



An
Bord
Pleanála

Inspector's Report PL29S.249424

Development	Construction of a detached bungalow to rear of existing house with shared parking and all associated works.
Location	5 Camac Park, Bluebell, Dublin 15
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3633/17
Applicant(s)	Patrick McDonnell
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Patrick McDonnell
Observer(s)	None
Date of Site Inspection	18 th January 2018
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site comprises a single storey semi-detached dwelling with dormer accommodation at No. 5 Camac Park and the lands to the rear of this property and to the rear of No. 5A Camac Park. The existing property at No. 5 Camac Park is accessed via a door to the side of the property. There is an existing gated vehicular access and a hard standing area to the site facilitating off street-parking associated with the property. To the rear there is a grassed area which extends to the rear of No. 5a Camac Park. To the front of the property there is a small front garden area.
- 1.2. The immediate area is predominantly residential with a mix of single storey dwellings with dormer accommodation and two-storey properties. The estate as a whole is surrounded by industrial uses to the west, south and east.

2.0 Proposed Development

- 2.1. Construction of a detached bungalow to rear of existing house with shared parking and all associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for one reason as follows:

'The proposed development would result in a dwelling contained within the rear garden of an existing autonomous house. The proposed additional house would have no independent vehicular access or car parking on the site of the proposed dwelling, resulting in a substandard form of development. Having regard to Section 16.10.8 (Backland Development) of the Dublin City Development Plan 2016-2022, the proposed development would constitute piecemeal, backland development, conflicts with the established pattern and character of development in the area, and in itself and by the precedent it would set for similar substandard development, would seriously injure the amenities of property in the vicinity. Therefore the proposed development is contrary to the proper planning and sustainable development of the area.'

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Notes Bedroom 3 and living area are slightly substandard, having regard to minimum floor areas. However, notes the proposed house would appear to largely meet the DM standards for a house.
- Notes previous refusal on site for a similar, but not identical, proposal.
- Reason for refusal related to the failure to provide an independent street frontage and access.
- Notes the current proposal would also involve the construction of a house in a rear garden which would not have independent access or parking.
- Provision of shared vehicular access and provision of car parking within the curtilage of 5 Camac Park (i.e. not within the site of the proposed dwelling) militates against the free and independent operation of an autonomous dwelling.
- Recommendation was to refuse permission.

3.2.2. Other Technical Reports

Drainage – no objection

Roads – no objection

3.3. **Prescribed Bodies**

3.3.1. HSE – does not advise against the granting of planning permission.

3.4. **Third Party Observations**

3.4.1. None

4.0 Planning History

- 4.1.1. 3060/09 – Refuse – Single storey detached dwelling to rear of existing dwelling. For 2 reasons relating to (i) backland development failing to provide street frontage, access or useable private space resulting in a substandard form of development out of keeping with the existing pattern of development in the vicinity (ii) shared vehicular access, shared area of private open space and shared car parking resulting in amenity impacts on the existing dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site is zoned objective Z1 ‘to protect, provide and improve residential amenities’.
- 5.1.2. Relevant policies and objectives include:
- Section 16.10.2 Residential Quality Standards – Houses
 - Section 16.10.3 Residential Quality Standards – Apartments and Houses
 - Section 16.10.8 Backland Development - *Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists. Backland development is generally defined as development of land that lies to the rear of an existing property or building line. The development of individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. By blocking access, it can constitute piecemeal development and inhibit the development of a larger backland area. Applications for backland development will be considered on their own merits.*
- 5.1.3. The site is in the vicinity of two no. SEVESO II Establishments on the Bluebell Industrial Estate, BOC and Kayfoam Woolfson (700m and 1000m respectively).

These establishments are located within the boundary of South Dublin County Council.

5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009).

5.3. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of Appeal, as submitted by the First Party Appellant, are as follows:

- Existing house will remain autonomous – direct access to the front door from public road, 2 dedicated car parking spaces, own rear garden, screening.
- Proposal will not affect the existing house in any negative way.
- Car parking arrangement proposed, in common area, is standard in many housing estates and apartment complexes throughout the country.
- Arrangement retains the existing vehicular entrance and streetscape/existing gates can open inward/sufficient space for vehicle manoeuvres.
- Alternative option for car parking (Option 2) was presented to the planning authority.
- Two further options (3 and 4) have been submitted with the appeal.
- Proposed dwelling does not conflict with the established pattern or character of development in the area.
- Refer to previous permissions in the estate (2230/12, 4791/04 & 2741/06 relating to the same site, 2065/16).
- Proposal has similar ridge height and finish to the existing houses to the front, as per permission 2230/12.
- Previous permissions have established precedent.

- Complies with Development Plan policies and standards and meets the standards in 'Quality Housing for Sustainable Communities – Best Practice Guidelines'.
- Proposed dwelling has 138 sq. m. of private open space to rear – excess of the order of 245% above the minimum standard – front garden is also private as is screened from view.
- Private open space of the existing property will also exceed the minimum required.
- There will be no overlooking of adjacent gardens or houses.
- Development Plan allows for a reduction in separation depth in certain situations.
- Previous permissions allowed for a reduction in garden depth standards – this should also be allowed here.
- Landscaping will further enhance the privacy of all gardens around the application site.
- Proposed development incorporate sustainable features/ Complies with Part M building regulations.
- Site is serviced/ Maximises use of existing infrastructure/ Will utilise derelict under-utilised area/Will provide passive security over the road to the rear of the site.
- Letters of support from neighbours were submitted as part of the original application.
- Proposal is for applicants who have a genuine need for a home of their own/renting homes is placing a financial burden on the family/occupant works in the area/House facilitates a mix of residential tenure in the area.
- Site is close to local shops and services and close to public transport (Luas and Bus)
- Will not injure surrounding residential amenity

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Access/Parking/Impact on Amenity
- Development Standards
- Impact on the Established Pattern and Character of Development/Planning Precedent
- Other Issues
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The subject site is zoned 'Z1' with an objective 'To protect, provide and improve residential amenities'. The provision of dwellings within this zoning is permissible in principle, subject to a detailed assessment.

7.2.2. Section 16.10.8 of the Development Plan refers to Backland Development. This states that, *inter alia*, the development of individual backland sites can conflict with the established pattern and character of development in an area and can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape

screening. However, it does not however rule out well integrated backland development and states that applications for backland development will be considered on their own merits.

- 7.2.3. I have had regard also to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009). Section 5.9 of these Guidelines refers to infill residential development and notes that potential sites may include backland areas. In assessing applications for infill development, the guidelines note a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 7.2.4. Therefore, while the principle of a backland development can be supported within the residential land use zoning, it needs to be ascertained whether the proposed development on the appeal site be in keeping with the established character and pattern of development in the vicinity, and would not be detrimental to the amenities of adjoining residential properties or the character of the area.

7.3. **Access/Parking/Impact on Amenity**

- 7.3.1. The lack of independent vehicular access to the proposed dwelling and the provision of shared parking arrangements appears to be the main concern of the planning authority, and this is reflected in the reason for refusal. The drawings as submitted to the planning authority show a shared access with the existing dwelling (No. 5 Camac Park) and one car parking space to side of No. 5 to serve the new dwelling, with two spaces proposed to serve the existing house located to the front of No. 5. I note that that an alternative car option was provided to the planning authority (alternative car parking layout) which shows all three spaces to the front of the site. This alternative (Option 2), as well as two other alternative layouts (Options 3 and 4), are included with the appeal submission and I have had regard to same in my assessment.
- 7.3.2. I share the view of the planning authority that the shared vehicular access and parking arrangement, as set out in the drawing CPD/17/L2, is not acceptable, given the impact on the existing residential unit at No.5. In particular, I have concern in relation to the car parking space serving the new dwelling, which in very close proximity to the main access door to No. 5, which is to the side of the property.

- 7.3.3. Option 2 proposes the three car parking spaces to the front of the site, with only a shared pedestrian access proposed. Option 3 also proposes car parking to the front, with a separate pedestrian access. These two options involve the removal of the majority of the existing boundary to the front of the existing property, resulting in a detrimental impact on the streetscape. Options 1, 2 and 3 also involve the removal of the existing defensible space currently enjoyed by the existing dwelling, resulting in an adverse impact on the amenity of this dwelling. For these reasons, I do not consider that any of the options for an alternative access and parking arrangements, as put forward by the appellant, are acceptable.
- 7.3.4. Option 4 proposes construction of two separate vehicle access points with separate vehicle and pedestrian access. This would appear to involve works to the front boundary of No. 5a Camac Park, which is not within the red line boundary, and in my view would be outside the scope of this appeal. However I do note the proposed parking layout is not clearly set out on each site and each vehicular access appears to be extremely restricted in width. The functionality of same is questionable, given the restriction on pedestrian access when there are cars parked on the hardstanding area.

Other Amenity Impacts

- 7.3.5. The impact of the proposed car parking and access on the amenity of the existing dwelling at No. 5 is discussed above. Other potential amenity impacts on surrounding properties include overlooking, impact on outlook and daylight/sunlight impacts.
- 7.3.6. The proposed dwelling is to the rear of No. 5 and 5a Camac Park. It is single storey with rooflights to the rear roof slope. The gable end of the dwelling faces No. 5 and 5a. I note that there is an existing 1.8m boundary wall to the rear of No. 5a, with a wall of the same height proposed for the rear of No. 5. As such there will not be any overlooking of neighbouring properties. I consider that the proposed dwelling is set back sufficiently (approximately 11m) from No. 5 and 5a, so as not to create a sense of overbearing or result a loss of outlook.
- 7.3.7. I note there is no daylight/sunlight/overshadowing assessment accompanying the application. However, given the single storey nature of the dwelling and the setback from the nearest residential windows, I do not consider that there would be a

material loss of daylight or sunlight to neighbouring windows. It is likely that there would be a degree of overshadowing of the rear garden of No. 5a in the mornings, and some overshadowing of the rear garden of No. 5 at some points during the day. However, I do not consider that the impacts would be so adverse as to recommend a refusal in this instance.

7.4. Development Management Standards

7.4.1. In relation to overall floor area and individual room sizes the layout generally provides a good standard of accommodation. The proposal exceeds the minimum requirement for private open space and provides a generous front and rear garden.

7.4.2. The existing dwelling is provided with 90 sq. m of private open space. The Development Plan states that, generally, up to 60-70 sq. m of rear garden area is considered sufficient for houses in the city. As such the proposed amenity space to the existing dwelling is sufficient.

7.5. Impact on the Established Pattern and Character of Development/Planning Precedent

7.5.1. The established pattern and character of development in the area, on the south-eastern side of Camac Park at least, is one of dwelling houses with a large rear garden with smaller front gardens and off-street parking. The proposed development results a dwelling to the rear of the established building line, which in my view, is not in keeping with this established pattern and character of development.

7.5.2. I note there is a refusal on the appeal site for a single storey dwelling house, with a different shared car parking arrangement than now proposed, as well as a shared amenity space. This was refused by the planning authority for two reasons relating to (i) backland development failing to provide street frontage, access or useable private space, out of keeping with the existing pattern of development (ii) shared access, shared area of private open space and shared car parking resulting in amenity impacts on the existing dwelling.

7.5.3. While the applicant may have overcome the issue of private open space provision, the issue of lack of street frontage and shared parking and pedestrian access, which remains out of keeping with the established pattern of development, and still results in adverse impact on amenity, are still of concern, and I do not consider that this

current proposal has overcome all of the concerns relating to the previous application.

- 7.5.4. The appellant has cited a number of other recent permissions in the vicinity (2230/12, 4791/04 & 2471/06, 2605/16) and the appeal submission provides the approved layouts of these permissions. In relation to precedent, I note the provisions of Section 16.10.8 'Backland Development' which clearly states applications for backland development will be considered on their own merits.
- 7.5.5. In relation to the application cited at 8 & 9 Camac Park, for 5 no. houses (Planning Ref 2230/12), I note the nature of this application, for 5 no. houses on a larger site than the appeal site, with a layout that is substantially different from the appeal proposal. As such I do not consider that the two application are directly comparable. While there is shared parking and a communal garden associated with application 2230/12, the layout of the proposal does not appear to result in a loss of amenity for proposed dwellings.
- 7.5.6. In relation to the other precedents cited by the appellant (4791/04 & 2471/06 – relating to the same site, and 2605/16), I note that each of these permissions has a layout and a context that is different to the appeal site, and they do not appear to raise the same amenity issues as raised in this current proposal.

7.6. **Other Issues**

- 7.6.1. As noted above the site is in the vicinity of two no. SEVESO II Establishments on the Bluebell Industrial Estate, BOC and Kayfoam Woolfson (700m and 1000m respectively). These establishments are located within the boundary of South Dublin County Council. The Health and Safety Authority did not raise an objection at application stage and therefore it is not considered that this proximity would preclude a grant of planning permission.

7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of development proposed, and to the nature of the receiving environment, namely an urban and fully serviced location, 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.

8.0 Recommendation

- 8.1. It is recommended that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the access and parking arrangements associated with the proposed dwelling, and its relationship to adjoining property, it is considered that the proposed development represents inappropriate backland development and would conflict with the established pattern and character of development in the area, and would seriously injure the amenities of adjoining residential property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

22nd January 2018