



An
Bord
Pleanála

Inspector's Report 29N.249122

Development	House, vehicular entrance to front and new revised vehicular entrance to rear.
Location	180 Hillcrest Park, Glasnevin, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3087/17
Applicants	Ronan Groome
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Ronan Groome
Date of Site Inspection	9 November 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The appeal site is located in the Hillcrest Park estate which is accessed off Ballygall Road East close to the junction with Glasnevin Avenue. The site is formed from the side garden of a semi detached dwelling which is located at a T junction between two residential roads close to the entrance to the estate from Ballygall Road East.
- 1.2. The front boundary of the original house, No.180 Hillcrest Park, is formed by a dwarf wall with railing over and there is a pedestrian gate only, to the front of the house. The side boundary (along the west of the site) which extends as far as the rear building line is similar. From the rear building line to the rear of the site the boundary is a high masonry wall with similar rendering to the house and at the rear building line it turns to extend almost to the house. The vehicular entrance is from the side road and located at the rear (southern) boundary which provides access to a domestic garage located adjoining the southern and eastern boundaries.
- 1.3. The two storey, semi-detached, tiled-roofed, dwelling with brick front at ground level and roughcast rendering on the remainder of the building, is similar to those fronting both arms of the junction.
- 1.4. The site comprises open lands to the front / side of the existing dwelling together with an area that forms part of the rear garden located behind the high enclosing wall.
- 1.5. There are a number of similar infill developments within the Hillcrest Park estate, notably one to the side of the dwelling on the opposite corner from the appeal site (to the side of No. 223 Hillcrest.).
- 1.6. The stated area of the site is given as 214.3 m sq from an original site of 427.8 m sq.

2.0 Proposed Development

- 2.1. The proposed development is the erection of a detached two storey dwelling with 3 bedrooms having a stated gross floor area of 99.29 sq. metres. The dwelling is proposed to be separated from the adjoining property at No.180 by a one metre gap and the front building line of the dwelling is indicated as being consistent with that on the adjoining houses to the east and between 0.5 and 3m from the boundary with the public footpath on Hillcrest Park west of the site.

- 2.2. Heights and finishes are to be consistent with the existing dwellings. The height is 7.95 to ridge, width 6.3m x 10.75 deep at ground and 8m deep at first floor as there is a sloped roof to a single storey dining area with large glazed panel and sliding door in the rear elevation; in the previous application/appeal the height was 7.5m, width 6.35 x 9.6m deep with both floors being of equal depth.
- 2.3. A new vehicular access is proposed to be provided to the front of the dwelling. To the rear, the existing vehicular access is proposed to be retained and widened from 2.390m to 3.4m. The intention with regard to the use of this entrance is somewhat ambiguous. It appears to be intended as an access for both the existing dwelling at No.180 and the proposed dwelling but it could be inferred that it is for the proposed dwelling only, as it is entirely contained within the red line boundary of subject site.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The planning authority decided to refuse permission for the following reason:

Having regard to the planning history of the site, the established pattern of development in Hillcrest Park, in particular the established building lines, to the scale and design of the proposed dwelling and the extent by which this dwelling would break the established building line, it is considered that the provision of a detached dwelling in this location would be visually obtrusive and detract from the established character of the area. The proposed development would therefore seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

- 3.3. The decision was in accordance with the planning recommendation.

3.4. Planning Authority Reports

- 3.4.1. Planning Reports - Z1 zoning. It is noted that permission has previously been refused by An Bord Pleanála (PL29N.237125 and PL29N.228468) for a similar house on the subject site. It is considered that no significant amendments have been made to the layout or design of the house to warrant an overturning of previous

refusals by An Bord Pleanála on site in regard to the established pattern of development in Hillcrest Park, in particular the established building lines and to the scale and design of the proposed dwelling.

There are concerns that the proposed new entrance, located on the curve radius, could potentially result in a traffic hazard as it would result in vehicles reversing out of the proposed driveway onto the public road at an angle.

A minimum of 50m sq m of private open space is required, 54 sq m is provided.

3.5. Other Technical Reports

3.6. Engineering Department – Drainage Division, 30/6/2017, conditions.

3.7. Roads & Traffic Planning Division Report, 17/7/2017, there is an existing vehicular entrance and car parking area at the rear of the site serving the existing dwelling which it is proposed to retain while a new vehicular entrance is proposed at the front of the new dwelling. The proposed new entrance is located on the curved radius and is therefore not considered acceptable. This division recommends that the existing vehicular entrance and car parking area serving the existing dwelling to the rear of the site be designated for the proposed new dwelling and a new vehicular entrance and car parking area be provided directly in front of the existing dwelling away from the curved radius. Conditions,

1 The existing vehicular entrance and car parking area serving the existing dwelling to the rear of the site be used solely for the proposed new dwelling. The proposed new vehicular entrance located on the curved radius shall be relocated to the east directly in front of the existing dwelling No. 180 Hillcrest Park. Prior to commencement of development revised plans indicating same shall be submitted to the Roads and Traffic Planning Division for written agreement and approval.

2 Footpath and Kerb to be dished and provided to the requirements of Roads Maintenance Department.

3 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 expense of the developer.

4 The proposed new vehicular entrance shall be no less than 2.5m wide and no more than 3.6m wide and shall not have outward opening gates.

5 The developer shall be obliged to comply with the requirements set out in the Code of Practice.

3.8. **Prescribed Bodies**

3.9. Irish Water - no response.

3.10. **Third Party Observations**

Observations on the file have been read and noted.

4.0 **Planning History**

29N.237125 PA Register Ref. WEB1073/10 Detached two storey dwelling with revised entrance, Board refusal (2010) on foot of planning authority decision to grant. Similar reason to the subject decision. The inspector's report cited the previous Board refusal 228468.

29N.228468, PA Register Ref. 4781/07 - Detached two storey dwelling with connection to public services and new revised entrance. Board refusal (2008) on foot of planning authority decision to grant, reason: that the dwelling would break the established building line and would be visually obtrusive. No objection on drainage grounds.

PA Register Ref. 5690/06 - Permission for detached two storey dwelling on the site, refused on the basis of visual impact and lack of adequate open space, contravention of development plan policy regarding infill dwellings and the fact that the development is proposed to be constructed above a major surface water drain.

PA Register Ref. 1399/04 - Outline permission for detached dwelling refused on the basis of visual impact and lack of adequate private open space.

These decisions were made under previous Development Plans.

5.0 Policy Context

5.1. Development Plan.

The Dublin City Development Plan 2016-2022 is the operative plan. Relevant provisions include:

Part of the site is zoned Z1 - to protect provide and improve residential amenities.

Corner/Side Garden Sites (16.10.9) - 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 suitable large sites.

However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house. 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 buildings
- Impact on the 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 a safe means of access to 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.

5.2. **Development Contribution Scheme 2016 - 2020**

5.3. €86.40 per square metre of residential development.

5.4. **Natural Heritage Designations**

5.5. The South Dublin Bay and River Tolka SPA site code 004024 is the nearest Natura Sites located some 2km away.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. The first party appeal against the decision to refuse permission includes:

- The first party attaches 10 photographs taken in the surrounding area which he states shows similar developments; and a photomontage of the proposed development which he states shown how seamlessly the new house will blend with other houses in the estate.
- A letter from the site owner's, the parents of the first party, is attached, which refers to their disappointment and questioning the decision since five houses have been built on identical corner sites in this estate during the years of their applications, since 2008.

6.3. **Planning Authority Response**

6.4. The planning authority have responded to the grounds of appeal referring the Board to the planner's report.

7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, established character of the area and building line, the vehicular entrance and other issues and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. **Established Character of the Area and the Building Line**

- 7.4. The current Dublin City Development Plan states the planning authority's intention to favourably consider higher density proposals including the development of underutilised infill sites, provided they respect the design of the surrounding development and the character of the area.

- 7.5. The proposed development would harmonise with existing development in terms of design, scale, proportions, height and materials

- 7.6. The building line formed by the side of the proposed dwelling is considerably forward of the building line of the dwelling to the south. However the main two-storey portion of the proposed dwelling would be 12.33m from the boundary of the property to the south, which distance would serve to mitigate the building line breach.

- 7.7. The erection of a dwelling in any side garden is likely to breach such a building line and the current City development plan favours the development of dwellings in side gardens. It should be noted, as is pointed out by the first party, that similar developments of new dwellings in side gardens have occurred in the area including a very similar development directly across the road from the subject site which is in the side garden of no. 223.

- 7.8. In my opinion the proposed development would not detract from the established character of the area, and the building line breach should not be a reason to refuse permission.

- 7.9. It should be noted that the previous decisions to refuse made by the Board were not made under the current Development Plan and there is now greater encouragement for increasing the density of development in areas which are centrally located, serviced and with good transport links, and the means by which this will be achieved includes developing side garden sites.

7.10. **The Vehicular Entrance**

- 7.11. A new vehicular access is proposed to be provided to the front of the dwelling. To the rear, the existing vehicular access at the southern boundary, which provides access to a domestic garage for No.180 Hillcrest Park located adjoining the southern and eastern boundaries, is proposed to be retained and widened from 2.390m to 3.4m. The entrance and driveway are contained within the red line boundary of the subject site and therefore the intention with regard to the use of this entrance is somewhat ambiguous, since it currently provides the sole vehicular access to the host site.
- 7.12. The Roads & Traffic Planning Division Report refers to the proposed new entrance which is located on the curved radius, being unacceptable; and recommends that the existing vehicular entrance and car parking area serving the existing dwelling to the rear of the site be designated for the proposed new dwelling and that a new vehicular entrance and car parking area be provided for No.180 directly in front of that dwelling (i.e. away from the curved radius). Although this area is outside the red line boundary, under S 34 (4) (a) of the Act a condition requiring such development would be appropriate since that land could be considered to be under the control of the applicant.
- 7.13. In my opinion this would be an acceptable solution to the provision of vehicular access to both sites, although care will be required to ensure that the tree, planted in the footpath, is not interfered with.

8.0 **Recommendation**

- 8.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the conditions set out hereunder.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the pattern of permitted developments in the area and the scale, design and layout of the proposed development, it is considered that, subject to compliance with the

conditions set out below, the proposed development would not seriously injure the residential amenity of the area or of property in the vicinity and would 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 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 Water supply and drainage arrangements, including the disposal of surface water, shall be in accordance with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3 The external finishes shall harmonise in colour and texture with the existing finishes on the adjoining house.

Reason: In the interest of visual amenity.

4 The proposed new vehicular entrance located on the curved radius shall be omitted. The vehicular entrance and car parking area serving the existing dwelling to the rear of the site be used for the proposed new dwelling. A new vehicular entrance may be provided to the existing dwelling, No. 180 Hillcrest Park, directly in front of that dwelling, of no less than 2.5m wide and no more than 3.6m wide with no outward opening gates. Prior to commencement of development revised plans

indicating the vehicular access arrangements shall be submitted for the written agreement of the planning authority.

Reason: In the interest of traffic safety.

5 The Footpath and Kerb shall be dished and provided to the requirements of Roads Maintenance Department.

Reason: In the interest of orderly development

6 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 expense of the developer.

Reason: In the interest of orderly development

7 The site and building works associated with the proposed development shall only be carried out between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No development works shall take place on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

8 The developer shall pay to the planning authority a financial contribution of eight thousand five hundred and seventy eight euro (€8,578) 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.

Planning Inspector

30 November 2017

Appendices

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022