



An
Bord
Pleanála

Inspector's Report PL29N.249350

Development	Demolition of single-storey commercial building and construction of a two-storey one-bedroom dwellinghouse
Location	179c Cabra Road, Cabra, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3536/17
Applicant(s)	Darrol O'Neill
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Darrol O'Neill
Observer(s)	Transport Infrastructure Ireland
Date of Site Inspection	10 th January 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on Quarry Road, a residential street off the Cabra Road (R147 regional road) in Cabra, approximately 2.5km northwest of Dublin city centre.
- 1.2. The site has a stated area of 108sq.m, with approximately 9.5m frontage onto Quarry Road. It contains two single-storey flat-roof buildings set back approximately 4.5m from the footpath, which were most recently used as a builder's office. To the front of the premises is a small enclosed yard and a hardstanding area with space for parking a vehicle. The largest of the structures backs directly onto the rear boundary with No.177 Cabra Road, while to the rear of the smaller structure is a narrow yard area that leads to a small toilet structure directly to the rear of No.179b Cabra Road. The boundaries of the site comprise a mix of concrete walls of varying heights. A pedestrian access lane serving the rear of No.177 runs along the northern boundary of the site. Adjoining to the south of the site is No.179b, which appears to be in residential use and is attached to a single-storey dwellinghouse at No.179 Cabra Road.
 - 1.2.1. The surrounding Cabra area is characterised by rows of terraced and semi-detached dwellings of similar styles in a uniform and symmetrical layout. Three commercial units including a pharmacy and a hairdressers are located directly opposite the appeal site on Quarry Road. Ground levels in the vicinity drop gradually towards the north moving away from Cabra Road.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:
 - Demolition and removal of single-storey flat-roof commercial buildings and toilet structure with a stated gross floor area (GFA) of 48sq.m;
 - Construction of a two-storey detached one-bedroom dwellinghouse with a stated GFA of 72sq.m;
 - Provision of a new 3.5m-wide vehicular access with gates off Quarry Road, as well as landscaping works, including revised boundary treatments with a 1.8m-high wall enclosing the front garden area and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reason only:

- Reason No 1: 'substandard level of private open space'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (September 2017) reflects the decision of the Planning Authority. The Planning Officer notes the following:

- Planning permission for a house was previously refused on this site due to the inadequate provision of private open space (DCC Ref. 3469/08 refers);
- Proposed building height would match the roof ridge height of the neighbouring house at No.179 Cabra Road;
- The minimum standards, as set out in Department guidelines, for a two-person dwellinghouse, would be exceeded in the proposals;
- A total of 20sq.m private open space is required, and it is proposed to provide c.15sq.m to the rear and c.11sq.m to the front of the proposed house. The under provision of private amenity space to the rear of the house would result in an unsatisfactory standard of residential amenity for future occupants;
- Scale and layout of the proposed house would not impinge on the residential or visual amenities of the area and would not result in undue overlooking or overshadowing.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – response states 'no observations';
- Irish Rail – no response;

- Irish Water – no response;
- National Transport Authority – no response.

3.4. **Third-Party Submissions**

3.4.1. A submission accompanied by a set of photographs, was received from the residents at No.177 Cabra Road, the adjoining property to the east, raising the following concerns:

- Proposed development does not overcome previous reasons for refusal of development on site, including the impact on No.177 Cabra Road and the extent of area required for private amenity space;
- Proposals would be built onto the neighbouring party walls;
- No reference is made in the statutory notices to the height of the proposed boundary walls enclosing the front garden space;
- First-floor bedroom would not meet Building Regulation standards, by virtue of the shortfall in floor to ceiling heights;
- Private open space to the rear of the site would amount to 11sq.m when omitting the narrow section leading to the toilet structure, and would not measure 15sq.m, as stated on the plans submitted;
- The narrow laneway along the northern boundary serves as an access to No.177 Cabra Road;
- Proposals would lead to overshadowing of the rear garden to No.177 and would be overbearing when viewed from neighbouring house;
- Concerns raised regarding drainage, water supply and the accuracy of drawings submitted.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. In April 2017, pre-planning consultation regarding a two-storey house was undertaken between representatives of the applicant and the Planning Authority

under Ref. PAC0196/17. The Planning Authority advised the applicant's representatives of their concerns regarding the overdevelopment of the site.

4.1.2. There has been one recent planning application on the appeal site.

- DCC Ref. 3469/08 – Permission refused (September 2008) for a two-storey two-bedroom dwelling (GFA - 81.sq.m);

Reason No.1 - inadequate area of private open space (c.31.5sq.m);

Reason No.2 – visually obtrusive building, which would result in significant overshadowing of adjoining properties.

4.2. Surrounding Sites

4.2.1. There have been numerous permissions for residential infill and domestic extensions in the immediate area. The following is the only recent planning application associated with the immediately adjoining properties:

- No.179b Cabra Road - DCC Ref. 2433/06 – Permission granted (July 2006) for a single-storey front extension to dwelling (GFA - 81.sq.m). Note: This development was not commenced.

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'. It is located approximately 450m outside the 'inner city' zone, as defined in Map K of the Development Plan.

5.1.2. Relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Policy QH1 of the Plan seeks to build upon and enhance standards outlined in 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), amongst other National Guidelines. Policy QH21 of the Plan is relevant, and this seeks 'to ensure that new houses provide for the needs of family accommodation with a satisfactory

level of residential amenity, in accordance with the standards for residential accommodation’.

- 5.1.3. Design principles for infill development are set out in Section 16.2.2.2 of the Development Plan. Design standards for houses are set out in Section 16.10.2 of the Plan, and matters to be considered in assessing proposals for corner/side garden sites and infill housing are outlined under Sections 16.10.9 and 16.10.10 of the Plan, respectively.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The following grounds of appeal are raised by the applicant:

Private Open Space

- Proposed development meets Development Plan standards in terms of the provision of private open space and, as such, the Board is requested to overturn the Council’s reason for refusing the development;
- A total of 26sq.m private amenity space would be provided in the front and rear garden areas, which would be overlooked by a dual aspect living / kitchen area;
- Appeal site sits between the inner and outer-city, and the subject development would only require 10 to 16sq.m private open space in the inner-city area, based on the Development Plan standards;
- The area is within walking distance of a host of local public amenities and the proposed provision and position of open space is similar to the existing provision within the adjoining house at No.179b;
- Development Plan does not specifically require private open space to be situated to the rear of a proposed house;

Other Matters

- Social and personal circumstances provide additional rationale for allowing the development.

6.1.2. The appeal is accompanied by a letter from the applicant and a copy of a letter and drawing submitted to the Planning Authority during consideration of the planning application, responding to matters specifically raised in the third-party submission to the application.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority response to the grounds of appeal outlines that substantive planning matters and reasons for the Planning Authority decision are outlined in the Planning Officer's report on the application and that this justifies their decision.

6.3. **Observations**

6.3.1. An observation from TII refers the Board to their previous submission to the Planning Authority.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Principle of the Development;
- Proposed Design & Layout;
- Impact on Residential Amenities;
- Impact on Visual Amenities.

7.2. **Principle of the Development**

7.2.1. The principle of developing the proposed house on an infill / side garden site on lands zoned 'Z1 - Sustainable Residential Neighbourhoods' is acceptable, subject to planning and environmental considerations addressed below. The grounds of appeal state that the proposed development addresses the previous reasons for refusal of planning permission in September 2008 by the Planning Authority for a dwelling on the appeal site (DCC Ref. 3469/08). The previous application proposed a two-storey dwelling comprising mono-pitch roofs, with a parapet height of

approximately 6.2m and a floor area of approximately 81sq.m. This application was refused permission by the Planning Authority on the grounds of the inadequate provision of private open space (c.31.5sq.m) and as the development was considered to be visually obtrusive and would result in significant overshadowing of adjoining properties. In comparison to the previous proposals, I note that within the current proposals, the maximum height of the pitched-roof to the dwelling would be only marginally higher (c.0.1m), and the floor area of the proposed house has been reduced by 9sq.m to 72sq.m. A more detailed assessment of these and other issues is set out below.

7.3. Proposed Design & Layout

- 7.3.1. The Planning Authority's decision to refuse permission for the proposed development was solely based on the substandard level of private open space to serve the one-bedroom house, while the grounds of appeal assert that the extent of private open space would be adequate based on the location of the site, surrounding amenities, the pattern of development in the area and as the Development Plan does not preclude inclusion of front garden areas from serving new dwellings. Policy QH21 of the Plan seeks 'to ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation'.
- 7.3.2. Based on Development Plan standards requiring 10sq.m of private amenity space per bedspace in new houses outside the inner city, the minimum amount of private open space required would be 20sq.m. It is stated by the applicant that 15sq.m garden space to the rear and 11sq.m garden space to the front of the proposed house would be provided. While it would be desirable to position the garden space solely to the rear of the dwelling, this is not a specific requirement of the Development Plan or National Guidelines, and it is often not feasible in an infill site such as the appeal site. However, I would only consider that front garden space would be appropriate as amenity space, where it is screened from the public realm and neighbouring properties, and where sufficient area is available to create an attractive space and a suitable level of amenity. It is proposed to enclose the front garden area with 1.8m-high walls and, as a consequence, I would question the attractiveness of this space in serving as a private amenity area for future occupants.

I also have concerns regarding the visual impacts of this boundary treatment and this matter is addressed further below in Section 7.5.2. Furthermore, based on the drawings (see Drawing No. 1704 P200 'Proposed Plans / Sections / Elevations) and the orientation of the rear garden space, I would only consider that there is approximately 11sq.m rear garden space, as opposed to the 15sq.m stated. The narrow lane leading south would have negligible use as amenity space and given the constricted rear garden area, I am not satisfied that this would provide a usable or an attractive amenity space for future occupants. In conclusion, I consider that the proposed development would result in a substandard level of private amenity space for the proposed house and I recommend that the proposed development is refused permission in relation to this matter.

7.3.3. Proposals marginally meet the Development Plan standards regarding glazing to habitable rooms and asides from the minimum room width for a double-bedroom (2.8m) not being achieved, I am satisfied that the proposed internal areas would broadly comply with standards outlined in 'Quality Housing for Sustaining Communities'. Aspect for the proposed house would primarily be from the west, with aspect from other directions only comprising a north-facing rooflight, a south-facing rear door and two east-facing windows serving a bathroom and a study. The dwelling would effectively be single aspect, and the main living area at ground floor would overlook the front garden area, which would be enclosed by a 1.8m-high wall, which would be 2.5m from the patio doors. While this would provide poor outlook for future occupants from the living space, as the habitable rooms to the proposed house would be served by west-facing opes and would receive adequate levels of natural lighting, I am satisfied that this aspect of the house design would not warrant a refusal of the proposed development.

7.3.4. In conclusion, the proposed development would not provide for a suitable level of amenity for future residents, by virtue of the substandard amenity space proposed and, as such, the proposed development would not be compliant with Policy QH21 of the Development Plan. While I have some reservations regarding the internal design and layout of the proposed house, these matters do not warrant a refusal of planning permission, but are indicative of the constraints of developing this site for a dwelling.

7.4. Impact on Residential Amenities

- 7.4.1. The Development Plan requires proposals for houses in infill /side garden sites to have regard to the impact on the residential amenities of adjacent dwellings. The Planning Authority's reason for refusing permission was not based on the impact of the proposed development on neighbouring residential amenities.
- 7.4.2. It is noted that the first-floor rear element of the proposed building would be positioned directly onto the side boundary with No.177 Cabra Road, for a distance of c. 4.4m. The development previously refused permission on site in September 2008 under DCC Ref. 3469/08, also included a first-floor rear element directly on the side boundary with No.177 for the full width of the subject site (c. 8.9m). The application for permission under DCC Ref. 3469/08 was refused in part due to the immediate proximity of the building to the site boundary with No.177 and the overshadowing that would arise. While I recognise that the subject proposals would reduce the scale of the building directly onto the side boundary with No.177 and there is an outbuilding located adjacent to the proposed house in the northwest corner of the rear garden to No.177, nonetheless, I would have reservations regarding the impact of the development on the amenities of residents at No.177. Siting of a two-storey structure with roof eaves height of c.4.1m and roof ridge height of c.6.3m, directly onto the side boundary of No.177, would have an overbearing impact when viewed from No.177, and accordingly would have undue impact on the residential amenities of this adjoining property and the proposed development should be refused for this reason.
- 7.4.3. The proposed dwelling is directly west of the rear garden serving No.177 Cabra Road and directly south of the side garden to No.1 Quarry Road. Having regard to the fact that No.1 is served by an enclosed rear garden space and the side garden appears to be a secondary amenity space, undue impacts to No.1 arising from overshadowing would not emerge. Having regard to siting and orientation, the new house could be viewed as having an adverse impact on the amenities of No.177 via extensive overshadowing of the rear garden, particularly given the introduction of a first-floor element directly onto the side boundary. However, as identified in the third-party submission on the application, there is a small timber shed situated in the northwest corner of the garden to No.177 adjacent to the proposed house.

Considering this, and given the scale and orientation of the proposed dwelling relative to the overall scale, including the substantial depth, of the neighbouring garden to No.177, I am satisfied that the proposed house would not give rise to undue levels of overshadowing, and permission should not be refused for this reason.

7.4.4. As mentioned above, the proposed house would only include one window at first-floor level and this would look westwards over the street. Consequently, the proposed development would not have a detrimental impact on the residential amenities enjoyed by the occupants of neighbouring dwellings, as a result of overlooking or loss of privacy.

7.4.5. In conclusion, it is considered that the proposed development would not have a detrimental impact on the residential amenities of neighbouring dwellings or dwellings in the vicinity by virtue of overshadowing or overlooking, but it would have a detrimental impact on the residential amenities of No.177 Cabra Road, as the proposed development would have an overbearing impact when viewed from this adjoining property.

7.5. Impact on Visual Amenities

7.5.1. It is noted that this area is not provided with any conservation status. The Development Plan lists a range of criteria to be assessed for proposals of this nature, including the character of the area, compatibility with adjoining dwellings and building lines. Acknowledging that there is an established building line and rhythm of housing on the street to the north and the varied building line to Nos. 179 and 179b Cabra Road, I consider that the introduction of the proposed detached house, replacing the existing building on site and with a two-storey element over 1.9m to 5.9m from the primary frontage, would not unduly impact on the character of the area.

7.5.2. The general proportions of the new dwelling complement those of the adjacent dwellings. In terms of height, scale, massing and layout, the proposals can be reasonably viewed to be in keeping with adjacent dwellings and would not be obtrusive or incongruous when viewed from adjacent dwellings. An existing conifer tree to No.1 Quarry Road and a street tree to the north would provide some

screening of the proposed development from the northern approach and where visible the proposed dwelling would be viewed against the backdrop of existing dwellings within the immediate area, including Nos.179 and 179b Cabra Road. As mentioned above, I have some reservations regarding the proposal to construct a 1.8m-high boundary wall along the front boundary of the site. While I recognise that this has been proposed to screen the front garden area from the street and the grounds of appeal consider this to present a similar arrangement to a neighbour's wall and hedge, it would not be in keeping with the surrounding character. Should the Board be minded to grant permission, I would suggest a revised treatment would be required along this street boundary, albeit considerate of the need to maintain a suitable level of privacy to the front garden area. In conclusion, while I have some reservations regarding the 1.8m-high front boundary wall, the proposed development would not be so detrimental such that it would detract from the visual amenities of the area and the proposed development should not be refused for this reason.

8.0 **Appropriate Assessment**

8.1. 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**

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

10.0 **Reasons and Considerations**

1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and to the layout and design of the proposed development, including the enclosed front and rear garden areas, it is considered that the proposed development would provide inadequate and fragmented private amenity

space, would constitute a substandard form of development, would be seriously injurious to the residential amenities of future occupants of the house and would be contrary to Policy QH21 of the Dublin City Development Plan 2016-2022, which seeks to ensure that new houses provide a satisfactory level of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the established character and pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022 and the nature and scale of the proposed development, with the proposed two-storey house to be constructed directly onto the side boundary and rear garden of the adjoining property at No.177 Cabra Road, it is considered that the proposed development would have an overbearing impact when viewed from the adjoining property at No.177 Cabra Road and would seriously injure the residential amenities of this adjoining property, and would be contrary to the provisions set out under Section 16.10.9 of the Dublin City Development Plan 2016-2022, which require housing in side garden sites not to impact on the residential amenities of adjoining sites. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

17th January 2018