



An  
Bord  
Pleanála

## Inspector's Report PL29N. 248182

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<b>Development</b>	New house and alterations to existing house
<b>Location</b>	70 Annamoe Drive, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	1514/16
<b>Applicants</b>	Ian Smyth and Suzanne Smyth
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Ian Smyth and Suzanne Smyth
<b>Observer</b>	Liam Pettigrew
<b>Date of Site Inspection</b>	12 <sup>th</sup> May 2017
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 Site Location and Description

- 1.1. The site consists of the curtilage of a semi-detached house in a suburban part of Dublin city characterised by similar houses from the middle of the last century. The site lines inside a bend in the road, and the pair of houses here is oriented at an angle to the buildings lines to the north and west. The site has a stated area of 202m<sup>2</sup> and is triangular in shape. The house upon it has two bedrooms.

## 2.0 Proposed Development

- 2.1. It is proposed to build a new house attached to the existing house. The proposed house would have two bedrooms and a floor area of 70m<sup>2</sup>. The existing house would be altered and would have one bedroom and a floor area of 60m<sup>2</sup>. The proposed house would have a back garden of 45m<sup>2</sup> leaving the existing house with one of 30m<sup>2</sup>. Parking for one car would be provided in front of each house with separate entrances.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for one reason that stated that the proposed development would be over development of the site having regard to the size of the back gardens and that it would overbear and overlook the house at No. 68. It would therefore injure the amenities and tend to depreciate the value of property in the vicinity and would not be compatible with the established character of the area and would contravene the zoning of the site and section 16.10.9 of the development plan.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

There are concerns that the proposed house would overbear the one at No. 68 and that a car could not safely access the parking space because of the proposed porch and hall. Reducing the houses to accommodate parking would result in a house less

than the 70m<sup>2</sup> target size set out in the DoE's quality housing standards. It was recommended that permission be refused.

### **3.3. Third Party Observations**

A submission was received that objected to the development on grounds similar to those raised in the observation on the appeal.

## **4.0 Planning History**

1066/15 – the planning authority granted permission for a two storey extension to the side of the house on the site in May 2015.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Dublin City Development Plan 2016-2022 applies. The site is zoned residential under objective Z1. Section 16.10.2 of the plan adopts the standards for living space in houses set out 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), which sets a target gross floor area of 80m<sup>2</sup> for a 2-storey 2-bedroom house for 4 people or 70m<sup>2</sup> for 3 people. Section 16.10.9 of the plan refers to houses in side gardens and corner sites. It refers to several criteria for such houses, including the character of the street and the maintenance of front and side building lines.

### **5.2. Natural Heritage Designations**

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposed development is almost identical to that authorised by the planning authority under 1066/15 in terms of height, depth, building line, number of bedrooms and visual impact. It would be 17m<sup>2</sup> more than the minimum size specified in the DoE housing standards. The proposed house would comply with the development plan, the pattern of development in the area, its zoning, its residential amenities, traffic safety and public health
- The window screen and rooflight to the side of the proposed house light circulation areas only and would not create overlooking. The back garden would be more than 45m<sup>2</sup>. The existing house would be converted to a high end spacious one bed 2 storey luxury apart style house with a rear garden space of 30m<sup>2</sup> and a depth of 8.5m. The houses would be 35m from the houses to the rear.
- The proposed parking space at the front may not be required given the proximity to public transport.
- The applicant has owned this house since 2002. He has not lived there since 2007 and the house has mostly been rented to families since then. He has four children and hopes to provide for them so that they can live and work in the neighbourhood.
- There is a precedent for the proposed end of terrace house at 44a Annamoe Drive authorised by the planning authority under 2397/07. Permission for a similar site was granted by the board under PL29N.208936 at No. 23 Annamoe Terrace. The inspector's report on PL29N. 208396 approved a one-bedroom house with a 30m<sup>2</sup> garden and leaving one of 45m<sup>2</sup> for the existing house. There is a two storey granny flat at No. 1 Annamoe Terrace and an attached house at No. 38a Annamoe Terrace.

### 6.2. Planning Authority Response

The planning authority's response referred to its planning report.

### 6.3. Observations

The observation by Liam Pettigrew can be summarised as follows-

- There is no precedent for new houses attached to semi-detached houses on the corners of busy roads. The previous cases cited by the applicant were terraced houses and extensions not new builds. The proposed development would contravene section 16.10.9 of the development plan and the Z1 zoning of the site.
- The proposed development would be overdevelopment that does not take adequate consideration of its occupants or those of neighbouring properties and would create a traffic hazard. The building line is violated. The parking space is inadequate. The privacy of No 68 and 70 is compromised.
- The proposed development would devalue neighbouring property, including that of the observer which would be rendered a terraced rather than the semi-detached house that it is now.
- The applicant's assertion as to the need for the house are not accepted. The occupancy of the existing house on short term tenancies or as short stay accommodation, has discommoded his neighbours.

### 7.0 Assessment

- 7.1. Annamoe Drive is part of a coherently designed housing scheme from the mid-20<sup>th</sup> century. While the houses in themselves are similar and unremarkable, their layout and design display various features that lend this street an attractive character. These features include variations in the length of the terraces based on their position relative to corners and bends in the road, an appropriate ratio between the height of the houses and the extent of the road and front gardens, and minor differences in design to mark end, middle and corner houses. Their combined effect is to provide Annamoe Drive with a streetscape whose rhythm and enclosure are noticeably better than those of other similar housing schemes from the same period. This effect is more readily discernible from an inspection of the site than from the submitted maps and drawings. The character of the area is further enhanced by the mature

trees and vegetation along the street, although this is threatened by the conversion of front gardens to car parking.

- 7.2. The proposed development would be out of keeping with this character by breaching the building line to the west which the corner of the existing house scrupulously observes; by converting a pair of semi-detached houses that is symmetrically laid out to face the corner in the road to a terrace of three that is off-centre in relation to that turn; and by replacing a front garden on a prominent corner site with a hard area for car parking. These elements of the proposed development would be out of keeping with the established pattern of development in the area and would therefore seriously injure its character and amenities. As such it would be contrary to the proper planning and sustainable development of the area.
- 7.3. The proposed development would provide two houses with levels of internal accommodation and private open space that meet the minimum applicable standards. It would not unduly overlook, overshadow or overbear the neighbouring houses. The road at Annamoe Terrace is suitably narrow for a residential street and its alignment further constrains traffic speeds. In these circumstances the proposed development would not cause a traffic hazard. The applicant's personal or family circumstances are not relevant to an application for house on zoned urban land.
- 7.4. The appeal cites various previous permissions as precedent for the proposed development. Neither the planning authority's decision nor the board's consideration of the proposed house beside 23 Annamoe Terrace under Reg. Ref. 2276/04 PL29N. 208936 referred to a breach of the front building line nor injury to the architectural character of the area. The resulting permission has expired. The house at No. 44a does not break the building line along Annamoe Drive nor injure the character of the area. Neither does the existing extension at No. 1 Annamoe Terrace. I note that the two-storey extension to the house on the appeal site authorised by the planning authority under 1066/15 would give rise to similar concerns as the proposed development, albeit to a lesser extent as it would be slightly smaller, would not convert the pair of semi-detached houses on the corner to a terrace and would not require the loss of the garden. It would tend to undermine the purpose of the planning appeals system if the prior decisions of a planning authority on a site created a precedent that bound the board's consideration of future

proposals there. It is not considered, therefore, that the concerns with the authorised development on the site would justify the deficiencies of the proposed development.

## **8.0 Recommendation**

8.1. I recommend that permission be refused for the reasons and considerations below.

## **9.0 Reasons and Considerations**

The proposed development would infringe the building line established by the houses to the west along Annamoe Drive, would replace a pair of semi-detached houses that address the turn in the road symmetrically with an off-centre terrace of three houses, and would result in the loss of a front garden to provide hard surfaces for car parking. It would therefore seriously injure the character and amenities of the area in a manner that contravened the provisions on houses in side gardens at section 16.10.9 of the Dublin City Development Plan 2016-2022 and the zoning of the site under objective Z1 of that plan, and which was contrary to the proper planning and sustainable development of the area.

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Stephen J. O'Sullivan  
Planning Inspector

16<sup>th</sup> May 2017