



An  
Bord  
Pleanála

## Inspector's Report

**ABP-301936-18**

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<b>Development</b>	Demolition of existing single storey side extension and garage, construct new 2 storey detached house within the side garden and associated works
<b>Location</b>	67 Grove Park Drive, Glasnevin, Dublin 11
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	2654/18
<b>Applicant(s)</b>	Mary Foley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mary Foley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21/08/18
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application relates to the site of an existing 2-storey semi-detached dwelling within a large suburban estate of similar such dwellings, located in north Dublin city, c.5km north of the centre of Dublin, c.2km south of the M50 and 1km west of centre of Ballymun. This corner site is situated at the junction of Grove Park Drive (to south) and Grove Park Crescent (to east) and has a stated area of 437.3-sq.m. The site is regular in shape, measuring c.32.5m in length (N-S) and c.13.5m in width (W-E), and generally level.
- 1.2. The existing dwelling has a single-storey porch extension to the front (c.4-sq.m) and a single-storey element to the east side, accommodating a garage and a utility room (21.1-sq.m stated GFA). To the rear, there is a single-storey dining room extension of c.6.5-sqm floor area and another single-storey extension which is not shown on the plans but would appear to be a shed of no more than 4-sq.m floor area. There is a detached single-storey garage located adjacent to the north (rear) and west site boundaries, with a wall (with pedestrian gate) running west to east from the shed to the roadside boundary, separating it from the private open space. There is a vehicular entrance to the front onto Grove Park Drive and another from the rear onto Grove Park Crescent.
- 1.3. The site boundaries comprise a stub wall (finished in wet dash render) with railings to c.1.2m height to the public road and a smooth-rendered block wall of c.1.2m along the party boundary to the front of the dwelling; to the public roadside boundary to the site and rear of the dwelling, there is a wall of c.1.8m height, finished in wet dash at base and with decorative concrete blocks above; and to the party boundaries to the rear; and bare concrete block walls of c.1.8m height to the other rear boundaries.
- 1.4. The neighbouring dwellinghouse to the west is similar to that of the application site. The property to the rear (no.5 Willow Park Crescent) accommodates a detached bungalow on a larger corner site.

## 2.0 Proposed Development

It is proposed demolish the existing attached garage and utility structure, subdivide the existing property and erect a 2-storey detached dwellinghouse with single storey projection to the front and rear, of 92.5-sq.m stated GFA, with accessible attic storage room also.

Private open space of 40-sq.m is indicated to the front and c.61-sq.m indicated to the rear. Vehicular access and 1no. parking space are proposed to the rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

To **REFUSE** permission for 1no. reason relating to failure to meet the minimum requirements for internal space and private open space, being overdevelopment that is out of character and would seriously injure the amenities of property in the vicinity.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning assessment in the detailed report of the Planning Officer (25/05/18), which refers specifically to s.16.10.9 and s.16.10.2 of the CDP, is consistent with the decision of the Planning Authority and the reason for refusal.

#### 3.2.2. Other Technical Reports

Roads & Traffic Planning Division (15/05/18) – No objection subject to 4no. standard conditions and an additional non-standard condition concerning impact on a tree on the public footpath.

Drainage Division (24/04/18) – No objection subject to standard conditions.

### 3.3. Third Party Observations

None.

## 4.0 Planning History

### On site

None

### In the vicinity

**Reg.ref.2215/18** – Permission **GRANTED** by the Planning Authority (Final Grant date 11/05/18) for 2no. bungalows dwellinghouses (1no. to the side and the other to the rear) at no.5 Willow Park Crescent (adjacent the northern boundary of the current application site). In addition to standard conditions, a condition required the relocation of the vehicular entrance away from the radial of the junction by 1-2m in a westward direction.

**Reg.Ref.3615/14** – Permission **GRANTED** by the Planning Authority (FG 26/01/15) for 1no. dwelling in the side garden of no.115 Sycamore Road (less than 400m to west-northwest). Standard conditions attached.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning objective Z1 'to protect, provide and improve residential amenities'.

S.16.10.2 Residential Quality Standards - Houses

S.16.10.9 Corner / Side Garden Sites

### 5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA Site no.004024 (c.5.km to the southeast)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of this First Party appeal may be summarised as follow:

- Existing building lines are maintained.
- The existing roadside boundary wall to Grove Park Crescent is to be retained and the proposed development will not run up to the pavement.
- A building line has not been established to Grove Park Crescent, with the side gables of the existing dwelling on site and on the adjoining site to the north not being aligned. The side of the dwelling to the north is 1m behind that on the application site and that garage to the side of the existing dwelling on the application site *'also extends beyond this imaginary building line by several metres'*. It is therefore incorrect to use this as a reason for refusal.
- The proposed dwelling is compatible with and similar in design, density and scale to neighbouring property and to similar side garden development and cannot be seen as a cramped form of development.
- There is precedent for similar development nearby including at 115 Sycamore Road (Reg.Ref.3615/14), and on the neighbouring site to the north at 5 Willow Park Crescent (Reg.Ref.2215/18), both of which are within 700mm of the existing boundary wall and therefore past the imaginary building line.
- Inconsistency in the application of planning standards with reference to similar development (in addition to aforementioned sites) at 40 Grove Park Drive (Reg.Ref.3620/07), 16 Grove Park Road (3382/07) and 39 Willow Park Road (PL29N.205548 / Reg/Ref/ 4947/03).
- The side garden, measured from the gable of the dwelling, ranges from 6.77m to 6.45m, not 5.4m as stated in the Planner's Report, and therefore there is plenty of room to a dwellinghouse, and based on the planning decisions referred to above, there should not be any requirement to setback the proposed dwelling from the side garden wall.

- No allowance has been made by the Planning Officer for the large private open space provided to the front of the dwelling. Revised site layout drawing (Fig 1) reallocates the existing front vehicular entrance and parking to the proposed dwelling to free up the private open space to the rear for the proposed dwelling. The existing dwelling would use the existing vehicular entrance and parking to the rear.
- Inconsistency by the Planning Authority - permission for a dwelling at 115 Sycamore Road was granted for a dwelling with similar bedroom sizes (11.45-sq.m, 7.75-sq.m and 7.15-sq.m) to those considered substandard by the Planning Officer. Revised internal layout drawings (Fig 2) provides minor revisions to bedroom spaces to increase bedroom sizes.
- The amendments in Fig 1 and Fig 2 could have been resolved by further information request or by condition.
- It is difficult to see how the proposed development would seriously injure the amenities of property in the vicinity or represent overdevelopment, especially as the Planning Report notes it is acceptable under the zoning objective, would not increase overlooking, or give rise to unacceptable overshadowing, is similar in appearance to the donor property and the proposed boundary treatments are in keeping.
- The proposed design would be similar in appearance to the donor property

## 6.2. **Planning Authority Response**

Directs the Board to the Planner's Report.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

The main issues arising in this case may be addressed under the following headings:

### 7.1 Policy



- 7.2 Standard of development
- 7.3 Design issues
- 7.4 Impact on amenities
- 7.5 Roads & traffic
- 7.6 Appropriate Assessment

### 7.1. **Policy**

- 7.1.1. Residential development is acceptable in principle on this land zone objective Z1 '*to protect, provide for and improve residential amenities*' subject to compliance with the Council's standards for such development under the Dublin City Development Plan 2016-2022, namely S.16.10.2 Residential Quality Standards – Houses and S.16.10.9 Corner / Side Garden Sites.

### 7.2. **Standard of development**

- 7.2.1. The Planning Authority's reason for refusal included grounds that the proposed development was substandard the minimum floor space requirements for bedrooms (s.16.10,2 refers) and the minimum area requirements for private open space (s.16.10.9 refers).

In response to the appeal the applicant has amended the internal layout to comply with the minimum standards for bedrooms floor area and has amended the site layout to comply with the minimum standards for private open space, achieved through the provision of a vehicular entrance and 1 no. parking space to the front of the house and the omission of the proposed vehicular access and parking space to the rear.

### 7.3. **Design Issues**

- 7.3.1. The Planning Authority's reason for refusal included grounds that the proposed development would represent a cramped form of development which is out of character with the established pattern of development in the area. The reason refers to the proposed development extending the building line up to the pavement along Grove Park Crescent, but notwithstanding the concerns of the Planning Officer that

*'an extension of the building line of the order proposed would be out of character with established pattern of development ... exacerbated by the prominent position of the application site'*, permission was not refused on grounds of infringing on a building line.

- 7.3.2. S.16.20.9 of the Plan sets out the criteria against which corner / side garden development is assessed, including impact on the character of the street. The proposed development would have a significant visual impact on the character of the street due to the proposal to build the development almost to the back of the pavement. In low-density suburban areas of the 1960's and '70's, such as this, generous setbacks were generally applied between gables and the roadside boundary and the proposal would therefore be out of character with the prevailing pattern of development that exists in the area. However, the applicant has demonstrated that the Council have permitted similar such development on corner sites within the vicinity, including at no.115 Sycamore Road (granted in 2015), where the side gable of a proposed dwelling was permitted effectively up the roadside boundary. And in May of this year, the Planning Authority permitted the development of two bungalows on the adjacent site to the north (5 Willow Park Crescent), with minimal setback from the side boundary (I estimate c.900mm). Accordingly, I do not consider the proposal to construct the dwelling up to the roadside boundary to be out of character, per se, although some small setback would probably read better within the site's low-density suburban context.
- 7.3.3. Although I do not consider it necessary, the Board may reasonably consider setting the proposed dwelling back westwards by c.900mm as an end-of-terrace dwelling attached to the existing dwelling house in order to achieve an equivalent setback as that permitted on the said adjacent site. Such a revision would require some modest alterations to the main existing front access to the existing dwelling and the omission of a proposed secondary access as both would access onto the east side of the dwelling.
- 7.3.4. I consider the almost complete absence of architectural features on the proposed east side elevation, apart from a circular window at attic level., to be a more critical issue. Additional fenestration at first floor level, as secondary fenestration to the two bedrooms, would alleviate the blankness of the façade and provide further passive surveillance of the street. No material overlooking of residential property would

result from such additional fenestration, whether or not the Board decided to impose a set back from the east boundary. This issue can be addressed by condition in the event of a grant of permission.

#### 7.4. **Impact on amenities**

- 7.4.1. The proposed development would not unduly impact on the amenities of residential property in the vicinity by way of excessive overlooking, overshadowing or visual intrusion.

#### 7.5. **Roads & traffic**

- 7.5.1. The Council's Roads and Traffic Planning Division had no objection to the proposed development. The appellant proposed amendments to the layout to enable minimum standards for private open space to be achieved, which included omission of parking and vehicular access to the rear of the proposed dwelling onto Grove Park Crescent and the reallocation and slight reconfiguration of the existing access onto Grove Park Drive to the front (south) of the existing dwelling for the use of the proposed dwelling. No material traffic safety or practical issues arise in the revised layout.

#### 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the small-scale nature of the development proposed within an existing built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

### 8.0 **Recommendation**

- 8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0.

## 9.0 Reasons and Considerations

It is considered that the proposed development would be consistent with the provisions of the Dublin City Development Plan 2016-2022, section 16.10.2 *Residential Quality Standards – Houses* and s.16.10.9 *Corner / Side Garden Sites*, would not be out of character with the pattern of development in the vicinity, would not seriously injure the amenities of property in the vicinity and would be consistent with the zoning objective pertaining to the site, Z1 '*To protect, provide for an improve residential amenities*', and be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions.

## 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 drawings submitted to the Board on 25/06/18, 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. Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority revised, scaled site layout plans omitting the proposed vehicular entrance and car parking space to the rear of the proposed dwelling and showing the proposed dwelling accommodated by vehicular access and a parking space to the front of the dwelling.

**Reason:** In the interest of clarity.

3. Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority revised drawings showing 2no. windows provided at first floor level to the east elevation.

**Reason:** To alleviate the blank nature of the proposed east elevation in the interest visual amenity.

4. All costs incurred by Dublin City Council, including repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

**Reason:** In the interest of sustainable development.

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 developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets and Traffic Department and the Noise and Air Pollution Section.

**Reason:** To ensure a satisfactory standard of development.

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 amenities of property in the vicinity

8. During the construction and demolition phases, the proposed development shall comply with the British Standard 5228 "Noise Control on Construction and Open Sites Part 1: Code of practice for basic information and procedures for noise control".

**Reason:** In order to ensure a satisfactory standard of development, in the interests of residential amenity.

9. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) 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 developers' 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.

10. 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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John Desmond  
Senior Planning Inspector

5<sup>th</sup> September 2018