



An
Bord
Pleanála

Inspector's Report ABP-302265-18

Development	Construction of 1 no. three storey detached dwelling including attic room and all associated works
Location	29 Foxfield Park, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3008/18
Applicant(s)	John Lea
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	John Lea
Observer(s)	None
Date of Site Inspection	24 th October 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Foxfield Park, at the corner with Foxfield Lawn, approx. 9km northeast of Dublin City Centre and approx. 640m north of the coast road.
- 1.2. Foxfield Park and Lawn comprises of a typical suburban residential estate dating from the late 1960s/early 1970s comprising of two-storey semi-detached hipped roof dwellings with single-storey garages to the side. There are a number of single detached dwellings located throughout the estate involving developments on corner sites.
- 1.3. The site comprises the side garden of a two-storey, semi-detached dwelling with a hipped roof, which faces onto Foxfield Park. There is a separate small garage located within the rear garden adjacent to the northern boundary of the site with direct access onto Foxfield Lawn. The site is approx. 9m wide by 36m deep.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a two storey, three-bed, detached dwelling including attic room, facing south onto Foxfield Park.
 - The proposed dwelling will incorporate the same building line as the existing dwelling to the east on Foxfield Park and has the same ridge height.
 - The proposed dwelling is 7.3m wide by 11m deep, with an overall height of 8.2m.
 - Access and parking is from Foxfield Park.

The site has a stated area of 590 sqm and the proposed dwelling has a stated floor area of 198sqm.

3.0 Planning Authority Decision

3.1. Decision

REFUSED for the following reason:

Having regard to the Residential Quality Standards set out in Section 16.10.9 'Corner/Side Garden Sites' of the Dublin City Development Plan, it is considered that the proposed development set within the corner/side/rear garden of an existing dwelling house would substantially break the building line of Foxfield Lawn and would result in an incongruous insertion into a formally designed and laid out streetscape scene. The proposed development would, therefore, be contrary to the said provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The following is noted from the planners report:

- While the ABP Inspector (in the assessment of a previous application related to this site for two dwellings) did consider allowing one dwelling on the subject site, it is still however considered that the development substantially breaks the established building line along Foxfield Lawn to the north contrary to the requirements of the Development Plan.
- Permitting the proposal would then have the effect of providing a new building line for a second dwelling to be re-established also.
- It is also noted that the applicant's proposed new entrances could threaten the viability of adjacent on-street trees - with no compensatory scheme proposed. The applicant should liaise with Parks.
- The dwelling will meet and exceed the accommodation requirements set out on the DoECLG's 2007 guidance Quality Housing for Sustainable Communities.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

PL29N.248632 – Permission REFUSED for two dwellings on the site for a single reason relating to overdevelopment of the site, substandard private open space, particularly in respect of dwelling number 2 to the rear of the site.

PL29N.231543 – Outline Permission REFUSED by An Bord Pleanála for modifications and alterations to a previously approved two-storey dwelling (under Reg. Ref. 2276/06) to include a two-storey mews dwelling to the rear. Planning permission was refused for a single reason that the proposed additional mews dwelling is substandard in terms of private open space provision, would be visually obtrusive and would be incongruous in the streetscape.

Reg. Ref. 2276/06 – Permission GRANTED for a two-storey dwelling to the side of No. 29 Foxfield Park.

Reg. Ref.1407/01 – Permission REFUSED for a two-storey house to the side of the existing dwelling for reasons relating to infringing on the side building line, having inadequate separation distance between the existing and proposed dwelling and the underprovision of usable private open space.

Reg. Ref. 3913/00 – Permission REFUSED for a dwelling house for reasons relating to infringing on the building line and having inadequate separation distances between the existing and proposed dwelling.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- **Zoning objective Z1:** ‘to protect, provide and improve residential amenities.’
- **Chapter 5:** Quality Housing.
- **Section 16.10.2:** Residential Quality Standards, Houses.
- **Section 16.10.9:** Corner/Side Garden Sites
- **Parking: Area 2** applies to the appeal site. 1 car parking space is required.
- **Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites, which respect the design of the surrounding development and the character of the area...

5.2. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (0040240) to the south of the subject site. The North Bull Island SPA and North Dublin Bay SAC are to the southeast of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has submitted an appeal, the grounds of which is summarised as follows:

- The NPF supports consolidating growth to create a more compact urban form.
- ABP set out in the inspector’s report of the previous refusal for two dwellings on this site that the principle of one dwelling on this site, as now proposed, was acceptable.
- The subject site is a large suburban side garden of an existing dwelling and the proposed development represents an effective and efficient use of land.

- The proposed dwelling complies with development plan policy in relation to core strategy, zoning objective, and minimum standards for houses. The proposal will not result in overlooking and the design is overall in keeping with the character and appearance of other dwellings in the area.
- The proposal is in accordance with the guidance in the development plan relating to corner/side garden sites, as set out in section 16.10.9. The proposed development is the most efficient use of this large side garden site.
- While the proposal impacts on the building line on Foxfield Lawn, this is a secondary road and the impact is not to such a degree that it can be considered out of context when it is considered the proposal is generally in keeping in terms of typology, design and appearance.
- There is precedent in the area at 18 Foxfield Lawn, 13 Foxfield Park, 166A Foxfield Grove, and 9 Foxfield Green.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

Zoning

- 7.1. The subject site is located within zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities'*. The provision of residential development is considered acceptable in principle within the zoning objective for the area.

- 7.2. I note that the principle of an infill dwelling on this site has been established in the past, with permission granted under reg. ref. 2276/06 for a detached dwelling on this site, located in the same position.
- 7.3. The primary issue for assessment relates to design & impact on visual amenity.

Design & Impact on Visual Amenity

- 7.4. The applicant contends the proposed dwelling is in line with the primary building line along Foxfield Park and the manner in which the building line on the secondary street of Foxfield Lawn is broken is not significant. The proposal is considered to be in keeping with the existing dwellings in the area in terms of its scale and design and there is precedent of similar infill dwellings in the immediate area.
- 7.5. The proposed dwelling is positioned in the side garden of an existing semi-detached dwelling, at the corner of Foxfield Park and Foxfield Lawn. The existing semi-detached dwelling has its side elevation to Foxfield Lawn and the proposed dwelling is designed also to have its side elevation to Foxfield Lawn with its front elevation to Foxfield Park, following the established building line along Foxfield Park. The proposed dwelling is set 1.1-1.2m off the side boundary with Foxfield Lawn and is a distance of 20m from the dwelling to the rear on Foxfield Lawn. I consider the proposed dwelling, in terms of its positioning on site, overall scale, and design will sit comfortably within the existing streetscape of Foxfield Park and will not result in an incongruous insertion into the streetscape when viewed from Foxfield Lawn. I furthermore note an existing dwelling was previously permitted on this site, similar to what is currently proposed, and there are a number of examples of similar infill dwellings in the immediate area.
- 7.6. Overall, the proposed development of a dwelling on this large side garden site is acceptable in terms of its design, scale and location on site and furthermore will not result in overlooking, overshadowing or be overbearing on the surrounding dwellings/streetscape. Permission is recommended.

Appropriate Assessment

- 7.7. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, 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.

Environmental Impact Assessment

Having regard to the minor nature and scale of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, 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. It is recommended that permission be granted.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development of a detached dwelling on this side garden site would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

3. 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.

4. 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 residential amenities of property in the vicinity.

5. 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.

Una O'Neill
Senior Planning Inspector

31st October 2018