



An
Bord
Pleanála

Inspector's Report ABP 303416-19

Development	Part demolition of existing two storey house and the construction of four additional houses. Five houses in total
Location	570 Howth Road, Raheny, Dublin 5.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4160/18
Applicant(s)	Cadat Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Cadat Developments Ltd.
Observer(s)	Gerard & Rhona McCracken Des & Mary Moore
Date of Site Inspection	20 th February 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The subject site is located on Howth Road, Raheny at the corner with St. Assams Road West, approx.8.5km northeast of Dublin City Centre and approx. 800m northwest of the coast road. The Raheny Dart station is located 300m northwest of the site.
- 1.2. The site is located immediately adjacent to Raheny Village district centre and the site is occupied by a disused dwelling and a former medical centre fronting Howth Road. The site is approx. 26m wide by 45m deep. Vehicular access to the site is located on the corner of the site and the junction with St. Assams Road West.
- 1.3. The site forms part of a mature residential area immediately adjoining the Raheny village district centre. The existing housing stock comprises of typical suburban residential houses dating from the late 1960s/early 1970s comprising two-storey semi-detached hipped roof dwellings with single-storey garages to the side. To the west of the site is a single storey flat roof Bank of Ireland building located on the opposite corner of Howth Road and St. Assams Road West.

2.0 Proposed Development

- 2.1. The development will comprise:
 - Part demolition of the existing two-storey building (dwelling and associated medical centre)
 - External and internal alterations to the part of the building to be retained to provide a two-storey, three-bedroom dwelling
 - Construction of 2 no. detached, two storey, four-bedroom dwellings fronting Howth Road with rear gardens and on-curtilage car parking
 - Construction of 2 no. semi-detached, two-storey, three-bedroom dwellings fronting St. Assams Road West, with a rear garden, on-curtilage car parking and new vehicular entrance on St. Assams Road West to serve each dwelling
 - Landscaping, boundary treatments, SuDS drainage and all associated works necessary to facilitate development

3.0 Planning Authority Decision

3.1. Decision

REFUSED for the following reason:

Having regard to the Z1 residential zoning, as set out in Dublin City Development Plan 2016-2022 for the area, to the layout, scale and design of the proposed development and its proximity to existing residential development, it is considered that the proposed development would have an adverse impact on the existing amenities of residential development by reason of overlooking and overbearing impact and would provide a low level of residential amenity for future residents. Furthermore, it is considered that the proposed development in terms of architectural form and building line on Howth Road does not complement the character of the area, would appear overbearing and would appear visually incongruous in this respect. It is considered therefore, that the proposed development would seriously injure the amenities of adjoining property, would depreciate the value of property in the vicinity, and would 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 notes the zoning provisions of the area and that the principle of the proposed residential development is acceptable. In relation to design, height and car parking the reports notes the following:

- The plot ratio and site coverage meet Dublin City Development Plan 2016-2022 standards.
- Concerns raised with respect to quality of private open space provision, overlooking and impact of established residential amenity - the proposal would result in undue overshadowing and overlooking. It is noted that the

proposal would be out of character with the general area in terms of height, architectural detailing and proportions.

- Access and car parking in compliance with Development Plan standards.
- The site is located in Flood Zone C and Appropriate Assessment screening found that significant effects are not likely to arise either alone or in combination.

3.2.2. Other Technical Reports

The **Roads & Traffic Planning Division** in their report of 23rd November 2018 requested further information be sought in relation to the removal of street trees to accommodate vehicular access. Applicant was advised to liaise with the Parks Department. No objection raised to the removal of pay and display parking to accommodate new entrances.

The **City Archaeologists** report of 16th November 2018 raised no objection subject to conditions.

The **Engineering Department Drainage Division** in their report of 5th November set out no objection to the proposed development subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The Area Planner in their report refers to receipt of three submissions in relation to the development. A brief summary of the issues raised in the submissions to the Planning Authority are set out below:

- Development represents overdevelopment of the site
- Design out of character with the area
- Additional entrance represents a traffic hazard
- Overlooking of private rear gardens

- Noise pollution
- Under provision of private open space
- Removal of trees
- Reference to previous planning refusal on the site – DCC 2968/18

4.0 Planning History

Site

DCC 2968/18 – Planning permission refused for a similar development citing a similar reason for refusal.

Surrounding

DCC 2139/18 – Planning permission **withdrawn** for the demolition of existing bank and the construction of a four-storey building comprising of a ground floor retail unit and seven no. apartments over three floors and 9 no. car parking spaces at the corner of Howth Road and St. Assams Road West.

5.0 Policy and Context

5.1.1. Dublin City Development Plan 2016-2022

The site is located in an area zoned Z1 – *“to protect, provide and improve residential amenities”*.

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Chapter 4: Shape and Structure of the City
- Section 4.5.9 Urban Form and Architecture
- Chapter 5: Quality Housing
- Section 11.1.5.13: Preservation of Zones of Archaeological Interest and Industrial Heritage

- Section 16.10.2: Residential Quality Standards, Houses

Section 16.10.9: Corner/Side Garden Sites of the Development Plan seeks to promote the *“development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands”*.

- Parking: Area 2 applies to the appeal site. 1 car parking space is required.
- Policy QH8 of the Dublin City Development Plan 2016-2022 seeks *“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”*.

5.1.2. National Policy and Guidelines

- National Planning Framework (2018)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)
- Quality Housing for Sustainable Communities, Best Practice Guidelines (2007).

5.2. Natural Heritage Designations

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

5.3. Environmental Impact Assessment - Preliminary Examination

Notwithstanding the proximity of the proposed development the Zone of Archaeological Potential for Raheny Village, the nature and scale of the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

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

- The submission presents two alternative options to overcome concerns regarding overlooking and loss of street trees.
- Alternative Design option 1 – provides for a revised first floor bedroom window and attic window design for house type A and revised attic window design for type house B. It is also proposed to reposition a vehicular entrance on Howth Road further east in order to retain and protect existing street trees.
- Alternative design option No. 2 - provides for the replacement of 2 x house types B with 1 no. detached, two-storey with attic accommodation. Thereby reducing the number of new dwellings from four to three. The new dwelling is identified as House Type A1. It is also proposed to reposition a vehicular entrance on Howth Road further east in order to retain and protect existing street trees.
- The applicant's preference to retain the original layout and design.
- The proposed dwelling complies with Development Plan policies in relation to zoning objectives, density and minimum standards for houses. The proposal will not result in overlooking and the design is acceptable having regard to the diverse character of the area due to the mix use of lands in proximity to Raheny Village.
- It is set that the NPF supports consolidating growth to create a more compact urban form.
- The site context outlined, site planning history and reference to adjoining planning applications highlighted as established precedent.
- Overlooking – Sufficient separation distance has been provided to prevent overlooking and the alternative design option further addresses this issue.
- Character of the Area – Proposal is not out of character with the area as there is a mix of development types and forms in the immediate area.

- Residential Amenity –In terms of the rear garden size the submission sets out that the garden areas provided are of adequate size.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1. Two parties have submitted Observations.

1. *Gerard & Rhona McCracken, 1 St. Assams Road West, Raheny, Dublin 5.*
No. 1 Assams Road West is located to the immediate north of the site.

The principal comments can be summarised as follows:

- The design of the dwellings does not comply with Development Plan standards.
- The development works will negatively impact on an existing Ash tree on their site. Impact on existing street trees also raised.
- Traffic safety and loss of on-street parking

2. *Des & Mary Moore, 572 Howth Road, Raheny, Dublin 5.*

No 572 Howth Road is located to the immediate east of the site.

The principal comments can be summarised as follows:

- Submission outlines fundamental objection to the proposed development based on scale, height and impact on residential amenity in terms of overlooking, overbearance and overshadowing.
- Alternatives offered by the appellant do not address their concerns.
- Submission suggests the rear dwelling is revised to provide for a dormer or single storey dwelling.
- Principal of residential development on the site is welcomed, subject to appropriate design and layout.

6.4. Appellant's Responses

- It is noted that the applicant will provide tree protection measures to protect the neighbouring Ash tree located in the rear garden of No. 1 At. Assams Road West, if required.
- No other substantive issues raised. The submission expands on the issues raised in the original submission.

7.0 Assessment

7.1. Introduction

- 7.1.1. The principle of developing the proposed houses on an infill / side garden site on lands zoned 'Z1 - Sustainable Residential Neighbourhoods' is acceptable, subject to planning and environmental considerations addressed below.
- 7.1.2. In their appeal submission the appellant has presented two alternative design and layout options to the Board for consideration. The revised proposals seek to address overlooking of adjacent private open spaces and the protection of existing street trees.
- Alternative Design option 1 – provides for the revised design of house type A by replacing the first-floor bedroom window with a screened angled window facing westwards and to provide a screen panel at the base of the attic window. House type B has been revised to provide for louvered panels at the base of the attic windows. It is also proposed to reposition a vehicular access onto Howth Road to retain existing street trees.
 - Alternative Design option 2 - provides for the replacement of 2 x semi-detached house types B with 1 no. detached, two-storey with attic accommodation (house type A1) to the rear of the site fronting St. Assams Road West. This will result in a reduction in the total number of houses from five to four. It is also proposed to reposition a vehicular access onto Howth Road to retain existing street trees.
- 7.1.3. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Impact on Character of the Area
- Impact on Residential Amenities
- Other Matters
- Appropriate Assessment

7.2. Impact on Character of the Area

- 7.2.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities*”. The proposal to provide an increased density of residential development on this site would be acceptable in principle subject to an assessment of the impact of the proposal on surrounding amenities. The proposed development provides for a total of five houses including the renovation of the existing dwelling on site. The proposal would also be consistent with Section 16.10.9 Corner/Side Garden Sites of the Development Plan.
- 7.2.2. The Planning Authority’s decision to refuse permission for the proposed development included reference to the layout, scale and design of the proposed development being visually incongruous and out of character in the area.
- 7.3. The observers to the appeal raise concerns in relation to the design of the proposal, including the amendments submitted as part of the grounds of appeal and contend that the proposed dwellings will result in an incongruous addition to the streetscape and will impact negatively on the amenities of neighbouring dwellings.
- 7.3.1. I note the prevailing building heights in the area are generally two storeys, however the site immediately adjoins the commercial centre of Raheny Village and there is a haphazard mix of building types in the general vicinity of the site. The reason for refusal asserts that the proposal would be out of character with the general area in terms of height, architectural detailing and proportions. I consider the design approach offers a modern design solution incorporating elements of the traditional 1960’s/1970’s house design that is characteristic of the area. The general design of the houses reflects a contemporary design with varying window styles and a front gable element, which is reflective of the existing housing stock. The ridge height of the proposed dwellings is 1.4m higher than the existing houses but in the context of the site location adjacent to the commercial core of the Village and the mix of

building types, I consider this design approach acceptable and in line with Policy QH8 of the Dublin City Development Plan 2016-2022. The Planning Authority accepts that the density, plot ratio and site coverage associated with the development is acceptable and in line with relevant Development Plan standards/statutory guidance. I would agree.

7.3.2. The front building lines are largely in line with the existing houses along Howth Road and I consider this acceptable. The revised building line fronting St. Assams Road West presented as part of alternative design option no. 2 is 2.5m from the boundary wall and in line with the gable end of the proposed dwellings on Howth Road, this in my view is acceptable.

7.3.3. I consider the proposed dwellings, in terms of overall scale and design will sit comfortably within the existing streetscape and will not have a significant visually overbearing impact given the setbacks, separation distances and suburban context adjacent to Raheny Village. In my opinion the development would not appear over dominant or incongruous in the streetscape, so as to negatively affect the character of the area.

7.4. Impact on Residential Amenities

7.4.1. The reason for refusal asserts that the development does not provide adequate private open space provision and that the proposed development would result in undue overlooking and would have an overbearing impact.

7.4.2. The appellant contends that the layout of the scheme is in accordance with the minimum quantum of private open space as per Section 16.10.2 Residential Quality Standards of the Development Plan which sets a standard of between 60sqm and 70sqm. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be excessively overlooked by neighbouring residents. I note the quantum of private open space is in line with the minimum standards.

7.4.3. However, in the context of the three houses fronting Howth Road, the height of the proposed houses at 9.5m in conjunction with the shallow depth of the rear gardens ranging from 5.1m minimum to 8.9m maximum, and, taking cognisance of the north

facing aspect, the quality of private open space is limited and overshadowed for most of the day. Furthermore, the provision of two units on St. Assams Road West does significantly reduce the available rear garden space for the units fronting Howth Road. In this regard, I consider it appropriate to omit one of the units fronting St. Assams Road West as per alternative design option no. 2 of the appellants submission.

7.4.4. The omission of a house to the rear will provide for an improved quality of private open space for all dwellings with rear garden depths of between 10 – 11m. Furthermore, the increased garden depths will provide for greater separation distance between dwellings and accordingly will reduce overlooking of adjoining rear gardens.

7.4.5. Overall in terms of residential amenity, I consider that the revised alternative design option no. 2 will not result in undue overlooking, loss of privacy or be overbearing on the existing dwellings. Furthermore, the revised layout will provide for improved quality and appropriate quantum of private open space for the proposed dwellings. Having reviewed the planning history and the design and layouts solutions proposed, I consider the development, subject to the modifications outlined acceptable and in accordance with the proper planning and sustainable development of the area.

7.5. **Other Matters**

7.5.1. The observers to the appeal note the impact of the development on on-street car parking and existing street trees as a result of the development proposal. In this regard, I note the revised layout provides for the repositioning of a vehicular access on Howth Road in order to retain existing street trees. This is acceptable.

7.5.2. In relation to on-street car parking, I note the report from the Roads, Streets and Traffic Department indicates no objection to the removal of the pay and display spaces. I am therefore satisfied that there is no issue with the removal of on-street car parking to accommodate the development.

7.5.3. In relation to the Ash tree on the grounds of no. 1 St. Assams Road West, any development works associated with the application site will be confined to the site as outlined in red. No works will encroach or overhang adjoining properties in third party ownership.

7.5.4. The site is located close to the Zone of Archaeological Constraints for the Recorded Monument DUO15-082 (Raheny Settlement). A report from the City Archaeologist dated 16th November 2018 sets out no objection to the development subject to conditions. An appropriate condition has been included in the recommendation attached.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the 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.

8.0 **Recommendation**

I recommend that planning permission be **GRANTED** for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character of the area. 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 and by the further plans and particulars received by An Bord Pleanála on the 11th December, 2018, 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. (a) The two no. house type B's fronting St. Assams Road West shall be omitted and replaced with one no. house type A1.

(a) Design details for all vehicular access arrangements and roadside boundary walls shall be provided.

(b) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority revised drawings in accordance with the above.

Reason: In the interest of clarity and to protect residential amenities of property in the vicinity.

3. Water supply and drainage arrangements, including the 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located 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.

5. All rear gardens shall be bounded by block walls, 2 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 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: To protect the residential amenities of property in the vicinity of the site.

8. The construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery

and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated

Reason: In the interest of sustainable waste management

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. 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.

Irené McCormack
Planning Inspector

7th March 2019