



An
Bord
Pleanála

Inspector's Report ABP-302003-18

Development	Construction of house with garage and car parking space and all associated works.
Location	5, The Rise, Whitehall, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2734/18
Applicant(s)	Antoinette Reynolds
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Antoinette Reynolds
Observer(s)	David King and Laura Brady Bernadette Delaney.
Date of Site Inspection	17 th November, 2018
Inspector	Stephen Kay

Contents

1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of a run of mainly two storey mixed residential and commercial premises at the southern end of The Rise in Glasnevin. The Rise is a predominately residential road characterised by two storey semi detached and terraced dwellings that connects Griffith Avenue at the southern end with the Ballymun Road to the north.
- 1.2. The terrace of buildings in which the appeal site is located comprises a mix of uses including a café / restaurant, a crèche/ montessori, a hairdressers as well as residential accommodation, primarily at upper floors. Car parking is currently provided to serve these units to the front accessed from the Rise and there is a wide footpath between the parking spaces and the frontage of the buildings. Unit No.5 is currently occupied by crèche / Montessori using the majority of the ground floor with a small scale residential use to the rear at ground floor and residential use at first floor. Access to the residential use at ground floor is via an entrance off The Rise located between Nos. 3 and 5.
- 1.3. Access to the lands to the rear of the 4 no. Units at Nos. 1-7 The Rise is provided via a laneway called Woodpark that runs to the south of No.1 The Rise. This laneway currently provides access to a pharmacy unit at No.1, two storey residential units on the southern side of the lane and a small apartment development at the south east corner of the lane. When the lane turns the corner and runs to the rear of Nos.1-7 The Rise access is available to the rear of these units and also to two storey commercial units on the eastern side of the lane. The lane at this location does not have a footpath and is c.6.0 metres in width. There is an existing pedestrian access from Woodpark to the appeal site.
- 1.4. To the rear of No.5 The Rise, the site is currently unoccupied apart from a small shed and is laid out in grass as a garden. This existing garden area serves the residential accommodation and acts as outside space for the crèche / Montessori use. The rear of the adjoining properties are characterised by a variety of single storey structures. To the rear of No.7, to the north of the appeal site, is a single storey residential use that is accessed from Woodpark.
- 1.5. The stated area of the appeal site is 110 sq. metres.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey mews dwelling that would front directly onto Woodpark. The ground floor is proposed to accommodate a car parking area recessed off the lane with adjoining bin store. Two bedrooms are proposed at ground floor level, one a single room of floor area 8 sq. metre and a larger double room with a floor area of 13 sq. metres and an adjoining en suite bathroom of 5 sq. metres. There is a staircase and access to a rear garden area at ground floor level. This rear garden area measures approximately 8.5 metres in width and between 3.8 and 4.9 metres in depth. The area of this private amenity space is stated to be c.36 sq. metres.
- 2.2. At first floor level there is proposed to be an interconnected living, dining and kitchen with a utility room and bathroom provided.
- 2.3. The stated overall floor area of the dwelling is 94.7 sq. metres. The footprint of the dwelling is stated in the site coverage calculation provided on the application form to be 41.2 sq. metres however this would appear to exclude the parking area that is covered by the first floor level.
- 2.4. The separation distance between the rear elevation of the proposed dwelling and the return on the back of the existing building at No.5 The Rise is approximately 8 metres. The depth of the rear garden retained with No.5 The Rise is proposed to vary between c.3.7 metres and 10.0 metres and the area of retained open space to the rear of No.5 is estimated at approximately 48 sq. metres.
- 2.5. The roof of the dwelling is proposed to be a low pitch with extensive roof lights in the west facing part of the roof. The height of the dwelling to parapet height is c.6.1 metres above ground / laneway level and the overall height is a maximum of 7.6 metres. The dwelling is deep measuring c.9.8 metres front to back. External finishes are proposed to be a mixture of dark brick, render and dark grey windows.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission for 3 no. reasons that can be summarised as follows:

1. That the proposed development would provide inadequate privacy and private open space for future residents of the proposed development and the existing property at No.7 The Rise. The proposed development would therefore be contrary to 16.10.10 and QH21 and 22 of the City Development plan and would be contrary to the requirements of Quality Housing for Sustainable Communities.
2. That the scale, form and bulk of the proposed dwelling is such that it would seriously injure the amenities of the existing properties at Nos.1-7 The Rise.
3. That the application fails to demonstrate adequate vehicular access that would not create a traffic hazard and has failed to demonstrate that there is adequate legal interest or right of way over the laneway to access the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the existing uses in the vicinity and the zoning of the site as Objective Z3 (Neighbourhood Centre) and that housing is a permissible use in such a location. The report notes the planning history in the vicinity of the site and the internal reports received. Considered that the floor areas and room sizes would be broadly consistent with the Department standards however the level of private amenity space for the existing and proposed dwellings is considered deficient and of a depth that it would lead to overlooking issues and shadowing of the open space. Concerns also expressed regarding the access to the site. Refusal of permission consistent with the Notification of Decision which issued is recommended.

3.2.2. Other Technical Reports

Drainage Division – No objections to the development subject to standard conditions.

Roads and Traffic Planning – Recommends further information relating to the legal interest / right to access the site via the private laneway Woodpark and also requests that it be demonstrated how access to the site would be obtained with the use of autotrack.

3.3. Third Party Observations

Two third party observations were received by the Planning Authority and these raised issues of height, scale, overbearing impacts and loss of privacy. Considered that a single storey building similar to that at No.7 would be more appropriate.

Objection also from Numar Developments who state that they are the owners of the lane and have not consented to an access for the development.

4.0 Planning History

There are a number of planning permissions relating to the appeal site and surrounding sites referenced in the report of the Planning Officer. The following are considered to be the most relevant:

Appeal Site

Dublin City Council Ref. 2924/00 – permission granted for the continued use of the ground floor of No.5 as a Montessori school and for the use of the first floor as a flat.

Dublin City Council Ref. 2958/97 – Permission granted for an extension of 24 sq. metres to the ground floor apartment at No.5.

Dublin City Council Ref. 1512/97 – Permission granted for the use of part of the ground floor and rear garden of No.5 as a crèche and Montessori school for a temporary period.

Adjoining Sites

Dublin City Council Ref. 5575/05; ABP Ref. 216014 – Permission refused by the Planning Authority and refused on appeal for conversion and partial extension of the ground and third floor of existing three storey over shop residential building with change from 9 no. one bed units to 4 no. two bedroom apartments with balconies at first, second and third floors at No.7 The Rise.

Dublin City Council Ref. 1587/01; ABP Ref. 76936 – Permission refused by the Planning Authority and refused on appeal for conversion and partial extension of the ground and third floor of existing three storey over shop residential building with change from 9 no. one bed units to 4 no. two bedroom apartment at No.7 The Rise. Permission refused by the Board for reasons of overlooking and residential amenity.

Dublin City Council Ref. 4560/05 – Permission granted by the Planning Authority for the development of a first floor rear extension above existing ground floor extension at No.3 The Rise.

Dublin City Council Ref.3428/08; ABP Ref. PL29S.232485 – Permission granted by the Planning authority and decision upheld on appeal for the demolition of existing single storey garage (45 sq. metres) to the rear of No.9 The Rise (to the north of the appeal site) and for the construction of a two storey four bedroom flat roofed dwelling with vehicular access from the northern end of Woodpark. This grant of permission was extended in 2004 (Ref. 3428/08/x1) up to 4th June, 2019. No construction works on foot of this permission were evident at the time of inspection of the site however it is noted that No.9 The Rise, including the permitted mews site, is currently for sale.

5.0 Policy Context

5.1. Development Plan

The site is located on lands that are zoned Objective Z3 under the provisions of the *Dublin City Development Plan, 2016-2022*. The stated zoning objective is ‘to provide for and improve neighbourhood facilities’. Under this land use zoning objective, residential is a permissible use.

The existing building on the site is not included on the record of protected structures. The site is not located within an ACA.

The following provisions of the development plan are considered of relevance:

Section 16.10.2 of the Plan relates to residential quality standards and states that a minimum of 10 sq. metres of private amenity space per bedspace should be provided with a total private amenity space provision of 60-70 sq. metres.

Section 16.10.8 relates to backland development and states that applications for such development will be considered on their merits with proposals for more comprehensive rather than piecemeal development preferred.

Section 16.10.16 of the plan relates to Mews Development and sets out a series of requirements for the development of mews dwellings on such laneways including height, private amenity space and parking. In the areas of amenity space the standards set out for mews dwellings are slightly different to those for normal residential properties.

Policy QH1 states that regard will be had to the DECHLG publication 'Quality Housing for Sustainable Communities – A Best Practice Guide'.

Policy QH8 seeks the sustainable development of underutilised or vacant sites.

Policy QH21 seeks to ensure that new developments provide for the needs of family accommodation with satisfactory levels of residential amenity.

Policy QH22 seeks to ensure that new housing close to existing residential development has regard to the character and scale of the existing house.

5.2. Natural Heritage Designations

There are no Natura 2000 sites located in close proximity to the appeal site and there is no pathway that exists between the appeal site and any Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the level of amenity space per bedspace at 12 sq. metres is close to the development plan requirement of 15 sq. metres.
- The level of site coverage is 45 percent that shows the balance between development and open space.
- The depth of the amenity space is 7.5 metres that meets the development plan requirement for a three bedroom dwelling.
- That section 16.10.16 of the plan relates to mews dwellings and this was not referenced in the planning officer's report. The development should be assessed under 16.10.16 (mews dwellings) rather than 16.10.8 (backland development).
- The private amenity space is 8.5 metres wide and therefore generous and meets the 7.5 metre depth set in 16.10.16 over the majority of this width.
- That the main house is not in multiple units and therefore a cumulative assessment of private amenity space as per 16.10.16(k) is not appropriate.
- That the proposed development meets the three criteria for infill development set out at 16.10.10 of the development plan.
- That there have been a number of precedents where variations of the development plan standard have been permitted. These include:
 - 4200/15 – demolition of existing mews and development of two new mews dwellings and where the planning officer report made reference to section 17.9.14 of the plan and the relaxation of the 15 sq. metre of private amenity space per bedspace where a depth of 7.5 metres is maintained. The depth is not however maintained.

- 5351/06 – two storey three bedroom mews to the rear of No. 31 Grand Canal Street. The 50 sq, metres of private amenity space is below development plan standards.
- Ref. 2845/12 / ABP Ref. PL29S.241055 – permission granted by the Board for the re building of a two storey one bed cottage to the rear of a protected structure at 31a Prices Lane, Ranelagh. The decision noted the planning history of the site, the prior residential use and sub division from the curtilage of the protected structure and its inner suburban location. Submitted that the location of the appeal site and high standard residential amenity and lack of significant impact on neighbours is such that permission should be granted. .
- That no issue of overlooking will arise as the windows to the rear are the stairway and / or are frosted glass. The standard 22 metre separation may be relaxed where it can be demonstrated that there will not be a loss of amenity. This is the case with the subject proposal.
- That Policies QH21 and QH22 relate to a satisfactory level of residential amenity and regard to the existing character and scale of development. This is the case in the proposed development.
- That the proposed design has regard to the garden walls with the neighbouring property so that they are just below the window level.
- That the Ministerial Guidance on sustainable housing – design standards for new apartments states that planning authorities should not be using stringent standards to refuse permission for residential development such as height or separation distances. Similar provision is made in the *Sustainable Residential Development in Urban Areas Guidance for Planning Authorities, 2009*. The proposed development is of a high standard and standards should be applied flexibly.
- That the scale of the proposed dwelling is respectful of the local context and the parapet height of 6.1 metres and overall maximum height of 7.7 metres is consistent with other buildings on the laneway and residential development in the local area.

- That the applicants family have since 1949 enjoyed free and unrestricted access to the roadway to the rear of the existing premises at No.5 The Rise. The appeal is accompanied by a solicitors letter which sets out how the above is the case.
- That the legal interest of the laneway is not a planning matter and the observers have not submitted documentary evidence to support their case that they are the legal owners of the laneway and can refuse consent for access.

6.2. **Planning Authority Response**

There is no record on file of a response received from the Planning Authority to the grounds of appeal.

6.3. **Observations**

Two observations on the first party appeal have been received. The main issues raised in these submissions can be summarised as follows:

- That the proposal provides for access across private lands that are not in the ownership or control of the applicant. The application is therefore invalid. Folios submitted to show that the lands in question are in the control of Numar Limited.
- That the level of private amenity space proposed does not meet an adequate standard in terms of either quantity or quality. .
- That the lane and access are substandard and it cannot be deemed to be a mews laneway. The laneway is frequently blocked with parked cars and vehicles.
- That the design of dwelling while good cannot hide the excessive scale and the gross disamenity that would be generated.

- That there is no objection to the principle of development of the site but the scale is excessive and does not respect the proximity to existing residential properties.
- The development would result in a loss of privacy and amenity to No.3, The Rise.

7.0 Assessment

7.1. The following issues are considered to be of relevance to the assessment of the subject appeal:

- Principle of Development and Compatibility with Zoning.
- Design, Scale and Impact on Amenity,
- Access and Parking,
- Other Issues

7.2. Principle of Development and Compatibility with Zoning.

- 7.2.1. The appeal site is located on lands that are zoned Objective Z3 under the provisions of the *Dublin City Development Plan, 2016-2022* with the stated objective ‘to provide for and improve neighbourhood facilities’. Under this land use zoning objective, residential is a permissible use. The development of an infill residential dwelling would therefore be consistent with the zoning objective for the area. It is also noted that there are existing residential uses within this localised area of neighbourhood zoning – Objective Z3.
- 7.2.2. There are number of other development plan provisions that are relevant to the principle of development. **Policy QH8** seeks the sustainable development of underutilised or vacant sites. The proposed development of an infill dwelling in this location would, in my opinion, be consistent with this policy.
- 7.2.3. Section 16.10.8 relates to back land development, and states that applications for such development will be considered on their merits with proposals for more comprehensive rather than piecemeal development preferred. The appeal site is not

a back land site as such in that it has independent access from and frontage onto Woodpark. Section 16.10.10 of the plan relates to infill housing. The appeal site is not a standard infill site in that it is on a secondary laneway and there is not similar development on adjoining sites. The principles for permissible infill development as set out in 16.10.10 of the plan relating to regard to existing character, compliance with room sizes and safe means of access and egress are, however, in my opinion applicable to the subject site and are assessed in more detail in 7.3 below.

- 7.2.4. A central issue regarding the determination of the appeal is whether the site of the proposed dwelling is located on a mews laneway such as the provisions of paragraph 16.10.16 of the Dublin City Development Plan are applicable. The first party appellant contends that the assessment undertaken by the Planning Authority erred in that it was done on the basis of an infill dwelling and utilised the normal plan standards for houses rather than the specific standards for mews dwellings. Against this, the observers to the appeal contend that Woodpark is not a mews laneway on the basis that it is not a public road and that there are existing residential and commercial uses on the lane that create congestion and which would further limit access to the site.
- 7.2.5. I note that a number of precedent cases regarding infill dwellings are cited by the first party in their appeal submission and these are summarised in section 6.1 above. I have not reviewed these cases in detail, however I note that in the case of 4200/15 a rear garden depth of 7.5 metres inclusive of landscaping appears to have been provided. In the case of Dublin City Council Ref. 2845/12 / ABP Ref. PL29S.241055 relating to the building of a two storey one bed cottage to the rear of a protected structure at 31a Prices Lane, Ranelagh. I note the prior sub division of this site from the main site and its prior residential use. While these precedent cases are noted therefore, I consider that all cases must be accepted and assessed on their individual merits against the policies of the development plan and other relevant guidance.

7.3. Design, Scale and Impact on Amenity,

- 7.3.1. The basic design of the proposed dwelling comprises a two bedroom two storey dwelling with a shallow pitched roof and roof lights in the rear (west) facing roof slope to provide light to the interior of the floorplan. The bedroom accommodation is proposed to be at ground floor level with living accommodation at first floor. The design is contemporary and is of an overall good quality. Internal accommodation meets the room and accommodation sizes specified in the *Dublin City Development Plan, 2016-2022* and those contained in the departmental guidance document *Quality Housing for Sustainable Communities*. The design of the proposed dwelling and its elevation to Woodpark comprising a mix of brick and render finish are considered to be acceptable and such that it would have a positive impact on the visual amenity of the local environs of the site.
- 7.3.2. With regard to the proposed dwelling, in my opinion the main issues regarding amenity relate to the private amenity space provision to serve the proposed dwelling, the retained private amenity space with No.5 The Rise and the adequacy of this space to serve the existing uses within this building and issues of potential overlooking and overbearing visual impact between the proposed new dwelling and existing properties on the rise to the west and the commercial buildings to the east on Woodpark.
- 7.3.3. Section 16.10.16 of the plan relates to Mews Development and sets out a series of requirements for the development of mews dwellings on such laneways including height, private amenity space and parking. In the areas of amenity space the standards set out for mews dwellings are slightly different to those for normal residential properties. I note the case made by the first party as to why Woodpark should not be considered to be a mews laneway, however from my observations I do not see a clear basis why it should not be considered to be a mews and why the provisions of paragraph 16.10.16 of the Plan should not be applicable in this instance. Specifically, there are already existing and permitted mews developments to the north to the rear of No.7 The Rise and in the curtilage of No.9 The Rise. It should also be noted that there is no clear definition or designation in the City Development Plan of what comprises a recognised mews laneway. The roadway itself is a shared surface and while it is not public road, I do not see that the applicant does not have a right of access to the rear of the site. I also note that the main

dwellings on The Rise all have an element of residential use. For these reasons I consider it reasonable to conclude that Woodpark in the vicinity of the appeal site is a mews laneway.

7.3.4. Section 16.10.2 of the Plan relates to residential quality standards and states that a minimum of 10 sq. metres of private amenity space per bedspace should be provided with a total private amenity space provision of up to 60-70 sq. metres. In the case of mews developments, this overall level of open space can be reduced if the area of private amenity space has a minimum depth of 7.5 metres. In the case of the proposed development, the depth of the private amenity space area varies between 3.84 metres and 4.91 metres and is, therefore, significantly below the 60-70sq metre indicative level specified in the plan. The overall level of private amenity space to serve the proposed dwelling at c.36 sq. metres meets the development plan standard of 10 sq. metres per bedspace for a mews dwelling and is considered to be acceptable.

7.3.5. With regard to the retained site at No.5 The Rise, the area of private amenity space to the rear of the building line is c.48 sq., metres. This area would have to serve the retained uses in the main building at No.5 comprising the Montessori use, the residential accommodation at the first floor and the separate residential accommodation to the rear at ground floor level. I do not know the layout of the first floor residential unit, however the observer at No.3 states that their first floor unit accommodates a four person family. Allowing for 3 no. bedspaces and 1 no. bedspace in the ground floor residential, the retained area of amenity space would not be sufficient to meet the development plan requirement for the residential accommodation before any account is taken of the Montessori use. It is not clear on what basis the crèche / Montessori use was permitted and what open space provision was dedicated to this permitted use and this is information that the applicant should have provided as part of the application and / or appeal. I note that the appellants contend that section 16.10.16(k) of the plan which requires that the retained unit in a mews development needs to meet the open space requirements for multiple residential units as the residential element at No.7 is a single unit. This is not what was observed at the time of inspection however and, in any event, regard must be had to the provision of amenity space to serve the Apples crèche / Montessori use at No.5.

- 7.3.6. It is therefore my opinion that the level of private amenity space proposed as part of the development is inadequate to meet development plan standards and to ensure an adequate level of amenity to serve both the existing and proposed new occupants of the site at No.5 The Rise. I therefore consider that permission should be refused on the basis of non compliance with the provisions of paragraphs 16.10.2 and 16.10.16 and Policy QH21 of the development plan.
- 7.3.7. With regard to the relationship of the proposed dwelling to existing adjacent properties, I note the concerns expressed by the occupants of No.3 The Rise regarding the proximity of the proposed dwelling to their residential accommodation. Paragraph 16.10.2 of the Plan requires that there would generally be a minimum of 22 metres separation distance between opposing first floor windows, however this can be reduced in situations where overlooking can be designed out.. As noted by the first party, flexibility in standards is encouraged in the departmental guidance. In the case of the proposed development, there are no windows to habitable rooms in the first floor rear elevation, and the windows that there are to the bathroom and kitchen are either at a high level or proposed to be fitted with obscure glazing. In the event that the Board is considering a grant of permission, it is recommended that the window to the stairs would need to be fitted with obscure glazing. In view of these design elements, no issues of overlooking of the existing properties at Nos.1-9 The Rise are considered likely to arise.
- 7.3.8. The resident of No.3 The Rise has also raised concerns regarding visual intrusion and overbearing. The separation distance between the rear elevation of the proposed dwelling and the main part of the rear elevation of Nos.3 and 5 The Rise is approximately 15 metres. The proposed development would therefore in my opinion have some potential adverse effect on the residential amenity of the existing first floor accommodation at Nos. 3 and 5 The Rise by virtue of overbearing visual impact and visual obstruction. Of potentially more significance in terms of residential amenity however, is the limited separation between the east facing first floor of the proposed dwelling containing the main living accommodation and the two storey commercial units on the opposite side of Woodpark. The separation between directly opposing windows in this location is c.6 metres and such that issues of overlooking and lack of privacy for the future occupants of the proposed dwelling on the appeal site would, in my opinion, be likely to arise.

7.4. Access and Parking,

- 7.4.1. Parking to serve the dwelling is proposed to be provided off street and the single parking space proposed is considered to be acceptable in principle. The main issue relating to parking and access relates to the fact that the laneway is in private ownership and it is contended by observers to the appeal that the first party does not have a right of vehicular access to the rear of the site at No.5 via Woodpark. This is refuted by the first party who have provided an opinion of a solicitor stating that the first party have had a long standing access to the laneway to the rear of the site for both vehicular and pedestrian access and deliveries.
- 7.4.2. With regard to access via Woodpark, the lane is clearly private based on the submission of the Planning Authority (Roads and Traffic Planning Report) and the lack of road markings. Contrary to the objection submitted, no evidence in the form of a folio and associated map(s) are on file that demonstrate ownership by Numar Developments. I also note that permission has previously been granted by the Planning Authority and the Board (Ref. 3428/08 / ABP Ref. PL29S.232485) for access to a mews site to the rear of No.9 The Rise via Woodpark although this site (No.9 currently has a vehicular access to a garage at the northern end of Woodpark which is not the case with the appeal site. On the basis of the information presented therefore, and having regard to the provisions of the Development Management Guidelines for Planning Authorities relating to ownership and the validation of applications, I do not consider that there is a clear basis to indicate that the first party does not have a right of vehicular access to the appeal site or that the application should be deemed invalid on the basis of insufficient legal interest.
- 7.4.3. With regard to access to the proposed off street parking space, I note the fact that the uses on the eastern side of Woodpark to the rear of the site are commercial in nature and such as would generate traffic during working hours. I also note the evidence in the form of photographs on file relating to the parking of vehicles in the lane and vehicular congestion. Given the private ownership of the lane, control on parking opposite the proposed entrance to the appeal site is not possible to enforce and access would therefore, in my opinion, need to take account of vehicles being parked opposite the entrance. The information submitted by the first party has not demonstrated clearly how access could be achieved and I note that the Traffic Department of the council recommended that this be submitted in the form of

autotrack or similar. In the absence of such information, refusal of permission on the basis of a creation of a traffic hazard and obstruction of existing road users is recommended.

7.5. **Other Issues**

7.6. I note that the Drainage Division of the council does not have any objections to the proposed development. No comment from Irish Water is on file. It should be noted that the submissions of the observers indicate that service connections are not available in the immediate vicinity of the site on Woodpark and that there is an objection to works being undertaken in the lane to extend services to the site.

7.7. In the event of a grant of permission a condition requiring a financial contribution under s.48 of the Act would be appropriate. Given the scale of development proposed, Part V of the Act is not applicable.

Appropriate Assessment

7.8. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no **appropriate assessment** issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

EIA

7.9. Having regard to the limited scale of the proposed development, its separation from any European sites and the proposed connection of the development to the public water supply and waste water systems, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 **Recommendation**

8.1. In view of the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the limited depth of the private amenity space to serve the proposed dwelling, to the nature and extent of the existing uses to be retained at No.5 The Rise comprising residential accommodation and a crèche / Montessori use and the limited area of private amenity space retained to serve these uses, and to the limited separation between the proposed dwelling and the existing properties on the eastern side of Woodpark opposite the appeal site, it is considered that the proposed development would lead to issues of overlooking and overbearing visual impact and an overall substandard level of residential amenity for future occupants of the development and particularly occupants and users of the retained property at No.5, The Rise. The proposed development would therefore seriously injure the amenities and depreciate the value of existing properties in the vicinity of the site and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the relatively narrow width of the existing laneway (Woodpark) onto which access is proposed, to the existing commercial uses along this lane and to the private ownership of the laneway and lack of parking restrictions opposite the proposed entrance, the Board is not satisfied that the applicant has adequately demonstrated that vehicular access to and egress from the site could be achieved at all times. The proposed development would therefore potentially lead to conflicts with existing commercial traffic thereby leading to the creation of a traffic hazard and obstruction of road users and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

17th November, 2018

