



An  
Bord  
Pleanála

## Inspector's Report PL29S.247633

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<b>Development</b>	Demolition of Gate Lodge and erection of 2 no. two storey detached dwellings and attics and 2 no. outbuildings and new entrances.
<b>Location</b>	64-66 Terenure Road West, Terenure, Dublin 6W
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3648/16
<b>Applicant(s)</b>	Hugh Devine
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Hugh Devine
<b>Observer(s)</b>	Terenure West Residents Association Eithne Brew Norah Price
<b>Date of Site Inspection</b>	14 <sup>th</sup> February 2017 and 17 <sup>th</sup> February 2017
<b>Inspector</b>	Rónán O'Connor

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## 1.0 Site Location and Description

- 1.1. The site has a stated area of 1,310 square metres. The site has frontage onto Terenure Road West. It has a low height front boundary wall. On site is a single storey nineteenth century gate lodge. At the time of Inspection, the lodge was unoccupied and in a semi-derelict condition. The site was fenced off with hoarding
- 1.2. Two storey semi-detached houses dating from the 1940s are located along the road frontage to either side and an apartment development is on the opposite side of the road. Walling and hedgerow planting are located along the rear boundary. The ground within the site is scrubland.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
  - Demolition of the existing single storey gate lodge.
  - Construction of two no. 2 storey detached dwellings (each measuring 268.7 sq. m) incorporating habitable attic floor area.
  - Two no. outbuildings to the rear of the dwellings.
  - Two new vehicular entrances and two pedestrian entrances.
  - Modifications to existing front boundary wall incorporating new railing to top of existing wall.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse permission for one reason as follows:

*The proposed development by virtue of the house type would be visually out of character with the streetscape and would set an undesirable precedent for similar such development. As such it would materially and negatively impact the residential setting of street. The proposed development would therefore contravene the zoning objective 'Z2', to protect and/or improve the amenities of residential conservation*

*areas and would be contrary to both the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the planning officer reflects the decision of the planning authority. The following is of note:

- Planning Officer considered that principle of two dwellings had been established.
- Previous approval of 2 semi-detached dwellings was a suitable approach for the site.
- Current proposal of two detached dwellings was not in keeping with the character of the area.
- The proposed rear garden buildings, previously sought to be removed by the Planning Authority, have been re-introduced.
- Proposal would seriously injure the character and setting of the streetscape, and is lacking in overall quality design, and would have an overbearing and negative visual impact, contrary to the Z2 zoning objective of the site.
- Recommendation to refuse permission.

#### **3.2.2. Other Technical Reports**

Drainage – No objection

### **3.3. Prescribed Bodies**

#### **3.3.1. None**

### **3.4. Third Party Observations**

#### **3.4.1. 6 submissions were received by the planning authority in relation to the application.**

The main planning issues raised are as follows:

- Third application on site – making mockery of the planning process.

- Sheds to the rear are not in keeping with other developments in the area and will have a negative visual impact/would be the only outhouses in the area.
- Sheds were previously required to be removed.
- Ownership of the appeal site and site to the rear is questioned.
- Excessive size of houses/Design issues.
- Impact on residential amenity including overshadowing, loss of outlook, visually overbearing.
- Security issues.
- Little information with the application.
- Previous ABP report advised that the extra entrances were unnecessary.
- Separation distances from neighbouring houses below development plan standards.
- Site is not wide enough to accommodate two detached dwellings of the scale and width proposed.
- Not sympathetic to the existing pattern of development in the area.
- 2011 Plan stipulates a distance of at least 1.5m between dwellings.
- Proper planning would dictate that such a 1 m separation is too narrow
- Back dividing wall does not extend all the way to the outbuildings/should extend completely between the two houses.
- Use of flat roof to the rear of the houses.
- Impact on traffic safety.
- Terenure Road West is a strategic cycle route.

## 4.0 Planning History

- 4.1. PL.29S.246358 (2478/15) Grant permission for the demolition of the existing single storey gatelodge, the construction of two semi-detached three-storey dwellings with associated rear balconies, garden shed, the modifications to the existing vehicular site entrance and front boundary wall, one new vehicular and one new pedestrian

site entrance with side driveway, six car park spaces, landscaping and all site and associated works.

- 4.2. 3308/14 Permission was refused for three no. two storey detached houses for reasons relating to layout, size scale visual impact, overshadowing and overdevelopment and design that is incompatible with existing development.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The front portion of the appeal site is zoned Residential Neighbourhoods (Conservation Areas) Z2 in the Dublin City Development Plan (2016-2022) with a stated objective “to protect and/or improve the amenities of residential conservation areas”.
- 5.1.2. The rear portion of the appeal site is zoned objective Z1 ‘to protect, provide and improve residential amenities’.
- 5.1.3. Policies, objectives and standards for infill residential development are set out in Sections 16.10.10 ‘Infill Housing’ and in 16.10.17 with regard to the justification for retention or removal of older buildings of significance which are not protected.
- 5.1.4. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:
- Policy CHC4 - To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
  - Section 16.10.10 ‘Infill Housing’
  - Section 16.10.17 provides guidance on the retention, re-use or removal of older buildings of significance which are not protected.
  - Paragraph 16.1.2 of the Plan relates to Residential Quality Standards

## 5.2. **Natural Heritage Designations**

None

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal, as raised in the submission from Simon Clear and Associates, on behalf the first party appellants, can be summarised as follows:

- Principle of two houses established by previous decisions.
- Approved dwellings are now considered to be unsuitable internally.
- Adjoining neighbours have previously requested that the front portion of the site be substantially in-filled so as to prevent access to the rear of the site.
- Proposal is similar to other infill dwellings on Milltown Road.
- The front of the site is Zoned Z2 and the majority of the site is Zoned Z1. The reason for refusal does not refer to the Z1 Zoning.
- Proposed buildings meet the criteria for infill development.

### 6.2. **Applicant Response**

6.2.1. None

### 6.3. **Planning Authority Response**

6.3.1. Appeal documents have been reviewed and it is considered the proposed development is contrary to the proper planning and sustainable development of the area.

### 6.4. **Observations**

6.4.1. Three observations have been received from the occupants of 62 Ternenure Road West, 10 Greenlea Road and Terenure West Residents Association.

- Site was sold fraudulently.

- First application was refused due to impact on neighbours.
- Neighbours objected to the through road to the back of the development as proposed in the second application.
- Details of current application difficult to decipher.
- Current proposal will impact on light levels to adjoining buildings.
- Current proposal cannot be described as a modification to the approved proposal.
- Application should replicate the development type on neighbouring sites i.e. a semi-detached dwelling with a side garage.
- Dwellings on neighbouring sites provide generous sized accommodation.
- If side garages were built there would be no need for garages to the rear.
- Application could not provide examples of similar developments in the area and uses an example from Milltown instead.
- Context of the site in Milltown is different.
- Applicant claims to own land to the rear of the site (to the rear of 10 Greenlea Road).
- Outbuildings will impact the amenity of garden of 10 Greenlea Road.
- Proposal will overlook adjoining gardens.
- Proposal does not respect the pattern of development in the area.
- Fully support the Planning Authorities decision.
- Outbuildings are now twice as big as that proposed under the previous planning application.
- Open side passage could facilitate access to the rear.

## 7.0 Assessment

- 7.1.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:



- Principle of the proposed development
- Design and Visual Amenity
- Residential Amenity
- Road Access and Traffic Safety
- Other Issues

## 7.2. Principle of the proposed development

- 7.2.1. The principle of the demolition of the existing gatehouse has been established under the previous consent on this site and as such the demolition is acceptable in this instance.
- 7.2.2. It is noted that residential development is an acceptable land use within both the Z1 and Z2 zoning matrices. As such the current proposal for two residential units is acceptable in principle, subject to the considerations below.

## 7.3. Design and Visual Amenity

- 7.3.1. Section 16.10.10 'Infill Housing' of the Dublin City Development Plan states that 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.
- 7.3.2. The established pattern of development on this side of Terenure Road West is one of semi-detached two storey dwellings of a similar scale, with generous separation distances achieved by the single storey garages to the side.
- 7.3.3. The proposal is for 2 two storey dwelling houses of 268.7 m<sup>2</sup> each. The proposed dwellings are detached rather than semi-detached and in this regard are dissimilar to their immediate neighbours. The height is similar to the neighbouring dwellings on adjacent plots and the proposed dwellings keep the established building line. However, the layout, scale and massing of the dwellings is not in keeping with the

established built form and I consider the dwellings to be over-scaled and excessive in scale, mass and bulk.

- 7.3.4. The immediate neighbouring dwellings are semi-detached dwellings with single storey garages that adjoin the appeal site. The two-storey massing of these buildings is therefore set back from the boundary of the site. The appeal proposal results in the two-storey massing close to the boundaries of the site (approx. 1m). The recent consent (PL.29S.246358) allowed for two semi-detached dwellings, set back from No. 68 and No. 62 by 3.2m and 2.7m respectively. This is a more appropriate setback from the neighbouring dwellings and the current proposal is not an appropriate form of development.
- 7.3.5. The Board has previously accepted the separate pedestrian and vehicular entrances in a similar location to that proposed here and as such these are acceptable.
- 7.3.6. I note the previously permitted front boundary treatment differs from that proposed here. The railings proposed to the front boundary are not in keeping with the established boundary treatment in the immediate area and would be inappropriate in appearance.
- 7.3.7. Furthermore, the scale of the outbuildings to the rear is excessive and these would appear as incongruous structures to the rear of the site. I note that no outbuildings were permitted under the most recent consent on this site.
- 7.3.8. The overall appearance of the two dwellings from the street in one of an excessive scale of development which sit incongruously with neighbouring dwellings and fails to preserve the amenities of the area, as required by the zoning objectives for the site.

#### **7.4. Residential Amenity**

- 7.4.1. The potential impacts relate to overshadowing of adjoining properties, loss of outlook, and overlooking/loss of privacy.
- 7.4.2. In relation to overshadowing, I note that both No. 62 to the east and No. 68 to the west of the appeal site have windows on the side elevations. No. 68 has a rooflight on the sloping roof of the side extension. Given the scale of the dwellings and the proximity to the boundaries of the site, the proposal would give rise to overshadowing of the neighbouring dwellings to the east and west of the site.

7.4.3. I consider too that a loss of outlook from these properties will result and the proposal would be an overbearing form of development when viewed from the neighbouring sites at No. 62 and 68. The proposed outbuildings would also be an overbearing form of development when viewed from the rear garden of No. 10 Greenlea Road.

7.4.4. No material overlooking or loss of privacy will occur as a result of the proposal subject to the first floor windows on the side elevations of the proposed dwelling houses being obscure glazed. Should the Board be minded to grant consent, a condition restricting the use of the flat roof areas to the rear of the dwelling is recommended, so as to ensure that these are not used as a roof terrace, leading to overlooking, noise and disturbance of adjoining properties.

#### **7.5. Road Access and Traffic Safety**

7.6. Vehicular access is proposed from Terenure Road West and there is provision for off-street parking on the site. This replicates the situation on neighbouring sites and does not raise any additional traffic or safety issues.

#### **7.7. Other Issues**

7.7.1. The issue of ownership relative to third party lands/boundaries is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of S.34(13) of the Planning and Development Act and Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007).

7.7.2. In relation to the potential use of the outbuildings, I cannot speculate on the intentions of the applicant and can only assess the application on the basis of the information to hand. If the application were to be permitted a condition should be imposed restricting the use of these garages to be ancillary to the enjoyment of the residential dwellinghouses.

7.7.3. In relation to the potential site access from Parkmore Drive, from my observations on site and from reviewing the plans on file, there appears to be some potential for this access to be opened up, but as this does not fall within the red line boundary of the appeal site, and no such proposals have been put forward by the applicant, I do not wish to speculate on this matter.

- 7.7.4. 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 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

Refuse permission.

## 9.0 Reasons and Considerations

1. The proposed development would, by reason of the excessive scale, bulk and massing of the two detached dwellings and associated outbuildings, and proximity to the adjoining residential properties, be visually incongruous and be out of character with the existing pattern of development in the area, would result in overshadowing of, and loss of outlook from, neighbouring properties, and would seriously injure the amenities of the area and properties in the vicinity.

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Rónán O'Connor  
Planning Inspector

28<sup>th</sup> February 2017