



An
Bord
Pleanála

Inspector's Report ABP 302468-18

Development	Demolition of shed to the side of house and construction of a two-storey house in the side garden, vehicular access and all associated site works.
Location	102 Glasnamana Place, Tolka Estate. Glasnevin. Dublin 11.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB 1112/18.
Applicant(s)	Veronica & Seamus Deasy
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	First & Third Party
Appellant(s)	Veronica & Seamus Deasy Emma & Joseph Sullivan.
Observer(s)	None
Date of Site Inspection	November 20 th 2018.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at Glasnamana Place, Tolka Estate, Glasnevin, Dublin 11. It forms part of the curtilage of No 102 Glasnamana Road, an end of terrace two-storey house located at the junction of Glasnamana Road and Glasnamana Place. The site is rectangular in shape and forms part of the garden associated with No 102. Its roadside boundary along Glasnamana Place is formed by a concrete wall and its rear and northern site boundaries are formed by hedgerows. There is an overgrown right of way running along the northern site boundary, separating it from the adjoining property at No 3 Glasnamana Place. There is a bus stop located beside the site.
- 1.2. The area is residential in character comprising detached/semi-detached houses on Glasnamana Place with some infill development. There is more uniform terraced housing on surrounding roads.

2.0 Proposed Development

- 2.1. The proposal is to demolish an existing shed at the rear of No 102 Glasnamana Place and to construct a dwelling house in the side garden. The house would be two-storey to the front (ridge height of 8m) with a single-storey flat roofed section to the rear. The ground floor would accommodate the main living areas of the house and 3 no. bedrooms would be provided on the first floor. The house would have a floor area of 123m² and would be built up tight to the northern site boundary. The single storey section of the house would be contiguous with the rear boundary. The front building line would be set back from the public road by a distance of 3.5m.
- 2.2. The house would have a render finish and a slate roof covering. The area around the front door would be finished in brick. The existing vehicular access would be closed up and a new vehicular access provided. Parking space for 2 no. cars would be provided on the site. A 1.8 m high wall would be provided along the southern boundary of the appeal site, separating it from the existing house.

3.0 Further Information

3.1. Further information on the application was sought on 4/5/18 on matters relating to the following;

- overlooking of rear gardens to the east from the proposed first floor window.
- shadow diagrams to assess the potential for overshadowing of the existing house and properties to the east arising from the proposed development.
- proposals to address shortfall in dedicated storage space associated with the proposed house.

The response of 11/7/18 included the following:

- Drawing No 1746-FI-01 showing proposals to angle the window in bedroom No 3 to eliminate overlooking.
- Shadow Analysis Report.
- Details of dedicated storage space.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 11 no. conditions, which contains the following conditions of note;

Condition No 3 – Requires that the first-floor layout, and if necessary the ground floor internally, be altered to allow bedroom No.3 to be re-orientated to face Glasnamana Place.

Condition No 6 – Requires that the external finish harmonise with the existing house, 102 Glasnamana Road in respect of materials and colours.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The **Planning Officer's** report of 9/8/18 states that the principle of the development is acceptable having regard to the zoning objective of the site. The proposed house

projects forward from the established building line, but given the location and orientation of No.101a on the opposite side of the street, the spacing and orientation of the houses and the proximity to the corner, there would be no deleterious effects on the visual or residential amenities of the area.

The form, scale and roof profile is clearly derived from the character of the neighbouring houses on Glasnamana Road and complies with Policy QH22 of the development plan. Whilst the materials do not accord with those of neighbouring property, this can be addressed by condition.

Shadow diagrams have been provided which indicates that the garden of No 103 will not be overshadowed between 10.00 -16.00 on March 21st and between 10.00 and 18.00 on June 21st at two hourly intervals on both dates. The garden of No 103 is not shaded by the proposed house during these times due to its position due east of the site. Although diagrams have not been submitted for later hours it can be inferred that the proposed development would cast a shadow over the garden of 103 Glasnamana Road during the evenings, particularly in summer. However, given the long hours of daytime sunlight it would continue to enjoy, it is considered that any additional overshadowing will not impact on residential amenity to an unacceptable extent. Regarding the amenity of the proposed garden it has been demonstrated in the further information submitted that the garden of the existing house will receive an acceptable level of sunlight.

The revised drawings show an angled window to the first floor bedroom to the east, which faces north. It overlooks the rear garden of No 3 Glasnamana Place albeit at a greater distance, c 11 metres and at a more oblique angle. Whilst this addresses the original concerns regarding privacy to the houses to the east, there are concerns regarding the privacy of the garden to the north, and more significantly regarding the poor quality of the proposed bedroom, which would be lit obliquely by northern light only. This bedroom should be omitted in the event of a grant of permission.

4.2.2. Other Technical Reports

The **Drainage Division** report of 16/4/18 raised no objection to the development subject to standard conditions.

4.3. **Prescribed Bodies**

None received.

4.4. **Third Party Observations**

5.0 A submission was received by the planning authority from the owners of No 104 Glasnamana Road who raised similar issues to those raised in the appeal.

6.0 **Planning History**

3811/15 – Planning permission refused for a dormer style two-storey house on the site on the grounds that the original house would be left without usable private or semi-private amenity space resulting in sub-standard residential amenity, and that the proposed development would result in overshadowing with impacts on the residential amenities of adjoining property. The decision was upheld by the Board (PL29N.245948).

7.0 **Policy Context**

7.1. **Development Plan**

The operative development plan is the **Dublin City Council Development Plan 2016-2022**. The site is located in area zoned Z1 with the following objective;

‘To protect, provide and improve residential amenities’.

Section 16.10.9 of the plan sets out the requirements with regard to the development of houses in side gardens to ensure that the amenity of the residents of the new house and the existing residential area is protected.

Policy QH8 -To promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals with respect to the design of the surrounding development and the character of the area.

Policy QH 21 – 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.

7.2. **Natural Heritage Designations**

None.

8.0 **The Appeal**

8.1. **Third Party Grounds of Appeal**

The grounds of appeal are as follows;

- Owns 103 Glasnamana Road.
- The changes made to the plans submitted as additional information constitute a new scope of works as the changes affect other neighbours who up to this point have been unaffected by the application. The affected people should have the right to make observations. A new application should be submitted.
- The boundary wall locations are not shown in the shadow analysis and accordingly does not illustrate the number of dwellings affected by the proposed development. There is therefore insufficient information.
- The proposed development would seriously injure the residential amenities of the existing houses in the area by way of overshadowing and visual intrusion and would be out of character with the established pattern of development.
- The front door access is on the side elevation of the building, which is out of character with the established building style of the street. Proposed smooth plaster finish is not in accordance with the dash finish of existing houses.
- The existing bungalow in the garden of 101 Glasnamana Place has a low pitched roof, does not overshadow the street and is more suitable to a site of this scale and restricted width. Any proposal on this site should be single-storey.

- Proposal does not accord with established building line and the elevational proportions, windows and door are out of character with the street. The scale of the house would result in a development that would be prominent and visually incongruous in the streetscape.
- Rear elevation windows at first floor level and on the side (south) overlook the back gardens of Glasnamana Road and Glasnamana Place, with impacts on residential amenity and privacy.
- The cumulative loss of the garden space to car parking and housing development in the vicinity is also of concern as the development plan seeks to preserve green spaces, gardens and trees in the neighbourhood.
- Additional traffic would increase the risk of potential accidents/traffic hazard.

8.2. First Party Grounds of Appeal

- The appeal is against Condition No 3. The condition is unwarranted and should be removed. The planning authority appear to be unduly concerned in relation to overlooking from a bedroom window which is a regular occurrence in suburban residential development.
- To move bedroom No. 3 to the front of the property would require the rearrangement of the stairs between and ground and first floor level. To relocate the stairs to the rear of the property would have a disproportionate impact on the internal layout of the dwelling. In the context of the overall layout of the dwelling at ground floor level the only realistic solution would be to locate the stairs where bedroom No. 3 is currently proposed. This would have a significant effect on the access to the two patio doors to the rear and would unnecessarily interrupt the flow of the building from front to rear. A revised application would possibly be required to comply with Condition No. 3 as the revised layout could not realistically be accommodated within the permitted footprint of the building.
- The main concern is in relation to overlooking from the bedroom and this is recognised as a normal circumstance in suburban housing. This window will

overlook the patio associated with the subject site and will be screened from the garden of No.103 by appropriate planting.

- The window faces the rear gardens and not the rear of dwellings. The separation distance between the subject proposal and the adjoining property to the rear at No.103 is in excess of 26m. If some mitigation is required, it is suggested that the angled window submitted in response to further information is a viable alternative.
- Concludes that the scheme is fit for purpose and that the modifications are not required.

8.3. **Planning Authority Response**

No response to the grounds of appeal were submitted by the planning authority.

9.0 **Assessment**

9.1. The main issues that arise for determination by the Board in this appeal relate to the following;

- Principle of the development.
- Impact on streetscape.
- Impact on residential amenity of adjoining property.
- Condition No 3.

9.2. **Principle of the development**

I accept that the proposal, which involves the construction of a house on the subject site accords with the zoning objective for the area, is acceptable in principle. The development of a dwelling in the side garden of an existing house/ infill housing is recognised in the plan as a means of making the most efficient use of serviced residential zoned lands and urban infrastructure. Such development is encouraged on suitable sites, subject to compliance with development plan standards, compatibility with the character and visual amenities of the streetscape and the protection of adjoining residential amenities, which is discussed in more detail below

Impacts on the streetscape

Issues have been raised regarding the suitability of the house design and its compatibility with existing development. It is a requirement of the development plan that the provision of a dwelling on a corner/side garden site, or in an infill situation respects the character of the street.

The area is characterised by suburban housing and while the semi-detached houses to the north display similar design characteristics, this level of uniformity is lost on the southern side of Glasnamana Place where infill development has taken place. The bungalow developed to the rear of No.101 breaks the building line and its design and that of the adjoining development at No. 6 is at variance with earlier forms of development. Minor interventions have also been made to the original houses and there is a variety of external finishes.

The original proposal was for a dormer style dwelling with a gable projection to ridge height in the front elevation with 2 no. dormer windows. The design was modified at appeal stage and the gable projection and dormer windows were removed. I note that while the planning authority considered that the house would be visually prominent and obtrusive in the streetscape, this was not repeated by the Board in its reason for refusal.

The proposed house will be set forward from the building line established by the houses on both sides. Whilst there are elements of the design that reflect the character of the area including the simple form, roof profile, scale of the house etc, it departs from the traditional providing a more contemporary response. Having regard to the overall pattern of development in the area, I consider that the design is acceptable and the development can be accommodated on the site without significant adverse impacts on the streetscape or the visual amenities of the area.

I have concerns regarding the lack of symmetry between the windows at ground and first floor level. I draw the attention of the Board to Dwg No 1746-PL-3 (Architectural Impression) which shows the windows in alignment, which is not reflected in the floor plans/elevational drawings. The re-arrangement of the alignment of the window opens would significantly improve the elevational treatment of the house as it addresses the public realm. Should the Board be minded to grant permission for the development, I recommend that this be addressed by condition.

Impacts on residential amenities

In terms of potential impacts on residential amenities of adjoining property, the main issues raised relate to overshadowing and overlooking.

There are no windows in any elevation at ground floor level that would create the potential for overlooking of adjoining property. A 1.8m high wall is proposed along the southern site boundary separating the proposed development from the existing dwelling. This ensures that the privacy of the existing dwelling arising from south facing windows is adequately protected. The dining room window in the east elevation would also be screened by the rear boundary which would also be 1.8m high. No windows are proposed in the northern elevation and those facing west are orientated towards the public road.

At first floor level there are windows serving bedrooms and bathrooms facing south and east towards neighbouring property. The high level windows proposed in both the master bedroom and bedroom No 2 and the use of opaque glazing in the bathroom and en-suite curtails opportunities for overlooking with impacts on privacy. Alterations were made to the window serving bedroom No 3, such that it is angled and orientated to face north. Whilst this presents an acceptable design solution to prevent overlooking to the east, and the separation distance (16m) coupled with vegetative screening along the right of way ensures that the privacy of the dwelling to the north is not adversely compromised, I concur with the planning authority that it provides a poor level of amenity to the bedroom. The window will overlook a section of the rear of the neighbouring garden to the east, which is not uncommon in an urban context and accordingly, I recommend that the window be maintained as originally proposed.

A shallow/daylight analysis was submitted by the applicant in response concerns raised by the planning authority regarding potential overshadowing of adjoining private amenity space. It illustrates the shadow environment at two-hourly intervals between sunrise and sunset for the Equinox and the Summer and Winter Solstice. The analysis indicates that the proposed development will not give rise to an appreciable difference in shadowing, except in the evenings during mid summer, when the northern sections of the adjoining gardens to the east will be impacted to a greater extent. I do not consider that the increase in overshadowing, over than

currently experienced, would result in a significant diminution of the residential amenities of these properties. The analysis also indicates that the private amenity space retained with the existing house will comply with BRE Guidelines in terms of sunlight/daylight received.

The revised proposal would appear to address the concerns raised by the Board in its previous refusal (PL29N. 245948) regarding overshadowing of private amenity space of adjoining property to the east. The current proposal although marginally higher has a shallower plan and is positioned further north on the subject site, which reduces the overshadowing effect on adjacent property.

In its previous refusal the Board also referred to the lack of usable private/semi private amenity space associated with the existing house, arising from the proposed development within its curtilage. This is addressed in the current proposal, with c. 80 m² reserved for the existing house, achieved by closing the existing vehicular entrance and driveway onto Glasnamana Place.

In terms of the level of amenity afforded to the future occupants of the house, the proposed development exceeds the space requirements and room sizes for this type of house set out in Table 5.1 of the *Quality Housing for Sustainable Communities-Best Practice Guidelines*. Adequate private amenity space is provided in accordance with development plan standards.

9.3. **Condition No 3**

The First Party requests that Condition No 3 be omitted from any grant of permission. It requires that the internal layout be altered such that bedroom No 3 is relocated to the front of the house. The cited reason for this condition is to prevent excessive overlooking of neighbouring property. The planning authority is not satisfied with the design solution proposed by the applicant, which provides an angled window to the bedroom.

I accept that the relocation of bedroom No 3 to the front of the house would involve significant alterations to the internal layout of the house, which could result in

alterations to the external elevations and potentially require a new planning application. I am not persuaded that such a course of action is required.

I consider that the window to bedroom No 3 is acceptable as proposed. I do not consider that it will result in a significant diminution of the residential amenities of the garden to the east. Should the Board consider it necessary, it could require that the window is partially glazed with obscure glass. This would allow the applicant to preserve the quality of sunlight/daylight penetration to the bedroom while at the same time minimising the potential for overlooking.

10.0 Appropriate Assessment

10.1. Having regard to the location of the development within a serviced built up area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

11.0 EIA Screening

11.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

12.0 Conclusion

- The principle of the development is acceptable on the site and will provide for sustainable use of urban serviced land.
- Having regard to the existing pattern of development, including more recent infill development, it is considered that the proposed house can be accommodated on the site would any significant adverse impacts on the character or visual amenities of the streetscape.
- It is not considered that the proposed development would result in the significant diminution of the residential amenities of adjoining property and that an adequate level of amenity would be afforded to residents of the proposed house.
- It is considered that the proposed development would not be inconsistent with the policies of the plan and would not, therefore, be contrary to the proper planning and sustainable development of the area.

13.0 Recommendation

13.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2016-2022 and the pattern of development in the area, it is considered that subject to the conditions set out below, the proposed development would not seriously impact on the character and visual amenities of the streetscape or the residential amenities of adjoining property. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged with the planning authority on the 11th day of July, 2018 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 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 interests of clarity.

2. Prior to any development taking place on the site revised plans and particulars shall be submitted for written agreement with the planning authority showing the relocation of the windows in the front elevation such that the ground floor and first floor opes are in alignment.

Reason: In the interests of visual amenity.

3. The window in bedroom no.3 shall be in accordance with the plans and particulars submitted with the application. An angled window shall not be provided.

Reason: In the interests of residential amenity.

4. Details of the materials, colours and textures of all the external finishes, to the proposed development including samples shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with a landscaping scheme to be submitted to and agreed in writing with the planning authority prior to the commencement of the development. The scheme shall include the following;

(a) details of all boundary treatment including heights, materials and finishes,

(b) the provision of a hedgerow using indigenous species only (e.g. holly, hawthorn, beech etc) planted for the full length of the southern boundary and along the rear boundary as appropriate,

(c) details of the location, type and spacing of all species proposed.

Cupressus x leylandii shall not be used on any part of the site.

Reason: In the interests of residential and visual amenity.

6. Water supply and drainage arrangements including the attenuation of surface water shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interests of public health.

7. Prior to commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing with the, planning authority. The plan shall include details of the intended construction practice, including proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

Reason: In the interest of amenities, public health and safety.

8. Site development and building works shall be carried out only between the hours of 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 written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be placed underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwelling without a prior grant of planning permission.

Reason: In the interests of residential amenity.

- 11 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 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.

Breda Gannon
Senior Planning Inspector

3rd, December 2018