



An
Bord
Pleanála

Inspector's Report PL29S.247669.

Development	Retention of amendments to previously approved house (2837/14) and (3250/14).
Location	25A Larkfield Gardens, Harold's Cross, Dublin 6W.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	1369/16.
Applicant(s)	John Duffy
Type of Application	Retention.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	John Ennis and others.
Observer(s)	None.
Date of Site Inspection	15 th of March 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site contains a recently constructed 2 storey detached dwelling to the side of 25 Larkfield Gardens, within a residential area located to the south west of Harold's Cross, Dublin 6. The site is located on a corner site entering into a cul-de-sac of 20 terrace dwellings and has a vehicle entrance and large pedestrian entrance. Those dwellings within the adjoining cul-de-sac are all of a similar style and finish whilst those dwellings in the further surrounding residential areas have a wider range in style and finish.

2.0 Proposed Development

2.1. The proposed development refers to the retention of alterations to a dwelling which has been previously granted under 2837/14 and 3250/14. The alterations may be summarised as follows:

- Alterations to the exterior of the dwelling for a change in the roof profile, door location, windows on the façade and the rear of the dwelling;
- Increase in the floor space from a permitted 154m² to 168m²;
- Increase in the location and width of the pedestrian entrance;
- Omission of the basement area and the chimney.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission and conditions of note include:

- C 2: Within 8 weeks of the final grant the existing 3.24m wide pedestrian entrance is to be reduced to 1.5m with alterations to the boundary wall and pillars.
- C 3: The terms and conditions of 2837/14 and 3250/14 shall be complied with unless otherwise modified by the permission.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and may be summarised as follows:

- Reference to the guidance in the development plan with regard to alterations to dwellings and development in sites on corner/ gardens.
- It is noted the proposed works are substandard based on adjoining properties and separation distances although it is considered reasonable to grant the retention permission.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Six observations were received with five letters of support and one observation signed by nine local residents. The issues raised have been addressed in both the grounds of appeal and the applicant's response.

4.0 **Planning History**

3250/14

Permission granted for a two storey dwelling and basement. Condition No 2 required that external materials match the existing dwelling and Condition No 3 required a wall 2m boundary wall to the rear and 1.2m to the front.

2838/14

Permission granted for revision of a previously approved granny flat.

2837/14

Permission granted for a two storey detached dwelling.

PL29S.242258 (2539/13)

Permission granted for a granny flat to the side and rear of an existing dwelling.

3436/08

Permission refused for demolition of an extension to the rear and construction of a two storey dwelling to the side for reasons of lack of sufficient open space and therefore is contrary to the zoning provision on the site.

1481/05

Permission refused for a new two storey dwelling to the side existing dwelling as it was visually obstructive causing a negative impact on the visual amenity and contrary to the zoning on the site.

4345/04

Permission refused for demolition of garden shed and wall and construction of a two storey detached dwelling for lack of private amenity space.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The site is zoned in Z1 where it is an objective *"To protect and/or improve the amenities of residential amenities"*.

New dwelling

Policies QH18: Ensure that new houses meet the needs of family accommodation with satisfactory residential amenity.

Policy QH19: Ensure that new housing adjacent to existing reflects the character and scale unless exceptional circumstances.

Section 16.10.9: Corner/ side garden sites. Regard will be given to the character of the street, impact on the residential amenity, open space and car parking standards'

Section 16.10.2: Residential Quality Standards for dwellings include but not restricted to separation distance of 22m to rear between first floor rear windows,

open space provision of 10m² per bed space, generally up to 60-70m² of rear garden is sufficient in the city.

Extension

Section 16.2.2.3: Alterations and Extensions.

Section 16.10.12: Extensions and Alterations to dwellings.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been submitted from adjoining residents and the submission has been signed by eight persons who reside in the vicinity and may be summarised as follows:

- The site is zoned as Z1 and the oversized build is not in keeping with the zoning objective “*To protect, provide and improve residential amenity*”.
- The planning history which has been granted require the external materials to match the existing dwelling and none of the conditions were adhered to.
- Other planning history on the site for similar development, 4345/04 and 1481/05, was refused for overdevelopment.
- The site notice was not visible.
- The proposed development will set an undesirable precedent to allow retention permission for other developments in the vicinity.

6.2. Applicant Response

An agent on behalf of the applicant has responded to the grounds of appeal which may be summarised as follows:

- The grounds of appeal are vexatious and should be dismissed as the appellants are not representatives of the Larkfield Residents.
- The works to be retained are justified as follows:

- The basement granted in 3250/14 could not be built as the ground was too rocky;
 - The chimney was omitted because an air to heat pump was installed;
 - The location of the dwelling was altered due to unmapped underground services;
 - The gable wall was built to avoid overhanging of guttering;
 - The render finish was used instead of brick for maintenance purposes;
 - The windows to the front are in line with the surrounding dwellings and the windows to the rear are obscure glazing the same as previous permissions.
- There was no objection to the proposal from Dublin City Council.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development.
- Visual Amenity.
- Residential Amenity.
- Other Matters.
- Appropriate Assessment

Principle of Development

7.2. The subject site is a large corner site which was formerly a side garden for 25 Larkfield Gardens. Permission was granted for a two storey detached dwelling in

2837/14 (93m²) and amended in 3250/14 (159m²) to include a basement level. The proposed development includes retention of alterations to the previously approved dwelling. The grounds of appeal argue the retention of the alterations will have a negative impact on the surrounding area and are contrary to the residential zoning. The site is zoned Z1, residential development in the current development plan which permits infill dwellings and alterations to existing dwellings, therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Visual Amenity

7.3. Larkfield Gardens, and the adjoining residential areas of, Larkfield Park and Larkfield Avenue are characterised by two storey detached, semi-detached and terrace dwellings which range in design, style and finish. The proposed development includes the retention of alterations to a previously granted dwelling which include alterations to the façade, internal layout and widening of a pedestrian entrance. The grounds of appeal argue the proposed alterations are significant in scale and will cause an undesirable precedence for similar developments in the vicinity. I have assessed the visual impact of each of these below.

7.4. Alterations to façade: The alterations to the façade include:

- the relocation of the entrance from the front to the side of the front projection,
- inclusion of two smaller windows on the first floor instead of one larger,
- removal of the chimney.

Section 16.10.9 of the development plan requires that infill dwellings on corner sites are in keeping with the character of the surrounding area. I note the dwelling granted in 3250/14 and 2837/14 included a similar design to the dwellings in the vicinity. The removal of the window on the first floor and main entrance door have significantly altered the appearance of the dwelling. The dwelling lacks a main focal point and symmetry which is uncharacteristic of the dwellings in the vicinity. I consider the changes to the façade have a negative impact on the visual amenity of the dwelling and to permit these amendments would set an undesirable precedent for the grant of permission of similar dwellings in the surrounding area.

- 7.5. Roof profile: Additional proposals for retention include a change of roof profile from a hipped roof to a gable ended roof. Section 16.10.9 of the development plan includes criteria for the design of infill on corner sites where the proposal shall be compatible of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings. The roof profile granted for a hipped roof matched the adjoining dwellings, the roof profile to be retained is a gable roof which is not in keeping with any dwellings in the vicinity and I consider it adds bulk and mass of the dwelling. The guttering along the south east of the roof overhangs onto an adjoining property.
- 7.6. External materials: The external materials to be retained include a render finish. The external materials of the adjoining dwellings are dry dash. I consider the use of the render finish has a negative impact on the character of the surrounding area and I do not consider these works comply with the guidance of the development plan. I note Condition No 2 of both 2837/14 and 3250/14, required the external finish of the dwelling to match the existing.
- 7.7. Increase in height: The height of the permitted dwelling in 3250/14 and 2837/14 matched the dwellings at No 25 and No 24. The submitted plans fail to include any contextual analysis although I note from the site inspection the current dwelling exceeds the height of the adjoining properties which I consider inappropriate for this small infill site.
- 7.8. Therefore, based on the inappropriate bulk and mass of the alterations the external materials and the roof profile, I consider the proposed development would have a significant negative impact on the character of the surrounding area and a refusal of permission for the amendments to the approved scheme would be warranted.

Residential amenity.

- 7.9. Thee infill dwelling is located between No 24 and No 25 Larkfield Gardens. The grounds of appeal argue that the proposed development is excessive and will have a detrimental impact on residential amenity of the area, which I have assessed below.

Overlooking: The site is located north of No 25 and east of No 24. The front windows face onto the street at Larkfield Gardens, the rear windows face onto the rear gardens of dwellings along Larkfield Gardens. The alterations to the rear windows include larger dormer window and two velux windows. I note the inclusion of obscure

glazing, therefore, I do not consider there would be any overlooking on adjoining residential properties.

Overshadowing: The proposed development is located 0.9m north from the edge of No 25 Larkfield Gardens and 1m from the east of No 24 Larkfield Gardens and the front building line is generally in line with the adjoining dwellings. Based on the location of the dwelling to the north of No 25 there will be overshadowing on the front garden, although I do not consider it of significance to have a negative impact on the residential amenity.

Open Space: The proposed development includes the reduction of the rear garden space by 2m². Based on the scale of this amendment I do not consider the proposed development would have a negative impact on the residential amenity of the existing dwelling.

Overbearing: The proposed development is located on a similar footprint to the permitted dwelling and I consider the scale and mass of the proposed dwelling is similar. therefore, I do not consider the proposed development would have a negative impact on the adjoining dwellings due to overbearing.

- 7.10. Therefore, based on the orientation and location of the site, I do not consider the proposed development would have a negative impact on the residential amenity of the residents of the surrounding properties.

Other Matters

- 7.11. Pedestrian Access: The proposed development includes the retention of a new pedestrian entrance 3.24m in width, similar in size to the current vehicular entrance onto the site. Condition No 2 requires a reduction in the size of the pedestrian entrance to 1.0m with alterations to the boundary walls and gates. Section 16.10.9 of the development plan encourage the provision of safe access and regress for infill units on corner sites. I note many of the dwellings in the vicinity have either pedestrian or vehicular access into the front of the site and although none have both, I do not consider the inclusion of the wider pedestrian access would have a negative impact on the surrounding area.

Appropriate Assessment

- 7.12. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

The proposed development, by reason of its design, scale, bulk, fenestration and height, would be out of character with the existing residential properties in the vicinity and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area

Karen Hamilton
Planning Inspector

15th of March 2016