



An
Bord
Pleanála

Inspector's Report ABP-300632-18

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| Development | House |
| Location | 82, Griffith Road, Finglas East, Dublin 11 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | WEB1538/17 |
| Applicant(s) | George Hayden |
| Type of Application | Permission |
| Planning Authority Decision | |
| Type of Appeal | Third Party |
| Appellant(s) | Linda Gorman |
| Observer(s) | None |
| Date of Site Inspection | 12 th April 2018 |
| Inspector | Una O'Neill |

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1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of Griffith Road, at the junction with Griffith Drive, and south of the junction with Glasanaon Road, in a well-established residential area in the north Dublin suburb of Finglas.
- 1.2. The site, which has a stated area of 388sqm, comprises a two-storey end of terrace dwelling. The terrace is set back from Griffith Road and Griffith Drive with a green area to the front and side of the terrace. The site is L shaped with a large garden area to the front and side of the existing dwelling. Vehicular access is from Griffith Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a detached two storey, two-bed, dwelling with a projecting bay window in the south facing façade.
 - New vehicular entrance from Griffith Road.

The floor area of the new build is stated to be 75sqm.

3.0 Planning Authority Decision

3.1. Decision

GRANTED, subject to 11 conditions, including the following:

C2: Section 48 Development Contribution

C3: High level windows on rear elevation shall be permanently glazed with obscure glass

C9: Vehicular entrance shall be no more than 3m wide

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One observation received, the content of which is largely addressed in the grounds of appeal.

4.0 Planning History

None.

5.0 Policy Context

5.1. National Policy Guidance

- 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)

5.2. 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: Residential Quality Standards - Houses
- Section 16.10.9: Corner/Side Garden Sites

5.3. Natural Heritage Designations

The site is not located within or adjoining a Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by the resident of the neighbouring end of terrace dwelling which is located to the east of the site at no. 76 Griffith Drive. The proposed dwelling is positioned at the corner between no. 76 and the appeal site no. 82. The grounds of appeal is summarised as follows:

- The applicant did not consult the resident of no. 76 as stated on the drawings.
- A large number of children and pedestrians travel along the footpath on Griffith Road to access Johnstown Park, north of the site. Safety issues for children, pedestrians and motorist will arise if the perimeter wall is increased in height.
- Proposed dwelling would detract visually from no. 76 and from the area given its construction up to the boundary wall and would block sunlight/overshadow front and rear gardens of no. 76.
- Proposal will result in a devaluation of no. 76.
- Outlook and aspect will be significantly affected, from current view of trees and houses to a blank rear elevation 6.5m in height and increased perimeter wall.
- Front and side elevations break the existing building line of the terrace on Griffith Road and the terrace on Griffith Drive.
- Gable end design is not in keeping with the surrounding properties.
- No rear garden is proposed. The proposed garden is to the side of the dwelling.
- A review of the properties highlighted by the applicant in support of their application are different to what is proposed here in terms of orientation and

location of garden area, with perimeter walls not increased to level proposed here, resulting in hazard to pedestrians, nor are footpaths used by cars.

6.2. Applicant Response

None.

6.3. Planning Authority Response

No further comment.

6.4. Observations

None.

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 include:

- Visual Amenity
- Residential Amenity
- Vehicular Access

Visual Amenity

7.3. The third party states that the proposed dwelling, given its position on site, would break the building lines on Griffith Road and Griffith Drive, and would visually detract from the area by reason of its design, particularly the gable elevation.

- 7.4. The proposed dwelling is located on a corner site, between Griffith Road and Griffith Drive, in between two existing terraces. The proposed dwelling fronts onto Griffith Road, with a side elevation to Griffith Drive. The proposed dwelling is in line with the front elevation of the existing dwelling on site, with a full width single storey porch to the front in line with the adjoining porch. The side elevation steps beyond the main body of the dwelling to the rear at no. 76, however appears to be behind the alignment of the front porch of that dwelling. The side elevation comprises a projecting zinc clad bay window and standard window at first floor level serving two bedrooms. The private garden area is proposed to the side of the dwelling.
- 7.5. With regard to the positioning of the dwelling on site, I am satisfied that the proposed development would not be an incongruous insertion on the streetscape and I consider the proposal does not break significantly the building lines established by the streets which it addresses. I consider the positioning of windows in the gable end elevation to be a positive addition in terms of passive surveillance and the design in my view will not detract from the visual amenities of the area, being of similar design and proportions to existing dwellings in the area.

Residential Amenity

- 7.6. The third party is concerned that the proposed dwelling given its construction up to the boundary wall, would block sunlight and overshadow front and rear gardens of no. 76. Concern is also highlighted in relation to outlook and aspect from no. 76 which will be significantly affected from current view of trees and houses to a blank rear elevation 6.5m in height and increased perimeter wall.
- 7.7. The proposed dwelling is located west of no. 76 and is built up to and inside the existing boundary wall with no. 76, as indicated on the proposed site plan. The proposed dwelling is positioned 12m from the side elevation of no. 76. Overshadowing is to be expected over the side front garden area of no. 76, however given the orientation of the dwelling west of no. 76, this will be limited to the evening time. I note that this area is not the primary private amenity space serving no. 76 being to the front and side of that dwelling and the impact on this space is not in my view significant in terms of the residential amenity of that dwelling. Given the location of the dwelling 12m from the side elevation of no. 76 and given its orientation on site,

I do not consider the issue of overshadowing to be so significant as to warrant a refusal.

- 7.8. With regard to outlook, given there are no main windows on the side elevation of no. 76, except from the porch, I do not consider the issue of loss of outlook to be significant. A condition was attached to the permission issued by Dublin City Council requiring the high level windows on the rear elevation to be obscure glazed. Given these are high level windows, no overlooking can occur and I consider this condition unwarranted.
- 7.9. I note that the perimeter wall to the side of the proposed dwelling will be increased in height to 2m adjoining the public footpath, however given the presence of first floor windows on the side elevation of the dwelling and the presence of a large green area adjoining the public footpath, I do not consider the boundary wall will be oppressive or result in a lack of passive surveillance.
- 7.10. With regard to minimum standards for a 3 bed, 3 person, 2 storey house, as set out in the document 'Quality Housing for Sustainable Communities' by the DoEHLG, the applicant does not meet the guidelines in terms of the size of the first floor single bedroom, which is required to have an area of 7.1sqm, but has a stated area of 6.9sqm. Furthermore the aggregate bedroom floor area falls short of the required 20sqm. However, the area of storage indicated at first floor level is greater than required and given the presence of attic level storage serving the dwelling, the storage room can be reduced in area to ensure the single bedroom is increased in size to meet the minimum standards. This issue can be addressed by way of condition.
- 7.11. The Dublin City Development Plan 2016-2022 states that a minimum standard of 10 sqm of private open space per bedspace will normally be applied. The applicant has indicated that the proposed dwelling will have a side garden of 52sqm and the existing dwelling will have a remaining area of 72sqm. Given the corner location and L shape of the site, I consider the location of the garden to the side in this instance to be acceptable and the increase in boundary wall to ensure privacy of the garden area will not have a detrimental impact on the streetscape given its limited extent and the presence of the adjoining public green area.

Vehicular Access

- 7.12. An unusual parking arrangement exists for the residents of the terrace comprising no. 82. A wide footpath is located in front of these dwellings, adjoining which is a wide landscaped strip, a second footpath and then the public road. The inner wide footpath is used by cars as an informal parking area to the front of the dwellings and for vehicular access for those dwellings which have had their entrances widened. This route also caters for pedestrians. The third party submission indicates that the inner footpath was widened in 2002 by Dublin City Council and two pillars erected mid-way along the route to prevent through traffic, with the third party stating the purpose of this widening was to allow for driveway parking/off-road parking. A similar arrangement was not undertaken for the terrace commencing at no. 76, albeit the pathway is used by no. 76 to gain access to that driveway. This wider section of the street serving the terrace comprising no. 82 in effect operates as an informal shared surface.
- 7.13. The current vehicular access to no. 82, which will serve the proposed dwelling, is at a corner and is directly linked to the road across the two footpaths and does not require residents to drive along a section of the inner footpath for access. The access arrangement for the proposed dwelling as it exists is in my view acceptable. Given the low speed at which vehicles must travel along this section of footpath/informal shared surface, I am of the view that the increased height of the boundary wall will not affect visibility to such a degree as to give rise to a traffic hazard.
- 7.14. A new vehicular entrance is proposed to the existing dwelling, directly in front of the house and this location will necessitate vehicles travelling along a section of the inner footpath/informal shared surface for access. Given that this appears to be an accepted and operational arrangement for the other houses along this terrace, I am of the view that the proposed entrance will not result in a significant intensification of the current access arrangements and will not give rise to a traffic hazard.

Other Matters

- 7.15. I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. I consider that the dwelling proposed is acceptable and would not detract from the visual or

residential amenities of the area and is consistent with the proper planning and sustainable development of the area.

Appropriate Assessment

- 7.16. 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 granted.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed

particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The layout of the first floor shall be amended, with the store room reduced in area and the single bedroom increased in area so that a minimum floor area of 7.1 sqm is achieved for the single bedroom and an aggregate bedroom area of 20sqm is achieved, as per the requirements of the document 'Quality Housing for Sustainable Communities– Best Practice Guidelines for Delivering Homes Sustaining Communities' by the DoEHLG.
 - (b) The proposed vehicular access to no. 82 Griffith Road shall be no greater than 3.0m wide.
 - (c) Two gate piers and inward opening gates only shall be provided.
 - (d) The front boundary wall to no. 82 Griffith Road shall be retained for the remainder of the site (except the vehicular and pedestrian opes).
 - (e) The hard standing area for the parked car shall be constructed of permeable materials.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage

of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall comply with the requirements of the planning authority in relation to any works to footpaths, kerbs and the public road.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the

Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Una O'Neill

Senior Planning Inspector

23rd April 2018