



An
Bord
Pleanála

Inspector's Report ABP-300221-17

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| Development | 1 no. detached part 2 storey part single storey dwelling (2 bed) with vehicular entrance. |
| Location | Millrose House, Bluebell Avenue, Bluebell, Dublin 12 |
| Planning Authority | Dublin City Council (South Area) |
| Planning Authority Reg. Ref. | 3734/17 |
| Applicant(s) | KMSH Enterprises |
| Type of Application | Permission. |
| Planning Authority Decision | |
| Type of Appeal | First Party |
| Appellant(s) | KMSH Enterprises. |
| Observer(s) | None. |
| Date of Site Inspection | 12 th February 2018. |
| Inspector | Brid Maxwell |

1.0 Site Location and Description

- 1.1 The appeal site which has a stated area of 321m² is located along the northern section of Bluebell Avenue in Dublin 12 and comprises a grassed open space area forward and on eastern side of entrance roadway to a recently constructed residential development, a row of 8 terraced two storey dwellinghouses, Milrose Manor. To the east of the site is Millrose Estate characterised by two storey terraced properties while to the west is a row of single storey semi-detached cottage type dwellings. Riversdale Industrial Estate is located opposite to the south of the site.

2.0 Proposed Development

- 2.1. The proposal seeks permission for 1 detached part two storey part single storey dwelling with vehicular entrance to Bluebell Avenue. The proposed dwelling has a floor area of 110sq.m is a contemporary flat roofed structure with mixed brick and coloured render finish. Vehicular entrance is proposed approximately centrally along the appeal site frontage.

3.0 Planning Authority Decision

3.1. Decision

By order dated 29th August 2017 Dublin City Council issued a notification of its decision to refuse permission for the following reasons:

“The proposed development is for the construction of an additional house (unit no 9) which was specifically excluded by condition no 3 of plan ref no 2603/16. In this regard the proposed development would contravene materially a condition attached to an existing permission for development and is therefore contrary to the proper planning and sustainable development of the area.

The proposal involving the placement of a dwelling incorporating a new vehicular entrance in front of recently permitted terrace of eight houses, without a coherent morphological relationship to those houses and being of a different style to them,

would lead to a disjointed and piecemeal form of development. The proposal would, therefore, seriously injure the visual amenities of the area and of properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area. The proposal would represent un co-ordinated development which would seriously injure the visual amenity of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of planning officer notes that the proposal contravenes previous decisions, results in loss of public open space and creates a house with a rear garden of inadequate depth with a poor relationship to permitted terrace.

3.2.2. Other Technical Reports

Engineering Department - Drainage Division report indicates no objection subject to standard conditions.

Roads and Traffic Planning Division report indicates no objection subject to standard conditions.

4.0 Planning History

3020/17 Decision to refuse permission for 1 no detached part 2 storey part single storey dwelling (2 bed) with vehicular entrance to Bluebell Avenue. Refused for the following reason:

“Having regard to the provisions of the current Development Plan and the recent planning history of the subject site, it is considered that the proposed development, would materially contravene condition no 3 to extant permission application no 2603/16 which conditioned this parcel of land for open space for the future enjoyment of future residents) currently under construction, which would injure the future residential amenity on these lands and therefore it is considered that the proposed development would not be in accordance with the Dublin City Development Plan 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area.”

PL 29S247282 (3274/16) The Board upheld the Council's decision to refuse permission for house with vehicular entrance on the appeal site for the following reason:

“The proposal involving the placement of a dwelling incorporating a new vehicular entrance in front of a recently permitted terrace of eight houses, without a coherent morphological relationship to those houses and being of a different style to them, would lead to a disjointed and piecemeal form of development. The proposal would therefore be seriously injurious to the visual amenities of the area and of properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area.”

2603/16 Permission was granted for demolition of 2 storey studio and derelict outbuildings and construction of 8 no terraced 2 storey dwellings and new vehicular entrance. Condition 3 required the omission of proposed unit 9 (the appeal site) and its associated vehicular entrance and required the grassing and reseeding of this area as public open space for the enjoyment of residents.

5.0 Policy Context

5.1 Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (DEHLG, 2007).

5.2 Dublin City Development Plan 2016-2022

5.2.1 The site is zoned in Z 1 *“To protect and/or improve the amenities of residential amenities”*.

Policies QH18: Ensure that new houses meet the needs of family accommodation with satisfactory residential amenity.

Policy QH19: Ensure that new housing adjacent to existing reflects the character and scale unless exceptional circumstances.

Section 16.10.2: Residential Quality Standards for dwellings include but not restricted to separation distance of 22m to rear between first floor rear windows, open space provision of 10m² per bed space, generally up to 60-70m² of rear garden is sufficient in the city.

16.10.3 Residential Quality Standards – Apartments and Houses: Public open space – 10%

5.3 Natural Heritage Designations

The South Dublin Bay and River Tolka Estuary SPA in the region of 9km to the east.
South Dublin Bay SAC in the region of 9km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by AKM design. Grounds of appeal are summarised as follows:

- Serviced urban land should be managed effectively. Density of up to 50 dwellings per hectare are appropriate for the site.
- Proposed dwelling activates and enhances the street.
- Site is appropriate for infill and development is in harmony with the surrounding area.
- Applicant is willing to omit the front vehicular entrance.
- No definitive residential character to the area which has changed significantly over time.
- Proposed dwelling will add to the public realm and provide passive supervision of the street
- Precedent for creation of 2 or more building lines in close proximity at Canal Terrace, Bluebell Avenue, Camac Park, Kylemore Road / Old Naas Road.
- Floor area exceeds minimum standards. Private open space is in excess of Development Plan standards.

- Layout is in keeping with the character of residential development in the area.
- Site is within an area which has significant amenity space including large areas of open space at Milrose to the east, La Touche Road and Landowne Valley and the Canal.
- Site of proposed dwelling has no meaningful value as open space.
- Proposal will have no adverse impact on traffic safety

6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the appeal.

7.0 Assessment

7.1. I note the previous decision of the Board under previous appeal PL29S247282, to refuse permission on the following grounds:

“The proposal involving the placement of a dwelling incorporating a new vehicular entrance in open space in front of a recently permitted terrace of eight houses, without a coherent morphological relationship to those houses and being of a different style to them, would lead to a disjointed and piecemeal form of development. The proposal would therefore be seriously injurious to the visual amenities of the area and of properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area.”

7.2 As the proposal in essence mirrors the previous appeal the key issue for consideration is the question of the extent to which the previous reason for refusal has been overcome in the current appeal. I note that in the intervening period the terrace of eight dwellings referenced in the Board’s decision have been constructed and the site is now laid out and grassed as public open space. The proposed design whilst more innovative and contemporary in character than that previously proposed under PL29S247282 bears no relationship to the recently constructed terrace of dwellings and would in my view appear entirely at odds with them. I note that as the appeal site has now been established as open space the development of the site

would clearly have a significant negative impact on established residential amenity and would set an undesirable precedent for similar such development. Accordingly, I consider the proposal to be contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

On the basis of the above assessment I recommend that permission be refused for the following reason:

9.0 Reasons and Considerations

The proposal involving the placement of a dwelling incorporating a new vehicular entrance in established open space in front of a terrace of eight houses, without a coherent morphological relationship to those houses and being of a different style to them, would lead to a disjointed and piecemeal form of development. The proposal would therefore be seriously injurious to the visual and residential amenities of the area and of properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area.

Brid Maxwell
Planning Inspector
1st March 2018