



An
Bord
Pleanála

Inspector's Report

ABP-304416-19

Development	Demolition of side extension and construction of attached house.
Location	89 Annadale Drive, Dublin 9.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4039/18
Applicant(s)	David & Andrea Mahon.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	John & Eilís O'Neill.
Observer(s)	None
Date of Site Inspection	31 st July 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located within the side garden of no. 89 Annadale Drive which is a corner, end of terraced property. The existing dwelling is modest in terms of scale and site area and is situated in a position that is perpendicular to a terrace of dwellings to the west.
- 1.2. The site is located within an established residential estate, where dwellings are of uniform design and layout. Many of the dwellings have added porch extensions to the front elevation and have also extended to the side and / or rear in various forms
- 1.3. The appeal site is currently enclosed by a 1.2 metre hedge and wall and contains a vehicular driveway to the west which is separated from the neighbouring property by a c. 1 metre metal fence. The appeal site can be seen in full from this driveway. A pedestrian entrance is located to the east which will be altered to create two driveways.

2.0 Proposed Development

- 2.1. The proposal comprises the demolition of a single storey side extension and the construction of a two-storey end of terrace dwelling and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to grant permission for the proposed development subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The final planners report is consistent with the decision of the planning authority. Further information was requested in relation to the following items:
 - Details of new enclosure to side of no. 87.
 - Maintenance of hedge.
 - Design brief and examples of similar properties.

- Amendments to design features such as rooflights in front roof slope.
- Parking layout.

3.2.2. Other Technical Reports

- Drainage Division – No objections subject to conditions
- Transport Planning Division – no objections subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One observation was received from the resident at no.87 Annadale Drive the issues raised are as those within the grounds of appeal.

4.0 Planning History

There is no relevant planning history on the appeal site.

Adjacent site

1996/03 Permission was granted for a new dwelling to side of no. 47 Annadale Drive.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan

Land use zoning objective Z1 – To protect, provide and improve residential amenities.

- QH8 – Promote development of vacant sites
- QH22 – New houses to be in keeping with character of existing.
- 16.10.9 Corner/Side Garden Sites
- Section 16.6 – Site Coverage

- Section 16.10.10 Infill Housing

National Planning Framework Project Ireland 2040

- Section 2.2 - Compact Growth
- NSO 1 – Compact growth

5.2. **Natural Heritage Designations**

- None

5.3. **EIA Screening**

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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**

An appeal has been submitted by John & Eilís O'Neill who reside at no. 87 Annadale Drive to the west (rear) of the appeal site. The issues raised within the grounds of appeal can be summarised as follows:

- Overlooking.
- Overbearing.
- Overshadowing.
- Loss of privacy.
- Deficiency of open space.
- Safety of proposed access.
- Proposed hedge will result in loss of sightlines.
- Permission to access the appellants grounds will not be provided if required.
- Re-routing of services, no details provided.

6.2. Applicant Response

Architectural Farm consultants have prepared a response to the grounds of appeal on behalf of the applicant. A shadow analysis report has been submitted with this response. The issues raised within the response can be summarised as follows:

- Shadow analysis demonstrates a negligible impact on the rear garden of no. 87.
- Obscure glazing conditioned by DCC will address any potential for overlooking.
- Demolition of existing extension will improve amenity for no. 87.
- Building is c. 7.8 metres from side wall of no. 87.
- Removal of existing driveway of no. 89 improves visibility for no. 87.
- Proposed building can be constructed without accessing no. 87.
- Having regard to nature and scale of development, there will be no impact on amenities of no. 87.
- Design is an innovative solution that enhances the site and wider context.

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

The appellants have submitted a response to the applicant's response, the issues raised can be summarised as follows:

- Overshadowing can not be regarded as negligible.
- Loss of light to box bedroom and landing window.
- Development does not accord with proper planning and sustainable development of area.
- Development will result in impact to residential amenity of no. 87.

- Overshadowing is not considered to be negligible.
- Concerns in relation to re-routing of utilities.
- Concerns in relation to oversailing during construction.

7.0 **Assessment**

7.1. The proposed development is located within an area subject to the Z1 zoning objective which seeks to protect, provide and improve residential amenities. The principle of residential development is accepted within this zoning objective. I consider the relevant issues pertaining to the proposed development are as those raised within the grounds of appeal which are summarised as follows:

- Overshadowing and impact on residential amenity.
- Overlooking
- Adequacy of open space
- Adequacy of carparking and access
- Appropriate Assessment
- Other matters

Overshadowing and impact on residential amenity.

7.2. It is contended by the appellants that the proposed development will result in an unacceptable impact on the residential amenity of their dwelling which is situated to the rear of site. The appellants are concerned that the proposed development will cause significant overshadowing to their property and will irreparably impact the enjoyment of their home.

7.3. The Dublin City Development Plan 2016-2022 within Section 16.10.9 specifies that the provision of additional residential units in side gardens will be generally supported subject to a number of criteria. Developments in side gardens must be assessed in relation to the quality of design and layout, the adequate provision of car parking, open space and landscaping and the impacts upon the residential amenities of adjoining sites.

7.4. In support of the application and in response to the appellants concerns, the applicant has submitted a shadowing analysis report. The report submitted demonstrates that the proposed development would cast a larger shadow over the side of no. 87 during

early morning hours in March. Shadows at other times of the day and times of the year are largely unaffected by the proposed development.

- 7.5. The proposed two storey dwelling will be set back from the appellants dwelling by c. 7.8 metres and marginally projects beyond the current building line established by no. 87 to the west. The set back, limited height and orientation of the proposed dwelling would not, as seen from the shadow analysis, create an unacceptable level of overshadowing to no. 87 to such a degree as to warrant a refusal of the application.
- 7.6. Whilst I acknowledge that there will be an additional level of overshadowing during morning hours in spring, this overshadowing will occur to the side of the property, it will not significantly affect the main aspect of habitable rooms and will be for a limited period of time. As such, given the urban setting of the site I do not consider overshadowing to be significant.
- 7.7. It is of importance to note at this juncture that infill development at locations such as the appeal site supports the notion of compact growth which is significantly supported by the policies of the National Planning Framework in which it is an objective to deliver at least 40% of all new housing within the existing built up areas of cities. In order to deliver on the principles of compact growth a degree of flexibility must be provided for in relation to issues such as overshadowing.

Overlooking

- 7.8. It is contended by the appellant within the grounds of appeal that the proposed development would give rise to overlooking of their property. First floor rear windows within the proposed development comprise of 2 no. roof lights within the roof slope. These rooflights will serve a bedroom and attic space. As mentioned in Section 7.5 above, the proposed rear boundary wall of the development is set back from the gable wall of the appellants dwelling by c.7.8 metres. Given that roof lights are proposed, views to the side of the appellants dwelling will be significantly restricted. Thus, having regard to the foregoing and the orientation of the proposed building perpendicular to the gable wall of the appellants dwelling, I do not consider that the proposed development give rise to direct overlooking or would impact the privacy of no. 87 to such a degree as to warrant a refusal.

Adequacy of open Space

- 7.9. It is contended by the appellant that the proposed development is deficient in open space. It is proposed to provide 51 sqm to the rear of the existing dwelling and c.64

sqm to the side, c. 10sqm to the rear and c. 64sqm to the front of the proposed dwelling. Section 16.10.2 of the Dublin City Development Plan 2016-2022 states that private amenity space can be provided for, to either the side or the rear of a dwelling. A minimum standard of 10sqm per bed space is applicable to residential development in the city with this figure reducing to 5-8sqm in inner city locations.

- 7.10. A single bedroom represents one bed space and a double bedroom represents two bed spaces. Generally, as stated within the aforementioned Section, up to 60-70 sq.m of rear garden area is considered sufficient for houses in locations such as the appeal site. The proposed development provides for a total 5 bed spaces thus requiring 50sqm of open space, as mentioned above the proposed development provides a quantum of open space that significantly exceeds this. In addition, a total of 51sqm is provided to serve the existing dwelling which also accommodates 5 bed spaces.
- 7.11. Accordingly, having regard to Section 16.10.2 of the plan, and the location of the appeal directly adjacent to the inner-city limits, I consider that the proposed development provides adequate levels of open space to serve both the development and the existing dwelling.
- 7.12. It is also of note that in response to the further information request of the local authority, the applicants are proposing to landscape and plant hedging along the western boundary in order to provide an adequate level of privacy to the garden area of the new dwelling.

Adequacy of access and car parking

It is contended by the appellant that the proposed development will impact on available sight lines at the entrance to no. 87. At present there is a vehicle entrance located within the rear garden of no. 89. It is proposed to remove this and create two new driveways to the front of no. 89 and the proposed dwelling. Visibility from the appellants driveway onto the cul de sac will remain as the proposed dwelling will only marginally breach the building line of no. 87 and will be set back c. 7.8 metres. The proposed hedge will undoubtedly enclose the applicant's property, however visibility from their entrance will not be unduly affected to such a degree so as to cause a traffic hazard.

- 7.13. The proposed new driveways proposed to the front of the existing and proposed dwellings will provide for adequate separation from the corner of the cul de sac. Table 16.1 of the Dublin City Development Plan 2016-2022 stipulates that a maximum of 1 parking space per dwelling is permissible in such zones of the city. The applicant has

provided 1 parking space per unit and as such the proposed development is in accordance with the provisions of the development plan in this regard.

Appropriate Assessment

- 7.14. Having regard to the minor 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.

Conclusion

- 7.15. Having regard to the foregoing assessment I consider that the proposed development adequately complies with the requirements of the Dublin City Development Plan 2016-2022 with regard to layout, design, density, carparking, access to daylight and sunlight and traffic safety. Furthermore, the proposed development by virtue of the existing site characteristics and the separation distance from no. 87 Annadale Drive, which is circa 7.8 metres west of the appeal site, will not significantly impact upon the amenities of this property. As such the proposed development is considered to be an acceptable form of development that provides for an adequate standard of accommodation for future residents.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to standard conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, 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. 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area

3. Water supply and drainage arrangements, including the disposal and attenuation 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. Access and parking arrangements shall comply with the requirements of the planning authority for such works. Full details of the proposed footpath and kerb to be dished shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of public health and traffic safety.

5. The boundary plant shall be set out as shown on the landscape plan with the new hedge to be semi-mature/mature when first established and this hedging shall be maintained at a minimum of 2 metres in height to all external boundaries. Any dead or diseased hedging shall be replaced within the next growing season.

Reason: In the interest of visual and residential amenity for future occupants.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. The site and development works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developers expense.

Reason: In the interest of orderly development.

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

5. 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.

Sarah Lynch

Planning Inspector

31st July 2019