



An
Bord
Pleanála

Inspector's Report

ABP-304373-19

Development	Demolition of extension, creation of new extension & subdivision of site for two separate dwellings.
Location	30 Curlew Road, Drimnagh, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2251/19
Applicant(s)	Breffni & Mary-Jane O'Flaherty
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Breffni & Mary-Jane O'Flaherty.
Observer(s)	None
Date of Site Inspection	08/07/2019
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located at the junction of Curlew Road and Dromard Road in the inner-suburban area of Drimnagh. To the north of the subject site is a large HSE facility.
- 1.1.2. The dwellings within the vicinity comprise terraces of three and four two-storey dwellings, characteristic of the area. The facades of many dwellings in the vicinity have been altered and a number have porches and bay windows to the front. The subject site has off street parking to the front and a private garden rear.

2.0 Proposed Development

- 2.1. On the 12th February 2019 permission was sought for the subdivision of a corner site, the demolition of an existing single storey extension to the side of the existing dwelling (14sq.m.) and the construction of a two-storey dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 8th April 2019, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 Having regard to the established character and pattern of development in the vicinity, together with the sitting and overall scale of the proposed development, with part of the proposed dwelling located forward of the established building line, it is considered that the proposed development would be visually obtrusive within the streetscape, would detract from the visual amenities of the area and provide for a substandard level and location of private amenity space for future occupiers. The proposed development would therefore be contrary to section 16.10.9 of the Dublin City Development Plan 2016-2022, would set an undesirable precedent for similar developments and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Dept.:** No objection subject to standard conditions.

3.2.2. **Planning Report:** Proposed development is in accordance with standards on floor areas, aspect, natural light & ventilation, and private open space. The proposed two-storey dwelling to the side of the existing dwelling would disrupt the rhythm of the streetscape. Provision of open space to the front of the proposed dwelling is not acceptable in terms of amenity. Recommendation to refuse permission.

3.3. **Prescribed Bodies**

3.3.1. None on file.

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1.1. No relevant planning history.

5.0 **Policy Context**

5.1. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.

5.2. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** were issued by the Minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

5.3. Dublin City Development Plan 2016-2022

- 5.3.1. In the Dublin City Development Plan 2016 -2022 plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.
- 5.3.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:
- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
 - Indicative site coverage for the Z1 zone is 45-60%
- 5.3.3. **Section 16.10.2** of the development plan refers to residential quality standards for Houses. It states that in relation to floor areas: Houses shall comply with the principles and standards outlined in section 5.3 'Internal Layout and Space provision' contained in the then DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Rear gardens and similar private areas should: be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries; and not back on to roads or public open spaces.
- 5.3.4. Section **16.10.9** of the development plan refers to corner / side garden sites stating that 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. Such developments, when undertaken on suitable sites and to a high standard of design can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites. However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house. The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites: • The character of the street, • Compatibility of design and scale with adjoining dwellings,

paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings • Impact on the residential amenities of adjoining sites • Open space standards and refuse standards for both existing and proposed dwellings • The provision of appropriate car parking facilities, and a safe means of access to and egress from the site • The provision of landscaping and boundary treatments which are in keeping with other properties in the area • The maintenance of the front and side building lines, where appropriate.

5.4. Natural Heritage Designations

- 5.4.1. The subject site is located 7.4km from the Dublin Bay and River Tolka Estuary SPA (004024), and the South Dublin Bay SAC (00210).

5.5. EIA Screening

- 5.5.1. Having regard to nature of the development and the urban location of the site 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An agent for the first party has submitted an appeal against the decision of the Planning Authority to refuse permission. The appeal submission provides detail on the subject site, the typical house and site typology in the area, emerging architectural heritage attributes, the brief of the applicant and development plan policy. The grounds of the appeal can be summarised as follows:
- The wider area comprises terraced housing and corner sites, with defined spaces at road junctions creating an important visual character of the area.
 - Density in the area is approx. 35 dwellings per ha. Typical corner houses of 62sq.m. have a plot ratio of 0.187 and site coverage of 8.9%. Extension and modification of dwellings in the area is usual.

- The neighbourhood has a distinctive character, created by the retention of the standard house type on all plots, the definition of corners, personalisation of houses and front facades and the absence of a developed corner house design.
- The streetscapes have consistent building lines but are enlivened by extensions, and individualisation.
- The non-usage of the corner sites is wasteful where there is high demand for housing on well serviced lands.
- The Applicant sought to create an additional house, using redundant garden space. The house will be for rent or sale. The proposed house will be of the same scale as the existing houses but with contemporary space standards for up to four people. The existing house will be revised to create a better relationship with the garden. Both houses will use value-based design, a local palette of materials and be financially viable.
- In order to be financially viable and to respect the pattern of development in the area, design complexity and bespoke architectural detailing were omitted. The proposed dwelling was designed as an extension of the existing typology, using typical materials. The Planning Authority recognised that the proposed dwelling has many positive characteristics.
- Design options such as excavating private open space, creating a more complex open space boundary, excavating the site and allowing the existing dwelling to create a mezzanine and adjusting the roof profile to create a clerestory were all dismissed as being of disproportionate cost, making construction of the dwelling unviable. The applicant wants the proposed dwelling to be achievable. The proposed dwelling is based on standard construction and a continuation of the vernacular architectural of the wider area.
- The applicant is conscious of the precedent that will be set by this first corner house and considers that the precedent must be actionable and based on minimal cost.
- The zoning objective for the subject site is best served by increasing density on underutilised lands. The proposed development complies with the zoning objective, policies QH5, QH7, QH8, QH13 and QH21.

- The proposed fully enclosed front garden is acknowledged to be unusual. It is submitted that privacy can be achieved by detailed boundary treatments such as the common use of dense hedges in the area. Photographs submitted.
- It is submitted that the use of front gardens as public spaces is convention and not sufficient reason to prevent densification of this low-density area.
- It is submitted that compliance with the development plan policy on side gardens inevitably requires some change to the visual character of the area, but that it can be managed change.
- The private open space to the front can be managed by the occupiers by means of fencing / hedging.
- The front door of the proposed dwelling can be relocated to the driveway if having it within the private open space is detrimental.
- The application for a side / corner dwelling at 8 Curlew Road (reg. ref. 2417/14) is not a comparable as the proposed dwelling failed to meet appropriate space standards. The dwelling granted at 86 Cooley Road (reg.ref. 2610/07) demonstrates that a change to the urban morphology can compliment the streetscape. Permission was refused at 2 Galtymore Road (reg. ref. 1603/02) as the site was constrained. The dwelling permitted at 180A Carrow Road (reg. ref. 0580/02) demonstrates that infill houses on underused sites can work.
- The Board is requested to grant permission.

6.2. Planning Authority Response

6.2.1. None on file.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions on file. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development

- Private Open Space
- Design

7.2. Principle of Development

- 7.2.1. The proposed development, for a residential dwelling within an area zoning for residential development is acceptable. Development plan policy on houses in side gardens is set out in section 16.10.9 of the development plan. The policy notes that houses in side gardens are generally on large sites and that there may be sites that are more suitable to an extension of the existing dwelling rather than an additional dwelling. The policy requires that the character of the street, the compatibility of the proposed development, impact on residential amenities, open space, car parking landscaping and building lines are taken into account. The issues of open space, and impact on residential amenities are discussed in greater detail below.

7.3. Private Open Space

- 7.3.1. The provision of the private open space for the proposed dwelling to the front of the dwelling, rather than the more usual rear has been raised by the Planning Authority as a concern. I share that concern. The appellant, in their submission acknowledges that it is an unusual proposal but makes the case that it is only convention that creates the unease and that with appropriate boundary treatment, the proposed space could operate successfully.
- 7.3.2. I note the appellants argument that financial considerations have limited the solutions available to develop this triangular plot. The submission that the development has to be viable, in order for it to proceed, is reasonable and acceptable. Development on this corner plot will invariably set a precedent for the wider area, given that, unusually, none of the corner plots in this area have been developed. I consider the appellants arguments reasonable and agree that densification of this under-used plot is a welcome move. However, that cannot occur at the expense of residential amenity or create a precedent of substandard development. That national and local policy is to increase density is accepted. That it must be balanced against the proper planning and sustainable development of an area, however, is not negotiable.

7.3.3. I cannot accept the argument that the constraints of the site are such that the only solution to providing private open space is for it to be streetside. The proposed 40sq.m. garden for the new dwelling would be immediately adjacent to the driveway and parking area of the two dwellings on either side. It is difficult to accept that a sufficiently dense hedge could provide the required sense of privacy without seriously impacting the streetscape at this corner – and therefore prominent site. The appellant acknowledges that hedges can be removed and take time to bed-in. Further, the thickness required to achieve opacity would eat-in to the useable space available. I am not satisfied that the future occupants of the proposed dwelling would find the garden sufficiently private for it to provide any residential amenity. This is compounded by the provision of the front door within the garden, although it is noted that the applicant has indicated that this can be changed.

7.4. **Design**

- 7.4.1. The development plan's policy on houses in side gardens acknowledges that some sites are more suited to a large extension rather than an additional dwelling.
- 7.4.2. The proposed dwelling reads as an extension of the existing dwelling, with the result that it appears disproportionately large and out of scale with the pattern of development on either side. It is considered that a clearer demarcation between the two buildings would appear less visually incongruous. That there was a new entry into the building record of the site and streetscape would be more obvious. It is considered that this approach would integrate more successfully with the streetscape. The stepped front profile works well and addresses the corner location of the site successfully. The creation of a comparable break in the roof profile could achieve a similar result, allowing the passerby to distinguish between the new and the old.
- 7.4.3. The Board could request a re-design of the roof profile to address the above concern, however, given my reservations about the problematic private open space and the resultant impact on residential amenity and the precedent it would set, it is recommended that permission be refused.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1. It is recommended that permission be REFUSED for the following reason:

- 1 Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in inadequate and unsatisfactory open space, would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would set an undesirable precedent for the development of corner sites in the immediate and wider area. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Senior Planning Inspector

12 July 2019

