



An
Bord
Pleanála

Inspector's Report PL29N.247473

Development	Demolition of garage and construction of a 2 storey three bed detached house, previous permission no. 2158/07 and 2222/15, and all associated site works
Location	130 Dunluce Road, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3506/16
Applicant(s)	Mark Dunleavy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Paul and Jenny Lanigan
Observer(s)	None
Date of Site Inspection	11/01/2017
Inspector	Gillian Kane

1.0 **Site Location and Description**

- 1.1. The subject site is located at the end (east) of a residential cul-de-sac on Dunluce Road, in the north Dublin suburb of Clontarf. The cul-de-sac comprises semi-detached and terraced red-brick two storey dwellings, most with off-street car parking. The subject site refers to the side (south) of no. 130 Dunluce Road and currently accommodates the first of three single storey garages with access off the cul-de-sac. A two storey detached dwelling has been constructed on the site (132a Dunluce Road) of the corresponding three garages at the northern-eastern end of the cul-de-sac.
- 1.2. Photographs and maps are attached in Appendix 1.

2.0 **Proposed Development**

- 2.1. Permission was sought for the demolition of an existing single storey garage of 15sq.m. and the construction of a two storey detached dwelling of 144sq.m.
- 2.2. Details provided in the application form are:
 - total site area 191sq.m.
 - floor area of buildings to be retained: 0sq.m.
 - floor area of buildings to be demolished: 15sq.m.
 - floor area of proposed buildings: 144sq.m.
 - proposed plot ratio 0.75 and proposed site coverage 49%
- 2.3. The application was accompanied by the following:
 - Planning Report
 - Daylight / Sunlight Assessment Report

3.0 **Planning Authority Decision**

3.1. **Planning Authority Reports**

- **Planning Report:** The proposed development complies with minimum floor area standards of the development plan. Proposed development is unlikely to overshadow the neighbouring property. Sufficient private open space proposed. Separation distances will avoid overlooking of

neighbouring properties. Proposed design, while contemporary is acceptable. Following discussions with the Roads and Traffic Planning Division the proposed access and parking arrangements are acceptable.

- **Drainage Division:** No objection subject to standard conditions.

3.2. **Third Party Observations**

3.2.1. Three objections to the proposed development were submitted to the Planning Authority. The issues raised can be summarised as follows:

- Parking in the cul-de-sac is already problematic. The cul-de-sac is narrow and frequently has parking on both sides.
- The proposed design is not in keeping with the other dwellings in the area.
- The proposed development will exacerbate existing sewage problems.
- Proposed dwelling is too large for the backland site. A previous application for a two storey dwelling on the site was refused on the grounds of overlooking.
- The window in the gable of no. 128 Dunluce Road will be overlooked by the proposed dwelling. The window in the gable of the proposed dwelling will overlook the rear garden of no. 128.
- Lack of contiguous elevations. The 3-d drawings omit the two garages to be retained and underplays the cantilevered front elevation of the proposed dwelling.
- The proposed car parking space may not be viable.

3.3. **Planning Authority Decision**

On the 30th Sept 2016 Dublin City Council issued a notification of their decision to grant permission subject to 9 no. conditions. Condition no. 4 requires details of the proposed boundary treatment between the subject dwelling and no. 130 Dunluce Road.

4.0 **Planning History**

- Planning Authority Reg. Ref. **6601/06**: Planning permission refused for demolition of existing single storey garage and construction of a two

storey detached dwelling on the grounds that the site was of insufficient size.

- Planning Authority Reg. Ref. **6158/07**: Planning permission granted for demolition of existing single storey garage and the construction of a single storey detached house.
- Planning Authority Reg. Ref. **222/15**: Planning permission granted for alterations to 6158/07 to include an increase in height and revisions to windows.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. While the application was assessed by DCC under the 2011-2016 development plan, the Dublin City Development Plan 2016-2022 was adopted on the 21st October 2016 and therefore is the operative plan for the subject site and for the proposed development before the Board.

5.1.2. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.

5.1.3. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:

- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
- Indicative site coverage for the Z1 zone is 45-60%

5.1.4. **Section 16.10.2** of the development plan refers to residential quality standards for Houses. It states that in relation to floor areas: 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). It states that where dwellings have

little or no front gardens in urban settings, it is important that “defensible space” is created behind the public footpath, for example, by means of a planting strip, and the design of ground floor windows will need to be carefully considered. Rear gardens and similar private areas should: be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries; and not back on to roads or public open spaces.

5.1.5. Section **16.10.9** of the development plan refers to corner / side garden sites stating that the development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites. However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house. The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites: • The character of the street, • Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings • Impact on the residential amenities of adjoining sites • Open space standards and refuse standards for both existing and proposed dwellings • The provision of appropriate car parking facilities, and a safe means of access to and egress from the site • The provision of landscaping and boundary treatments which are in keeping with other properties in the area • The maintenance of the front and side building lines, where appropriate.

5.1.6. Section **16.10.10** refers to Infill Housing, stating that 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. In general, infill housing should comply with all relevant development plan standards for residential development;

however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed. Infill housing should: Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings • Comply with the appropriate minimum habitable room sizes • Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

6.0 **The Appeal**

6.1.1. A third party appeal of the Council's decision to grant was submitted to the Board by the residents of no. 142 Dunluce Road. The grounds of the appeal can be summarised as follows:

- Parking is already a problem on Dunluce Road. Three of the six garages have already been demolished. There is no on-street car parking at the end of the cul-de-sac so everything is pushed up to the top. This makes it impossible to access driveways safely.
- Access to the cul-de-sac is difficult and this will be exacerbated with the proposed development. The proposed access to the dwelling is wholly inadequate.
- The sewage system on the road is already in difficulty. The proposed development would exacerbate this problem.
- The proposed design is unsympathetic to the surrounding area.
- Three photographs submitted.

6.2. **Applicant Response**

6.2.1. The proposed development complies with the development management standards of the 2016- 2022 development plan in terms of floor areas, natural light and ventilation, daylight and sunlight, open space and separation distances. The development plan acknowledges that infill / corner site development represents a highly efficient use of serviced zoned lands. The proposed development is in a secluded location with limited exposure. The proposed contemporary design is not uncommon in the area and will

enhance the streetscape. The proposed single off-street car parking space complies with the development plan requirement for Zone 2.

- In response to the grounds of appeal, the applicant states that the Council have accepted the provision of one space in the current and previous applications. In the absence of a material change, the Board should have regard to the precedent set. Ten of the thirteen houses in the cul-de-sac have off-street parking for one or two cars. Each opening limits the road for on-street car parking. Access to the proposed development will be via an existing vehicular access onto the cul-de-sac. It will have no impact on the capacity of the road to accommodate visitor's cars. Photographs of parking in the cul-de-sac submitted. As is usual in suburban cul-de-sacs, occasionally visitors need to park elsewhere. There are no substantive grounds on which to refuse permission on traffic grounds.
- The Council's Drainage Division raises no objection to the proposed development. The proposed development complies with the requirements of the Division as set out in previous planning permissions.
- The proposed dwelling is not in an obtrusive location. A precedent for such dwellings has been set. The proposed dwelling will add to the streetscape.
- The Board is requested to grant permission.

6.3. **Planning Authority Response**

The City Council has no further comment to make and considers that the planners report on file adequately deals with the proposal.

7.0 **Assessment**

On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Car Parking
- Appropriate Assessment

7.1. **Principle of the Proposed Development**

- 7.1.1. Residential development is permitted in principle in Z1 zones. Subject to compliance with other planning considerations, the proposed development is acceptable in principle.
- 7.1.2. I note that the Drainage Division of the Council do not object to the proposal. Noting the conditions of the division on previous permissions, it is considered that the proposed development complies with the requirements of the department. I am satisfied that the proposed development will not cause adverse impacts to the sewage system serving the in the cul-de-sac.
- 7.1.3. The proposed design of the dwelling is in contrast to the suburban red-brick semi-detached pattern of the cul-de-sac and the wider area. The use of striking contemporary design on such infill sites is an appropriate response and is acceptable in this instance.

7.2. **Car Parking**

- 7.2.1. The development proposes a single off-street car parking space with access off the cul-de-sac. None of the drawings submitted with the application show the location or demarcation of the space. One can presume it is located on the footprint of the garage to be demolished – under the cantilevered first floor. This is not clear however. The space under the cantilevered first floor is shown on drawing no. Y147PL001 as being 3m wide and 4.5m from the front building line of the garage to the front door of the proposed dwelling. I question the usability of such a space. Residential car parking spaces are generally approx. 4.8 to 5m long. The area of the proposed space would not accommodate this length and allow for sufficient room to access the front door. Additional length could be afforded to the parking area with a reduction in the hall area and moving southwards of the front door. Should the Board decide to grant permission, the applicant should be requested to submit details to the Planning Authority of a minimum 5m long car parking space at ground level, revising the ground floor footprint if necessary.
- 7.2.2. As noted by the appellant, parking on the cul-de-sac is problematic. Whilst the proposed development is in an urban area with public transport in close proximity, the nature of the suburban cul-de-sac is such that future residents

of the proposed dwelling will almost certainly require car parking. If off-street car parking is not available on the subject site, future residents will invariably park on-street, exacerbating the traffic management in the cul-de-sac. It is reasonable to accept occasional or visitor parking on-street but each dwelling within the cul-de-sac must be able to accommodate permanent / resident car parking – in accordance with section 16.10.10 of the development plan.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not 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 have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016 – 2022, the planning history of the site and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the scale and nature of the proposed development and the planning history on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area, would provide an acceptable standard of amenity for future residents and would promote

sustainable modes of transportation. 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, 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. Prior to the commencement of development the developer shall submit for the written approval of the Planning Authority, details of the provision of a car parking space of no less than 3mx5m on site. The ground floor footprint of the proposed dwelling shall be revised if necessary to accommodate the space.

Reason: In the interest of traffic safety.

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

Reason: In the interest of public health and to ensure a proper standard of development.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be

run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

6. All boundary treatments shall be in accordance with those indicated in submitted documentation.

Reason: In the interests of residential and visual amenity, and to ensure the provision by the developer of durable boundary treatment.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Gillian Kane

Gillian Kane
Planning Inspector

16 January 2017