



An  
Bord  
Pleanála

## Inspector's Report PL29N. 248224

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<b>Development</b>	House
<b>Location</b>	Beside 560 Collins Avenue Extension, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4425/16
<b>Applicant</b>	Anne-Marie Burns and Paul Mohan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Anne-Marie Burns and Paul Mohan
<b>Observer</b>	None
<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 is the curtilage of a detached 2-storey house in a suburban part of Dublin. It lies on the corner of Collins Avenue and a local road, Crestfield Drive. Access to the houses on this site of Collins Avenue are via a parallel access road separated from the main thoroughfare. The area is mostly occupied by semi-detached housing from the second half of the last century, with DCU on the other side of Collins Avenue. The area of the site or that of the existing house upon it were not stated on the application form. There are driveways at both the front and the side of the site.

## **2.0 Proposed Development**

2.1. It is proposed to build a 2-storey 3-bedroom detached house on the site with a floor of 114.5m<sup>2</sup> and a roof ridge height of 8m. Parking for one car would be provided to the rear with access from Crestfield Drive. There would be a back garden of 74m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for one reason which stated that the proposed development would be overdevelopment of the site that would depreciate the value of property in the vicinity and set a precedent for development that would be incompatible with the established character of the area. It would therefore contravene policy QH22 and paragraph 16.10.9 of the development plan and the zoning of the area.

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

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

There is no objection in principle to a house on the site but there are serious concerns about the scale and design of this proposed house. There would be unusable space to the east of the house. The design of the house varies from those on Collins Avenue Extension. It breaks the building line by c1.1m and its eaves are

c0.4m lower than the other houses. The rear roof profile is excessive. It was recommended that permission be refused.

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

None

## **4.0 Planning History**

No previous application on the site was raised by the parties.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Dublin City Development Plan 2016-2022 applies. The site is zoned residential under objective Z1. Policy QH22 is to ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise. Section 16.10.9 deals with houses in side gardens. It states that the planning authority will allow such proposals on suitable sites, but will have regard to such matters as the character of the street, the scale and design of adjoining dwellings and the maintenance of front and rear building lines.

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

None

## **6.0 The Appeal**

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

- A revised plan is submitted showing a passable passage on the east side of the building, a larger floor area for bedroom no. 2, and a more restrained rear roof profile where the projection is subordinate to the main roof. The

proposed house has to have a lower ground floor level than the existing house to provide access in line with current buildings regulations.

- Many of the houses along Collins Avenue Extension have projecting front porches so the one on the proposed house would not be out of place or a violation of the building line.
- The proposed house would meet the standards by the development plan and the DoE guidelines.
- The proposed development would not, therefore, represent overdevelopment nor would it depreciate the value of property in the vicinity. It would be in keeping with the character of the area established by the other houses.

## 6.2. **Planning Authority Response**

The response stated that the authority does not intend to respond in detail to the grounds of appeal and that the justification for refusing permission set out in the planner's report stands.

## 7.0 **Assessment**

- 7.1. Collins Avenue Extension is a wide road whose character is of that of a suburban distributor route. It is not particularly sensitive to minor changes in the type of house along its northern side, as those houses are quite small relative to the extent of the carriageways that run along the avenue. The house at No 560 Collins Avenue Extension already differs from the other houses along the road to the west with regard to its detached form, detailed design and size. The proposed house, as amended by the plans submitted with the appeal, would not infringe the building line established by the houses to the west to significant extent. Houses do not face the western side of Chesterfield Drive to the rear of the site which runs along the side boundaries of houses whose gable ends are staggered rather than aligned. There is a building line on the other side of Chesterfield Drive, but it does not continue to the junction with the avenue and the corner opposite the site is occupied by a residual piece of open space. The proposed house would not be out of keeping with this context. The most prominent view of house would be of its rear from Crestfield

Drive. The amended plan submitted with the appeal has an adequate rear elevation and the roofscape would not be out of keeping with the pattern established by the house at No. 560. The proposed house would not unduly overlook, overbear or overshadow any other house. The proposed development would not, therefore, injure the character of the area or the amenities of property in the vicinity. The revised house design would have sufficient amounts of habitable accommodation, at 104m<sup>2</sup>, and private open space, at 74m<sup>2</sup>. The proposed house would have adequate car parking and access, and adequate private open space and car parking would remain with the existing house on the site. It is not considered, therefore, that the proposed house would constitute over-development of the site, or that it would contravene policy QH22, objective Z1 or section 16.10.9 of the development plan

## **8.0 Recommendation**

8.1. I recommend that permission be granted subject to the conditions set out below.

## **9.0 Reasons and Considerations**

Having regard to the pattern of development in the area and its residential zoning under the Dublin City Development Plan 2016-2022, and to the standards for the development of houses on corner sites and side gardens set out in section 16.10.9 of that plan, it is considered that, subject to compliance with conditions below, the proposed house would not seriously injure the character of the area or the amenities of property in the vicinity, would provide an acceptable standard of residential amenity for its occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by those submitted with the appeal to An Bord Pleanála on the 20<sup>th</sup> day of March 2017, except as may otherwise be required in order to comply with the

following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Stephen J. O'Sullivan  
Planning Inspector

16<sup>th</sup> May 2017