floor area is 63 sq.m. and

125sq.m. for both houses as compared to a single unit. While one unit (12) is the same as the other units in the development unit, the end of terrace unit (11A) is smaller.

2.2. Unit 11A:

- The ground level as scaled from dimensions is about 34 sq. (internal gross floor area - including internal walls), roof level area is a smaller at 32sq.m. but this includes floor area with reduced floor to ceiling height on account of the dormer profile.
- The accommodation at ground level provides a living room of 13 sq.m with a galley kitchen off and a store and wc. At attic level a bedroom at 11.9 sq.m. and study with roof light only at 6.9 sq.m. are proposed with a small store and bathroom.
- Open space is proposed at 51.sq.m and a double gates in the drawings open to the lane.

2.3. Cover letter

- No demand in this area for a 212.7 sq.m. house as required by the amalgamation of two units in Board's decision.
- The intentions of condition 2b (amalgamation) have been adhered to.
- The new terrace unit would have no impact on the adjoining properties in terms of overshadowing or amenities by reference to the inspector's assessment of further information in which a similarly scaled form proposed.
- It is explained the original proposed house submitted in drawing on 4th Feb 2011 the house in the then plot no 13 was two storey 3 bed house dormer with a floor area of 105 sq.m and a ridge of 9.2m (lower than the terrace ridge of 10.1 m) and was subsequently reduced to a ridge of 7.48m as part of the compliance submission.
- The proposed floor area for the one bed house is stated at 63sq.m. whereas the DEHLG is 44 sq.m. for a one bed terraced house. The proposed proposed floor area for the 3 bed house is 125 whereas the DEHLG standard is 92sq.m.
- The combined floor of the proposed units is 188 sq.m.

- Private open space is adequate at 31 and 58 sq.m. having regard to the depth at over 9m, local coastal amenity, absence of overlooking and inner suburb context.

3.0 Planning Authority Decision

3.1. Decision

Grant permission to retain development subject to 3 conditions. Condition 2 restricts access to rear garden as pedestrian only and requires a 1m maximum width gate.

3.2. Planning Authority Reports

3.2.1. Planning Report: The planning report notes the 200mm extension in roof ridge length and variances in roof and considers the changes to that approved as modest and would not therefore alter the character or integrity of a conservation area or the amenities of adjacent properties in terms of overlooking, overbearing, dominant or overlooking. The floor areas at 63sq.m. and 125sq/m for the two houses and open space at 51 and 58 sq.m. is deemed acceptable in view of then limited provision of open space at 51sq.m. the use of this area for parking would be unacceptable

3.2.2. The modest increase in density is to be welcomed and accords with the development plan policy to optimise the scarce use of urban land. It is considered to meet with the requirement of condition 2 b in that an acceptable level of amenity is provided for residents and future occupants without compromising the overall development. The absence of an objection by the traffic department is further noted in this regard.

3.2.3. Other Technical Reports

Traffic: it is noted that there are 21 car park spaces in total and that 1 space is available for each of the 19 units and 2 for retail. A public car park across the road is available for additional visitor parking. There is otherwise no objection subject to standard conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

There are three objections – each from residents on Hollybrook Road backing onto the adjoining lane. Issues raised relate primarily to overshadowing, overlooking, visual impact, car parking, compliance and contravention of condition of permission.

4.0 Planning History

- An Bord Pleanála ref PL29N.238692 (PA ref 3838/10) refers to the parent permission for the development of 19 units and retail premises on site. Condition 2b requires the amalgamation of two units into one. Permission to reverse this condition is in effect being sought. (file attached)

2a House no 1 shall be omitted...

2b House numbers 13 and 14 shall merge to form one house; the western end of the house shall be single storey only (that is the proposed first floor of what was house number 13 shall be omitted) with the roof form on this single-storey western wing to be generally as per drawings received by the planning authority on 4th February 2011) that is the roof may incorporate accommodation and a dormer window to the front....

Reason: to protect the residential amenities of future occupants of the scheme, to protect the amenities of adjoining residential properties and users of the nearby service lanes and to improve the ratio of parking spaces to dwellings.

- PA ref. 2067/15 refers to permission to alter Block A – not part of the subject appeal.
- An Bord Pleanála ref PL29N.229287 refers to a refusal of permission for redevelopment of the site and provision of 44 apartments and 3 retail units.

5.0 Policy Context

5.1. Development Plan 2016-2022

The site is in an area governed by the objective to protect and/or improve the amenities of residential conservation areas (Z2) under the recently adopted 2016-

2022 development plan. There is little difference from the previous plan as used by the planning authority in its assessment in respect of the site and development proposed

Section 16.10 refers generally to residential development standards. Section 16.10.1 refers to minimum floor areas for apartment. (extract in pouch with maps and photographs). Section 16.10.2, 'Residential Quality Standards – Houses' requires all proposals for houses to comply with the requirements of other relevant development standards including the public open space, play space, safety and security, and acoustic privacy standards. Houses shall comply with the principles and standards outlined in section 5.3 'Internal Layout and Space provision' contained in the then DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

Private open space: Privacy is an important element of residential amenity, and contributes towards the sense of security. Private open space for houses is usually provided by way of private gardens to the rear or side of a house. A minimum standard of 10sq.m of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70m² of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5-8sq.m of private open space per bedspace will normally be applied, Sections 11.1.5.4, 11.1.5.5 and 11.1.5.6. refer to policy in conservation areas criteria for extensions and alterations to dwellings in such areas. Appendix 17 also refers. Appendix 17.11 notably refers to roof profile and treatment. 'dormer windows should be set back from eaves to avoid visual impact.'

5.2. **Quality Housing for Sustainable Communities 2007**

The minimum floor area for a 2 person one bed house (one storey) is 44 sq.m. with a minimum guide of 23 sq.m. for living accommodation (total aggregate) and total bedroom at 11.m.

The minimum floor area for a two bed two storey is 70 sq.m. This is for 3 persons.

6.0 The Appeal

6.1. Grounds of Appeal

- In direct contravention of An Bord Pleanala decision which required merging of two units for the purpose of protecting amenity of both future occupants and neighbouring residents.
- The demerged houses with increased bulk width and mass and will impact the visual and physical amenity of appellant's garden.
- The DCC planning assessment is incorrect and the decision of An Bord Pleanala is requested to be upheld in a consistent approach to this development.
- Requests clarification of compliance as it is submitted that the development is not in compliance.

6.2. Applicant Response

This submission reiterates point raised in cover letter highlight above. Main point raised are

- Carefully considered the extant permission regarding principle of development, the height, scale and mass. Cognisant of 'the roof may incorporate accommodation'
- The density of development and height are appropriate to the site
- No justifiable demand for larger merged house – site bought since by developers who have developed in area.
- Inspector accepted revised proposal in 4th Feb 2011 did not result in overshadowing etc. It is pointed out that the ground level slightly lower than lane.
- Development slightly lower in height than FI drawings in 2011.

6.3. Planning Authority Response

- Nothing further to add.

7.0 Assessment

7.1. Issues

7.1.1. The subject appeal relates to the retention of the subdivision of a dwelling house required by condition to be a single dwelling in a housing development granted by the Board in 2011. The grounds of appeal and issues arising from my review of the file contents, history and site inspection centre on:

- Amenity of future occupants within the development and
- Amenity of neighbouring dwellings.

7.2. Amenity of future occupants

7.2.1. I consider the subdivision of a 188 sq.m. unit which includes non-habitable rooms /rooms lit solely by roof lights to form two separate multi storey dwellings to constitute substandard development. I say this having regard to the configuration of proposed units to be retained and the minimum standards for living accommodation as set out in the guidelines – Quality Housing for Sustainable Communities.

7.2.2. The applicant makes the case that the smaller house of 63 sq.m. is acceptable in the context of the minimum 44 sq.m. in DEHLG guidance. I consider this case to be misleading. These standards set out a 44sq.m. minimum floor area for a single level space only. In such a single level space a minimum of 23sq.m. of habitable space should be provided. In the proposed layout it amounts to just over 21 sq.m. In the context of the Development Plan which advises that that these standards are an absolute minimum and that additional space should be provided, this breach is I consider a significant shortfall in space provision. Furthermore, the overall 63 sq.m. over two levels is significantly reduced by stairwell and circulation areas and also includes a non-habitable room of 6.9 sq.m. and a second bathroom. I further note that there is no provision for flexibility for a potential bedroom area at ground level as is advised in the guidelines. Ultimately I consider the maximum 3.8m internal width of the unit on the subdivided residual plot to be too narrow to permit an appropriately scaled additional independent dwelling.

7.2.3. For the above reason, I do not consider that the amenities of future occupants can be adequately provided for and the proposed development cannot therefore comply

with the intentions of condition 2b in the extant permission for the overall development. I consider this to be grounds for refusal.

7.3. Amenity of other residents

7.3.1. The other issue in the appeal relates to the impact on neighbouring residents primarily by reason of an altered roof profile. I concur with the planning authority assessment in this regard insofar as the alterations to the form are relatively modest. I note there is only an angled rooflight in the rear elevation at attic level and do not consider this to give rise to undue overlooking.

7.3.2. With respect to parking I note that there are 21 spaces in total for 19 units and commercial premises. While I note that the Traffic Division raises no objection and that a public car park provides for visitor parking I do note that the site is somewhat constrained in providing for servicing. The addition of another dwelling would generate additional traffic in addition to its immediate parking requirement. This may give rise to congestion within the development. While this in itself does not constitute grounds for refusal in this well serviced site location it does underline the issue of limitations of the site.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of the development proposed which relates to a variation to an approved and substantially built scheme 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 a refusal of permission based on the following reasons and considerations.

9.0 Reasons and Considerations

1. It is considered that the proposed development by reason of layout and house type would result in substandard living accommodation having regard to the standards and guidance set out in 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). The proposed development would therefore seriously injure residential amenities for future occupants and be contrary to the proper planning and sustainable development the area.

Suzanne Kehely

Senior Planning Inspector

6th February 2017