



An
Bord
Pleanála

Inspector's Report PL06F.247475

Development

Demolition of single storey extension to the rear of house, construction of house in side garden, reconfiguration of rear garden walls and all associated works.

Location

54 Hazelwood Avenue, Huntstown,
Dublin 15.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW16A/0121

Applicant(s)

Darren Fay

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellants

Darren Fay

Observers

none

Date of Site Inspection

13th January 2017

Inspector

Patricia Calleary

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.024 ha comprises a semi-detached house, 2 detached houses and a vacant plot, all within an established housing development known as Hazelwood Avenue. The site is reasonably level and is bounded by mature trees on the north east, beyond which lie Hartstown Park and Hartstown school. To the rear (south east), the site is bounded by established houses in Oakwood Avenue. Immediately west of the overall site lie the row of houses in Hazelwood Avenue. In the wider area, the site is located c.2.5km west of Blanchardstown.
- 1.2. Access to the 3 existing houses, i.e. No.54, 54A and 54B and the vacant plot lie off an existing cul de sac which itself appears to have been formed off the original estate road serving Hazelwood Avenue. The vacant plot at the east of the overall site is currently secured along all boundaries by concrete block walls with a double metal gate to the front. On the day of my inspection, I noted the plot contained significant amounts of building materials and metal container stores.
- 1.3. There is an ESB Pylon structure located c.14m from the front of the site which carries overhead powerlines.

2.0 Proposed Development

- 2.1. The proposed development would comprise the demolition of a single storey rear extension attached to an existing two storey house (54B Hazelwood Avenue) and the construction of a new detached narrow form two storey house on the existing vacant/undeveloped plot. It would also comprise reconfiguring boundaries around houses numbers 54, 54A and 54B Hazelwood Avenue. Specifically, the boundary between House 54A and 54B would be repositioned from its current location where it runs along the gable of House 54B, to a new position running along the gable of House 54A. The front portion of the boundary which divides House 54B and the vacant plot would also be re-positioned for part. A 1800mm high timber fence is also shown proposed between House No.54 and House No.54A at it's rear.

3.0 Planning Authority Decision

3.1. The Planning Authority issued a decision to **refuse permission** for 2 stated reasons summarised as follows:

- Development would result in loss of outlook and would be injurious to residential and visual amenity of properties in the immediate vicinity and as such would materially contravene the land-use zoning objective for the area;
- Would result in over development of a restricted site and fails to respect the established pattern and character of the development in the area given the scale of the design of the dwelling and lack of useable open space provision.

4.0 Planning Authority Reports

4.1. Planning Reports

- Site located in an area with 'RS' zoning objective;
- Subject development accords with the requirements of the Fingal Development Plan 2011-2017 regarding the floor space, room dimensions and (as per Table RD01 and RD03) and meets the requirements of Objective OS35 and OS38 regarding privacy and quantum of open space provision;
- Following demolition of rear extension of host house, it would have sufficient open space;
- Layout, scale and design remain unaltered from the proposal submitted under FW16A/0057. Similar concerns remain regarding adverse impact on residential amenity of future occupants and the outlook from properties in Oakview Avenue given the brevity of length of private open space and the lack of first floor windows;
- Concerns regarding the view of the house when viewed from Oakview Avenue.

The Planning officer concluded that while there is no objection in principle to a dwelling on site and notwithstanding Objective D09 which encourages infill

development, the scale and design of the proposed house are unacceptable and would adversely affect the amenities of the area and the level of residential amenity which would be afforded to future occupants. A recommendation to **refuse** permission was put forward.

4.2. **Other Technical Reports**

Water Services (Surface Water) – No objections subject to conditions.

Transportation – No objection subject to conditions.

4.3. **Prescribed Bodies**

Irish Water – Further Information required.

4.4. **Third Party Observations**

None on file.

5.0 **Planning History**

5.1. **Appeal site**

- **FW16A/0057.** Permission refused for new detached two storey house for reason of loss of outlook, serious injurious to the residential and visual amenities, contrary to Objectives OS38 and OS39 and overdevelopment on a restricted site.
- **F03A/0865.** Following an application for 2 no. two storey houses and 1 no. single storey house, permission was granted subject to the omission of the single storey house.

6.0 Policy Context

6.1. Urban Design Manual – A Best Practice Guide (2009);

6.2. Fingal County Development Plan 2011-2017;

- Located in an area with **Zoning objective ‘RS’** which is to ‘provide for residential development and protect and improve residential amenity’;
- **Objective RD01** (Ensure consolidated development), **RD04** (Ensure mix of housing types), **Objective RD10** (Encourage development of underutilised infill and backland sites subject to protecting character of area);
- **Table RD01 and RD03** set out the unit and room sizes required for houses;
- **Objectives OS35** (private open space) and **OS38** (open space provision);
- **Objective D09** – Encourage and promote the development of underutilised infill and backland sites in existing residential areas subject to the character of the area being protected.

6.3. Natural Heritage Designations

- None

7.0 The Appeal

7.1. Grounds of First Party Appeal

7.1.1. An appeal was received from **Hughes Planning** representing the first party against the decision made by the Planning Authority to refuse planning permission. The appeal was accompanied by revised drawings proposing combined sloped (roof) and vertical windows(walls) which are stated would be frosted on the wall elevation, incorporated into the design. The following points are set out in the appeal.

- Site is zoned for residential development;
- Proposal is supported by Planning Objective RD01;

- Would provide occupants with a high standard of residential amenity in the context of an urban setting while safeguarding the residential amenities of adjoining residents;
- Proposal would not cause overshadowing onto adjacent properties;
- Complies with Regional Planning Guidelines for GDA 2010-2022, Sustainable Residential Development in Urban Areas, Urban Design Manual – A best practice Guide 2009 and also the current Fingal Development Plan;
- Proposal is not visually intrusive;
- Would have a site coverage of c.20% and plot ratio of 0.38 which does not constitute overdevelopment;
- Would not result in overshadowing, overlooking or loss of outlook;
- Provides sufficient open space (60 sq.m);
- Makes reference to planning precedents;
- Dwelling has been designed to be in-keeping with the existing pattern of development;
- Served by a regular bus service and cycle lanes exist on public road;
- Complies with open space requirements and with the room sizes set out in Table RD01;
- Would maintain the building line of Hazelwood Avenue and would make efficient use of land;
- Scale and design is appropriate;
- No objections were received from third parties or from internal departments;
- Site is currently walled off and is not useable open space;

The appeal is accompanied by a one-page shadow analysis study (drawing).

7.2. Planning Authority Response

7.2.1. The Planning Authority provided the following points in response to the appeal.

- Proposed house would have no direct horizontal outlook when viewed from the first floor to the rear (south) and would have a negative impact on the amenities of the future residents;
- Proposed house represents overdevelopment given its limited area of open space and the depth of open space from a stated 1,280mm to 7,870 mm;
- Would compromise the privacy and amenity not only of the inhabitants of No.54 but also adjoining houses on Oakview Avenue and Oakview Park.

7.3. Observations

None

8.0 Assessment

8.1. Introduction

8.1.1. I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. I consider the key issues in determining the application and appeal before the Board are as follows:

- Compliance with Development Plan Policy
- Character of the area
- Design and Residential Amenity
- Other

I consider each of the above issues as set out under the respective headings below.

8.2. Compliance with Development Plan Policy

8.2.1. The site is located within an area which is zoned as '*RS - provide for residential development and protect and improve residential amenity*' in the current Fingal Development Plan 2011-2017. The development complies with the development management standards set out in Tables RD03 and RD04. By virtue of demolition of the annex to the rear of the existing house No.54B, the resultant rear garden of that house would measure c.60 sq.m which would be in accordance with OS 38 of the

Fingal CDP. Certain portions of the boundaries around Houses 54, 54A and 54B would be altered and each would achieve the garden sizes above the minimum of 60 sq.m.

8.2.2. Based on the planning policy and applicable development plan objectives, I am satisfied that the proposed development including the development of a house on residential zoned lands is acceptable in principle and is also supported by Objective RD01 as it would result in consolidated development.

8.2.3. Notwithstanding my view that the development of a house in principle is acceptable on the site, it is also relevant to consider the planning issues which arise. My assessment below considers such issues.

8.3. **Character of the area**

8.3.1. The pattern of development in the immediate adjoining area consists of established semi-detached houses laid out in a planned form. Two detached houses have been added to the side of property No.54 (numbered No.54A and 54B) and are included within the redline boundary which defines the appeal site. These are positioned set back from the original established building line in Hazelwood Avenue, which is a strong feature in the area. The proposed house would be positioned at the end of the cul de sac but inclined at an angle away from the road rather than articulating and overlooking it. In that context the development would be out of character with the established pattern of development in the area. The resultant house on site would appear constrained, would not integrate well with the established rhythm of the area and would be injurious to the streetscape in my view.

8.3.2. I consider the proposed development constitutes over-development of a restricted site which would fail to respect the established pattern and character of the development in the area and accordingly, I consider that the development should be refused for reasons of being out of character with the area and injurious to the visual amenities of the streetscape.

8.4. **Residential Amenity**

8.4.1. The PA raised concerns regarding the residential amenity for future occupants given the brevity of the proposed rear garden / private amenity space which goes from a

stated 1380 mm to 7870 mm along the main line of the house and the loss of outlook as a result, particularly from the living room. Concerns are also raised that there would be no direct horizontal view from the bedroom windows to the rear (south) taking into account the amended drawing received by the Board which proposes obscure glazing up to roof level on the windows. Windows are proposed on the front elevation but these face north/north east. The first party disagree and consider that the property would not result in overlooking, overshadowing or overbearing and state that there is no reference to outlook in the current development plan for Fingal.

- 8.4.2. Having viewed the site at first hand, it's constraints are immediately evident. I agree with the PA that a house can be accommodated on site but I consider the current proposal is excessive in scale which restricts its orientation and its position relative to the road and would in addition to being out of character with the established pattern of development, result in poor residential amenity for future occupants. I accept that the orientation would direct outward views away from the Pylon structure.
- 8.4.3. Objective OS38 and OS39 collectively require 60 sq.m of private amenity space located behind the front building line of the house and this is shown as being achieved. In order to achieve the space however, it is proposed to remove the rear extension of the existing adjoining house (No.54B) and also to re-position parts of the dividing boundaries around 3 houses. I am of the view that the proposed house would not cause overlooking or overshadowing onto other properties and would not be overbearing onto other properties, particularly those in Oakview Avenue to the rear.
- 8.4.4. The orientation of the house, inclined at an angle away from the curved cul de sac is such that its main windows face north/north east. Bedroom windows positioned on the south elevation would not have any horizontal view which would have a negative impact on the amenities for its future occupiers.
- 8.4.5. Having regard to the design, layout and orientation of the proposed house, which would not provide for quality residential amenities for future occupants of the proposed dwelling house, I recommend that permission should be refused.

8.5. Other

8.5.1. 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 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.

8.5.2. Alternative

I consider that the opportunity to develop a design with an improved quality residential amenity which would be in-keeping with the character of the area in terms of design and layout would best be achieved in the context of a new application.

9.0 Recommendation

9.1. I recommend that **permission** should be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. It is considered that the proposed development would constitute over-development of a restricted site, would result in unsatisfactory standard of residential amenity for its future occupants by virtue of loss of outlook and poor orientation of the house and would be out of character with the established pattern of development in the area by virtue of its inappropriate alignment with the public road. The development would therefore lie contrary to the proper planning and sustainable development of the area.

Patricia Calleary

Senior Planning Inspector

18 January 2017