



An
Bord
Pleanála

Inspector's Report PL.06D.247826.

Development	Permission for a single storey 1 bed house and ancillary site works.
Location	Site between No. 34 & No. 35 Harlech Crescent, Clonskeagh, Dublin 14.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0742.
Applicant	Simon & Lesa Costello.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v Decision. Third Party (Mary Mcgrath & Laura Beirne) v Reason for Refusal.
Appellants	Simon & Lesa Costello.
Observers	Christopher O'Connor.
Date of Site Inspection	15 th March 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1. The site is located on the northern side of Harlech Crescent, a mature suburban estate built c. 1950s in Clonskeagh, Dublin 14. The estate is characterised by single storey detached houses with brick facades. A number of the houses along Harlech Crescent have been refurbished and extended with some attic conversions but overall the pattern of development in the area reflects the original 1950s houses in terms of design, scale and finishes.
- 1.2 The site, located between No. 34 and No. 35 Harlech Crescent, fronting onto and accessed off Harlech Crescent, is a former access to No. 72 Roebuck Road, a detached contemporary dwelling in the applicant's ownership, located to the rear of Harlech Crescent and accessed off Roebuck Road. There is no longer access to No. 72 Roebuck from the site. A timber fence has been erected and forms the rear boundary. The side boundaries are low walls (c.1m in height) with mature hedging. Gates form the front boundary which fronts onto Harlech Crescent. The adjoining house to the east, No. 35, has dormer windows facing the site.
- 1.3 The site with a stated area of c. 152sq.m ,is long and narrow. Reflecting its former use as an access to the applicant's house, the dimensions range from 3.3m to 4.57m in width and c.40m in length. There are a number of manholes for services along the site which were connected to the original house at No.72 Roebuck Road to the rear.
- 1.4 Maps, photographs and aerial images in file pouch.

2.0 Proposed Development

Permission is being sought for a c. 62sq.m single storey 1 bedroom flat roofed house with a height of c. 3.41m on a site with a stated area of c.163sq.m on the application form and a stated area of c.152sq.m in the grounds of appeal. House width ranges from c.2.39m at the front to c. 3.77m at the rear. The house is proposed to have a cement finish.

The site area referred to in this assessment is 152sq.m.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

1. *The development would comprise overdevelopment of a very restricted site and to permit the development would result in a substandard residential environment for occupants, would set an undesirable precedent for further similar development on restricted sites, would be contrary to Policies RES3 and RES4 of the County Development Plan, 2016-2022, would be visually incongruous and seriously injure the amenities, or depreciate the value, of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2 Planning Authority Reports

3.2.1 Planning Reports (2nd December 2016)

This Report formed the basis for the Planning Authority's decision and the main points referred to relate to design, quality of internal layout, private amenity space and residential amenity.

3.2.2 Other Technical Reports

Drainage Section (9th November 2016). No objection to the proposal subject to no surface water being discharged to the foul drain sewer and vice versa and that the proposal is designed to BRE Digest 365, and should be constructed only if it can be placed at a minimum 5m from the buildings and have no impact on the neighbouring properties. If a rainwater harvesting tank is put in place, this shall overflow to the surface water drain/sewer.

Transportation Planning (14th November 2016). No objection subject to conditions.

3.3 Third Party Observations

Numerous Observations were received by the Planning Authority, of these Mary Mcgrath & Laura Beirne have lodged a joint third party appeal against the reasons for refusal and Christopher O'Connor has submitted a third party observation on the current appeal. The issues raised are largely in line with grounds of the third party appeal and the observations on the appeal and shall be dealt with in the relevant sections of this Report.

4.0 Planning History

There are no applications associated with the site.

No. 72 Roebuck Road (applicant's house to the rear):

Planning Authority Reference D11A/0019. Permission granted in 2011 to demolish an existing bungalow and replace it with a two storey house with new service connections off Roebuck Road.

5.0 Policy Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

RES3 *states that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. And as a general rule the minimum default density for new developments in the county (excluding lands on zoning objective 'GB', 'G' and 'B') shall be 35 units per hectare.*

RES4 states that it is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

General Development Management Standards:

Section 8.2.3.4(vii) refers to infill sites. Such proposals shall be considered in relation to a range of criteria including respecting the massing and height of existing residential units.

Section 8.2.3.1 refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

Section 8.2.3.5 refers to the general requirements for residential development including habitable room sizes.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 48 sq.m of may be acceptable for a 1 bed house in cases where good quality open space is provided. Narrow strips of space along the side of dwellings shall not be included in the calculation. There is provision for a relaxation of the standard where an innovative design response is provided on site.

Section 8.2.8.4 (ii) refers to separation distances and the standard garden depth of 11 metres and in certain circumstance 7 m depths may be acceptable for single storey dwellings.

5.2 Sustainable Residential Development in Urban Areas (DoEHLG 2009)

Section 5.8 (i) refers to Infill residential development and that potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area.

5.3 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. First Party Appeal

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

- The proposed density of development accords with the relevant standards and RES3 and RES4 of the Development Plan in terms of density and densification of the suburbs through appropriate infill developments.
- Overdevelopment is not defined in the Development Plan, therefore the parameters on which overdevelopment should be adjudicated on are density, site coverage, plot ratio, height, etc and the proposal complies with the relevant standards for these.
- Revised proposals have been submitted with the appeal, these refer to an internal reconfiguration, changes to the footprint of the building by reducing the length of the house by the private open space. All dimensions, areas and ratios in the revised proposal submitted with the appeal comply with the Development Plan standards.
- The proposed development complies with the appropriate minimum standards for internal rooms as set out in the Sustainable Urban Housing: Design Standards for New Apartments.
- The proposal is an appropriate infill development and complies with all the relevant parameters and standards for infill developments and will contribute to diversifying the housing stock in the area.
- It is an innovative design approach to a restricted site. The proposal would be abutting the adjoining garages of the existing houses and the design reflects the context and scale of the adjoining garages, resulting in an unassuming structure. The building line of the houses is retained; a terrace effect will not be created as the proposal is freestanding to the fore. The

height is in line with the eaves height of adjoining houses and it is proposed to use high quality materials and finishes. Parking and bin store would also be provided on site.

- The proposal would not be visually incongruous and will not detract from the surrounding properties, amenities and charm of the Crescent. It would not set an undesirable precedent as different house types and sizes are encouraged by the Local Authority to meet housing demands.

6.2 Third Party Appeal

A Third Party Appeal has been received on behalf of Mary Mcgrath & Laura Beirne and is summarised as follows:

- The reasons for refusal are not comprehensive enough and there are grounds to expand on them.
- The application documentation does not comply with Articles 17 & 18 of the Planning and Development Regulations 2001, as amended.
- The proposal constitutes a substandard development that encroaches on the amenities of No. 34 & No. 35 Harlech Crescent and amounts to substandard development in the context of the area, it would create a near terrace appearance, would obtrude and create a dominant presence by virtue of the design, length, height, depth and external finishes of the proposed development.
- The existing dwellings (No. 34 & 35) have windows and doors in the side gable elevations facing the passageway (site) which will be adversely impacted upon in terms of overshadowing and blocking of light, visual intrusion and disamenity.
- Harlech Crescent comprises a mid twentieth century suburban Garden City planned estate, the proposal would erode the character of the area by the insertion of an overly dominant and excessively intrusive dwelling juxtapositioned in the narrow passageway between two houses. It does not constitute a viable development site and does not fall within the remit of infill sites due to its size, substandard access, parking arrangements and inadequate open space provision.

- Depreciation in the value of adjoining properties.
- Proposed surface and foul services are routed under the proposed dwelling as are the existing services to the original house at Roebuck Road. Drainage concerns for adjoining properties, access to services required for maintenance.
- Residential density equates to 65 dwellings per hectares which is grossly excessive.
- Proposal would constitute a material contravention the land use zoning objective 'A' to protect and/or improve residential amenity.
- Concerns raised in relation to possible structural damage to the adjoining property during excavation and construction phases.

6.3 Planning Authority Response

The Board is directed to the original Planner's Report as it is considered that the grounds of appeal do not raise any new matters which would justify a change in attitude to the proposed development.

6.4 Observations

One Observation has been received from Christopher O' Connor, 37 Harlech Crescent, Clonskeagh, Dublin 14. The main issues raised are largely in line with the original submission and is summarised as follows:

- The proposal would constitute overdevelopment of the site which is not suitable for a house and would result in a substandard house for the occupants. A new house would be better placed within the main site which the driveway (site) accesses.
- The proposal does not comply with Section 8 of the Development Plan in relation to residential development standards for habitable room sizes, orientation or day light requirements.
- Proposal would be visually obtrusive, its front elevation is not in keeping with adjoining houses and is not shown correctly on the plans relative to the adjoining houses.

- Drawings submitted are misleading with incorrect dimensions and detailing, no details for construction of the proposal have been submitted.
- Height of the side walls will have a negative impact on the amenities of adjoining houses and loss of daylight to the bedrooms of No. 35.
- result in the overdevelopment of the site and have an overbearing negative impact on the amenities of adjoining properties through loss of light.
- Concerns raised in relation to possible structural damage to the adjoining property during excavation and construction phases.
- Depreciation of property values.

6.5 Third Party Appellant's response to the First Party Appeal

The Third Party appellant has submitted a detailed response to the First Party Appeal which is mainly in the form of a rebuttal. However, the following points of note were made:

- Reference to the proposal being in keeping with the adjoining garages is misleading as the garages are of a smaller scale and height and set back c. 8m from the front building line.
- Reference to policy AR6 of the Development Plan which states that the particular character of residential estates from the 20th century should be protected.
- The alignment of the site which tapers in width from back to front which would result in the proposal c.0.8m from the front of No. 34 creating an overpowering, overwhelming and dominant presence.
- The design is driven by compliance with quantitative standards and not qualitative.
- The proposed modifications submitted to the Board do not address the concerns of the third party appellants. The revised depth of the house is 23m (original was 24m). The proposal projects c.10m beyond the rear building line and c.9.5m beyond the building line of the garages to the front.

6.5 First Party Appellant's response to the Third Party Appeal

None received.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed.

The appellants have submitted revisions to the original design in the documentation that accompanied the appeal. These refer to an internal reconfiguration, changes to the footprint of the building and the private open space. I note that the scope of the changes would not require re-advertisement if the Board is of a mind to grant permission.

The issues can be dealt with under the following headings:

- Design.
- Residential Amenity.
- Residential Density
- Other Issues
- Appropriate Assessment.

7.1 Design

7.1.1 Permission is being sought for a c.62sq.m single storey 1 bedroom flat roofed house with a height of c. 3.41m on a site with a stated area of c. 152sq.m Section 8.2.3.4 (vii) of the Development Plan refers to infill sites and a range of criteria that applies to their development, including respecting the massing and

height of existing residential units. Notwithstanding side dormer windows to No. 35 Harlech Crescent which adjoins the application site, the predominant built form in the area reflects the scale and massing of the single storey houses and, in my view, the design, scale and massing of the proposed development does not respect the predominant pattern of development in this area.

7.1.2 The rear of the proposed house is set back c. 9m from the adjoining rear building line. The flat roof design runs along the length of the site for c. 23/24m at a height of c.3.4m. The front building line of the proposed development is in line with the building line of the houses but set forward c. 8m from that of the garage which the applicant is using as reference. The projection of the building, in my view, would form a discordant feature on the streetscape at this location and would detract from the character and architectural grain of the area.

7.1.3 It is my considered opinion that the proposed development in terms of design, scale and mass would constitute a substandard piecemeal development that would be incongruous and at variance with the predominant pattern of development in the area and would not comply with Section 8.2.3.4 (vii) of the Development Plan. I consider that it would set an undesirable precedent for similar forms of development on restricted sites.

7.2 Residential Amenity

7.2.1 Section 8.2.3.5 of the Development Plan refers to the general requirements for residential developments, including habitable room sizes. Reference has been made by the third party appellant and the observer to the substandard internal living arrangements which may comply with the quantitative standards as set out in the Development Plan and National guidance but do not offer a good quality living environment for future residents. The third party appellant noted that once storage and internal circulation space of c. 14.7sq.m is excluded, the liveable floor area is c.47sq.m within a footprint of 24m in depth.

7.2.2 The house width ranges from c.2.39m at the front to c. 3.77m at the rear. The internal space is compact; the hall has a width of 1m which increases to c. 1.15m alongside the internal courtyard. This courtyard has been designed as a lightwell to bring light into the interior of the house along with a number of

skylights. Revised plans submitted to the Board reconfigured the internal layout which increased the hall to c.1.2m in width, brought the kitchen to the front of the house, increased the courtyard to c. 9sq.m and reduced the rear garden to c. 40sq.m. I note the changes proposed are an attempt to comply with the quantitative standards for internal room sizes for apartment living. The result is a compact unit with living space suited to apartment living in a high density urban area and not a detached house in a mature suburb. The internal spaces which comply with the minimum standards in terms of dimensions are not, in my view, conducive to a high quality living environment for future residents.

7.2.3 The appellant has highlighted that the quantity of private open space proposed is below the minimum standard of 48 sq.m set out in Section 8.2.8.4 (i) of the Development Plan which would result in the over development of the site. The applicant rebuts this and has outlined that the proposal complies with all the minimum standards and parameter required as set out the Development Plan.

7.2.4 The applicant, in an attempt to comply with the private open space requirements as set out in Section 8.2.8.4 (i) of the Development Plan for a 1 bedroom house has submitted revised proposal with the appeal for a c. 40 sq.m rear garden and a c.9 sq.m courtyard within the footprint of the house. The original application included a c. 7sq,m courtyard and a c.41 sq,m rear garden. It is my view that both proposals include a courtyard that is incidental, its function is to let light into the internal living area rather than serve as functional private open space. The rear garden is c. 8m by 4.5m. and will be bounded by low wall supplemented with a hedge. This will reduce the functionality of the space in terms of overshadowing. It is my considered opinion that this is not conducive to high quality private open space as is required under Section 8.2.8.4 (i) of the Development Plan. Section 8.2.8.4 (i) refers to the provision for a relaxation of the standard where an innovative design response is provided on site. I am of the opinion that this policy refers to cases where, for example, there is a marginal shortfall in the required provision and the development is to be served by good quality private open space. The adopted policy position would, in my view, not include the current scenario where the spaces proposed are not considered high quality and their usage is limited for

future residents. I would contend that the provision for the relaxation of the standards in private open space provision as set out in Section 8.2.8.4 (i) was not intended to include the circumstances presented in the current application. The quality, quantity and location of private open space proposed is substandard and would constitute overdevelopment of this confined site which would be detrimental to the residential amenities of future occupiers and set an undesirable precedent.

7.2.5 The appellant has raised concerns that the alignment of the site, which tapers in width from back to front, would result in the proposal c.0.8m from the front of No. 3, thus creating an overpowering, overwhelming and dominant presence. Blank flank walls with a height of c. 3.41m would project c.10m beyond the rear building line and c.9.5m beyond the building line of the garages to the front of the adjacent houses. Concerns have also been raised that the height, length and proximity of the proposal to the boundaries will result in a significant loss of sunlight to No. 34 (morning) and No. 35 (evening) to both the dwellings and gardens and cast a shadow over the properties. I concur with the appellant that the proposal, due to the restrictive nature of the site and the lack of set back from the boundaries, would be overbearing and have a negative impact on the residential amenities of No. 34 & 35 Harlech Crescent.

7.2.6 No windows are proposed to the side and overlooking of adjoining rear gardens is not considered an issue. However, I note that the adjoining house has dormer windows to the roof slope facing the site and the proposed development has skylights to the living areas.

7.3 Residential Density

7.3.1 The Planning Authority's reason for refusal referred to the overdevelopment of a very restricted site resulting in a substandard residential environment for occupants which would not comply with RES3 and RES4 of the Development Plan. The applicant has outlined in the appeal that the proposal complies with the adopted policies which promotes high densities and compact urban forms to meet the housing needs of the County. This is refuted by the Third Party appellant. The adopted policy seeks to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of

existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. For the reasons as set out in Section 7.2 I do not consider that the proposal achieved the appropriate balance.

7.3.2 Policy RES4 of the Development Plan states that it is Council policy to improve and conserve housing stock of the County and densify existing built-up areas having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities. For similar reasons I do not consider that the proposal complies with this policy.

7.4 Other Issues

7.4.1 The original services for No. 72 Roebuck Road run along the application site and the site was used to access these services. When the original house at No. 72 Roebuck Road was demolished and the new house built the applicant connected to the services off Roebuck Road. The third party appellant has raised concerns that the passageway is an access point for the maintenance of the foul sewer and drainage. The proposed development would be built over these services which the applicant says are now redundant. I note that the site layout plans are limited in the information submitted regarding the location of adjoining services for No 34 & 35 and I assume they are accessed off Harlech Crescent. The Council's Drainage Section has no objection subject to condition relating to surface water disposal.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. It is considered that the proposed development would constitute a substandard piecemeal development that would be incongruous and at variance with the predominant pattern of development in the area. The proposed development would, therefore, detract from the existing pattern of development in the area and be contrary to section 8.2.3.4 (vii) of the Dun

Laoghaire- Rathdown County Development Plan 2016-2022 and would set an undesirable precedent for further such developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the Policy of the Planning Authority as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022 that residential development is provided with adequate private open space in the interest of residential amenity. The proposal will result in a deficiency in the quantum, and quality of private open space for the proposed development. The proposed development would not, therefore, be in accordance with the Development Plan Section 8.2.8.4 (i) Private Open Space Quality, and would seriously injure the residential amenity of future residents and the amenities of adjoining properties and would be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

7th April 2017