



An  
Bord  
Pleanála

## Inspector's Report ABP-300931-18

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<b>Development</b>	Permission to construct a two storey detached pitched roofed dwelling with two new vehicular entrances (to serve existing and proposed dwelling).
<b>Location</b>	No. 7 Larkfield Gardens, Harolds Cross, Dublin 6W
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4349/17
<b>Applicant(s)</b>	Vincent Gough
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Vincent Gough
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> May 2018
<b>Inspector</b>	Patricia Calleary

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of c.363 sq.m is located on the northern side of Larkfield Gardens, south west of Harolds Cross in Dublin 6W. It comprises a two-storey semi-detached dwelling with a single storey extension to the rear and a garden area to the side. This side garden area is separated from the house by a solid timber panel boundary. The dwelling has a pedestrian entrance to the front onto a cul de sac. To the east there is a terrace of six two-storey houses facing on to the cul de sac mirroring the housing layout on the southside of the cul de sac. A house, No.25A Larkfield Gardens, has evidently been added to the side garden of House No.25, directly opposite the appeal site to the south. The cul de sac off Larkfield Gardens connects with the R817 regional road via Larkfield Avenue to the north.
- 1.2. The side garden is bounded by a mature hedge to the front (south). The existing and adjoining house face onto the corner at a 45-degree angle and given this configuration and layout, the pair of houses have large front gardens and small rear gardens. The dwellings within the adjoining cul-de-sacs are of a similar style and finish, while there is a greater variety of dwelling types in the surrounding residential areas.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise a two-storey detached pitched roofed dwelling to the west of the existing semi-detached house on site and it would include proposals for two new vehicular entrances, one to serve the existing dwelling and another to serve the proposed dwelling. The first-floor of the dwelling would be set back in line with the established front building line to the front and the ground floor would extend c.1.95m outwards from the front line of the house. The house would comprise c.109 sq.m gross floor area (GFA). The ground floor would comprise a living room, kitchen/dining room, utility and cloakroom with WC. As revised at appeal stage, the first floor would comprise two bedrooms, a bathroom, an en-suite and a hot press.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority issued a decision to refuse planning permission for one reason, which can be summarised as follows:

- **R1:** Proposed development would seriously injure the amenities of property in the vicinity through overlooking and would result in poor residential amenity for existing and future residents through inadequate provision of private open space for both the existing and proposed dwellings.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority have serious concerns that the proposed development would result in undue overlooking of the neighbouring rear garden to No.s. 5 and 6 Larkfield Gardens, due to the proximity of the two proposed first-floor rear bedroom windows relative to the neighbouring rear garden areas.
- Proposed 30 sq.m private open space area would be substandard for the proposed dwelling which would contain four bed spaces, where 10 sq.m of private open space per bed space is required under Section 16.10.2 of the Dublin City Council Development Plan.
- Proposed dwelling would have an overbearing impact when viewed from the open space/other property
- A recommendation to refuse permission was put forward.

3.2.2. Other Technical Reports

- Drainage Division                      No objections subject to conditions
- Roads and Traffic Planning      No objection subject to conditions

### 3.3. Prescribed Bodies

- No referrals.

### 3.4. **Third Party Observations**

- None received.

## 4.0 **Planning History**

### 4.1. **Appeal Site**

4.1.1. There is no planning history pertaining to the appeal site.

### 4.2. **In the vicinity**

4.2.1. The following is a record of recent planning decisions at No. 25A Larkfield Gardens, which relates to a house added to a similar garden space on a site immediately opposite the appeal site on the south side of the cul de sac.

- **PL29S.247669 / 1369/16** – Following a decision to grant permission by Dublin City Council, An Bord Pleanála refused permission (2017) for retention to amendments to previously approved detached family home for reasons of being visually incongruous.
- **3250/14** – Planning permission was granted for construction of a detached two storey house and basement.
- **2838/14** – Planning permission was granted for revisions to previously approved construction of a low energy passive two storey domestic extension (granny flat) to the site of the existing semi-detached house.
- **2837/14** – Planning permission was granted for the construction of a detached two storey house.
- **PL29S.242258 / 2539/13** – Planning permission was granted for a two storey extension (granny flat) to the front/side of the existing house.

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2016-2022**

5.1.1. The appeal site is situated in an area identified within the Dublin City Development Plan 2016-2022 as having a land-use zoning objective 'Z1 - Sustainable Residential

Neighbourhoods', with a stated objective 'to protect, provide and improve residential amenities'. The following provisions are considered relevant.

- Policy QH21 – Ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.
- Section 16.10.10 – Infill housing should have regard to the existing character of the street, comply with the appropriate minimum habitable room sizes, have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.
- Section 16.10.9 – Includes criteria for which the Planning Authority will have regard to in assessing development of corner/side garden sites. These include character of the street, compatibility of the design with adjoining dwellings, impact on residential amenity of adjoining sites, open space and refuse standards for both existing and proposed dwellings, appropriate car parking, landscaping and maintenance of building standards where appropriate.
- 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 10 sq.m per bed space, generally up to 60-70 sq.m of rear garden is sufficient in the city.
- Section 16.5 and 16.6 – Plot ratios and site coverage. An indicative plot ratio of 0.5-2.0 and an indicative site coverage standard of 45%-60% are provided for 'Z1' zoned area.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. An appeal was received from the first party against the Planning Authority's decision to refuse permission. The principal points put forward are set out below:

- Adequate open space would be provided for the existing and proposed house.

- Revised proposals submitted with the appeal address overlooking issues onto rear gardens of Nos. 5 and 6 Larkfield Gardens to the north.
- Recent development of other large two-storey infill dwellinghouses have been developed.
- Dublin City Council had no objections to the proposal to provide off-street parking for both the existing and proposed houses.
- No drainage issues were raised.
- Section 16.10.8 states that Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists.

## 6.2. Planning Authority Response

- The Planning Authority forwarded a copy of the planning officer's assessment report. No further comments were provided.

## 6.3. Observations

- None

## 7.0 Assessment

### 7.1. Introduction

7.1.1. The main planning issues arising in this appeal are as follows:

- Principle of the development
- Design and Character of the street/area
- Residential amenity and standards
- Appropriate Assessment screening

7.1.2. My considerations of each of the above issues are set out under the respective headings below.

## **7.2. Principle of the Development**

- 7.2.1. The site is occupied by a semi-detached house and side garden in an area having a land-use zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022. Under such a zoning objective, infill dwellings are permitted subject to meeting certain criteria set out under Section 16.10.9 of the plan, including: character of the street, compatibility of the design with adjoining dwellings, impact on residential amenity of adjoining sites, open space and refuse standards for both existing and proposed dwellings, appropriate car parking, landscaping and maintenance of building standards where appropriate. In addition, an infill dwelling is required to meet residential quality standards set out under Section 16.10.2 of the plan, including plot ratios and site coverage provisions as set out under sections 16.5 and 16.6 respectively.
- 7.2.2. Permission was originally sought for the construction of a two-storey three-bedroom dwelling on a 189 sq.m portion of the site to the side of the existing dwelling, with two new vehicular entrances to serve the existing and proposed houses. The internal layout was revised at appeal stage to form a two-bedroom house.
- 7.2.3. Subject to complying with the stated planning requirements, as set out above and addressed in the following sections under applicable headings, the principle of the proposal for an infill house on this side garden site is considered acceptable.

## **7.3. Design and Character of the Street / Area**

- 7.3.1. Larkfield Gardens and the adjoining residential areas of Larkfield Park and Larkfield Avenue are characterised by 1940s two storey detached, semi-detached and terrace dwellings, which range in design, style and finish. The first-floor elevation would be set back in line with the established front building line along the northern side of Larkfield Gardens and the ground floor would project c.1.95m to the front. When viewed from the streetscape, I am satisfied that the design is acceptable in scale, massing and height, it would integrate appropriately with the character of the streetscape and would be compatible with the design of adjoining dwellings.
- 7.3.2. Accordingly, I recommend that permission should not be withheld for this reason.



#### 7.4. Residential Amenity and Standards

- 7.4.1. In considering the residential amenity aspects, the immediate concern is the proximity of the proposed first floor bedroom window to the adjoining rear garden associated with No.5 Larkfield Gardens to the north, which primarily resulted in the Planning Authority's reason for refusing permission. The Planning Authority considered that, as originally proposed, the development of a dwelling would result in undue overlooking onto the neighbouring rear garden areas of No. 5 (to the north) and No.6 (adjoining semi-detached house to the northeast) within Larkfield Gardens, due to the proximity of the two proposed first floor rear bedroom windows within 4.2m and 6.4m of the neighbouring rear garden areas.
- 7.4.2. However, I note the presence of mature trees and hedgerows along the separating boundary with No.6 Larkfield Gardens to the north (rear) of the appeal site and I also note that the design has been amended at appeal stage to reflect a two-bedroom house and a reduction in the size and scale of the rear upper floor windows. Roof windows are also proposed. Given the presence of existing mature screening and potential for a redesign of the rear bedroom window which could be secured by attachment of a planning condition and noting proposals for the bathroom window to be fitted with obscure glazing, overlooking onto the rear gardens can be mitigated.
- 7.4.3. As revised at appeal stage, the proposed dwelling would provide a double and single bedroom, resulting in three bed spaces overall with a corresponding requirement of 30 sq.m private garden space by reference of Section 16.10.2 (Residential Quality Standards) of the Dublin City development plan. The proposals include the required 30 sq.m of open space to serve the new dwelling. The existing house has previously been extended at ground floor level and the rear garden which would result following the addition of the proposed house in the side garden would be significantly reduced. Based on scaling of the drawing submitted at appeal stage, the private useable garden space positioned behind the house measures c.10 sq.m. There would also be some garden space to the side and the useable area would appear to collectively measure c. 30 sq.m. I also note that there is a reasonable size front garden associated with the existing house including the taking into account the proposals for in curtilage parking as shown on the proposed drawing (Dwg No. 3289/10 D) submitted to the Board by the applicant with the appeal. Overall, I am satisfied that

by reference to Section 16.10.2 – Residential Quality Standards contained within the Dublin City Development Plan, adequate open space would be provided for the existing and proposed houses.

- 7.4.4. I am equally satisfied by reference to Section 16.10.9, which outlines criteria the planning authority will have regard to in assessing development of corner/side garden sites, both the existing and proposed houses would have adequate provision for refuse / bin storage and car parking and maintenance of building standards. In consideration of residential amenity, it is of relevance to note that there are no third-party submissions or appeals on file from any party including owner/occupiers of neighbouring houses.
- 7.4.5. Given the modest scale and size of the dwelling proposed, I do not consider that the development would result in serious overshadowing or be excessively overbearing onto the private open space associated with the existing host dwelling at No.7 Larkfield Gardens or onto neighbouring properties.
- 7.4.6. Overall, having regard to the revised drawing submitted at appeal stage and to the provisions of the Dublin City Development Plan regarding criteria for assessment of development of corner/side gardens (Section 16.10.9) and residential quality standards (Section 16.10.2), I am satisfied that as outlined above, the development should not be refused for reasons concerning residential amenity.

## 7.5. **Appropriate Assessment Screening**

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that permission is **granted** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

9.1. The provisions of the Dublin City Development Plan 2016-2022 are supportive of appropriate infill development while complying with certain criteria set out under Section 16.10.9 of the plan, including the character of the street, compatibility of the design with adjoining dwellings, impact on residential amenity of adjoining sites and to the nature, scale, extent and design of the development proposed, the general character and pattern of development in the area. Residential quality standards required to be met are set out under Section 16.10.2 of the Development Plan. Having regard to these provisions, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate appropriately with the character of the streetscape, would be compatible with the design of adjoining dwellings, would not seriously injure the residential amenities of the area and would meet the required residential standards set out in the development plan. The proposed development would, therefore, be in accordance with the proper planning and 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, as amended by the further plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of February 2018, 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 external finishes of the proposed dwelling shall include render (dashed) finish walls similar to the existing house, hardwood painted front door (painted) and timber or aluminium clad windows and rear glazed doors and natural slates of similar style and colour to the existing house.

**Reason:** In the interest of visual amenity.

3. a) A revised design shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development which shall incorporate a redesign of the rear window serving the bedroom at first floor level to include screening proposals. Obscure glazing shall not form part of the revised screening design.
- b) The bathroom window to the rear at first floor level shall be fitted with obscure glazing.

**Reason:** To protect the residential amenity of adjoining private garden to the north.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001-2018, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In order to protect adjoining residential amenity.

5. Water supply and drainage arrangements, including the attenuation and 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction and demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to

14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of residential amenity during the construction phase.

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.

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Patricia Calleary  
Senior Planning Inspector

24<sup>th</sup> May 2018