



An
Bord
Pleanála

Inspector's Report 29N.249213

Development	Two houses
Location	198 Kilmore Road, Artane, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3183/17
Applicant	Edward Fuller
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Edward Fuller
Observers	Margaret McLoughlin
Date of Site Inspection	13 December 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at 198 Kilmore Road, Artane, Dublin 5.
- 1.2. Only two dwellings face Kilmore Road at this location, which is part of a development at the junction of Tranquility Grove and Kilmore Road. On the opposite side of Tranquility Grove residential development faces Kilmore Road but with an access road to the front so that it is setback farther from Kilmore Road than the subject site.
- 1.3. Kilmore Road a large arterial road and the junction with Tranquility Grove has been provided with a generous radius of curvature and a generous splay to side boundaries along the footpath so that there is here a large expanse of concrete unrelieved by planting.
- 1.4. The site is part of a pair of semi-detached dwellings with separate vehicular accesses to Kilmore Road. The flank of the site which bounds the Tranquility Grove road has a strongly curved boundary with the footpath, comprising a concrete block wall which is 2m high from opposite the rear building line to the end of the site and lower to the side and front of the dwelling.
- 1.5. The dwellings facing Tranquility Grove form a building line which is at a similar setback from the footpath as the flank of the subject dwelling.
- 1.6. The site is given as 415m² which includes the host dwelling.

2.0 Proposed Development

- 2.1. The proposed development is the provision of two, two storey 2 bedroom houses to the side of the existing house 198 Kilmore Road, formation of a new driveway entrance to 198 Kilmore Road to the south of the existing entrance, the existing entrance to be used for one of the proposed houses, and a new vehicular entrance and new pedestrian entrance will be created from Tranquility Grove to serve the second proposed house.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for a single reason:

Having regard to the residential standards set out in Sections 16.10.2 'Residential Quality Standards – Houses' and 16.10.9 'Corner / Side Garden Sites' of the 2016-2022 Dublin City Development Plan, it is considered that due to the substandard provision of proposed and residual private open space both quantitatively and qualitatively that the subject development would provide for an unsatisfactory level of residential amenity for future occupants, as well as also representing a case of overdevelopment of a restrictive site. The proposed development would, therefore, be contrary to the Ministerial Guidelines – Sustainable Residential in Urban Areas – Guidelines for Planning Authorities, 2009 and its companion document the Urban Design Manual – A best practice guide 2009, be contrary to the provisions of the Dublin City Development Plan 2016-2022, set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report 9/8/2017:

Zoning Z 1 To protect, provide and improve residential amenities.

Pre planning meeting at which the issue of private space was addressed and subsequent advice that provision was inadequate.

Previous proposal was unacceptable because it would have created a terrace.

Proposal is for an independent semi-detached pairing.

Match height, roof pitch and primary span of the parent dwelling.

The development breaks the building line to a greater degree than that previously permitted although the distance between the proposal and No 1 Tranquility Grove

dissipates the impact on the adjoining streetscape. There are high walls to the rear and side of the site which help to dissipate the visual impact.

The end unit is squeezed in as exemplified by the stepped gable, which results in an asymmetrical gable.

No specific SUDS measures are proposed.

Proposed finishes are to match the existing dwelling.

The floor areas proposed will be c. 75m² inclusive of 8m² of unlit and non-habitable 2nd floor attic space, 67m² excluding attic space; 70m² recommended. No stairs access is proposed to the attic space.

The houses are now provided with at least 1 x 13m² bedroom as required.

It is not considered that significant obstruction to adjoining 3rd party access to daylight will result.

Minimum distance of 11m to boundaries is recommended. The rear first floor bedroom window is 9m from the boundary with No 1 Tranquility Road's front garden.

The development plan requirement for private open space has been reduced to 10m² per bed space.

The plan also states that 60-70m² would be recommended for family size dwellings.

Proposed: for existing 51m², unit 1 41m² and 2 61m² but the latter includes two off-street car spaces with the actual usable area closer to 27m². The proposal is for irregular shaped gardens to all dwellings.

No external storage is provided

Usable areas are considered to be substandard in terms of minimum quantum and quality and indicates overall overdevelopment.

3.2.2. Other Technical Reports:

3.2.3. Roads and Traffic Planning Division, 2/8/2017:

It is proposed to retain the existing vehicular access to No. 198 which will serve one of the new dwellings providing 1 parking space. A new vehicular access is proposed adjacent to the existing which will serve the existing property. A further new access

is proposed from Tranquility Grove which will provide parking for 2 cars to the rear of the new dwellings. The proposed new access to serve No. 198 is 3m wide and would not require the relocation/removal of any street furniture planting or lighting. The existing access will remain at 2.53m and the new access from Tranquility Grove will be 3m in width.

Recommending conditions.

3.2.4. Engineering Department Drainage Division: 17/7/2017:

Recommending conditions.

3.2.5. Observation

3.2.6. An observation on the file has been read and noted.

4.0 Planning History

0237/17 SHEC Social Housing Exemption Certificate, granted.

3108/16 permission refused for 2 no. 2 storey 2 bedroom attached houses to side of existing, relocate existing entrance and create shared front driveway, form new ground floor front canopy roof.

0215/16 SHEC granted.

3317/08 planning permission granted for 2 storey detached house with attic room, 4 velux windows to the rear and 1 to the front.

0319/08 SHEC granted

5902/07 permission refused for 2 storey detached duplex to side accommodating 2 no. 2 bedroom apartments.

0795/07 SHEC granted.

6153/05 invalid.

2014/05 OPP for detached house.

0734/05 SHEC granted.

0131/91 Side extension.

5.0 Policy Context

5.1. Development Plan

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

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.

A minimum standard of 10 sq.m of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city

5.2. **Quality Housing for Sustainable Communities**

The primary design aim should be to create visually attractive dwellings that will provide appropriate accommodation and good quality living environments for prospective occupants.

5.3. Key issues to be addressed by the design team include making provision for: ease of access to, circulation within and use of the dwelling;

The aim should be to ensure that dwellings can meet the changing needs of occupants over their lifetimes, including needs associated with moderate mobility difficulties and the normal frailty associated with old age.

5.4. **Natural Heritage Designations**

5.5. The North Dublin Bay SAC & North Bull Island SPA are the nearest Natura Sites, located approx. 4km from the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. An appeal has been lodged by Hughes Planning & Development Consultants on behalf of the first party.

The grounds includes:

- The proposed development is compliant with the policies and objectives of the Dublin City Development Plan and Quality Housing for Sustainable Communities Best Practice Guidelines Delivering Homes Sustaining Communities, 2007.
- The application also responds to the previous reasons for refusal.

- It satisfies the core objectives of the Action Plan for Housing and Homelessness – Rebuilding Ireland, 2016.
- The site is zoned for residential development.
- The development has been designed to provide a high standard of residential amenity.
- Design changes have addressed shortcomings in previous applications. The proposal has been designed to enhance the Kilmore Road and Tranquility Grove streetscapes while safeguarding the amenity of adjoining residents.
- The quantum and form of private open space is consistent with the standards and objectives of the Dublin City Development Plan.
- Two additional dwellings will be provided on an underutilised zoned and serviced site.
- The planning history of the site is referred to.
- Planning precedent for a large 5 bedroom house in a side garden at Woodville Court 200m away is cited (ref 5056/06).
- Development Plan provisions, including standards for residential development, are cited.
- The proposal exceeds the standards in Sec 17.9 of Quality Housing for Sustainable Communities Best Practice Guidelines Delivering Homes Sustaining Communities, 2007 – for general floor areas, bedroom floor areas and private open space.

	Type	Floor Area Required	Floor Area Proposed
House 1	2 storey / 3 person	70 sq m	72.5 sq m
House 2	2 storey / 3 person	70 sq m	72.5 sq m

All habitable rooms are provided with natural light.

Under the development plan minimum bedroom areas shall be 7.1 sqm single and 11.4 sq m double. This is exceeded:

House 1			
Bedroom Type	No. of Bedrooms	Required Floor Space	Proposed Floor Space
Single	1	7.1 sq m	8 sq m
Double	1	11.4 sq m	14.2 sq m

House 2			
Bedroom Type	No. of Bedrooms	Required Floor Space	Proposed Floor Space
Single	1	7.1 sq m	8 sq m
Double	1	11.4 sq m	13.6 sq m

Both kitchens will have good natural light and bathrooms of 4.5 sq m and 5.5 sq m, where 4 sq m is the requirement.

Under 16.10.2 the Development Plan minimum private open space of 10 sq m per bed space will normally be applied

Unit	Bed Spaces	Required Provision	Proposed Provision
1	3	30 sq m	44 sq m
2	3	30 sq m	33 sq m
No 198	5	50 sq m	65 sq m

- House 2 will be allocated 50sqm, 17 sq m of which will be allocated to car parking
- Guidelines on Sustainable Residential Development in Urban Areas, 2008 – a balance must be struck between reasonable protection of the amenities and

privacy of adjoining dwellings, the protection of the established character and the need to provide residential infill.

- The development will not impinge on the amenity of adjacent residential properties.
- Corner sites – the site has capacity to accommodate two units. The development will not overlook, overbear or overshadow any property, is of a similar design and scale to existing and building lines have been maintained.
- Site coverage will increase from 11.8% to 28% Z1 allows 45-60%. Not overdevelopment. Has maintained established building lines. Seeks to add to the visual amenity of the area through high quality design. The provision of 2 bedroom houses in an area of 3 / 4 bedroom houses will improve the mix of stock and offer a chance to bring different family types to the area.
- It makes efficient use of serviced land and is in line with national policy.

6.3. **Planning Authority Response**

6.4. The planning authority have not responded to the grounds of appeal.

6.5. **Observations**

An observation has been received from Margaret McLoughlin, Kilmore Road, which includes:

- Dwellings are out of character with other properties in the locality.
- Traffic survey did not take into account the actual volume of vehicles using the road during rush hour and at other peak times.
- The dwellings would add to the already congested parking situation along Kilmore Road and Tranquility Grove.

7.0 Assessment

7.1. The issues which arise in relation to this appeal are: appropriate assessment, standard of the development, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

7.3. 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.

7.4. Standard of Development

7.5. The standard of the development is referred to in the planner's report which notes that the floor areas quoted are inclusive of 8m² of unlit and non-habitable 2nd floor attic space.

7.6. The floor areas proposed in the application details were stated to be: 70m² and 75m² inclusive of the attic. In the grounds of appeal the floor areas are stated to be 72.5m² inclusive of the attic. The grounds states that all habitable rooms are provided with natural light however 2nd floor attic space which is included in the 72.5m² does not have natural light.

7.7. The planner's report refers to the provision as 70m² 75m² with 8m² of unlit and non-habitable 2nd floor attic space, or 62m² and 67m² excluding attic space and the attic areas do not achieve minimum ceiling height. The minimum recommended area is 70m².

7.8. The proposed dwellings do not achieve minimum standards.

7.9. The configuration of the outdoor circulation space is unacceptable.

7.10. There is a separation distance of only 800mm between the existing dwelling and the proposed block with a right angle turn at the rear of the building, which would make access between the blocks difficult. Maintenance of the gables and gutters would be difficult in such a confined space. As shown on the site plan, the boundaries

indicated provide that the access leads from the front property of the proposed 198A to the rear garden of 198. This is obviously an unacceptable arrangement and is indicative that areas were chopped and changed in an attempt to fit the development into a confined site.

- 7.11. The distance between the gable of 198B and the side boundary, which is a curved roadside boundary, is only 110mm at one point despite the plan of the dwelling having been narrowed in this area.
- 7.12. As noted the planner's report the proposal is for irregular shaped gardens to all dwellings.
- 7.13. The open space indicated for unit number 2 includes an area to be used for parking. The actual area available for amenity use is well below the minimum required.
- 7.14. In my opinion the outdoor circulation areas between front and rear gardens are of a size and configuration which make them inaccessible for garden equipment, mobility impaired users and building maintenance.
- 7.15. The existing gable door to 198 would be difficult to use in such a confined space, and would be located in a contested area: 198 or 198A?
- 7.16. The potential for conversion of attic spaces which would further reduce the amenity space available per bedspace is referred to in the planner's report.
- 7.17. The proximity of the development to the side boundary would give the appearance of an overcrowded site.

8.0 Recommendation

- 8.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the residential standards set out in Sections 16.10.2 'Residential Quality Standards – Houses' and 16.10.9 'Corner / Side Garden Sites' of the 2016-

2022 Dublin City Development Plan, it is considered that due to the substandard provision of proposed and residual private open space both quantitatively and qualitatively that the subject development would provide for an unsatisfactory level of residential amenity for future occupants, as well as also representing a case of overdevelopment of a restrictive site. The proposed development would, therefore, be contrary to the Ministerial Guidelines – Sustainable Residential in Urban Areas – Guidelines for Planning Authorities, 2009 and its companion document the Urban Design Manual – A best practice guide 2009, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

Planning Inspector

22 December 2017

Appendices

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