



An
Bord
Pleanála

Inspector's Report

ABP-304498-19

Development	Construction of end of terrace house with new vehicular access off Croydon Gardens.
Location	143 Saint Declan's Road, Marino, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2388/19
Applicant(s)	Sarah Toyé.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Fiona Gilroy.
Observer(s)	None.
Date of Site Inspection	20 th September 2019.
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site of No.143 St Declan's Road is a large end of terrace site near the junction with Torlogh Parade and overlooking a circular green to the south – Croydon Gardens. The existing house is two storeys with a small single storey extension to the rear. The site has a stated area of 316 sq.m with an overall frontage of 13.5m whereas the adjacent mid-terrace sites have less than half this width and this configuration provides for a large side garden. The overall housing development is part of the 1920-30s Marino affordable housing scheme that was heavily influenced in style by the Garden City movement and is of historic and urban design interest. The streetscapes have an ordered symmetrical layout with splayed building lines at the junction. The finely grained terraces are punctuated with generously spaced corner and end of terrace sites. The adjacent squared corner site at 2 Torlogh Parade (appellant) for example has a double frontage of over 30m resulting in a very large front garden and generous former side garden but due to the set back and façade alignment, it has a very small triangular rear garden which tapers to a point west of the side. The rear and side gardens of no.2 have been further reduced by an extension. There is an intervening narrow pedestrian passage between these properties which extends to the rear of Torlogh Parade and between the rear facing houses along Griffith Avenue and St Declan's Road.
- 1.2. There are separate vehicular and pedestrian accesses from no. 143 onto the public road which includes a C-shaped island directly to the front of the pedestrian gate which funnels traffic between Croydon Gardens and St Declan's Road. There is a bus stop at this island location.

2.0 Proposed Development

- 2.1. It is proposed to construct a two-storey house of 99.9 sq.m alongside the existing extended house of 95.78 sq.m. resulting in a total floor area of 195.68 sq.m.
- 2.2. The proposed house extends to a width of 6.4m. the façade treatment is similar to that of the existing terrace. The roof is formed by extending the ridge and maintaining the hipped roof profile in the street elevation. The proposed roof profile deviates to the rear by virtue of a first-floor extension to the rear beyond the building

line of the terrace and includes a hipped roof extension over. The window widths are slightly larger.

- 2.3. The existing house will retain a 26 sq.m. rear garden area whereas the proposed house will have private open space of around 40sq.m. and a side passage

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. The planning authority issued notification of a decision to grant permission subject to 11 conditions. Notably condition 4 seeks the reduction in width of the house to that of the existing houses and consequent reduction in bed spaces to 4 in total. Condition 5 requires retention of the existing vehicular access to serve both the existing and proposed dwellings with the provision of one car park space for each. Condition 6 restricts exempted development.

3.2. **Planning Authority Reports**

- 3.2.1. The Planning Report makes reference to:

- The planning history.
- The development plan provision for conservation areas and infill development.
- The objections and concerns relating to impact on adjacent properties.
- The restricted car parking.

- 3.2.2. It concludes that:

- The house needs to match the width and scale of the existing houses in elevational treatment and accordingly should be reduced in width.
- The open space is substandard for the scale of house but the reduction in area and consequent bed spaces to 4 persons allows for a better standard of development.
- Off street car parking should be provided for both existing and proposed dwelling in view of the limited car parking on street.

- 3.2.3. Other Technical Reports

Drainage Division: no objection subject to conditions.

3.3. **Prescribed Bodies**

No reports

3.4. **Third Party Observations**

The appellant lodged an objection and points are elaborated in grounds of appeal.

4.0 **Planning History**

An Bord Pleanala ref PL29N.244000 refers to refusal of permission for a detached dwelling to the side. In this case the reason related to the incongruous nature of a detached house in a terraced environment. File attached.

An Bord Pleanala ref PL29N.243548 refers to permission for a two storey extension of 86sq.m.to the side and rear of the existing house of 77 sq.m. to be retained on site. (overall total floor area 176 sq,m. gross. This was set back 2.48m from the boundary to the side and over a depth of 10.5m. Permission was subject to standard conditions. Development as permitted was not carried out. File attached.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The objective for the site is z2 'To protect and/or improve the amenities of residential conservation areas.' Section 14.8.2 states that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new development or works that would have a negative impact on the amenity or architectural quality of the area.

5.1.2. Chapter 16 set out development standards generally and in particular section 16.2.2.2 refers to infill development for gap sites within existing established urban areas and states that it is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings ensuring a more coherent cityscape. DCC will therefore seek:

- To ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape,
- In areas of varied cityscape significant quality infill development will demonstrate that positive response to context including characteristic building plot widths, architectural form, and the material and detailing of existing buildings where these contribute positively to the character and appearance of the area.
- Within terraces and groups of buildings of unified design and significant quality infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole,
- In areas of low-quality varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest and have regard to the form and materials of adjoining buildings where these make a positive contribution.

5.1.3. Section 16.10.9 of the plan sets out the requirements with regard to the development of houses in side gardens. In addition to the design criteria other considerations include impact on amenities of adjoining sites, open space, parking, boundary treatment and landscaping and the maintenance of building lines where appropriate.

5.1.4. Section 16.10.2 refers to residential housing standards including private open space.

- 10 sq.m. per bed space will normally be applied and within inner city this drops to 5-8 sq.m. 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...

5.1.5. Other Relevant policies

- 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**

Not relevant

6.0 **EIA Screening**

- 6.1.1. 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.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The agent for the owner of the neighbouring house at 2 Torlogh Parade has lodged a detailed appeal against permission for the development on the following grounds:

- Impact on amenity value of their crucial rear open space which is restricted in terms of area and aspect. The proposal at 2.8m from the rear courtyard space will impact on existing levels of daylight and sunlight and also have an overbearing impact and intensify sense of enclosure.
- The interface between no.2 and no.143 is more sensitive since previous proposal in that the house at no.2 has been extended
- By reference to section 16.10.9 which provides a caveat for infill housing, it is submitted that the site is restricted and more suitable to provide an extended

family home which would prevent substandard levels of amenity for existing and proposed houses.

- The site is restricted due to its tapered shape, orientation and sensitive abutments and fails to address impact on amenities in adjoining sites.
- The proposal is similar if not worse, in terms of impacts, to a house that was previously refused and would devalue the property.

Photographs include views from living areas in direction of site.

7.2. Applicant Response

- The site is more than adequate to cater for an additional dwelling.
- The site is separated from no. 2 Torlogh Parade by a laneway and this adds to the ability to maintain sufficient separation. A 2.4m separation is deemed sufficient.
- The report of the planning authority is cited in respect of the reasoning for permitting an extension to no.2 with a 10sq.m. private open space to the rear. The main amenity space was deemed to be in the front garden which is screened by a 2m high hedge. There were also concerns about the first floor east facing windows which were required to be modified by condition to protect the privacy of no.143.
- The design is in keeping with character of area and accords with infill policy.
- Concur with the appraisal that the layout and orientation of the dwelling is such that it would have no undue impact on the extension (of no.2 Torlogh Parade) and the house would not impinge on the aspect of the rear of no.2.... It is further pointed out the ground floor windows in the extension are angled over Croydon Gardens.
- It is rejected that the development is excessive and overbearing as it is wholly in keeping with the pattern of development.
- The proposed development will not by design result in any undue overlooking of windows or enclosed yard.

- The house at 1205mm set back and increased to 1520mm by condition will not result in a significant loss of amenity. It is pointed out that the appellant's house has been constructed close to the boundary- the two-storey element is around 500mm at its closest point. The layout is such that the kitchen overlooks the side to the front (east) and the living room is internal with no direct light while the sitting room overlooks the yard.
- The design as submitted is considered appropriate, but it is accepted that the Board may similarly attach condition 4a.
- The proposed dwelling maintains the building line and echoes the prevailing scale and form and will have a positive impact to the street.
- It is unreasonable to assume that no development of an appropriate scale and form would ever take place on this residual serviced land. The case that it would overbearing and further compound a feeling of enclosure is undermined by the pattern of development within the appellant's own property.
- With respect to overshadowing and loss of light of open space, it is pointed out that the appellant's plot is significantly larger but has been extended to the boundary and in such a way as to reduce the rear garden. Their concerns are more pertinent to the use and design of their own space.
- The planning authority's assessment is cited in respect of improvements relative to the permitted two storey extension and while slightly extending in a northwest direction the additional impacts would be marginal and would not result in any significant overshadowing.
- The decision to refuse that is relied up by the appellant is not relevant in that the basis for the decision related to a detached dwelling. The Board's explanation in its direction states that the 'design and configuration of the proposed development involving the provision of a detached dwelling would not be in keeping with the established and historic plan of the development layout in the surrounding areas.'
- The case that the appellant's property would be unattractive to potential buyers by reason of the proposal is unsubstantiated in this urban area where dwellings incur a degree of overshadowing and overlooking.

7.3. **Planning Authority Response**

- No further comments

8.0 **Assessment**

8.1. **Issues**

8.1.1. This appeal relates to a proposal for an additional dwelling by way of extending the terrace to create a new end of terrace dwelling in an area of conservation interest. The neighbours to the west in a perpendicular road have appealed the grant of permission on grounds of impact to the rear aspect of their dwelling. This proposal follows permission for a two-storey extension to the side and refusal of permission for a detached dwelling on the same site – decisions which have informed the parameters of the proposal. Having regard to the planning history, the assessment of the planning authority and the issues raised in the grounds of appeal I consider the principle of building to the side is acceptable and the issues relate primarily to:

- Impact on streetscape.
- Impact on residential amenity.

8.2. **Impact on street scape**

8.2.1. The site is part of the symmetrically ordered 1930s laid out affordable housing Marino scheme in inner suburban Dublin and the area is accordingly protected by the Z2 objective which seeks to protect residential conservation areas. On this basis the previously detached house with pyramidal roof was considered to be visually incongruous in the terraced setting and detract from the visual amenities of the area. Following that refusal, a subsequent proposal for a two-storey extension to the side was permitted. In this case the proposal is quite comparable to that permitted in that they both amount to two storey extensions to the side. In this case it is wider at 6.4m (excluding eaves) as compared to the 4.6m wide extension which reduces the spacing between terrace and Torlogh Parade and more specifically the setback from the boundary of no.2 Torlogh Parade is reduced from 4.4m to 2.2m but over a shorter depth.

- 8.2.2. This wider scaled house allows potentially for better configuration of space for an independent dwelling such as an accessible downstairs toilet/bathroom and the proposal also incorporates marginally wider windows than the terrace. The proposed house is however wider than the terraced houses which are at around 6m. The planning authority has taken the approach of requiring a reduced width and also matching windows in order to assimilate better with the terrace.
- 8.2.3. The proposed set back of 1.2m together with the dividing laneway serves, in my judgement to adequately segregate and differentiate between the terraced and Torlogh Parade properties. While the narrowing by 400mm by way of condition 4 will serve to exactly match existing mid terrace widths and reduce the bed spaces more in line with open space I do consider it entirely warranted. I consider the window treatment and roof profile are the critical elements in harmonising the elevation. In this regard, the wider ground level window jars with the terrace in that it is not only wider but also out of line with the first-floor window over. This would be improved by maintaining window alignment and also symmetry in the window glazing divides in the street elevation. I note that the windows have been altered in all the houses in the vicinity and in view of the zoning objective it would be appropriate to reinstate the proportions and symmetry of the original divided windows albeit with modern materials. The consequent reduction of window size will marginally reduce internal light, and this is not helped by the internal layout resulting in an internal dining room. A narrowing of the kitchen would permit a window, alternatively, the omission of the first-floor extension would permit rooflights.
- 8.2.4. On another matter of elevation and assimilation, I note that the fireplace is deeper in the plan layout and the chimney breast is not in the first-floor plans, but the chimney stack/pot aligns with those in the existing roof in the elevation drawings. This consistency of alignment should be clarified in conditions.
- 8.2.5. On balance, in terms of visual amenity of the streetscape and the conservation aspect of the objective for the area and also having regard to the permission for an extension to the side which almost doubles the original house size, I consider that the introduction of a new house in the general scale and form of an extension to the terrace would not detract from the character of the area and is acceptable subject to alignment of openings, windows and profile. Accordingly the house does not in my judgement need to be narrowed as viewed from the street.

8.3. Impact on residential amenity

- 8.3.1. The neighbours to the west of the site object to the scale of the development in close proximity to their house which has been recently extended in the direction of the subject site. The concern centres on the overshadowing and overbearing impact of the two-storey extension. I note in the report in the planning history that the permission for the extension to the rear and side of no. 2 was conscious of the reduced open space to the rear and loss of private open space for a house of the scale proposed but had regard to the extensive and enclosed front garden and the amenity that that afforded. It was considered that the front garden provided the primary amenity space and I concur with this view point. I note that the private open is very small and is overshadowed for the most part by the house and its extension at no. 2 which has extended up to the eastern boundary. While the proposed extension will cast some shadow during limited hours and times of the year when the sun is lower, this is off set by the set back of 2.2m from the side /rear boundary of no.2. I also note that the second-floor depth is reduced from the previously permitted two storey extension to align with that of the original terrace. On balance the impact would be negligible and not unreasonable in light of the site layout of no.2.
- 8.3.2. The first-floor bedroom window is proposed at a distance of just over 6m from the rear boundary which is about 17m from the opposing windows (although at a slightly oblique angle) in the rear elevation of 56 Griffith Avenue whereas the prevailing separation is about 18.8m. This window would have an extremely oblique angled view over no.2 and slightly less oblique view of the rear of the other houses along Torlogh Parade. By reducing the house depth would reduce the overall bedroom areas by 5.7 sq.m. Given that the proposed bedroom aggregate is 31.7sq.m. (5.06 + 15.96 + 10.69), this reduced bedroom space would be significantly less than the guided 31.5 sq.m. for 3 bed units. In view of the pattern of surrounding development and subject to a restriction on extensions I do not consider the proposed for to result in any significant increase in overlooking. On balance, provision of three bedrooms/two-bedroom and study is not unreasonable and will be an efficient use of space. A slight reconfiguring will bring it in line with guidance for individual bedroom spaces as set out in Appendix 1 of Sustainable Urban Housing Guidelines, Guidelines for Planning Authorities and Table 5.1 of Quality Housing for Sustainable Communities.

8.3.3. In terms of overall standard of development for the existing and proposed dwellings, the private open space is low and restricted in terms of sunlight due to the northerly aspect. The development plan has a requirement of 10 sq.m. per bedspace and this is relaxed in inner city areas to 5-8 sq.m. There is a case to relax in this instance as the proposed open space is consistent with that of the other terraced houses which have extended in various styles to the rear. The site is also well served by the park fronting the site. The proposed dwelling also has a moderately wider site with a side passage although it narrows at the rear however I estimate the private open space to the rear to be 43.4 sq.m. as measured behind the rear building line (i.e. excluding the side passage). Without the kitchen extension, the private open space would be 55.8sq.m. A slight narrowing of the kitchen would increase the open space and permit a window for the internal dining area and interconnection with the outside and also give flexibility to swap the dining and kitchen areas. This type of revised layout would allow a west facing window/patio doors at ground floor level and generally allow more light into the house. I also consider a hallway with independent access to the living room space would provide more flexibility of living space in line with guidance in Quality Housing for Sustainable Communities, for example the swapping of the utility with the wc would allow direct dining/kitchen access from the hall so that the living room is not a passageway but the detailed layout is a matter for the applicant's choice of space and compliance with the building regulations. Having regard to the guidance and site layout I consider a marginal narrowing of the proposed kitchen area would provide for improved standard of sustainable development on this site. A reduction of 800mm in width would reduce the first floor by 1.2m however the omission of the en-suite would still facilitate 3 first floor rooms.

8.3.4. The private open space for the existing house will be reduced to 26 sq.m. for the original house as this has been extended. This would appear to be in line with exempted development provisions and is also in line generally with the terrace.

8.4. **Other matters**

8.4.1. In view of the road and kerb alignment and restrictions to provision of a second vehicular access and also the limited car parking, the planning authority recommended that the vehicular access be retained and shared so that each house

is provided with one car park space each. Condition 5 provides for this and I consider this to be appropriate.

8.5. Appropriate Assessment

- 8.5.1. Having regard to the location of the development within a serviced built up area, the nature of the development and the separation distance from any European 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.

9.0 Recommendation

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 granted for the proposed development based on the following reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the zoning for residential purposes, to the location of the site in an established residential conservation area and to the nature, form, scale and design 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 residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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. 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 residential amenities of property in the vicinity.

3. Prior to commencement of development the applicant shall submit revised plans for the written agreement of the planning authority. These plans shall incorporate the following revisions:

- (a) The front door and window design and proportions in the front elevation shall be revised to those of the original design and character of the terrace of which the proposed house forms a part .
- (b) The proposed kitchen and bedroom element to the rear of the main building line shall be reduced in width by 800mm and the internal room will be provided with an external window.
- (c) The first-floor layout shall be revised to comply with standards for minimum bedroom sizes as set in Section 28 Guidelines.
- (d) The kitchen/dining area shall be provided with independent access from the hall.
- (e) The proposed chimney location and external design shall match those existing in the terrace.

Reason: To protect the streetscape character in an area of conservation value, to ensure an adequate standard of development and in the interest of sustainable housing.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

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

5. The existing vehicular entrance shall be permanently maintained for the joint use of the existing and proposed dwellings on site with each dwelling having one car park space while retaining the plot division through landscaping and boundary treatment. Details of these measures including any alterations to the footpath shall be in accordance with the requirements of the planning authority. Details of the car parking, landscaping and materials to be used together with repositioning of utilities/street lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of safety and visual amenity

6. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. 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.

8. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Suzanne Kehely
Senior Planning Inspector

26th September 2019