



An
Bord
Pleanála

Inspector's Report 300039-17

Development	Erection of a new two-storey semi-detached residential unit, alterations to existing vehicular access and all associated ancillary site works.
Location	129 Nephin Road, Dublin 7
Planning Authority	Dublin City Council (North Area)
Planning Authority Reg. Ref.	3640/17
Applicant(s)	Cathal Gaffney
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Cathal Gaffney
Observer(s)	Comhgall Casey and Emma Rose McCanny
Date of Site Inspection	26 th January 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Nephin Road, at the junction/roundabout with Ratoath Road and Fassaugh Avenue, in a residential suburb to the northwest of Dublin City Centre.
- 1.2. The site, which has a stated area of 331 sqm, comprises a two storey semi-detached dwelling, east facing, with a single storey attached garage to the southern elevation. The garage fronts onto Nephin Road, while the dwelling is positioned at the corner, fronting onto the roundabout/junction with the Ratoath Road. The site is approx. triangular in shape.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Two storey, semi-detached, one-bed dwelling, with a floor area of 53sqm, to the side of existing dwellings.
 - The proposed dwelling has a triangular footprint, has a flat roof and an overall height of 5.4m, which is approx. 455mm above the eaves level of the existing dwelling.
 - Private open space, as indicated on the appeal submission, is to the front of the dwelling and is stated to be 57sqm.
 - One car parking space is indicated to the front of the dwelling, in a shared driveway with the existing dwelling. The vehicular access is to be widened from 2.7m to 3m.

3.0 Planning Authority Decision

3.1. Decision

REFUSED permission, for 2 reasons, summarised hereunder:

R1: Overdevelopment, overbearing impact, visually obtrusive and visually incongruous, would seriously injure the residential amenities of the area, would set an undesirable precedent and would be contrary to Z1 zoning objective.

R2: Substandard level of private open space for existing and proposed development, contrary to paragraph 16.10.2 of the development plan, contrary to the zoning objective, and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- The proposed layout would result in substandard living accommodation for future occupants.
- 20sqm of private open space is required. No private open space appears to have been included in the development. The proposal would result in an unsatisfactory standard of residential amenity for future and existing occupants.
- It would appear from the restricted nature of the car parking area that the vehicles cannot be accessed and egressed independently of one another.
- The site would be more suitable for extending the existing house into a larger family home rather than to create a poor quality independent dwelling.
- Development constitutes overdevelopment of a restricted site.

3.2.2. Other Technical Reports

- Transport Infrastructure Ireland: Site falls within section 49 scheme relating to the Cross City Luas.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One submission was received. The issues raised are covered in the observation to the appeal.

4.0 Planning History

None.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- Zoning objective Z1, the objective for which is ‘to protect, provide and improve residential amenities.’
- Section 16.10.2 adopts the standards for living spaces in houses as set out in section 5.3 of the DEHLG Quality Housing for Sustainable Communities document, which sets a target floor area of 44sqm for a 1 bed 2 person house (1 storey).
- Section 16.10.9 refers to houses in side gardens and corner sites. It refers to several criteria for such houses, including having regard to open space standards and provision of appropriate car parking facilities and a safe means of access to and egress from the site.

5.2. Natural Heritage Designations

The site is not within or adjacent to a Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

- Proposal is not considered overdevelopment. Proposal sits on the footprint of an existing garage with a 9sqm extension to the front and side.
- 108sqm private amenity space will remain for the existing three bed house (33sqm to the rear). The proposed house will have an area of 57sqm external amenity space (originally formed part of the front garden of the existing house). The existing conditions to the front are well sheltered and private and it is aimed to maintain and improve this.

- Proposal would not be visually obtrusive. Proposal sits on nearly the exact footprint of the existing garage, and height and proportions are sensitive and respectful of the neighbouring properties. Flat roof will be less of a visual imposition. Proposal projects just 455mm above eaves of the neighbouring properties. Materials to be used, brick and render, are the same as the area, however are flipped with brick on top and render on bottom. This can be altered if required. Proposal adds interest and character to the area rather than detracts from it. Scale and materiality have been considered and a well-designed, bespoke dwelling has been proposed. This piece of contemporary architecture is not visually incongruous.
- A development of a larger scale than proposed here is underway at no. 47 Fassaugh Avenue.
- The aggregate living area measures 23.6sqm and not, as the planner's report states 22sqm, therefore it is in compliance with standards set out in DECHLG document Quality Housing for Sustainable Communities.
- The parking arrangement was notional and can be worked on. It is noted that the proximity of buses and the Luas means cars will not be relied upon. Proposal for bike storage is more relevant.

6.2. Applicant Response

None.

6.3. Planning Authority Response

No further comment.

6.4. Observations

An observation was received from Comhgall Casey and Emma Rose McCanny of 129 Nephin Road Dublin 7, which is the neighbouring property to the appeal site. The issues raised are summarised as follows:

- Proposal will be visually obtrusive, incongruous and overbearing.

- Proposal represents overdevelopment of the site. Use of front garden as private open space is not suitable.
- The development referred to on Fassaugh Avenue (no. 75 and not no. 47) does not represent same level of overshadowing and overbearing. That development relates to an extension not a separate dwelling and is designed with same roof height as existing. This proposal is 455mm above existing building.
- Dramatic loss of light to hall, landing, stairs and kitchen of neighbouring property will occur with the proposed development.
- Proposed development will conflict with established character and pattern of development and would cause significant loss of amenity to existing properties.

6.5. Further Responses

None.

7.0 Assessment

7.1. The subject site is located within 'zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities'*. I consider the development as proposed to be acceptable in principle and in compliance with the zoning objective for the area.

7.2. The primary issues for assessment are as follows:

- Design and Visual Impact
- Residential Amenity

Design and Visual Impact

7.3. The proposed dwelling is located to the side of an existing dwelling and will replace an existing attached garage.

7.4. The applicant considers the proposed development will not be visually obtrusive or incongruous given the proposal sits on nearly the exact footprint of the existing garage; height and proportions are sensitive and respectful of the neighbouring

properties; flat roof will be less of a visual imposition; and proposal projects just 455mm above eaves of the neighbouring properties.

- 7.5. The observation to the appeal considers the proposal to be visually obtrusive, incongruous and overbearing; reference is made to the building being higher than existing.
- 7.6. The proposed dwelling is aligned with the building line as established by Nephin Road and its neighbouring dwellings. The design is for a contemporary flat roof building. While the predominant house design in the area comprises a hipped roof form, I consider a flat roof proposal acceptable, given the location of the building within the streetscape, away from the corner. However I do consider the overall height would distract from the streetscape and that it would be more appropriate in the interests of visual amenity to maintain the eaves line of the existing neighbouring properties. Overall, however, I do not consider the design approach to be incongruous or overbearing in its design and form, subject to a modification in relation to the eaves height.

Residential Amenity

- 7.7. The applicant states the aggregate living area is 23sqm and meets the minimum standards for a dwelling. Private open space of 57sqm is proposed to the front of the dwelling, which comprises part of the front garden of the existing dwelling and an 11.2sqm strip to the front of the dwelling and therefore the proposal meets private open space requirements.
- 7.8. The third party observation states that the use of the front garden as private open space is not suitable and the car parking is inadequate. Concern is also raised in relation to overshadowing and loss of light to side windows, which serve a hall and landing and ground level kitchen/dining area.
- 7.9. The proposed dwelling has a single aspect given the triangular footprint of the dwelling which fits within the angled side garden of the existing dwelling. No private open space is proposed to the rear of the dwelling. Dublin City Development Plan states privacy is an important element of residential amenity and contributes towards the sense of security. It also states that private open space is usually provided by way of private gardens to the rear or side of a house. In my view the open space proposed to the front of the dwelling is not sufficient to provide for an appropriate

level of residential amenity given the lack of privacy and usability of the area in question. Any boundaries, storage sheds etc which one would normally expect/require within such a private garden area could not be accommodated along this street edge due to the negative impact they would have on the visual and residential amenity of the area. I consider the provision of private open space to the front of the proposed dwelling to be inadequate to serve the needs of future residents, would be contrary to the requirements of Dublin City Development Plan 2016-2022 and would be seriously injurious to residential amenity.

- 7.10. Section 5.3 of the DEHLG Quality Housing for Sustainable Communities document, sets a target floor area of 44sqm for a 1 bed 2 person house (1 storey). I note there is no 2 storey equivalent, however, it is reasonable to apply the living space and room size standards to this development. The applicant states the aggregate living area is 23sqm and not 22sqm as stated by the planning authority. I accept the submission by the first party. The proposal is in compliance with required room sizes.
- 7.11. With regard to issues of overshadowing and loss of light, I note that the first level window to the neighbouring property will in particular be affected by the development. However, this side window serves a landing and hallway and not a habitable room. I do not consider the proposed two storey scale of the proposed building, replacing a single storey garage to the side of this dwelling, to be unreasonable and in my view the proposal would not result in a significant level of overshadowing or loss of light given its position on the site relative to the neighbouring property.
- 7.12. The appeal site is located within Area 2 where 1 car parking space per dwelling is the recommended maximum, as per the Dublin City Development Plan 2016-2022. I note the proposal is for a shared parking area for both the existing dwelling and proposed dwelling. The applicant states that they could have worked with Dublin city on the parking arrangement, but also states that the proximity of buses and the Luas means cars will not be relied upon. I note that the planner's report states that it would appear that the vehicles cannot be accessed and egressed independently of one another and that to reduce the potential for a traffic hazard car parking spaces should not be provided at an angle in the front drive. It is reasonable in my view to require the provision of one space per dwelling in this area, notwithstanding the proximity of public transport. It is my view that the parking arrangement proposed is

unsatisfactory and that independent access and egress has not been feasibly demonstrated in the grounds of appeal on this restricted site.

- 7.13. Having reviewed the site in question, it is my view that the proposed dwelling represents overdevelopment of a restricted site with rear private open space unachievable and the parking arrangements inadequate. While an extension to the side of this dwelling would be feasible, the current proposal would result, in my view, in the creation of a poor quality independent dwelling.

Appropriate Assessment

- 7.14. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, 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 proposed dwelling.

9.0 Reasons and Considerations

Having regard to the restricted nature of this corner site and access arrangements, it is considered that the proposed development by reason of its scale and form would constitute overdevelopment of a limited site area, resulting in substandard private amenity space for future residents and inadequate parking provision. 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.

Una O'Neill
Senior Planning Inspector

1st February 2018