



An
Bord
Pleanála

Inspector's Report ABP-302346-18

Development	New 2/3 storey house to side/rear of existing house, alterations to existing semi-detached house, new vehicular access to front
Location	98 Kilmore Road, Artane, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3138/18
Applicant(s)	Geraldine Heavey
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant(s)	Geraldine Heavey
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 in the suburb of Artane, approx. 6.5km northeast of Dublin City Centre. The subject site is located on the eastern side of Kilmore Road, which is a busy north-south route, connecting from Oscar Traynor Road/R104 in the north to Kilmore Road/Skellys Lane and Artane Castle Shopping Centre 380m to the south.
- 1.2. The subject site comprises a two-storey, hipped roof, semi-detached dwelling with attached single storey garage. The site is triangular in shape given the sites position between the junctions with Hazelwood Drive to the north and Ardlea Road to the south, with the neighbouring semi-detached pairs to the north and south turning these corners, resulting in triangular shaped back gardens for the three semi-detached pairs of dwellings along this section of the street.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of attached garage and shed to side of existing dwelling and removal of existing trees and hedging along the northern boundary.
 - Construction of a three storey, flat roof dwelling in the side garden of the existing dwelling. The dwelling comprises three bedrooms on the first floor and the second floor is described as an attic level, with stair access and full windows to front and rear. The dwelling is triangular in shape, measuring 6.5m wide at the front and 2.7m wide to the rear, with a depth of 14m. The second floor level extends to the width of the floors below and is recessed from the front and rear building lines, set back 2.8m from the front building line and approx. 2m from the rear two storey building line, with a depth of 6m.
 - The floor area of the proposed dwelling is 110.7sqm.
 - The rear garden area is to be subdivided, with the proposed dwelling having an area of 54.5sqm and the existing area retaining an area of 59.2sqm. The subdivision of the garden is irregular given the triangular shape of the site. The proposed dwelling is served by an L-shaped garden with a

2.5m wide passageway connecting from the rear of the dwelling to a larger area of garden located north of and to the rear of the retained garden serving the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission was REFUSED for the following reason:

The proposed development is overlarge with excessive height and depth, visually incongruous and has an unsatisfactory layout of private open space. The proposed dwelling would have an undue impact on the residential amenities of No. 100 Kilmore Road due to proximity, overbearing and overshadowing and would cause serious injury to the residential amenities of the area and would be considered, due to the poor quality of private open space, visual impact and crowding of its boundaries, to be overdevelopment of a restricted site. The proposed development would not be consistent with the policies and objectives of the current Dublin City Development Plan, in particular Sections 16.10.9 & 16.10.10, and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer's report reflects the decision of the planning authority.

3.2.2. Other Technical Reports

Roads and Traffic Division: No objection subject to conditions.

Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Four submissions were received, the basis of which are summarised within the observations to this appeal hereunder.

4.0 Planning History

None.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009)
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007)
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013)

5.2. 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. This section adopts the standards for living spaces in houses as set out in section 5.3 of the DEHLG document Quality Housing for Sustainable Communities, which sets a target floor area of 102sqm for a 3 bed/5 person house (3 storey); 110sqm for a 3 bed/6 person house (3 storey); and 120sqm for a 4 bed/7 person house (3 storey).
- **Section 16.10.9:** Corner/Side Garden Sites. This section refers to several criteria for such houses, including character of the street, compatibility of

design and scale, building lines, impact on residential amenities and open space standards.

- **Section 16.10.10:** Infill Housing.

The following policies are relevant:

- **Policy QH1:** To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)....
- **Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- **Policy QH21:** 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.
- **Policy QH 22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

5.3. Natural Heritage Designations

The site is not located adjacent to or within a Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision from Dublin City Council to refuse permission and the grounds of appeal is summarised as follows:

- The boundary with 100 Kilmore Road comprises very large deciduous and evergreen trees which overhangs and overshadows the neighbouring property. The removal of the trees, construction of the modest house and

replanting with more appropriate trees and shrubs will therefore result in a vast improvement for the neighbouring dwelling (no. 100).

- There is precedent in the area for 3 storey infill housing, including at 121-127 Malahide Road (reg ref 3615/16).
- The proposed design is in keeping with the existing housing in the area as it is no larger than the existing houses in terms of eaves height and roof ridge heights.
- It would be possible to condition out or alter the third storey so as to allow the grant of permission and this would be acceptable to the client.
- The proposal meets development plan standards in terms of private open space and should be immediately acceptable to the local authority. A condition to adjust the layout of the gardens would be possible.
- The neighbours at no. 100 could construct a similar dwelling in this garden and the applicant would have no objection.
- The proposal is not visually incongruous or excessive in height and is a welcome contrast to the existing traditional 1950s spec housing.
- The private open space is considered to be of good quality.
- The applicant is satisfied that the development as it stands, 2/3 storey, is appropriate to this site, however should ABP feel the need for any measure of compromise, it is suggested that, as recommended in the DCC planner's report, a two storey flat roofed two bedroom dwelling with reconfigured rear garden would be possible.
- The proposal is considered consistent with the development plan.

6.2. Planning Authority Response

None.

6.3. Observations

Four observations have been received from the residents of 96 and 100 Kilmore Road, and 2 Hazelwood Drive, dwellings to either side of the subject site. The grounds of the observations are summarised as follows:

- The existing and proposed house is for rental accommodation and will increase the numbers utilising the site with resultant impacts on parking, given only one parking space is proposed, potentially forcing parking onto adjoining footpaths. General noise levels with increased number of residents will also arise.
- There have been problems with the existing sewerage system and this will add further pressure to the system.
- The proposed house is not in keeping aesthetically with the other dwellings in the area.
- Procedural concerns raised in relation to dimensions on drawings relating to neighbouring property 100 Kilmore Road to the north, lack of a contiguous elevation showing 100, and no internal layouts shown for the existing dwelling.
- Bulk and massing of the proposed dwelling is excessive by virtue of its design and location abutting the northern boundary wall. The proposal will be overbearing and is considered overdevelopment of the site.
- The size and massing of the proposal will give rise to overshadowing and a reduction in natural daylight, negatively impacting the kitchen and dining area.
- The proposed three storey dwelling is out of character with the area and shows little regard for the amenities of adjacent properties, and impact on property values.
- Given the tapered shape of the private open space to these dwellings, it cannot be effectively subdivided, as demonstrated by the layout of the private open space for the proposed dwelling, which proposes a narrow access way to the rear open space.

- The proposed dwelling breaks the front and rear building lines. These should be maintained.
- The rear elevation and windows proposed will result in overlooking of rear private open space to no. 100 and a bathroom window is also proposed in the side elevation, 200mm from the boundary.
- A full daylighting analysis has not been undertaken. Given the scale and proximity to the boundary, there will be significant overshadowing and loss of daylight to no. 100.
- An extension to the side of the dwelling is more appropriate for this site.
- The construction of the dwelling would undermine the boundary wall and entrance onto the property of no. 100 would be required to build the proposal.
- The attic area indicated on the plans has a full stairway access with potential for habitable space.
- The proposal will result in removal of significant planting which will impact on existing levels of privacy.
- The new vehicular entrance will pose a serious traffic hazard.
- Proposal will block light to 2 Hazelwood Drive and will result in overlooking.

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 consider the relevant issues in determining the current appeal before the Board are as follows:
- Design & Impact on Visual Amenity
 - Residential Amenity

- Traffic and Car Parking
- Appropriate Assessment

Design & Impact on Visual Amenity

- 7.3. The applicant considers the proposed development is in keeping with the design of other dwellings in the area in terms of eaves height and roof ridge heights. Dublin City Council suggested a two storey flat roof dwelling with reconfigured garden could be accommodated on the site and the applicant indicates they are willing to accept a condition in this regard, should the Board require such a change.
- 7.4. The observers to the appeal raise concerns in relation to the bulk, mass and design of the dwelling which is not in keeping with the character of the area.
- 7.5. I note section 16.10.9 indicates in relation to corner/side garden sites certain criteria to be considered, including compatibility of design and scale with adjoining dwellings, maintenance of building lines, residential amenity and open space. It further states some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house.
- 7.6. The design is for a contemporary three storey flat roof building. The ridgeline sits below the existing hipped roof dwelling on the site by 500mm. The eaves height of the first floor is higher than that of the adjoining dwellings with the window opens significantly larger in scale, orientated horizontally at ground floor and vertically at first floor and second floor level. The proposed dwelling steps forward of the building line as established by the existing semi-detached pair of no. 98 and no. 96 by approx. 1m and steps 1m beyond the rear building line of 98.
- 7.7. The proposal is three storeys in a streetscape dominated by two storey hipped roof dwellings. The flat roof approach and introduction of a third floor, which is stated to be an attic area, results, in my view, in an incongruous design within this streetscape with a lack of coherency in the scale and alignment of windows. The site is highly visible given its location and overall I consider the design and form would result in an incongruous and overbearing addition to the streetscape and would be overbearing on neighbouring properties. The applicant has failed to submit an amended design

for consideration, as suggested in their appeal statement, and overall I am not satisfied that a condition to omit the third floor, would successfully address the issue of scale, design, and other issues raised hereunder.

Residential Amenity

- 7.8. The applicant contends that there is existing overshadowing caused by planting on the neighbouring site and the proposed development will not impact significantly on the dwelling to the north.
- 7.9. The observers to the appeal have raised concerns in relation to scale of the proposed dwelling and its position abutting the northern boundary with resultant impacts in terms of overshadowing, overlooking and loss of privacy.
- 7.10. The proposed dwelling is located up to and along the shared boundary with no. 100, which is north of the proposed dwelling. Notwithstanding the overshadowing impact that exists from the trees along the boundary, the resultant overshadowing by the solid form of the proposed building, which has a three storey gable, 14m deep, along the boundary with no. 100, would in my view be significant and would be greater in affect than that compared to what exists at present from 0trees. Given the proximity and depth of the dwelling along the boundary with no. 100, in addition to the orientation of the site south of the side garden of no. 100, the proposed three storey dwelling would be overbearing on no. 100.
- 7.11. Given the proposed dwelling is located with its single storey rear gable forming part of the boundary to the private garden of the existing dwelling no.98 and also given the scale of the windows proposed on the first and second floor levels, I consider the proposal would also be overbearing on the existing dwelling on site and its private amenity space.
- 7.12. I am satisfied that given the distances involved between the proposed dwelling and 2 Hazelwood Drive, that the amenity of these dwellings would not be significantly impacted by the proposed dwelling.
- 7.13. The Dublin City Development Plan 2016-2022 states that a minimum standard of 10sqm of private open space per bedspace will normally be applied. While the applicant has indicated that the proposed dwelling will have a rear garden of 54.5sqm for the indicated 5 bedspaces and the rear garden for the existing dwelling will have 59sqm, I consider the proposed open space is substandard for a new

dwelling, given the angular L shaped nature of the amenity space and the location of the main usable section of that space remote from the immediate rear section of the dwelling. I am not satisfied that the open space can be realigned satisfactorily by condition as suggested by the applicant. The number of beds in the existing dwelling, which I noted during site inspection was in rental accommodation, is not shown on the drawings submitted and therefore I cannot confirm that the remaining private open space is satisfactory.

- 7.14. With regard to minimum standards for a 3 bed/5 person, as set out in the document 'Quality Housing for Sustainable Communities' by the DoEHLG, it would appear the applicant does not meet all the guidelines. The floor plans state the single bedroom is 6.37sqm (min 7.1sqm is required) and the double bedroom is 10.6 sqm (11.4sqm is required). The proposal therefore falls short in terms of the minimum bedroom requirements and is therefore contrary to policy QH1 of the development plan. I furthermore note the cross section submitted indicates the floor to ceiling height of the first floor is 2.33m, which is below the standard floor to ceiling height of 2.4m. I note the floor to ceiling height at attic level is 2.1m and I am not satisfied that the design is such that it will be used as attic storage space, with stairs incorporated and full windows proposed to the front and rear elevations.
- 7.15. Overall, given the design, scale, and form of the dwelling and the disposition of the proposed private open space, the proposed development would represent overdevelopment of a restricted site due to the limitations presented by the angular nature of the site, and the proposal would set an undesirable precedent for other side garden sites along Kilmore Road. The current proposal would result, in my view, in the creation of a poor quality independent dwelling.

Parking

- 7.16. One parking space is proposed to serve the proposed dwelling. I note there are individual off street parking arrangements for the dwellings on either side and I do not consider the addition of this driveway will result in an additional traffic hazard. I note the Transport Division of Dublin City Council has no objection to the proposed additional entrance.

7.17. Given the sites location with access to high frequency public transport services and having considered development plan policy, I consider the provision of one parking space is sufficient.

Other Matters

7.18. I note an observer to the appeal has indicated concerns in relation to procedural issues including the content of the drawings submitted. I am satisfied that the content of the drawings submitted are sufficient to allow third parties to understand the nature of the proposed development in accordance with article 22 of the Planning and Development Regulations 2001 (as amended).

7.19. I note the precedent for a three storey building referenced by the applicant, reg ref 3615/16, relates to a larger site on the Malahide Road and a proposal for a mixed use scheme. I consider the context and site specific conditions of that site are not comparable to the appeal site.

Appropriate Assessment

7.20. 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

7.21. 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 refused for the proposed dwelling.

9.0 Reasons and Considerations

Having regard to the restricted nature and prominent location of this site, it is considered that the proposed dwelling, by reason of its scale, form and design would constitute overdevelopment of a limited site area, would be visually obtrusive on the streetscape of Kilmore Road, would be overbearing on neighbouring properties particularly 100 Kilmore Road, would result in substandard internal floor areas and inadequate quality private amenity space for future residents. The proposed development would, therefore, seriously injure the amenities of the area and property in the vicinity, would be contrary to the provisions of the current Development Plan for the area, including policy QH1 and zoning objective Z1 and would therefore be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

14th November 2018