



An  
Bord  
Pleanála

## Inspector's Report PL06F.248627

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<b>Development</b>	Demolition of shed and side extension and construction of house in the side garden of house and all associated site works.
<b>Location</b>	30 Huntstown Lawn, Blakestown, Dublin 15.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	FW17A/0040.
<b>Applicant(s)</b>	Maan Alyan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Maan Alyan.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> August 2017
<b>Inspector</b>	Patricia Calleary

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## 1.0 Site Location and Description

- 1.1. The site with a stated area of 0.0378 Ha is located within the curtilage of a semi-detached house on a corner site, No. 30 Huntstown Lawn, Blakestown in Dublin 15. It effectively comprises the side garden of the property, located to its north west of its host house. It fronts onto the estate road and is bounded on its outer side (west and north west) by houses nos. 9a and 9 in the adjoining Briarwood Lawn and by House No. 47 Huntstown Lawn to its rear. The site is untidy and contains disposed household items and other waste items. (See photos attached). The area is bounded by a 2m high block wall and there are overgrown conifer trees on the outside of the wall on the adjoining properties to the west and two such trees are growing on the appeal site towards the front of the site. Some of the trees appear to have caused the boundary wall to bulge in places and are evidently not maintained.
- 1.2. The wider area is an established residential area close to Hartstown park and Scoil Mhuire National school.

## 2.0 Proposed Development

- 2.1. The proposed development would consist of the demolition of a garden shed and side extension to the host house, No.30 Huntstown Lawn, which is one of a pair of semi-detached houses. The main element of the new proposal would involve the construction of a new house adjoining the semi-detached house in the side garden of the house together with all associated site works. The proposed new dwelling would measure c.83 sq.m with a gable end pitched roof design and would comprise two bedrooms.
- 2.2. In addition to the standard planning drawings and details, the application was accompanied by a planning application report prepared by Brock McClure Planning consultants.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued a **decision to refuse permission** for two stated reasons, summarised below:

- **Reason 1** – Over development of a restricted site resulting in overshadowing and overbearing of adjoining property which would contravene the land use zoning objective.
- **Reason 2** – Would result in a terraced arrangement of houses in an area characterised by semi-detached houses and detached in-fill and would injure amenities and depreciate property in the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

- House would general be in keeping with development which exists within the immediately surrounding area save that it would introduce a terrace effect where this is a departure from the existing pattern of development;
- Dimensions of rooms would be consistent with development management standards set out in the development plan with the exception of the width of the living room (width of 3.6m required whereas 3.3m proposed);
- Sufficient private open space provided in the design;
- Concerns arise in relation to overbearing and overshadowing on 9A Briarwood Lawn in particular due to proximity to boundary. Issues around overlooking onto No.9 Briarwood Lawn would also arise.

#### 3.2.2. Other Technical Reports

- Transport Planning – No objection subject to conditions.

- Water Services (Surface water) – No objection subject to conditions.

### 3.3. Prescribed Bodies

- Irish Water – No objection.

### 3.4. Third Party Observations

Huntstown Lawn and Woodlands Residents association submitted an observation summarised as follows:

- Would result in the formation of a terraced house which would be inconsistent with the surrounding development;
- 2 storey house would not be in keeping with other 3 storey houses, house should be detached;
- If permitted, should be restricted to use for one household occupant.

## 4.0 Planning History

### Appeal site

F02A/1242 – Permission was refused by Fingal County Council to demolish a garage and utility room and to erect a new detached three-bedroom house.

### Adjoining Site

F00A/1413 – Permission was granted by Fingal County Council for the development of a house on the adjoining site to the west, No.9 Briarwood Lawn.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017-2023

- Located in an area with **Zoning objective 'RS'**: Provide for residential development and protect and improve residential amenity' and with a corresponding vision: 'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity;'

- **Infill, Corner and Backland Sites** - The development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill;
- **Objective PM44** - Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected;
- **Objective DMS24** - Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1 (houses), 12.2 (apartments) and 12.3 (Houses and apartments);
- **Objective DMS87** - 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.

## 5.2. Natural Heritage Designations

- None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was lodged by Brock McClure, representing the applicant/appellant. It was accompanied by a shadow assessment prepared by Digital Dimensions. The following provides a summary of the grounds of appeal.

- Large proportion of side gardens have been provided with infill developments (examples provided);
- Site provides opportunity to provide a new family home;
- Design is appropriate and would not result in overbearing or overshadowing impacts;
- Owing to the existing level of overshadowing at present, proposed house would have negligible increase (refers to shadow analysis);

- Existing boundary treatment would result in a level of overbearing and overshadowing that is greater than the proposed development;
- Proposal would be consistent with the built form of the area;
- Any landscaping which would be removed as part of the proposed works could be reinstated or replaced to maintain existing levels of screening and amenity.

## 6.2. **Planning Authority Response**

- None

## 6.3. **Observations**

- None

## 7.0 **Planning Assessment**

### 7.1. **Introduction**

7.1.1. I have read and considered the contents of the planning application, grounds of appeal, appeal responses and relevant planning policy. I have also attended the site and environs. I consider the key issues in determining the application and appeal before the Board are as follows:

- Principle of the development
- Compliance with Development management standards
- Residential Amenity
- Other

My consideration of each of the above issues are set out below under the respective headings.

## **7.2. Principle of the development**

- 7.2.1. The site is located within an area which is zoned as 'RS - provide for residential development and protect and improve residential amenity' in the current Fingal Development Plan 2017-2023. The proposal to provide an additional dwelling in an established residential area is acceptable in principle, however such is subject to compliance with development management standards and adequate regard to the amenities of adjoining properties. I have considered these in the following sections of my assessment below.

## **7.3. Compliance with Development management standards**

- 7.3.1. The development is broadly consistent with the majority of development management standards set out under Objective DMS24 and corresponding Table 12.1 of the Fingal Development Plan 2017-2024. However, with 2.4 sq.m storage area proposed, it falls short in the required 3.5 - 4.5 sq.m of storage area. In addition, Table 12.3 includes a requirement that a living room would have a minimum width of 3.6m. The living room proposed has a width of 3.3m and does not meet this standard.
- 7.3.2. Objective DMS87 requires a minimum of 60 sq.m open space provision for dwelling houses (exclusive of car parking area) to be sited behind the front building line. Objective DMS88 allows a reduced standard of open space for a one to two bedroom townhouse (to a minimum of 48 sq.m). The current proposal is for a proposed house in a suburban setting and is not considered to be a townhouse and hence cannot benefit from the reduced area of open space. Accordingly, 60 sq.m open space is required and the proposed development is for 57 sq.m which does not meet the required open space standard.
- 7.3.3. Having regard to the design standards being minimum requirements, I am not satisfied that all of the quantitative standards laid down in the development plan are met in the current proposal. Accordingly, I recommend that permission should be refused.



#### 7.4. Residential Amenity

- 7.4.1. One of the main issues arising with the proposal relates to residential amenity and specifically its relationship with existing adjoining dwellings to the north / north east. Refusal reason no. 1 of the Planning Authority's decision highlights concerns regarding the proximity of the proposed dwelling to adjoining dwellings and their private amenity space and the resultant impact on existing residential amenity. No issue arises with respect to residential amenity in relation to the adjoining dwelling to the west (host dwelling) or the rear (south).
- 7.4.2. On approach, the front of the appeal site gives the appearance of being sufficiently wide to accommodate a house. However, having viewed the site at first hand, it's constraints became evident. The site quickly narrows to the rear. The addition of a house would give rise to impacts on the residential amenities of houses no.9a Briarwood Lawn in particular and also its neighbouring house no.9 Briarwood Lawn. In essence, the configuration of these existing adjoining dwellings and their curtilages mean that the side boundary of the proposed house would be positioned very close to the rear boundary of houses no.9a and 9 (varying from 4m to 6m) and closer again to their rear amenity space (varying from 2m to 4m). Given the closeness which would result between the proposed house and the rear line of house no.9a in particular, the added two storey house would reduce the outlook from house no. 9a and cause an overbearing impact onto this property and its private amenity space.
- 7.4.3. In relation to overshadowing, the addition of a house at the location proposed would result in overshadowing in the morning times. I note the trees along the boundary which are higher than the proposed development and hence in relative terms, I do not consider that overshadowing would be excessively greater than in the present situation, if at all. However, in the existing situation, trees along the boundary could be trimmed back to reduce the current impact whereas a new house would be a permanent structure and the overshadowing would be permanent as a result. It is highly likely that the majority of the trees would not survive when excavations take place to serve the development. These trees have an unduly heavy presence along the boundary and I do not consider they would result in a huge loss when considering the context and the species type. The appellant states that landscaping

which would be removed can be replaced but a close look at the site layout and the situation on the ground shows that there is very little space available to plant trees and no landscaping proposal was submitted with the application. It is of relevance to my consideration of this aspect that the majority of the trees are outside of the appeal site boundary.

7.4.4. Overall, in the current context, I consider that the issue of overshadowing would be limited given the orientation of the adjoining houses 9a and 9 Briarwood Lawn and would not be so significant as to warrant a reason for refusal.

7.4.5. In terms of overlooking, I note that no side windows are proposed and this would ensure no overlooking would occur onto property 9a Briarwood Lawn. Due to the angles and the relationship with house no. 9 Briarwood Lawn, there is potential for upper rear windows to result in indirect overlooking onto the private garden of house no.9, assuming the trees are removed to serve the development. This would be exacerbated by the modest size of garden no.9.

7.4.6. Having regard to the constraints outlined above, the proposed development would result in diminished levels of residential amenities of adjoining houses no.9a and no.9 Briarwood Lawn and accordingly I recommend that permission should be refused.

## 7.5. Other

### 7.5.1. Appropriate Assessment

The appeal site is not within or adjoining any Natura 2000 site.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity 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 a European site.

### 7.5.2. S.48 Development Contributions

In the event that the Board are minded to grant permission, a Section 48 development contribution should attach in order to comply with the provisions of the Fingal County Council Development Contribution Scheme 2016-2020.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

1. The proposed design fails to meet all of the minimum quantitative development management standards required under Objective DMS24 and corresponding Table 12.1 and 12.3 of the Fingal Development Plan 2017-2024 and the minimum open space required under Objective DMS87. The development would therefore lie contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its close proximity and relationship with site boundaries of adjoining properties numbers 9a and 9 Briarwood Lawn, whose rear private amenity spaces are small in size would result in unacceptable levels of overbearing onto number 9a in particular and reduce its outlook. It would also have the potential to result in indirect overlooking at first floor level onto the modest private amenity space associated with house number 9. The proposed development would, therefore, seriously injure the residential amenities of adjoining property and would be contrary to the proper planning and sustainable development of the area.

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Patricia Calleary

Senior Planning Inspector

17<sup>th</sup> August 2017