



An
Bord
Pleanála

Inspector's Report

ABP-301311-18

Development

Two-storey house in rear garden to include demolition of side extension at original house at 28. St Brendan's Park, Coolock, Dublin 5.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2029/18

Applicant

Glenn Byrne

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Appellants

Glenn Byrne

Observers

None

Date of Site Inspection

18th November 2018

Inspector

Mairead Kenny

1.0 Site Location and Description

The subject site comprises part of the rear garden of a single storey detached house. The stated site area is 906.09 square metres and of the house to be retained is 91.66 square metres.

The subject dwellinghouse at 28 St Brendan's Park is one of a row of single storey semi-detached houses in this part of the low density estate. The houses to the north at St Brendan's Avenue are terraced houses with relatively narrow plots and modest sized gardens.

The subject site backs onto a rear lane, which is gated. The rear garden of the existing house is enclosed by a timber fence. The site comprising the remainder of the original rear garden is in overgrown.

I noted on site that the original house has been extended to the side and the ground level of the interior is five steps above the external ground level to the rear. There is a further drop in ground level as one traverses to the separated rear garden area. That area is generally level with the vehicular access gates onto the lane and is level with the lane. The rear garden area is surrounded by high concrete block walls.

From the site the houses to the rear at St Brendan's Avenue and to the east at 19a Ennel Park are visible. Views to the house to the west at no. 30 St Brendan's Park were obscured by vegetation.

Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

Permission is sought for a two-storey house in the rear garden of the single storey house.

The stated area of the proposed house is 146.44 square metres, which is stated to constitute 22% site coverage and a plot ratio of 0.26 to 1.

The development includes demolition of a side extension to the house to provide for the vehicular access. A public sewer is located under that extension as shown on the application drawings.

3.0 Planning History

There is no recent planning history relevant to the appeal. The appellant refers to the house at 19a Ennell Park as a precedent case and to the permission granted under reg. ref. 1395/01.

No pre-planning meeting took place.

4.0 Planning Authority Decision

4.1 Planning and Technical Reports

Planner's report – The development standards set down in sections 16.10.8 and 16.10.2 are applicable and is assessed in this context. Overall, the proposal constitutes piecemeal backland development and would have a negative impact on residential amenities of adjoining properties.

Drainage Division – No objection subject to conditions. Maintenance of 3m distance between sewer running through the site and all structures.

4.2 Third party submissions

None received.

4.3 Decision

The planning authority decided to refuse permission for a single reason summarised below:

- Having regard to the established pattern and character of development in the area would **constitute piecemeal backland** development, would cause undue **overlooking and appear overbearing** and therefore have a negative impact on residential amenity.

5.0 Grounds of Appeal / Observations

5.1 Grounds of Appeal

The main points of the first party appeal are:

- The enclosed drawing which was issued to the planning authority shows that the open space associated with the existing house is 229 square metres and with the proposed house is 174 square metres excluding the curved parking area.
- The house is at the lowest part of the site, level with the lane and the ridge level is 1.285m below the ridge height of the exiting house.
- The level of the soffit to the east is below that of the newer house to the east, 19a Ennel Park. The house to the east has first floor windows, which are closer to the boundary than any windows proposed under the current application. In terms of distance to neighbouring property of first floor overlooking windows and open space provisions the proposal compares favourably to no. 19a.
- The proposed house is 6m from the rear boundary of neighbouring property to the rear (north) and there is only one first floor window at the rear and one ground floor window. The development respects possible overlooking to a greater degree than the house at 19a.
- There is sufficient parking provided.
- This is not piecemeal development any more than 19a and the precedent is set.
- The size of the existing garden is un-manageable.
- The careful design ensures existing houses are respected. The roof profile ensures no increased overshadowing of no. 30 greater than the existing hedges.
- The proposal is within 5 minutes walk of a QBC. The house would increase the supply of housing for families in the area and complies with the development plan.

- The development plan policy on backland development is sufficiently vague that no conditions are contravened by the proposed development.

5.2 Planning Authority response

No substantive comments are provided.

5.3 Observation

None.

6.0 Policy Context

Under the provisions of the **Dublin City Development Plan** policy related to backland development is set out in section 16.10.8.

Requirement for housing quality include the standards set in section 16.10.2.

There are no conservation objectives related to the site or the immediate surroundings.

Policies relating to Sustainable Residential Areas are in Chapter 5 and include provisions to:

- Ensure that new housing is adaptable and flexible and complies with national guidance – QH13
- Ensure that new houses provides for the needs of family accommodation – QH 21.

7.0 Assessment

I consider that the main issues in this appeal relate to:

- Principle
- Residential amenities of adjacent properties.
- Residential amenity for future occupants.

Principle

The planning authority and the appellant refer to a range of policies which support increased residential density. The development plan policies and the location of the site within 5 minutes of a QBC are relevant to the Board's consideration.

I am in agreement with the general thrust of the appeal insofar as it emphasises the locational characteristics and the general suitability of providing additional housing in this area. The development plan policy, while highlighting the potential adverse impacts related to the development of individual backland sites does not explicitly prohibit such approaches.

The emphasis in the development plan on securing the comprehensive development of backland areas is of limited relevance to this appeal insofar as the subject site appears to be the only site with significant potential for such development. In this respect I note the existing house at 19a Ennel Park to the east and the relatively limited scope at no. 30 to the west.

I refer the Board also to the generous site frontage. However, the presence of a public sewer and the required 3m separation between the sewer and any structures would appear to preclude re-development of the site to provide an additional house in line with the existing front façade.

The subject site is generous in terms of its area and in this respect might be deemed to be suitable for consideration of development of an additional dwellinghouse. I consider that taking into account the infrastructural constraints the selected position of the house appears to be the optimal location. The development plan policy does not preclude development of individual back land sites but calls for a merits based assessment. The requirement that any development not adversely impact on residential amenities prevails.

In principle, therefore, subject to appropriate detailed design I consider that a residential unit could be favourably considered.

Impact on residential amenity

The planner's report refers to the location of the proposed development approximately 12 m from adjacent dwelling houses to the south-east and north-east and 6 m from the rear boundary of the dwelling to the north. On this basis it is considered that the proposed development would cause a significant loss of amenity due to overlooking and an overbearing appearance.

The appellant notes the location of the proposed house at the lowest point of the site and that the ridge level is 1.285 m below the ridge level of the existing house. The appellant provides details of the existing house to the east and its two-storey nature and considers that the design and topography ensure that the development can be accommodated without adversely impacting existing houses.

I note that the proposed house would be situated 1.72m from the rear boundary and the houses at St Brendan's Avenue to the rear are separate by a gated lane. The length of the rear gardens of those houses would not exceed 14m from the first floor rear. I note that none of the houses directly to the rear have been extended at the first floor to date. Some ground floor extensions are in place.

Having considered the proposed development terms of its impact on houses to the north, including the separation distance between the existing and proposed first floor rear façade (20m at most), the 6m separation from the rear of the proposed house to the end of the rear gardens and the design of the rear façade of the proposed house including its width and bland appearance, I consider that the proposed house would constitute a structure of oppressive appearance and that overlooking of rear gardens from close proximity would result. The proposed house would be at similar ground level to St Brendan's Avenue but its character would be dissimilar and the development would be out of character with the pattern in the area.

Regarding the potential impact on no. 30 St Brendan's Park to the west and on the house at 19a Ennel Park to the rear I agree that the ground level difference would mitigate impacts. Having regard to the position of the house at 19a, the difference in ground levels and the potential for screen planting which could be required as part of the proposed development, adverse impacts could be further mitigated.

Nevertheless due to the orientation of the existing house at 19a and the fenestration

of the proposed house there would be significant inter-visibility, which would affect both existing and future houses. I am not convinced that such impacts could be reasonably mitigated without significant planting, which would overshadow both houses. In addition the scale of the development would be clearly viewed from this direction and is likely to impact adversely on the outlook from that house.

Regarding the house to the west, no. 30, I concur with the appellant that overshadowing would not be likely to increase as presently there is some dense evergreen vegetation at this side of the site. Removal of that vegetation would expose the new development to views from that house but having regard to the roof profile and location of the proposed house I do not consider that it would be unacceptable in terms of visual amenities or give rise to overlooking.

In conclusion I consider that the proposed development would significantly adversely impact on the residential amenities of houses to the north and east and would be unacceptable in this regard. The height and mass of the development are contributory factors in my opinion, particularly in terms of the first floor level and its scale. In this regard whether it would be feasible to develop a substantial residential unit at the site is not clear.

Residential amenity for future occupants

The proposed development falls to be assessed under the standards for residential quality which are set out in section 16.10.2 of the current development plan and include requirements in relation to floor area and private open space.

The proposed house, which is of stated floor area of 146.44 m² together with the general standard of the development in terms of layout, ventilation and sunlight penetration would ensure that the proposed house would provide for the needs of future occupants. I have reservations in relation to overlooking from no. 19a to the east, as expressed above.

The appellant refers to the provision of private open space at the existing and proposed houses and I am satisfied that generous provision can be made to serve both houses. Parking for the existing and proposed houses can be provided

including to the front of the existing house and within the curtilage of the proposed house.

I have considered the gradient of the access road and am satisfied that it would be acceptable.

I conclude that the development would comply with the standards for new residential development without adversely impacting on the residential amenity of the existing house on site.

Appropriate Assessment

Having regard to the nature of the proposed development, which comprises construction of a new house in a suburban location on serviced lands I am satisfied that 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.

EIA

The proposed development does not fall to be determined under the new EIA Regulations. There is no requirement for Screening.

Recommendation

I recommend that permission be refused for the reasons and considerations below.

Reasons and Considerations

Having regard to the character, scale and location of the proposed two-storey house it is considered that the proposed development would result in an unacceptable loss of residential amenity at the properties located to the north and east of the site, by reason of visual intrusion and overlooking. Accordingly, to permit the development would seriously injure the residential amenities of adjoining properties and accordingly would be contrary to the development plan policies for backland development under section 16.10.8 of the Dublin City Development Plan 2016-2022.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mairead Kenny

Senior Planning Inspector

18th November 2018