



An  
Bord  
Pleanála

## Inspector's Report PL29N.248462

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<b>Development</b>	Change of use of ground-floor from residential use to a childcare facility providing pre-school sessional services, single-storey rear extension and widening of vehicular access
<b>Location</b>	34 Grangemore Avenue, Donaghmede, Dublin 13
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2312/17
<b>Applicant(s)</b>	Andy Lynch
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Andy Lynch
<b>Observer(s)</b>	1). Hilary Ryan, 2). Philip & Emma Dargan and Elaine Kelly, 3). David & Lisa Kelly, 4). Rosaleen Byrne
<b>Date of Site Inspection</b>	2 <sup>nd</sup> August 2017
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

- 1.1.** The appeal site is located on Grangemore Avenue, a residential street accessed off the Grange Road (R809), 420m northwest of Donaghmede Shopping Centre and approximately 8km northeast of Dublin city centre.
- 1.2.** The appeal site contains a two-storey semi-detached dwelling containing three bedrooms at first floor. The external finishes to the subject dwelling include rendered walls and roof finished with concrete profile tiles. To the front of the house there is a small garden and hardstanding area for off-street parking. A single-storey outbuilding is located in the rear garden.
- 1.3.** The surrounding area is generally characterised by pairs of semi-detached dwellings, fronting onto residential streets, interspersed with detached dwellings occupying infill sites. Ground levels in the vicinity are relatively level with only a slight drop moving northeast.

## **2.0 Proposed Development**

- 2.1.1.** The proposed development comprises the following:
  - Change of use of ground floor to dwelling to childcare facility providing pre-school sessional services for up to 20 children (09:00am to 16:30pm Monday to Thursday);
  - Single-storey rear extension and an external play area;
  - Internal alterations at first-floor level to create a two-bedroom apartment;
  - Widening of vehicular access and revised layout to front of dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1.** The planning authority decided to refuse permission for one reason:

- **R.1** Proposals would have an undue and detrimental impact on existing residential amenities through noise generation, traffic generation and loss of a residential unit.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The report of the Planning Officer reflects the decision of the Planning Authority.

The Planning Officer noted the following:

- Single-storey rear extension proposal is modest and presents no apparent issues;
- Change of use to childcare facility raises significant issues in terms of suitability and location;
- Significant number of associated additional traffic movements would lead to serious traffic and parking issues;
- Confirmation required as to whether children attending would have access to an external play area on site;
- Concerns regarding the potential noise generation from the use of the play area and the arrival and departure of 15-20 children daily;
- First-floor level not large enough to accommodate a residential unit;
- Proposals would result in the site being fully commercial, which would be contrary to Development Plan policy.

### 3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - **no objection** subject to conditions;
- Roads & Traffic Planning Division - **no objection** subject to conditions, including restriction of vehicular access to a maximum width of 3.6m.

## 3.3. Prescribed Bodies

### 3.3.1. None.

### **3.4. Third-Party Submissions**

- 3.4.1. A total of 11 no. submissions were made during the course of the application. All issues raised are covered in the Observations to the appeal.

## **4.0 Planning History**

### **4.1. Subject Site**

- 4.1.1. None.

### **4.2. Surrounding Sites**

- 4.2.1. Applications for development in the immediate vicinity generally relate to domestic extensions and infill housing. There is a current application at 52 Ardara Avenue, a neighbouring site approximately 60m to the west of the appeal site, proposing to change use of the ground floor of the existing dwelling to doctor's surgery with first-floor residential unit (DCC Ref. 3258/17 refers).

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022 with a stated objective "to protect, provide and improve residential amenities".
- 5.1.2. Policy regarding childcare facilities is set out in Chapter 12 titled 'Sustainable Communities and Neighbourhoods', Section 16.18 and in Appendix 13 'Guidelines for Childcare Facilities' of the Development Plan. The following policy is relevant:
- **Policy SN17:** To facilitate the provision in suitable locations of sustainable, fit-for-purpose childcare facilities in residential, employment and educational settings, taking into account the existing provision of childcare facilities and emerging demographic trends in an area.

5.1.3. Appendix 13 states that proposals should have regard to the Dublin City Childcare Committee and its identification of areas that are under-provided or over-provided in terms of childcare provision. The following requirements apply:

- In existing residential areas, detached houses/sites or substantial semi-detached properties with space for off-street parking and/or suitable drop-off and collection points for customers and also space for an outdoor play area will generally be permitted, provided the premises remains primarily residential and traffic and access arrangements do not interfere with general residential amenity.
- Primary traffic routes where there is suitable and safe pull-in areas to the front for dropping off children by car are more suitable than tight residential cul-de-sacs.
- In relation to sessional and after-school care, the provision of such facilities may be considered in any residential area, as ancillary to the main residential use subject to parking/drop-off points, layout and design of the housing area and effect on the amenities of adjoining properties.

## **5.2. National Policy**

5.2.1. The 'Childcare Facilities – Guidelines for Planning Authorities' (June 2001) provide the relevant national policy reference, for development such as that proposed. The Guidelines advocate a more pro-active role by Planning Authorities in the promotion of increased childcare provision, whilst protecting amenities.

- new facilities should not create a nuisance for residents locally;
- irrespective of location, the following criteria require attention when assessing proposals for childcare facilities: Child Care (Pre-School Services) Regulations 1996<sup>1</sup>, type and size of facility, outdoor play areas and management of same, access and convenient parking, set down / pick up areas, local traffic conditions, neighbouring facilities, and hours of operation;

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<sup>1</sup> These Regulations were revoked upon commencement of the Child Care (Pre-School Services) Regulations 2006.

- Sessional childcare facilities are acceptable in residential areas, where they are ancillary to the main residential use;
- Possible conditions requiring the maintenance of the residential content of a site can be considered and/or temporary permissions in exceptional circumstances;
- Access for the disabled and elderly should be encouraged and facilitated.

5.2.2. Departmental Circular PL3/2016 (March 2016) refers to the Government's policy towards increasing access to childcare and consideration of the need to review the 'Childcare Guidelines'. This Circular also addresses: -

- The need to expedite pre-planning consultation, planning applications and Section 5 declarations relating to childcare facilities;
- The Child Care (Pre-School Services) Regulations 2006 set out standards for operation of childcare facilities and Tusla is responsible for ensuring compliance with these Regulations;
- Planning authorities should exclude matters relating to internal standards, as outlined in Appendix 1 of the 'Childcare Guidelines', when assessing childcare facility proposals.

5.2.3. The 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities' (June 2015) provide relevant standards for new apartment units.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The principal grounds of appeal of the applicant can be summarised as follows:

- Proposals meet the requirements of the Development Plan;
- There is a lack of childcare spaces in the Grangemore area and an extract map of Tusla registered facilities is included as evidence of same;
- Further clarification regarding the hours and days of operation are provided;

- Applicant outlines that the entire rear garden will be used as an outdoor play area for the facility;
- Additional drawing is provided to illustrate the potential drop-off and collection areas along neighbouring streets;
- Road width (average of 8m) is capable of accommodating additional traffic and operational management measures can be employed to address drop-off and collection;
- Reference to Departmental Circular PL3/2016 (copy attached with appeal) and intention to increase childcare provision;
- Confirms that the operator of the childcare facility will reside in the new residential unit created at first-floor level. The existing third bedroom will be adapted into a living area with kitchenette;
- Applicant would accept a temporary permission.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority did not respond further to the grounds of appeal.

## **6.3. Observations**

6.3.1. A total of 4 no. observations were submitted to the appeal, each of these were from the residents of neighbouring properties. It is evident from the observations submitted that there is considerable overlap in terms of the issues raised:

- Proposals will place additional pressure on local wastewater services, which are prone to problems;
- Noise impacts arising from associated traffic movement and children playing would place undue impacts on local residents, particularly those working shifts;
- Proposals could lead to further parking congestion;
- Concerns regarding traffic safety and congestion;
- Significant provision of childcare facilities already in the area;



- Diminution of property values;
- Impact on the character of the area;
- Difficulties during the construction period;
- Loss of residential unit in an area where demand exists, which could also present safety concerns.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The following assessment encapsulates my de novo consideration of the application. Departmental Circular PL3/2016 outlines that the internal standards of childcare facilities are not a relevant planning consideration, therefore, the relevant planning issues in this appeal relate to:

- Principle of the Development;
- Size, Scale & Nature of the Proposed Development;
- Traffic & Parking;
- Impact on Local Amenities.

### **7.2. Principle of the Development**

7.2.1. The appeal site lies within an area that is zoned objective 'Z1 – Sustainable Residential Neighbourhoods' in the City Development Plan. Under this zoning objective, 'childcare facilities' are deemed a 'permissible use'. The accompanying commentary on this zoning objective seeks to provide a range of sustainable uses within easy access of established housing on 'Z1-zoned' lands. I note that the Departmental Circular PL3/2016 outlines the need to expedite planning applications for childcare facilities, but this must occur having regard to matters in the Planning & Development Act 2000, as amended, including the provisions of the Development Plan and Ministerial guidelines.

7.2.2. Policy SN17 of the Development Plan aims to facilitate the provision of fit-for-purpose childcare facilities in suitable locations, considering the existing provision of childcare facilities and emerging demographic trends in an area. The Childcare

Guidelines require assessment of the number of childcare facilities in an area, while Appendix 13 of the City Development Plan requires assessment in the context of areas identified to be underprovided or overprovided for in terms of childcare provision. Within the grounds of appeal, the applicant addresses the existing provision of childcare facilities in the area and I note that observations on the appeal and third-party submissions to the application contest the demand for childcare places in the area. Neither the objectors nor the applicant have provided the detailed numbers of childcare places in the area, as evidence of the under or over-provision of places. Departmental Circular PL3/2016 refers to the extension of the 'Early Childhood Care and Education' (ECCE) Scheme, and the anticipated consequence of such extension is that this has the potential to result in a significant increase in demand for childcare places.

- 7.2.3. In conclusion, in the context of the existing provision of childcare facilities and the expected increased demand for childcare places, there is likely to be a requirement for the facility in this area, but this should only occur subject to relevant planning and environmental matters, as discussed below.

### **7.3. Size, Scale & Nature of the Proposed Development**

- 7.3.1. The Planning Authority consider that the subject building and site is not of sufficient scale to accommodate the proposed development. The Development Plan recognises that in existing residential areas, detached houses or substantial semi-detached properties of sufficient size would generally be permitted to accommodate childcare facilities, subject to traffic and general amenity considerations. While the subject property is a semi-detached property, I would not consider it to be of substantial size with a stated site area of 240sq.m and existing stated floor area of 84sq.m, therefore it does not comfortably sit within this policy context. The Development Plan does lead onto state that the provision of pre-school (and after-school) facilities may be considered in any residential area, but only where it would be ancillary to the main residential use.
- 7.3.2. The proposed development would involve the subdivision of the building with two separate uses, the childcare facility accommodating up to 20 children at ground floor and the two-bedroom residential unit at first floor. I recognise that it would be intended that the operator of the facility would reside in the new residential unit at

first-floor level. Access to both units would be shared, and as confirmed in the grounds of appeal submitted, the rear garden area would be set aside as an external play area for the childcare attendees. I recognise that out of the childcare facility hours this space may be available to the upstairs residents. The Planning Authority were not satisfied with the proposal to subdivide the property in the manner proposed, as they considered that this would lead to the proposed childcare facility becoming the dominant use of the site, relegating the residential use to an ancillary use. While only existing first-floor plan drawings have been submitted with the application, I note that the subdivision would create a two-bedroom residential unit measuring approximately 42sq.m, which is below minimum requirement of the Development Plan and Ministerial Guidelines (73sq.m) and lacking a dedicated private amenity space. I consider that the resultant residential unit would not provide an appropriate level of living accommodation for future residents.

- 7.3.3. In conclusion, having regard to the size, nature and scale of the proposed development on a constrained semi-detached site, it is considered that the proposed development would constitute a haphazard form of development at variance with the predominant pattern of development in the area, the childcare facility would become an overly-dominant use of the overall site and the limited size of the resultant first-floor residence would be of insufficient size and would not be served by dedicated private open space. Accordingly, the proposed development would detract from the existing pattern of development in the area, would result in an unsatisfactory standard of residential amenity for future occupants and would be contrary to the provisions of Section 16.18 (Appendix 13 Guidelines for Childcare Facilities) and Section 16.10.1 'Residential Quality Standards – Apartments' of the Dublin City Development Plan 2016-2022 and would set an undesirable precedent for further such developments in the area.

#### **7.4. Traffic & Parking**

- 7.4.1. Within the grounds of appeal, it is asserted that no safety concerns arise from the additional traffic and parking attracted to Grangemore Avenue and the surrounding streets. I note that the Roads & Planning Division of Dublin City Council did not object to the proposals and that the observers to the appeal raise concerns regarding existing traffic and parking congestion in the immediate area and the potential impacts of the proposed development on same. On-street parking charges

or permits are not required in this area. Most of the properties along the immediate street include a vehicular entrance to a parking area at the front of the house. The surrounding residential streets have a carriageway width of on average approximately 8m. I note that the applicant has included an additional drawing (No. 1147\_17\_03 Rev 04-05-17) with their grounds of appeal and this identifies potential parking and set-down areas to serve the development, as these areas side onto properties and do not restrict vehicular entrances.

7.4.2. It is stated by the applicant that the proposed sessional childcare facility would cater for up to 20 children both in a morning session (09:00 to 12:30) and in an afternoon session (13:00 to 16:30) (Monday to Thursday). The applicant highlights that the resident of the first-floor unit would operate the childcare facility. Given the potential demand arising I would expect that some customers would visit the facility on foot, but that given the intended pre-school sessional services and the age of attendees (3 to 4-year old children), as clarified by the applicant in their grounds of appeal, it is likely that many children would be dropped-off and collected by private motor vehicle.

7.4.3. The Development Plan does not outline parking standards relating to childcare facilities, but I would expect that 2 to 3 staff would be required in the proposed facility based on the number and ages of children. Consequently, it is vital that sufficient parking for both the first-floor residence and childcare facility is available. As part of the proposed development, it is intended to provide space for two cars to park in the front garden area and I note that the Roads & Traffic Planning Division are satisfied with same. I consider that the proposed parking provision is appropriate in light of the operational proposals, however the proposals also require safe and convenient drop-off and pick-up, as required under the Development Plan and 'Childcare Guidelines'. Drop-off and pick-up would invariably have to take place from the neighbouring streets. While I accept that the proposals would increase traffic into the area, I recognise that much of the associated parking would be for short stays and would be concentrated during drop-off and collection periods. Given the nature of the facility, the width of the street in this area and the availability of on-street spaces, I do not consider that the proposed development would place significant additional demand for on-street parking.

7.4.4. In conclusion, it is considered that the proposed development would not endanger public safety by reason of traffic hazard and obstruction of road user, consequent to the proposed parking, set-down and collection arrangements, the nature of the facility, the width of the surrounding carriageway and the availability of on-street parking spaces.

## **7.5. Impact on Local Amenities**

7.5.1. The proposed development would provide for a 2.65m deep single-storey rear extension across the full width of the dwelling. This would comprise a pitch roof with three rooflights and would provide additional floor area for the childcare facility. I note that both of the adjacent dwellings include single-storey residential extensions<sup>2</sup>, and I consider that this aspect of the proposed development would not have a significant impact on the residential amenities of neighbouring properties.

7.5.2. As part of this facility there would be an outdoor play area to the rear of the site and I note that the observers raise concern regarding the resultant noise impact. The provision of this play area measuring approximately 67sq.m, solely for the childcare facility would prevent provision of a dedicated private amenity space for the residential unit. Considering the juxtaposition and proximity of this outdoor play area relative to neighbouring semi-detached dwellings and the anticipated number of users, the proposed development has the potential to generate significant levels of noise in an established residential area with limited size property plots. In my opinion, this would have a detrimental impact on the amenities of residents in neighbouring properties and would be contrary to the development standards for childcare facilities, as set out in Section 16.18 of the Development Plan.

7.5.3. In conclusion, while the proposed extension element of the development would have minimal impact on local amenities, the proposed development would have an unacceptable impact on local amenities arising from noise.

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<sup>2</sup> The existing extension to No. 33 Grangemore Avenue is not illustrated in the application drawings.

## 8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

I recommend that permission is **refused** in accordance with the following reasons and considerations.

## 10.0 Reasons and Considerations

1. Having regard to the existing pattern of development in the vicinity and the size, scale, nature and configuration of the proposed development on a restricted semi-detached site and use of the rear garden as an external play area, it is considered that the proposed development would constitute a haphazard form of development at variance with the predominant pattern of development in the area and the childcare facility would become an overly-dominant use of the overall site and would result in noise nuisance to adjoining and neighbouring properties. Therefore, the proposed development would be contrary to the provisions of Section 16.18 of the Dublin City Development Plan 2016-2022, would seriously injure the amenities of the area and of property in the vicinity and would set an undesirable precedent for further such developments in the area. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the limited size of the site and the scale of development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future occupants of the resultant first-floor residential unit, would result in overdevelopment of the site and would be contrary to the provisions of Section 16.10.1 of the Dublin City

Development Plan 2016-2022, by reason of the absence of dedicated private amenity space for the residential unit and the size of first-floor unit below development standards. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

4<sup>th</sup> August 2017