



An
Bord
Pleanála

Inspector's Report ABP-302563-18

Development	House, widening of vehicular entrance to facilitate off-street parking for both proposed and existing houses, and all associated site works.
Location	7 Woodstown Heath, Ballycullen, Dublin 16.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18A/0193
Applicant(s)	Joe Fallon
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Joe Fallon
Observer(s)	Colin Rosney Philip & Brenda Ward
Date of Site Inspection	.6 th November 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located in the side garden of No.7 Woodstown Heath, Ballycullen, Dublin 16. The site is located in a well-established residential area c.120m east of the Ballycullen Road, and c. 260m south of the R113 Killinniny Road.
- 1.2. The site is at the northern end of a cul-de-sac of 18 semi-detached dwellings. Dwelling no.7 is the left-hand side of a pair and being on the corner, has a large triangular shaped garden where the proposed dwelling is to be located.
- 1.3. All of the dwellings in the cul-de-sac and surrounding area are of a similar design, being two storeys complete with a hipped roof and a box type bay window at ground floor level. The front elevations comprise of red brick at ground floor with a rendered plaster finish at first floor. The boundary of each dwelling comprises a low red-brick wall with a pillar. The boundary between No.6 (an observer's dwelling) and No.7 comprises of a low timber fence. There are well-established grass verges and trees along the road which is narrow, but which provides on-street parking for the residents.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to construct a part two storey, part one storey detached flat roofed two-bedroomed dwelling in the side garden of No.7 Woodstown Heath. The design is contemporary and provides for a kitchen/living area and a utility room and W.C. at ground floor level and two bedrooms and a bathroom at first floor level. It is stated as being 83.03sq.m in area and 6.05m in height.
- 2.2. It is proposed to widen the existing entrance to enable 4 cars (2 for each dwelling) to be parked off-street. This will require the existing pillar to be moved to the east.
- 2.3. A Planning Report and images are submitted with the application as well as the standard documents and drawings.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason:

It has not been satisfactorily demonstrated that drivers accessing/exiting the proposed access to the new dwelling have adequate space. As such, the proposed development would give rise to on-street car parking which is limited in this cul-de-sac. Thus the proposal would endanger public safety by reason of a traffic hazard and contravene the zoning objective which seeks to 'protect and/or improve Residential Amenity'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Development of a dwelling is permitted in principle subject to accordance with the relevant provisions of the Development Plan.
- To facilitate the development, the design is such to stagger the front building line and it is set 2m behind the existing front building line of No's. 7,8,9 and 10.
- Due to the shape of the site, the setback reduces the visual impact from street level. Design is contemporary in nature with entrance door located to the side (west elevation). Front elevation comprises a large 2 storey rendered plaster wall with a narrow window.
- Ridge height is 6.05m, 1.05m below the ridge height of the existing dwelling.
- Considers overall development complies with the requirements of 'Quality Housing for Sustainable Communities – Best Practice Guidelines'.
- Refers to the proposed widening of the entrance to provide a shared vehicular access with the existing dwelling. Notes existing entrance is 3.4m wide and that the repositioning of the pillar further east would widen the entrance to

3.6m. Applicant states that the entrance is 5.49m wide however this measurement is taken from within the site and there is an existing boundary fence which is not shown on Drawing no. 17101-PP-03. Appears that applicant proposes to remove the fence but no letter of consent from neighbour has been submitted. An objection has been submitted from this neighbour.

- Requests Further Information in relation to the private amenity space of the remaining dwelling, and the submission of updated drawings of the entrance modifications.
- Following response to request for Further Information, considers remaining amenity space for existing house is acceptable but notes that Roads Department recommends refusal. The entire removal of the existing pillar and wall provides an entrance width of 4.09m. Roads Department consider accessway is too narrow and would not permit safe access and egress. Vehicles would have to park on the roadway. Consider there is insufficient space to facilitate the cars. Corner location makes vehicular access and parking considerably more restrictive which would both endanger public safety and impact on the residential amenity of the area by reason of additional traffic congestion. As such proposal is not compliant with zoning objective.
- Planner recommends refusal of permission.

The decision is in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Surface Water Drainage:** No objections subject to conditions
- **Roads Section:** Recommends refusal following the response to Further Information
- **Parks & Landscape:** No objections subject to conditions
- **Public Lighting:** No report

3.3. Prescribed Bodies

- **Irish Water:** No objections subject to conditions.

3.4. Third Party Observations

There were a number of objections by local residents on similar grounds to those contained in the observations on the appeal. These are detailed in section 6 below.

4.0 Planning History

- **SD04A/0834:** Permission was refused by the Council in December 2004 for the development of a detached house in the side garden. Two reasons for refusal were given: Overlooking and impact on residential amenity, and precedent it would set for vehicular access off a turning area and additional turning movements in a restricted area.

There have been other applications for attic conversions and dormer windows in the locality.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 - 2022

5.1.1. Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

5.1.2. Section 2.4.0 of the Development Plan considers Residential Consolidation – Infill, Backland, Subdivision and Corner Sites. Housing **Policy 17** states that "*It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County*".

H17 Objective 3 seeks "*To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established*

residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation”.

H17 Objective 5 seeks ‘*To ensure that new development in established areas does not impact negatively on the amenities or character of an area*’.

Section 11.3.2 (ii) specifically refers to Corner/Side Garden sites. It states (inter alia):

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings; The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings; The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings; Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings; and, Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

5.2. Natural Heritage Designations

The Glenasmole Valley SAC (Site Code 001209) is located c. 5km to the south-west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal against the decision to refuse permission has been lodged with the Board. In summary it includes:

- Provides an overview of the proposal as well as how it complies with national and county planning policy. It is considered that it will not impact on residential or visual amenities.

- Considers that the proposal would not give rise to a traffic hazard and that parking arrangements are fit for purpose.
- Autotracking of the access arrangements have been prepared demonstrating there is adequate space.
- Confirm the development meets the development plan standards (2 cars per dwelling) even though the plan permits a degree of flexibility for infill developments.
- There is an acceptable level of on-street parking in the immediate area as well as provision of public transport in the area.
- Photos of on-street parking at various times submitted.

6.2. **Planning Authority Response**

The Planning Authority responded confirming their decision and stating that all issues raised have been covered in the Planner's report.

6.3. **Observations**

Two observations have been submitted by neighbours to the west, No's. 5 & 6 Woodstown Heath. In summary they include:

- Refer to Autotrack submitted with the appeal – parked cars on the road are omitted making it impossible to reverse as easily as indicated. Photos included in both submissions indicating cars parked that would interfere with Autotrack analysis.
- Concerned about the actual space for 4 cars to park. Porch and box window are not indicated on the plans of the existing house and drawings are therefore inaccurate.
- National Planning Framework only considers infill developments provided that public safety is not compromised. Reference to 40% of dwellings to be delivered on infill/brownfield/existing villages etc. is well exceeded in the immediate area.
- Dwelling would overlook front, side and rear garden of their property.

- Widening of driveway poses a possible interference with the existing boundary fence between no.6 and no.7, as recognition of this boundary appears to have been ignored in the applicant's original drawings.
- Proposal does not respond to the character of the adjacent dwellings or create a sense of harmony, nor does it match current building line and will impact on property value.
- The reinstatement of the pillar has not been shown on drawings and the applicant has not been given permission by the owner of No.8 to reinstate the pillar on their property or boundary.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Parking and traffic
- Residential and Visual Amenities
- Appropriate Assessment
- Environmental Impact Assessment

7.1. **Parking and Traffic**

- 7.1.1. The Planning Authority refused permission for one reason relating to inadequate space for drivers accessing/egressing the new dwelling and considered the proposal would endanger public safety by reason of a traffic hazard, which would contravene the zoning objective which seeks to protect and/or improve residential amenities.
- 7.1.2. The applicant as part of the appeal submitted Autotrack drawings which it is considered demonstrate that there is adequate room for cars to drive in and reverse out of all 4 spaces (2 for existing and 2 for new dwelling). The observers to the appeal question the accuracy of the information supplied because they submit that

the Autotrack does not take account of cars parked on the street which they state is a regular and normal occurrence.

- 7.1.3. In the first instance I have concerns with the amount of space provided to park 4 cars. There is potential for 4 cars to be parked, but this would be very restrictive and require significant co-ordination between each driver. As a result I am of the opinion that it is unlikely that 4 cars would park off-street all the time. This would result in additional cars parking on the street in what is already a congested cul-de-sac.
- 7.1.4. I also have concerns with the access to the parking. There is a boundary fence which seriously restricts the access and limits the width of the access to 4.09m in width. No consent is forthcoming to remove the boundary fence which is owned by one of the observers to this appeal, albeit I consider that this would only improve the situation marginally. I am of the opinion that the limited access would endanger public safety by reason of a traffic hazard.
- 7.1.5. I agree with the observers that the Autotrack analysis submitted as part of the appeal has not taken account of potential cars parked in the hammerhead or outside dwellings no's. 5 and 6 and no's. 11 and 12. Having regard to the photos submitted by the observers and the situation on the day of my site visit, the reality is that there will be cars parked on the street which will cause difficulty for cars entering and exiting the existing and new dwelling.
- 7.1.6. I accept that two cars per dwelling is a maximum and I agree that public transport is good in this area, however, it would not be possible to enforce a condition restricting the number of cars associated with each dwelling.
- 7.1.7. To conclude, I am not satisfied that the parking proposed is adequate in terms of its layout or accessibility. Moreover, I am of the opinion that the proposal endangers public safety by reason of a traffic hazard and am recommending refusal on this basis.

7.2. Residential and Visual Amenities

- 7.2.1. I accept that the dwelling meets or exceeds the minimum standards for room sizes, amenity space etc. as required by the 'Quality Housing for Sustainable Communities – Best Practice Guidelines'. However, I have concerns with the overall design of the dwelling and the impact on visual amenities. The design is very contemporary and

while the Development Plan provides for contemporary designs there are conditions and limitations listed therein.

7.2.2. Section 11.3.2(ii) of the Development Plan states: *The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings* (my emphasis). The subject design does not respond to the character of adjacent dwellings being flat roofed, using rendering throughout, incorporating narrow windows etc., nor is it on a large site. In my opinion it does not create a sense of harmony, all of which are required by the Development Plan for houses in side gardens. I accept that the design is attempting to address overlooking concerns which was a reason for refusal of the last planning application. I am of the view that the design would be incongruous in this cul-de-sac and having regard to the pattern of development would be an inappropriate form of development at this location.

7.2.3. With respect to the impact on residential amenities, however, I consider the main issue relates to the parking and the potential for further congestion caused by likely on-street parking. I have addressed this above and consider that the issue of inadequate space for parking, accessibility concerns and implications for public safety, are the reasons for recommending refusal.

7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

7.4. **Environmental Impact Assessment**

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 environmental

impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Adequate and accessible car parking spaces have not been provided within the curtilage of the site. The proposed development, would, therefore, result in on-street parking which is limited in this cul-de-sac. Thus, the proposal would endanger public safety by reason of a traffic hazard and contravene the zoning objective which seeks to 'Protect and/or improve Residential Amenity'.

Ciara Kellett
Senior Planning Inspector

7th November 2018