



An
Bord
Pleanála

Inspector's Report 302506-18

Development	Construction of a two-storey dwelling to the side and rear of existing dwelling.
Location	200 Kincora Road, Clontarf. Dublin 3.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1298/18
Applicant(s)	John Devine & Lyndsey O'Connell
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	John Devine & Lyndsey O'Connell
Observer(s)	None
Date of Site Inspection	December 4 th , 2018
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at No. 200 Kincora Road, Clontarf, Dublin 3. It forms part of the side garden of an existing house at the junction of Kincora Road and Conquer Hill Road. The existing house is a semi-detached two-storey structure with a hipped roof. It has a plaster finish with red brick on the ground floor. The house is set back from the roadway and the area in front, which is defined by a low boundary wall, has been surfaced to provide on-site parking space. To the rear and side there is private open space associated with the house enclosed by higher concrete walls. There is a flat roofed extension to the back of the house and a flat roofed shed in the southwest corner. A right of way runs along the back of the site, providing access to the rear of the dwellings.
- 1.2. The area is residential in character, comprising for the most part terraced housing. There are retail and commercial uses to the southwest along Clontarf Road.

2.0 Proposed Development

- 2.1. The proposal is to construct a house in the side garden of the existing house. The house would have a stated gross floor space of 83.2 m² arranged over two-levels. The ground floor would accommodate the main living areas of the house and the upper floor would accommodate 2 no. bedrooms. The ground floor would project marginally beyond the front building line of the existing house, with the first floor stepped back. There would be a similar arrangement to the rear with the ground floor extending by c 3.4m beyond the building line of the house, with a recessed first floor.
- 2.2. The house would have a narrow plan, the widest section being 4.8m. It would have a high pitched roof with a ridge height of 8.2m. It would have a total length of 14.78 m. The external finishes would comprise a combination of smooth render, pebble dash timber and brick. The front façade would incorporate the entrance door and a large vertical window at first floor level. The ground floor would be finished in brick with a render finish above, mirroring the finishes of the existing dwelling on the site.
- 2.3. The vehicular entrance to the site would be off Vernon Avenue, with parking space provided to the front of the house. A pedestrian access is proposed off Conquer Hill Road. Private amenity space would be provided to the rear of the house.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development on the grounds that due to its position and the narrowness of the site, the narrow plan and gabled ended design of the house, and the breach of the building line on Conquer Hill Road, the proposed development would be visually obtrusive and would not integrate with the established pattern of development on Kincora Road or Conquer Hill Road. The inability to provide a safe means of vehicle access was also highlighted. It was concluded that the proposed development would be contrary to the policies and objectives of the development plan, in particular Section 16.10.9 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report of 13/8/18 noted that while the dwelling would have a reasonable floor area and adequate private open space, it is its impact on the streetscape which causes most concern. The form of the dwelling being narrow and gable fronted, would not be consistent with the character and built form of Kincora Road, which has a sense of structure solidity which the proposal does not replicate. While the delicate design might work well within a cul de sac, or between two existing houses, the prominent location on the junction of two main roads would present an incongruous appearance which would be inconsistent with the requirements of Section 16.10.9 for side corner/side garden sites.

The building would also break the building line on Conquer Hill Road. While No 198A Kincora Road breaks the building line of the dwellings on the opposite side of the road, it is not as pronounced as the current proposal would be, given the curve of the street. Having regard to the form of the building, being gable fronted and narrow and clearly beyond the building line, it is considered that the proposal would be detrimental to the visual amenity of the streetscape.

The position of the flank wall of the dwelling immediately at back of pavement with the elevation forming the boundary would, in concert with the confused use of materials on that elevation, create an incoherent presence on the street with the lack of enclosure or separation from the pavement causing an overbearing impact onto the public realm.

Being unable to provide a safe means of access and on-site parking suggests that such a proposal cannot be successful given its location a considerable distance from high frequency bus routes and not proximate to any rail station which might create conditions for not providing any car parking.

3.2.2. Other Technical Reports

The **Roads Street & Traffic Department** in their report of 8/8/18 raise concerns regarding the proposed vehicular access to the site, which is to be located on the curved radii of Kincora Road and Conquer Hill Road. It is considered that the proposal is not desirable from a traffic safety perspective and would result in a traffic hazard. It recommended that the vehicular access be omitted from the development.

The **Drainage Division** in their report of 16/7/18 raised no objection to the development subject to compliance with standard type conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

An observation was received from the occupants of No 202 Kincora Road who raise issues regarding drainage, the location of the new vehicular access, overlooking from oversized kitchen window, visually unattractive chimney and overshadowing.

4.0 Planning History

No details of any relevant planning history relating to the subject site has been forwarded by the planning authority. There is reference to developments in the

vicinity where two-storey extensions, additional dwellings were permitted in the side gardens of existing dwellings. These included the following;

Reg Ref 3080/02 - planning permission granted for a new house within the curtilage of an existing dwelling at 198 Kincora Road,

Reg Ref No 3316/04 - planning permission granted for a two-storey extension to the side of an existing house at 202 Kincora Road,

Reg Ref No 3487/04 -planning permission granted for a two-storey detached house within the curtilage of an existing house at No 11 Kincora Court, and

Reg Ref No 3588/04 – planning permission granted for a two-storey house at No 147 Kincora Road.

5.0 Policy Context

5.1. Development Plan

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

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are addressed under building form, building lines and vehicular access reflecting Dublin City Council's objection to the proposal.

Building form

- The selected materials of brick, render, pebbledash and timber are the materials of the street and the existing boundary treatment and will be painted to form a consistent tone with a texture that reflects the street. The composition of these have been carefully considered to provide a cohesive design. The applicants are happy to agree samples and a colour scheme prior to commencement of the development.
- The gable form of the proposal seems to have caused most concern. The gable form allowed the building to form a visual connection to the roofscape of Conquer Hill. The applicant would accept a condition omitting the pitched roof in favour of a flat roof structure. Figures 1-4 shows the approach and the positive impact in relation to the scale of the project on the street. This approach is consistent with approved extensions in the area and while serving a different function, the massing arrangements and impact on the street is comparable.
- At No 111 Vernon Avenue, the planning authority permitted (2175/17) a two-storey flat roofed extension to the side of the house (Image 5). This structure also breaks the building line of Vernon Park to the rear.

Building Line

- The breaking of the side building line is not of significance as there is no established building line or considered relationship between the building line of Conquer Hill and that of Kincora Road
- Figure 6 highlights the relationship between the original configuration of the junction of Kincora Road and Conquer Hill, while Figure 7 highlights the current configuration including the extension of No 200 and new dwellings to the side on No 147 & 198 Kincora Road. The revised scheme provides for a sensitive intervention which corresponds to its context in scale and material and will enhance the junction rather than detract from it. Consider that the planning authority's concerns in relation to the building line are overstated particularly when the recent additions approved by DCC are considered.

Vehicular access

- Considers that a suitable alternative solution can be achieved by moving the proposed entrance east along Kincora Road and realigning the proposed front boundary between 200 and 200A Kincora Road (Figure 8). This could be finalised and agreed by way of condition.

It is considered that the proposed design fulfils the quantitative requirements outlined in the development plan and that the applicants should not be denied the opportunity to provide a home for their family in the side garden of the family home based on the interpretation of the qualitative standards of the development plan, which can be overcome by relatively minor changes to the design.

6.2. Planning Authority Response

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

7.0 Assessment

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

- Principle of the development.
- Impacts on residential amenity.

- Impacts on streetscape.
- Traffic safety.

7.2. 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.

7.3. Impact on residential amenity.

The proposal is to build a new house within the curtilage of an existing house. The assessment of impacts on residential amenity must therefore consider the impacts of the proposed development on the amenity of the existing house/neighbouring property and the level of amenity that will be afforded to future occupants of the proposed house.

Two windows are proposed at ground floor level to the kitchen/living area, which I do not consider create any significant overlooking issues due to boundary screening. I note that the adjoining property at No 202 has similar windows facing towards the appeal site. The proposal to provide a hedgerow adjacent to the existing wooden fence, will limit the potential for intervisibility between the two sites and privacy issues.

There are no windows at first floor level which would create the potential for overlooking on either side. Arising from the generous separation distances to opposing properties, there would be no additional impacts on adjacent properties from the proposed bedroom windows to the front and back of the proposed house.

The proposed development exceeds the space requirements and room sizes for this type of house (two storey/2 bed/4person)- set out in Table 5.1 of the *Quality Housing for Sustainable Communities-Best Practice Guidelines*. Adequate private amenity

space is provided for the proposed house in accordance with development plan standards (10m² per bedspace).

With respect to the amenity of the existing house, private amenity space will be significantly eroded with the loss of space to the front, side and rear of the house arising from the new development. The private amenity space that will remain (65m²) is below development plan standards for a 5 no. bedroom house of this size.

The Board will note that arising from the restricted nature of the site and the proximity of the proposed house to the existing dwelling, with the exception of the living room, the ground floor of the proposed house has no proper access to sunlight/daylight. The proposal would also result in the complete overshadowing of a kitchen/dining room window of the existing house, which would significantly impact on the amenity of this house. In terms of qualitative standards, the proposal would result in a poor level of amenity for future occupants of the house and impact negatively on the amenity of the existing house.

Impacts on the streetscape

The planning authority's primary concern with the proposed development relates to its impact on the streetscape and visual amenities of the area. I accept as stated by the First Party that there is no particular relationship between the building line established on Kincora Road and that on Conquer Hill Road, that would be significantly distorted by the proposed development.

The restricted nature of the site places significant limitations on the design of the house. While I accept that the replacement of the gabled pitched roof with a flat roof would result in some improvement, the end result is a narrow block design which does not sit comfortably with surrounding development. Whilst the First Party seeks to draw parallels between the proposal and that approved on No 111 Vernon Avenue, which breaks the building line on Vernon Park, the proposal was for an extension to the existing house and not for a new dwelling. I also note that where houses have been permitted within the curtilage of an existing house, as in the case of No 198A opposite the appeal site, the area of the site was sufficient to allow a dwelling of suitable design and proportions to be accommodated effectively while respecting the character of the streetscape.

The proposed development is inconsistent and out of character with the established form of development in the area and is contrary to Policy QH22, which seeks to ensure that the new housing close to existing houses has regard to the character and scale of the existing house unless there are strong design reasons for doing otherwise. In this case, the design is being dictated by a narrow, restricted site, which is too small to provide a good quality independent dwelling, without compromising the quality of the existing house.

7.4. Traffic Safety

The Road & Traffic Division raised concerns regarding the position of the proposed vehicular entrance to the site. The applicants have submitted revised proposals which would involve relocating the entrance to the existing house and the proposed new house further east. The two entrances would be positioned side by side, which would provide greater distance between the new entrance and the junction and improve safety. Should the Board be minded to grant permission for the development, this matter could be addressed by way of condition.

8.0 Conclusion

- Having regard to the Z1 zoning objective, the principle of the development is acceptable on the site.
- Whilst the proposal satisfied the space requirements for a house of this type and an adequate level of private amenity space is proposed, it is considered that in qualitative terms, it offers a poor level of amenity to future occupants due to the lack of reasonable access to sunlight and daylight on the ground floor.
- It is considered that the proposal results in the diminution of the residential amenity of the existing house by reducing the level of private amenity space below development plan standards and the complete overshadowing of the living room window, with impacts on access to sunlight /daylight to this habitable room.
- Due to the narrow and restricted nature of the site, the proposal results in a narrow block design that takes no reference from the character and design of existing adjacent properties, which results in a development that is inconsistent and out of character with the established form of development that is, therefore contrary to Policy QH22 of the Plan.

9.0 Appropriate Assessment

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.

10.0 EIA Screening

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.

11.0 Recommendation

11.1. 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 refused for the development for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. Having regard to the location of the site within the curtilage of an existing house, the overall configuration of the site and its restricted width, it is considered that the proposed development would result in a dwelling house which would afford a poor level of residential amenity to the future occupants of the proposed house arising from poor daylight and sunlight penetration to the habitable rooms on the ground floor. Furthermore, the proposed development would adversely impact on the residential amenities of the existing dwelling arising from a significantly reduction in the quantum of private open space available to the house and overshadowing of its western gable and loss of daylight/sunlight to a living room. It is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development which results in a narrow block design, with a flat roof would be inconsistent and out of character with the established form of development in the area and would, therefore, be contrary to Policy QH 22 of the current development plan for the area, which

seeks which seeks to ensure that new housing close to existing houses has regard to the character and scale of the existing house.

Breda Gannon
Senior Planning Inspector

11th, December 2018