



An
Bord
Pleanála

Inspector's Report ABP-301251-18

Development	Demolition of single-storey side and rear extensions to dwellinghouse and construction of a two-storey two-bedroom dwellinghouse
Location	1 Bregia Road, Cabra, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4606/17
Applicant(s)	Helen Doyle
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Helen Doyle Ronmar
Observer(s)	None
Date of Site Inspection	13 th June 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the junction of Bregia Road and Annaly Road, established residential streets in Cabra, opposite Christ the King Primary School and approximately 2.7km northwest of Dublin city centre.
- 1.2. The site is triangular in shape and has a stated area of 204sq.m, with approximately 17m frontage onto Bregia Road. It contains a two-storey semi-detached dwellinghouse set back 5m to 7m from the footpath and comprising single-storey side and rear extensions. To the front of the house is a garden area and a hardstanding area accessed off Bregia Road with space for parking at least two vehicles. The boundaries of the site comprise walls of varying heights. A pedestrian access lane serving the rear of houses along Bregia Road and Annaly Road runs along the southern boundary of the site, separating it from No.3 Bregia Road. Attached to the northeast is No.22 Annaly Road.
- 1.3. The surrounding Cabra area is characterised by rows of terraced and semi-detached dwellings of similar styles in a uniform and symmetrical layout. Ground levels in the vicinity drop gradually to the south.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:
 - demolition and removal of single-storey side and flat-roof rear projections and extensions with a gross floor area (GFA) of approximately 21sq.m;
 - construction of a two-storey end-of-terrace two-bedroom dwellinghouse (GFA approximately 66sq.m) and with storage space (c.19sq.m) and rear-facing dormer window projection at roof level;
 - subdivision of the site, provision of two separate 2.5m-wide vehicular entrances both with gates off Bregia Road, as well as landscaping works, including revised front boundary treatments and all associated site works.
- 2.1.2. In addition to the standard planning application contents, the application was accompanied by a letter of consent from the owner of the site to make the

application, as well as a Social Housing Exemption Certificate (SHEC) for the site (SHEC Ref. 0369/17 refers).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reason only:

- Reason No 1: overdevelopment of a tight corner infill site, with inadequate provision of private amenity space for the existing and proposed dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (February 2018) reflects the decision of the Planning Authority. The Planning Officer notes the following:

- the new dwelling would form a prominent addition to the street and would represent a cramped form of development;
- consideration of the potential for the proposed dwelling to restrict light to the existing dwelling is not possible in the absence of floor plans for the existing dwelling. Given the recessed layout, the host dwelling would restrict light to the ground-floor at the rear of the proposed house;
- the minimum standards, as set out in Departmental guidelines, for a two-bedroom, four-person, two-storey dwellinghouse, as well as minimum area of glazing to rooms required under the Development Plan, would be met in the proposals;
- it is proposed to provide c.30sq.m private amenity space to the rear of the proposed house to accord with Development Plan requirements, but only c.25sq.m private amenity space would be provided for the host house, which would not accord with Development Plan requirements, and both amenity spaces would experience significant overlooking;
- Roads & Traffic Planning Division have sought omission of the proposed relocated entrance (as on-street parking is available), as well as relocation of a street light to facilitate the new entrance;

- boundary treatments to provide for the subdivision of the site and the location of the new entrance door required for the host dwelling have not been provided.

3.2.2. Other Technical Reports

- Roads & Traffic Planning Division - no objection subject to conditions.
- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – no observations;
- Irish Rail – no response;
- Irish Water – no response;
- National Transport Authority – no response.

3.4. Third-Party Observations

3.4.1. None.

4.0 Planning History

4.1. Appeal Site

4.1.1. I am not aware of any recent planning applications relating to the appeal site.

4.2. Surrounding Sites

4.2.1. There have been numerous applications and appeals for residential infill and domestic extensions in the immediate area, including applications for development on similar size corner sites to the appeal site, such as the following:

- No.20 Fertullagh Road - DCC Ref. 3106/16 – Permission granted by the Planning Authority (September 2016) for a two-storey side extension to a corner house c.200m to the southwest of the appeal site;
- No.98 Quarry Road – ABP Ref. PL29N.247955 (DCC Ref. 4087/16) – Permission refused by An Bord Pleanála (January 2017) for a two-storey

dwellinghouse in a side garden of a corner house c.320m to the west of the appeal site, due to the visual impact of the proposals on the streetscape projecting forward of the established building line and the substandard size of the dwellinghouse;

- No.75 Fassaugh Avenue - DCC Ref. 2625/17 – Permission granted by the Planning Authority (May 2017) for a two-storey side and rear extension to a corner house c.775m to the northwest of the appeal site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'. It is located approximately 550m outside the 'inner city' zone, as illustrated within Map K of the Development Plan.
- 5.1.2. Relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Policy QH1 of the Plan seeks to build upon and enhance standards outlined in 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), amongst other National Guidelines. Policy QH21 of the Plan is relevant, and this seeks 'to 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'.
- 5.1.3. Design principles for infill development are set out in Section 16.2.2.2 of the Development Plan. Design standards for houses are set out in Section 16.10.2 of the Plan, and matters to be considered in assessing proposals for corner/side garden sites and infill housing are outlined under Sections 16.10.9 and 16.10.10 of the Plan, respectively.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

Private Open Space

- the appeal site should be considered an inner city site, and as a result, based on the Development Plan standards, the existing and proposed houses would only require 15sq.m to 24sq.m of private amenity space per house. As 30sq.m would be provided for the proposed house and 25sq.m for the host house, the proposed development would therefore meet the minimum standards;
- the width of the private open space for the new house, measuring between 1.84m and 3.78m, would be suffice for residents to enjoy this space;
- triangular shape plots are typical of the area and permitted development in the area provides precedent for the proposed development. A copy of a permission granted by the Planning Authority dating from May 2017 and drawings relating to this permission for a two-storey side and rear extension to a corner property at No.75 Fassagh Avenue (c.775m to the northwest of the appeal site) (DCC Ref. 2625/17) accompany the grounds of appeal;

Residential Amenities

- ground-floor living space would be dual aspect, therefore, the restriction of light via the first-floor overhang would not be material;
- the host dwelling would be remodelled and revised plans are submitted with the appeal to show the internal layout and elevational changes to this dwelling;
- the site is within walking distance of a host of local public amenities and high frequency public transport, such as the LUAS.

6.2. Planning Authority Response

6.2.1. The Planning Authority response to the grounds of appeal can be summarised as follows:

- the site is located outside the 'inner city' zone, as defined in Map K of the Development Plan and a minimum of 10sq.m of private amenity space per bedspace is therefore required;
- while there is some level of flexibility within the Development Plan regarding private open space provision, the revised proposals, as submitted with the appeal, would continue to result in a poor level of amenity for future occupiers of both the existing and proposed dwellings;
- planning precedent referenced in the appeal for allowing a triangular shape private amenity space (No.75 Fassauga Avenue - DCC Ref. 2625/17), refers to a permission for a domestic extension, rather than a new dwelling;
- the irregular shape of the gardens is not the primary concern, it is the degree of overlooking that would arise and the usability and functionality of these spaces that would raise greatest concern.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Introduction

7.1.1. The principle of developing the proposed house on an infill / side garden site on lands zoned 'Z1 - Sustainable Residential Neighbourhoods' is acceptable, subject to planning and environmental considerations addressed below. The appellant has submitted revised drawings with their grounds of appeal, which provide additional details and proposals relating to the host dwelling, while allowing for more detailed consideration of the impact of the proposals on the host dwellinghouse and the relationship between it and the proposed dwelling. Consequently, I refer to these revised drawings in my assessment below and I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Design & Layout;
- Impact on Visual Amenities.

7.2. Design & Layout

- 7.2.1. The Planning Authority's decision to refuse permission for the proposed development was solely based on the issue of overdevelopment of a tight corner infill site, with inadequate provision of private amenity space for the existing and proposed dwelling. The grounds of appeal assert that the extent of private amenity space would be adequate based on the location of the site, surrounding amenities, the pattern of development in the area, including the triangular shape of rear gardens serving other extended neighbouring houses. Policy QH21 of the Dublin City Development Plan 2016-2022 seeks 'to 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'.
- 7.2.2. Based on Development Plan standards requiring 10sq.m of private amenity space per bedspace in new houses outside the inner city, the minimum amount of private open space required for the two-bedroom three-bedspace proposed house would be 30sq.m. The same quantum would be required for the existing house, which would be modified under the subject proposals. It is stated by the applicant that 30sq.m garden space would be provided to the rear of the proposed house and 25sq.m would be provided for the host house. In total, a minimum of 60sq.m private open space is required to be split between both dwellings to the rear, but only 55sq.m is available, even with the first-floor overhang to the proposed house. The layout of the proposed development would result in both proposed rear amenity areas being directly overlooked by the existing and proposed dwellings. I consider that the proposed development would result in a substandard level of private amenity space, including a shortfall in private amenity for the host house and the potential for direct overlooking of the private amenity space serving both the proposed and host dwellinghouses. Consequently, I recommend that the proposed development is refused permission in relation to this matter, as it would not comply with the provisions of the Development Plan and would provide a substandard level of amenity for future occupants.
- 7.2.3. The target gross floor area for a two-bedroom two-storey three-person house, as set out within Departmental Guidance 'Quality Housing for Sustaining Communities' and referenced in the Development Plan, is 70sq.m. Exclusive of the 19sq.m storage

area at roof level, the subject proposed house would have a gross floor area of 66sq.m. Scope for additional floor area on site is constrained, but I would consider that the gross floor area shortfall would not be significant and would be compensated via the minimum room standards being met and via the extent of additional storage area (19sq.m) at roof level. Proposals also fall marginally short of the Development Plan '20%' standard regarding glazing to habitable rooms in the proposed house, as the window (c.0.85sq.m) serving the single-bedroom (7.3sq.m), is required to be 1.46sq.m, while the windows (c.2.55sq.m) serving the double-bedroom (13.9sq.m) are required to be 2.78sq.m. In conclusion, these shortfalls are not significant and can be addressed via condition. Consequently, I am satisfied that the internal space for the proposed house would provide an appropriate level of amenity for future occupants and that this aspect of the proposed development would not warrant a refusal of permission.

- 7.2.4. In conclusion, the proposed development would not provide for a suitable level of amenity for future residents of the existing house, by virtue of the substandard area and the potential for overlooking of amenity space and, therefore, the proposed development would not be compliant with Policy QH21 of the Development Plan. While I have some reservations regarding the shortfall in gross floor area and glazing for the proposed house, these matters do not warrant a refusal of planning permission, but are indicative of the constraints in developing this corner/side garden site to accommodate a dwellinghouse.

7.3. Impact on Visual Amenities

- 7.3.1. It is noted that this area is not provided with any conservation status. Section 16.10.9 of the Development Plan lists a range of criteria to be assessed in relation to proposals on corner/side garden sites, including the character of the area, compatibility with adjoining dwellings and building lines. The general proportions of the new dwelling complement those of the adjacent dwellings. In terms of height, scale and massing, the proposals can be reasonably viewed to be in keeping with adjacent dwellings. Should the Board be minded to grant permission for the proposed development, I would recommend the attachment of a condition to secure boundary treatment details for subdividing the site.

7.3.2. The layout and building lines along Bregia Road are design features that provide a visual amenity which is worth protecting. I recognise that there is an existing single-storey side projection to the house on site, projecting forward of the building line to the south along Bregia Road by c.1.1m and this would be demolished as part of the subject proposals. I note that at ground and first floor the proposed house would project c.1.8m forward of the established building line, c.0.7m more than the existing projection. Consequently, the proposed house would significantly interfere with the established building line by projecting forward of the front of the terrace directly to the south along Bregia Road. It would thus serve as a visually incongruous addition to the streetscape, detracting from the visual aesthetics and rhythm, which the street presents to those entering it or passing along Annaly Road. The grounds of appeal refer to permissions for side extensions on corner sites in the vicinity, including No.75 Fassagh Avenue (DCC Ref. 2625/17), but it is noted that this related to a domestic extension, rather than a new house, and the permitted extension did not project forward of the building line to the same extent as the subject proposals. In conclusion, the proposed development would breach an established building line, would detract from the character of Bregia Road, as well as the visual amenities of the area, and would not comply with the provisions of Section 16.10.9 of the Development Plan. The proposed development should be refused for this reason.

8.0 **Appropriate Assessment**

8.1. Having regard to the minor nature 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.

9.0 **Recommendation**

9.1. I recommend that permission be **refused** in accordance with the following reasons, considerations, and conditions.

10.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022 and the nature and scale of the proposed development, with the proposed two-storey house to be constructed projecting forward of the building line along Bregia Road, it is considered that the proposed development would be visually obtrusive within the streetscape, would detract from the visual amenities of the area and would be contrary to the provisions set out under Section 16.10.9 of the Dublin City Development Plan 2016-2022, which require developments on corner/side garden sites to have regard to existing building lines, as well as the character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and to the layout and design of the proposed development, including the shortfall of private amenity space that would result for the host dwellinghouse and the potential for direct overlooking of the private amenity space serving both the host and proposed dwellinghouses, it is considered that the proposed development would constitute a substandard form of development, would be seriously injurious to the residential amenities of future occupants of the host and proposed dwellinghouses and would be contrary to Policy QH21 of the Dublin City Development Plan 2016-2022, which seeks to ensure that developments provide a satisfactory level of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

19th June 2018