



An
Bord
Pleanála

Inspector's Report PL29N.248861

Development	Two-storey dwelling to side of existing dwelling, rooflights to existing dwelling and new vehicular entrance.
Location	20 Beechlawn Green, Coolock, Dublin 5.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2785/17.
Applicant	Brid Rogers.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant
Appellant	Kathleen Blacoe.
Observer	Rose Seery.
Date of Site Inspection	12 th September, 2017.
Inspector	Paul Caprani.

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1.0 Introduction

PL29N.248861 relates to a third party appeal against the decision of Dublin City Council to issue notification to grant planning permission for the construction of a two-storey dwellinghouse in a side garden together with a new vehicular entrance in an established residential estate at Beechlawn Green, Coolock. The grounds of appeal argue that the proposed dwellinghouse will impact on the appellant's residential amenity.

2.0 Site Location and Description

- 2.1. Beechlawn Green is located in Coolock, approximately 7 kilometres north of Dublin City. The site is located within the large residential estate of Beechlawn to the south of the Oscar Traynor Road. The Oscar Traynor Road links Coolock with the suburban area of Santry further west. Beechlawn Green connects with the Oscar Traynor Road to the north via Beechlawn Avenue.
- 2.2. The subject site (No.20) is located at the eastern end of a row of semi-detached dwellings which face northwards onto Beechwood Green. No. 20 adjoins the junction between Beechlawn Green and Beechlawn Grove. The adjoining house - No. 18 Beechlawn Green, is located to the immediate west.
- 2.3. No. 20 incorporates a front garden, side garden and rear garden and backs onto the northern gable end of No. 31 Beechlawn Grove. The lands to the side of the existing house are laid out as a private garden incorporating a lawn and landscaping. The existing house on site comprises of a two-storey dwellinghouse rising to a ridge height of just over 8.2 metres. The front garden of the existing dwellinghouse incorporates pedestrian access only to the front door. The existing side garden faces onto an area of open space to the east. A vehicular access is provided to the rear of the side garden adjacent to the northern boundary of No. 31 Beechlawn Grove. No. 31 Beechlawn Grove accommodates a similar type two-storey dwelling with a single-storey garage on the northern elevation.

- 2.4. The planning application form indicates that the total area of the site is 417 square metres. The side garden incorporates a width of approximately 9 metres and an overall depth of approximately 25 metres.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a new two-storey dwellinghouse in the side garden. The new dwelling is of a more contemporary style than the existing houses within the estate which date from the early 1970s. The new dwelling is to incorporate a flat roof and is just less than 5.7 metres in height. It is to incorporate a plaster render finish and has a total floor area of 110 square metres. It is proposed to subdivide the existing garden to the front and rear of No. 20 in order to incorporate a separate front and rear garden together with a small side garden for the proposed dwelling. It is also proposed to utilise the existing driveway near the rear boundary for the new dwelling and it is proposed to create a new vehicular entrance and driveway within the front garden of the existing house at No. 20.
- 3.2. The rear garden of the existing dwelling on site will occupy an area of 63.4 square metres while the rear garden associated with the new dwelling which incorporates a patio area and small side garden will incorporate an area of 62 square metres. I estimate the front garden associated with the new dwelling will occupy an area of approximately 65 square metres. The new dwelling is to accommodate living accommodation at ground floor level, three bedrooms and two bathrooms including an en-suite bathroom at first floor level. The separation distance between the rear of the proposed dwelling and the common boundary between No. 20 and No. 31 will be 8.14 metres.
- 3.3. It is also proposed to incorporate a new hipped shaped roof profile on the gable end of the existing dwelling in order to incorporate a new rooflight to serve the landing area associated with the existing dwelling.

4.0 Planning Authority's Decision

4.1. Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 7 standard conditions.

4.2. Documentation Submitted with the Application

- 4.2.1. The application was lodged with the Planning Authority on 27th April, 2017. It was accompanied by planning application form drawings, statutory fees etc. A services report was also submitted by the applicant which sets out details of the access, foul water and surface water drainage arrangements. Details of surface water drainage calculations are also submitted.

4.3. Observations

- 4.3.1. A number of letters of objection were submitted raising issues in relation to residential amenity and traffic safety.

4.4. Planning Authority Assessment

- 4.4.1. A report from the **Engineering Drainage Department** states that there is no objection subject to a number of standard conditions.
- 4.4.2. A report from the **Roads and Traffic Planning Division** likewise states that there is no objection to the proposed development subject to a number of conditions.
- 4.4.3. The **planner's report** notes that the proposed development will break the building line of the street and will result in the neighbouring semi-detached dwelling becoming a terraced dwelling. It is also considered that the overall design of the dwelling would be an incongruous feature within the streetscape and would negatively impact on the visual amenities of the area. The overall size of the dwelling meets the minimum standards set out in Departmental Guidelines. It is noted that the proposed development will not result in any significant obstruction to adjoining dwellings in terms of daylight and sunlight. It is noted in terms of overlooking that the rear first

wall will overlook the third party front garden at No. 31 Beechlawn Grove. Issues in relation to traffic access and parking can be dealt with by way of condition.

4.4.4. The planner's report recommended that planning permission be refused for two reasons relating to impact on the building line and impact on the visual amenities of the area.

4.4.5. However, **a report from the Senior Planner** for the north central area of the city notes the following in respect of the application.

- The development plan seeks to encourage contemporary architecture.
- The proposal is modest in scale and incorporates obscure glazing in order to reduce potential overlooking.
- It is also considered that the proposal incorporates adequate levels of private open space and off-street car parking for the existing and proposed house.
- It is therefore considered that the proposed development complies with the development plan standards for new residential dwellings in corner/side garden sites. It is therefore recommended that planning permission be granted for the proposed development.

4.4.6. In its decision dated 21st June, 2017 Dublin City Council issued notification to grant planning permission for the proposed development.

5.0 Planning History

5.1. There is no relevant planning history associated with the site.

6.0 Grounds of Appeal

6.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of a third party appeal by the occupier of No. 31 Beechlawn Grove. The dwellinghouse is to the immediate rear (south) of the subject site. The grounds of appeal are summarised below:

- The rear of the proposed development projects significantly beyond the existing building line of the house at No. 31 Beechlawn Grove. This represents a considerable spatial intrusion and negatively impacts on the appellant's

residential amenity. It is noted that the initial planner's recommendation was to refuse planning permission on these grounds and there are no conditions attached to address this matter other than requiring a first floor window to serve the bathroom would incorporate obscure glazing. It is stated that there is no precedent in the surrounding area to allow for such a spatial intrusion. Photographs are attached in Appendix 1 and 2 of the appeal in support of this contention.

- It is also argued that the proposed dwelling is significantly out of character with the surrounding area. The applicant has not provided contiguous elevations to demonstrate the level of impact on the surrounding area. It is argued that the contemporary architecture will adversely impact on the orderly and well laid out streetscape of the entire estate.
- Concerns are expressed in relation to the soakaway location and it is requested that any grant of planning permission must be contingent on the applicant submitting drawings that demonstrate how the requirements of the Greater Dublin Regional Code of Practice for Drainage Works are being complied with.
- It is also argued that the drawings submitted with the application has incorrectly identified the common boundary with the appellant's property. This could lead to disputes with future owners. It is requested that if planning permission is to be granted it would be subject to submitting revised drawings indicating correct boundary ownership. This leaves the appellants vulnerable to future legal disputes. Again if planning permission is granted, revised drawings should be submitted by the applicant showing the correct ownership of the boundary structure.
- Finally, it is stated that the applicant is now currently residing in a nursing home. For this reason, the appellant cannot see how the applicant made the application for the proposal.

7.0 Appeal Responses

- 7.1. A response was received on behalf of the applicant by Coakley O'Neill Town Planning Limited.

- 7.2. It is noted that planning permission was granted subject to 11 standard conditions and details of relevant conditions in the context of the grounds of appeal are set out. The response also notes that there is extensive planning precedent in the wider area for the development of side gardens for new dwellings. Reference is made to 12 such applications made between 2002 and 2007 where the Planning Authority granted planning permission for such development.
- 7.3. Specifically, in relation to the grounds of appeal, the Board are requested to note that the subject lands are zoned for residential development and the application was made fully in accordance with the Planning and Development Regulations, 2001. The proposal constitutes an urban brownfield site where there is an obligation to make the most efficient use of lands and this is acknowledged in the policies contained in the development plan.
- 7.4. It is stated that the proposed development accommodates a mixture of detached, semi-detached and terraced dwellings giving a varied mix of house types and sizes. It is noted that plot sizes and garden sizes also vary in size. It is stated that the proposal has been designed to harmonise with the existing house and the finishes and overall treatment will be sympathetic to the house.
- 7.5. It is stated that the building line of the north facing dwellings is staggered and the location and orientation of the proposed dwelling reflects this. The proposal reflects a number of precedent decisions in the immediate area and specific reference is made to No. 55/No. 55A Beechlawn Green and No. 15A and No. 8A Beechlawn Green. It is also noted that several dwellings have incorporated changes in the building lines through side extensions also. It is submitted therefore that the proposal would not be out of keeping with the pattern of development already permitted on corner sites.
- 7.6. The proposal allows for adequate private open space provision both with the existing and proposed dwellings. Sufficient standards are achieved in relation to sight lines and these matters are comprehensively addressed in Condition No. 5 of the Council's decision.
- 7.7. It is argued that there will be negligible if any, diminution of residential amenity of adjoining neighbours and therefore there will be no consequential reduction in property value. The impact of the proposed development in terms of overshadowing and loss of sunlight would be negligible.

- 7.8. Infill suburban residential development of this nature in suburban housing estates will always lead to a degree of overlooking of rear gardens. It is noted that the proposed dwelling in this instance does not back onto the rear garden of the appellant's property but the front garden. The incorporation of obscure glass in the bathroom will address any issues in relation to overlooking.
- 7.9. Reference is made to the Exempted |development Regulations and it is noted that under these regulations, a first floor extension could come within 2 metres of the rear party wall and still be considered exempt from the requirement of planning permission. It is suggested therefore that it cannot be reasonably argued that the proposed dwelling constitutes overdevelopment of the site.

8.0 Observations

One observation was submitted by the resident of No. 29 Beechlawn Grove. The observation argues that the proposal will seriously impact on the observer's view and the observer has lived at No. 29 for almost 49 years. It states that nobody objects to a normal extension however it is argued that the residual garden is quite small for a three bedroomed house.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is located in an area covered by the zoning objective Z1 which seeks to "*protect, provide and improve residential amenities*".
- 9.2. Section 16.10.9 relates to corner/side garden sites. The plan notes that the development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the Planning Authority on suitably large sites.
- 9.3. However, some corner/side gardens are restricted to the extent that they will be more suitable for side extensions that separate dwellings.

9.4. The Planning Authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites.

- The character of the street.
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining building.
- Impact on residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of appropriate car parking facilities and the safe means of access and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines where appropriate.

10.0 **Planning Assessment**

I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Impact on Amenity
- Impact on Established Building Line
- Design Approach
- Surface Water Drainage Issues
- The Identity of the Applicant

10.1. Impact on Amenity

- 10.1.1. Concerns are expressed that the proposed development will have an unacceptable and overbearing impact on the appellant's property which is located immediately adjacent to the rear of the subject site.
- 10.1.2. I do not consider that the proposed development will have an overbearing impact for a number of reasons. Firstly, the dwelling incorporates a contemporary design with a flat roof which results in the overall height of the building being less than 6 metres. Furthermore, the building is located over 8 metres from the common boundary and over 11 metres from the adjoining dwelling to the south (excluding the garage along the northern boundary). I consider that there are sufficient separation distances to ensure that the overall size and scale of the dwelling will not have an overbearing impact on the adjoining house to the south.
- 10.1.3. Again because of the orientation and height and separation distances involved, it is not considered that the proposed development will have an unacceptable impact on the appellant's amenity in terms of overshadowing. The fact that the proposed dwelling is located to the immediate north of the subject site will also reduce the potential for overshadowing.
- 10.1.4. In terms of overlooking it is noted that on the southern elevation of the dwelling only one window is proposed at first floor level. This window serves the bathroom and will incorporate opaque glazing so as to ensure that overlooking does not occur to any material extent. While the appellant makes reference to the fact that the separation between the rear building line of the proposed dwellinghouse and the common boundary is just over 8 metres and the development plan specifies a separation distance of 11 metres in the case of rear gardens. It should be noted that the rear of the house does not directly face onto opposing windows but directly faces the front garden of the appellant's house. This arrangement in my view is acceptable and will not unduly impact on amenity. While the ground floor accommodates glazing on the southern elevation, the drawings submitted indicate that it is proposed to incorporate a two-metre-high boundary wall along the rear in order to ensure that overlooking does not occur at ground floor level. I am therefore satisfied that the proposed development will not unduly impact on the appellant's amenity in terms of being overbearing, nor will it result in overshadowing or overlooking.

10.2. Impact on the Building Line

- 10.2.1. The grounds of appeal argue that the proposed development is inappropriate as it adversely impacts on the building line particularly in relation to Beechwood Grove.
- 10.2.2. The Board will note from the site layout maps that dwellings no.'s 10 to 20 Beechwood Green are set out in a staggered fashion and the setting back of the building line in the case of the current application reflects replicates and continues this staggered effect along Beechwood Green I therefore consider that the stepping back of the front elevation is appropriate as it continues this arrangement.
- 10.2.3. In terms of the impact of the proposal on the building line at Beechwood Grove, I note that the orientation of the building does not address Beechwood Grove but addresses Beechwood Green. While the proposal will result in the stepping forward of the building line in an easterly direction, the subject site is a corner site and therefore any development be it a single storey side extension or a separate dwelling would inevitably have an impact on the building line for the housing facing eastwards onto Beechwood Grove. Furthermore, I consider that the overall layout and design of the proposed development faces onto Beechwood Green as opposed to Beechwood Grove, and the building line should specifically be seen in this context.
- 10.2.4. The applicant also suggests that there is no similar type precedent in the case of other developments in the immediate vicinity. I would not agree with this and I would specifically refer to House 55A which is directly opposite the site. This development also involved the construction of a dwellinghouse in the side garden and while No. 55A replicates the building line of the building facing southwards onto Beechlawn Green it clearly impinges on the building line at the adjoining houses to the north which face westwards. I therefore consider that a precedent has been set in this regard. The development of corner sites will inevitably disrupt the building line of buildings facing onto the perpendicular street. Any impact on the building line must be balanced against the development plan's policy to permit development in corner/side garden sites in order to make the most efficient use of serviced residential lands.

10.3. Design

- 10.3.1. Concerns expressed in the grounds of appeal that the proposed development sets an undesirable precedent in terms of design and the contemporary style is totally inappropriate having regard to the character of the existing area. It is clear from the development plan that imaginative contemporary architecture is encouraged provided that it respects Dublin's heritage. While the proposed development incorporates a relative uniformity in character, in that Beechlaw Green incorporates a relative uniformity of design, it should be borne in mind that this type of two-storey residential suburban development dating from the 1960s/70s is ubiquitous throughout the city and as such is of little historic or architectural interest. This is reflected in the fact that the subject site or its surroundings do not attract any architectural or historical designations. As such I consider that the proposed development is suitable for a contemporary type design such as that proposed.
- 10.3.2. Furthermore, I consider that the design in this instance incorporates a minimalist contemporary approach which is subordinate in size and scale to the existing dwellinghouse on site. This is appropriate in terms of reducing the potential for overshadowing or having an overbearing impact on adjoining and neighbouring dwellings. The overall design approach in my view is simple and contemporary and will add to the variety of house type and design within the streetscape as opposed to detracting from the visual amenities of the area.

10.4. Surface Water Drainage Issues

Concern is expressed that the proposed soakaway which is to be located adjacent to the southern boundary of the site (underneath the car parking space) will not comply with the Greater Dublin Regional Code of Practice for Drainage Works. The applicant has provided details of the proposed soakaway area and details of the surface water attenuation design together with surface water drainage calculations. Dublin City Council Drainage Division stated that there was no objection to the proposed development on drainage grounds. Furthermore, it is a requirement that the developer complies with the Greater Dublin Regional Code of Practice for Drainage Works as part of the grant of planning permission. Therefore, based on the information contained on file and the conditional requirement that the applicant to

comply with the Code of Practice I consider this issue has been satisfactorily addressed in the assessment of the application and can be adequately dealt with by way of condition.

10.5. Boundary and Ownership Issues

Concerns are expressed in the grounds of appeal that the boundary of the application site is incorrectly indicated on the drawings submitted. However, details are not provided as to the nature of the incorrect identification of the boundary. Having inspected the drawings submitted, it appears that the red line of the boundary coincides with the boundary walls indicated on the subject site. The granting of planning permission in this instance does not confer any ownership rights beyond what is legally owned by the applicant in this instance. If any boundary disputes do arise, this is a civil matter between the parties involved, and as such does not constitute a planning issue.

10.6. Identity of the Applicant

- 10.6.1. The grounds of appeal argue that the applicant in this instance is now residing in a nursing home as she is no longer capable of living independently. Whether or not the applicant in this instance is residing in the house in question is not critical for the purposes of submitting a planning application. There is no evidence to suggest on file that the applicant is not sufficiently aware that an application has been lodged on her behalf. It appears that the response to the grounds of appeal was also made on her behalf as the agents specifically state that they are instructed by the applicant Brid Rogers to respond to the grounds of appeal. The validity of the application is not in question in my opinion.

11.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development will be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 Conclusions and Recommendation

Arising from my assessment above therefore I consider that the Board should uphold the decision of the Planning Authority in this instance and grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

13.0 Decision

Grant planning permission for the proposed development based on the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the Z1 zoning objective relating to the site together with Dublin City Council's policy of permitting the development of a dwelling in the side garden of an existing house as a means of making the most efficient use of serviced residential lands, it is considered that the proposed development subject to conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally 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.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the 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. The first floor bathroom window on the rear elevation shall incorporate obscure glass.

Reason: In the interest of privacy and to prevent overlooking.

3. The internal layout of the development shall be amended so as to ensure that bedroom no. 2 shall incorporate minimum internal dimensions of at least 13 square metres.

Reason: To provide a satisfactory standard of development.

4. 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.

5. 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.

6. The new driveway entrance to no. 2 Beechlawn Green shall be 2.5 metres in width and shall not incorporate outward opening gates.

Reason: In the interest of traffic safety.

7. The modified access to serve the new dwelling from Beechlawn Grove shall be 2.6 metres in width and shall not have outward opening gates.

Reason: In the interests of traffic safety.

8. The applicant shall comply with the detailed requirements of the Area Engineer of the Roads Maintenance Department in respect of footpaths, kerbs and dishings to be provided to cater for the proposed development. All costs incurred by Dublin City Council including any repairs to the public

road and services necessary as a result of the development shall be at the applicant's expense.

Reason: In the interest of traffic safety and to ensure a satisfactory standard of development.

9. The works required to implement the proposed development shall only be carried out between the hours of

Monday to Friday 7 a.m. to 6 p.m.

Saturday 8 a.m. to 2 p.m. and

not at all on Sundays or Public Holidays.

Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard amenities.

10. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended, no extensions, garages, stores, offices or similar structures shall be erected without a prior grant of planning permission.

Reason: In the interest of residential amenity.

11. The numbering/naming of the dwelling unit shall be agreed with the planning authority in writing prior to the commencement of development.

Reason: In the interest of orderly development.

12. The developer shall pay to the planning authority a financial contribution of €9,504 (nine thousand five hundred and four euro) 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. The contribution shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Paul Caprani,
Senior Planning Inspector.

19th October, 2017.