



An  
Bord  
Pleanála

## Inspector's Report 29N.249352.

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<b>Development</b>	Division of the existing house into two separate houses
<b>Location</b>	37 Rathvilly Drive, Finglas, Dublin 11
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3428/17
<b>Applicants</b>	Patrick & Susan Loughran
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Patrick & Susan Loughran
<b>Date of Site Inspection</b>	11/01/2018
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1. The site is located at 37 Rathvilly Drive, Finglas, Dublin 11. The site is occupied by a two storey, end of terrace dwelling which appears to have been extended. The house is set back from the road by a small garden and the front boundary appears to have been removed. The dwelling is at the end of a short cul de sac estate road and faces south over the Tolka valley. There are no dwellings on the opposite side of the road and no development to restrict the view between the site and the valley floor. The site adjoins the distributor road Rathoath Road to the west, which is in a cutting in this location and is located c2m below the level of the site.
- 1.2. To the rear of the site there is a similar residential road and the end dwelling has adjoining a single storey shed which appears to be in use as a vehicle repairs workshop.
- 1.3. West of the subject property there is a high masonry wall bounding the distributor road and a sloping embankment to the road cutting.
- 1.4. A panel the size of a pedestrian access is located in this wall to the rear of the new shed, but without features on the external surface by which to open it. This appears to relate to the property to the rear of the site, where there are various sheds/buildings.
- 1.5. The site is given as 317m<sup>2</sup> which includes the host dwelling.

## 2.0 Proposed Development

- 2.1. The proposed development is the division of the existing house and the provision of two separate houses: a two storey 3 bedroom terraced house and a two storey 2 bedroom end of terrace house. The total floor area of both dwellings is 146m<sup>2</sup>.
- 2.2. The proposed building at the rear, indicated for use as a games/ gym room is 40m<sup>2</sup> in area, 6m wide x 8m deep and 4.3m high. This building is to be provided with a toilet and shower, has a single window facing west towards the arterial road, and two windows and double glazed doors facing towards the rear of the existing building.

- 2.3. Proposed boundary walls are shown including a boundary separating the rear gardens of the two proposed dwellings, a short wall and pedestrian gate separating a small area west of the proposed shed from the remainder of the rear garden and walls separating both front gardens from the public road to the front; but no details are supplied.

## 3.0 Planning Authority Decision

### 3.1 Decision

- 3.2. The planning authority decided to refuse permission for 2 reasons:

1 The proposed 2 bedroom house is not in accordance with minimum standards as set out in Section 5 of the then DEHLG document Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) and the provision of private open space for the proposed 3-bedroom house is not in accordance with Section 16.10.2 Residential Quality Standards of the Dublin City Development Plan 2016-2022. The proposed development would therefore provide an unsatisfactory standard of residential amenity for future occupants, would seriously injure the amenities of the area, would set an undesirable precedent for similar type developments and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and to the zoning objective Z1 ‘to protect provide and improve residential amenities’.

2 The bulk and scale of the proposed gym/games room is out of character with the existing properties and would result in a loss of amenity to neighbouring properties. As a consequence, the proposed development would seriously injure the residential amenities and depreciate the value of property in the vicinity and would set a precedent for development which would be incompatible with the established character of the area. The proposal would therefore be contrary to the proper planning and sustainable development of the area and to the zoning objective ‘to protect provide and improve residential amenities’.

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

### 3.4. Planning Authority Reports

#### 3.4.1. Planning Reports

Zoned Z1 to protect provide and improve residential amenities.

CDP 16.10.12 and 16.10.13 are cited and Quality Housing for Sustainable Communities, 2007 re. minimum space provision and room size standards for typical houses. A 2 storey, 3 person house has a target gross floor area, of 70m<sup>2</sup>, a minimum aggregate living area of 28 m<sup>2</sup>, and a minimum aggregate bedroom area of 20 m<sup>2</sup>. While the proposed house reaches the minimum aggregate living area there are concerns that the proposed 2 bed dwelling does not reach all the required standards.

It is also proposed to provide a 46sqm gym/games room in the rear garden of the proposed 2 bed house. It is single storey with a pitched roof and a maximum height of 4.8m and a roof light. It sits on the boundary walls with the adjoining neighbours to the north and east. It is also proposed to provide a searage garden area (approx. 18 sqm). It is considered that the bulk and scale of the proposed gym/games room is out of character with the area.

Section 16.10.2 Residential Quality Standards of the Dublin City Development Plan 2016-2022 requires the provision of 10m<sup>2</sup> of private open space per bedspace. The proposed development would result in approx. 47sq m of open space for the existing house of 5 bedspaces requiring an area of 50m<sup>2</sup>.

It is considered that 2 no. dwellings could be provided on site however the current layout would result in an unsatisfactory standard of residential amenity for future occupants and set an undesirable precedent.

#### 3.4.2. Other Technical Reports:

3.5. Engineering Department – Drainage Division, 15/8/2017, conditions.

### 4.0 Planning History

None stated

## 5.0 Policy Context

### 5.1. Development Plan

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

The site is zoned Z1 - to protect provide and improve residential amenities.

#### 16.10.12 Extensions and Alterations to Dwellings

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit. Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

#### 16.10.13 Sub-division of Dwellings

Large areas of suburban residential development in Dublin City have retained a pattern of use as single family dwelling units. The sub-division of large dwelling houses may be permitted in highly accessible areas to provide for the demographic changes in the city, subject to the residential amenity standards set out in Chapter 16, including minimum floor space, etc. This may involve the sub-division of such dwellings into individual distinct units on each floor.

Where sub-division is being considered, factors such as the extent of open space within the site boundaries, landscaping schemes including the retention and planting of trees, the provision of on-site parking, the retention of existing railings and gates, and screened refuse storage areas will be evaluated as part of the assessment

When sub-divisions are allowed, they should be compatible with the architectural character of the building. An appropriate mix of accommodation in particular areas will be determined by Dublin City Council, taking account of the mix of residential

accommodation in an area. Dublin City Council may accept parking provision of less than one space per dwelling unit to encourage occupation of the dwellings by households owning fewer cars.

## Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design

### Minimum bedroom floor areas/widths

Single bedroom minimum width 2.1 m, minimum floor area 7.1 sq.m.

Double bedroom Minimum width 2.8 m, minimum floor area 11.4 sq.m.

Twin bedroom Minimum width 2.8 m, minimum floor area 13 sq.m.

Minimum aggregate bedroom floor areas: two bedroom (11.4+13 sq. m =) 24.4 sq.m.

### 5.3. **Development Contribution Scheme 2016 - 2020**

5.4. €86.40 per square metre of residential development.

### 5.5. **Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007**

The guidelines aim to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience, to be particularly relevant.

Space provision and room sizes for typical dwellings:

2 bedroom three person 2 storey dwelling:

70m<sup>2</sup> target gross floor area, 13m<sup>2</sup> minimum living room, 28 m<sup>2</sup> aggregate living area, 20 m<sup>2</sup> aggregate bedroom area and 3 m<sup>2</sup> storage.

The area of a single bedroom should be at least 7.1m<sup>2</sup> and that of a double bedroom at least 11.4<sup>2</sup> m. The area of the main bedroom should be at least 13m<sup>2</sup> in a dwelling designed to accommodate three or more persons. The recommended minimum room widths for bedrooms are 2.8 metres for double bedrooms and 2.1 metres for single bedrooms.

5.6. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DECLG 2015**

5.7. Guidelines to update the “Sustainable Urban Housing: Design Standards for New Apartments” guidelines, published by the Department in 2007, which specify requirements for internal space standards for different types of apartments to achieve quality outcomes. Complementary policy advice, which should be considered along with these guidelines in assisting planning authorities, designers and communities within the overall planning process published by the Department include: Best practice guidelines “Quality Housing for Sustainable Communities (2007); and Sustainable Residential Development Guidelines for Planning Authorities (2009).

The minimum area of a single bedroom should be at least 7.1m<sup>2</sup> and that of a double bedroom at least 11.4m<sup>2</sup>. The area of a twin bedroom should be at least 13m<sup>2</sup>.

Minimum room widths are 2.1 metres for a single bedroom 2.8 metres for double and twin bedrooms.

Minimum aggregate bedroom areas: one bedroom 11.4 m<sup>2</sup>, two bedroom 24.4 m<sup>2</sup>.

5.8. **Natural Heritage Designations**

5.9. The South Dublin Bay and River Tolka SPA, site code 004024, is the nearest Natura Site located in excess of 6km away.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. A first party appeal has been lodged by Patrick & Susan Loughran against the decision to refuse permission.

6.3. The grounds includes:

- There have been numerous planning applications lodged to Dublin City Council that were approved and are very similar to what the first party lodged: 5877/05, 4958/05, 4878/05, 4734/07, 4563/05, 3974/08, 3677/04, 2713/16 and 2441/08.

#### 6.4. **Planning Authority Response**

6.5. 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, residential amenity of future residents, and the shed 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. **Residential Amenity of Future Residents**

7.4. The first refusal reason in the decision refers to the residential amenities of future residents.

7.5. The provision of private open space for the proposed 3-bedroom house is stated as not being in accordance with the Development Plan standards. The planner's report states that the rear garden remaining with the dwelling would have an area of 47 sq m whereas a minimum of 50 sq m is required.

7.6. A small shortfall in achieving the minimum amenity space requirement would occur but I do not consider that this should be a reason to refuse permission.

7.7. The refusal reason refers to the proposed 2 bedroom house not being in accordance with minimum standards as set out in Section 5 of the then DEHLG document Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

7.8. The provision of the proposed accommodation for the proposed 2 bedroom house is within an existing building, within which the existing floor area is being reshaped to



provide, in lieu of a bedroom and play room at first floor level, a stairwell, bathroom and two bedrooms. This constrains the layout, and the dimensions and floor areas of the bedrooms is the area of concern.

- 7.9. The Dublin City Development Plan 2016-2022 sets out development standards which include minimum bedroom floor areas/widths and minimum aggregate bedroom floor areas:

Single bedroom minimum width 2.1 m and minimum floor area 7.1 sq.m

Double bedroom minimum width 2.8 m and minimum floor area 11.4 sq.m.

Twin bedroom minimum width 2.8 m and minimum floor area 13 sq.m.

Minimum aggregate bedroom floor areas: two bedroom (11.4+13 sq. m =) 24.4 sq.m

- 7.10. The Quality Housing for Sustainable Communities, guidelines (2007) set out development standards which include minimum bedroom floor areas/widths and minimum aggregate bedroom floor areas:

For a 2 bedroom three person 2 storey dwelling:

Single bedroom minimum width 2.1 metres, minimum floor area 7.1 sq.m,

Double bedroom minimum width 2.8 metres and minimum floor area 11.4 sq.m.

Main bedroom minimum width 2.8 metres and minimum floor area 13 sq.m.

Minimum aggregate bedroom floor areas: two bedroom 20 sq.m.

- 7.11. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (DECLG 2015) set out development standards which include minimum bedroom floor areas/widths and minimum aggregate bedroom floor areas:

Single bedroom minimum room width 2.1 metres, minimum floor area 7.1 sq.m

Double bedroom minimum room width 2.8 metres, minimum floor area 11.4 sq.m

Twin bedroom minimum room width 2.8 metres minimum floor area 13 sq.m.

Minimum aggregate bedroom floor areas: two bedroom 24.4 sq m.

- 7.12. The proposed development indicates a single bedroom with a width of 1.8m, short of the 2.1m minimum width requirement, and a floor area of 5.4 sq.m well short of the

7.1 sq.m minimum floor area requirement. The double bedroom is of varying widths: a width 3.3m over half its length (1.9m) and 2.3m over the remainder (1.8m) and can not therefore be considered to achieve the minimum width (2.8m) required. The floor area of 11.05 sq m is just short of the 11.4 sq m requirement. The aggregate bedroom floor areas are together 16.45 sq m, falling well short of the minimum aggregate bedroom floor area requirements set out in the Development Plan (24.4 sq.m) and the guidelines (20 sq.m and 24.4 sq m). As noted in the planner's report, the site is capable of accommodating a dwelling, however the shortfall in the minimum bedroom dimensions and floor areas is not amenable to remedy by a condition. In my opinion the substandard nature of the proposed accommodation is a reason to refuse permission.

#### 7.13. **Shed**

7.14. The proposed building in the rear garden of the smaller house is intended as a gym and games room and has a larger footprint than the dwelling it will serve. Its dimensions are 8m x 6m by comparison with 7.216m x 4.224m for the dwelling. The lack of any explanation of the need for this building in the context of the limited residential capacity of the dwelling, gives rise to some concern regarding its future use.

7.15. No finished floor area is stated and no contextual elevations have been provided for this development as viewed from the main road, where it could appear to be an exceptionally large building in a restricted rear garden.

7.16. On the basis of the information provided I would support the planning authority's decision to refuse.

### 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

The proposed two bedroom house would not be in accordance with minimum standards for bedroom sizes, would provide substandard accommodation for future occupants which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

The scale and bulk of the proposed gym/games room building is disproportionate to the scale of the property it serves and would result in a loss of amenity to neighbouring properties. The proposed development would be injurious to the residential and visual amenities of the area and contrary to the proper planning and sustainable development of the area.

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Planning Inspector

16 January 2018

### Appendices

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022
- 3 Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007
- 4 Extracts from Sustainable Urban Housing: Design Standards for New Apartments, DECLG 2015.