



An
Bord
Pleanála

Inspector's Report

ABP-304732-19

Development	Sub-division of approved undeveloped house site Reg. Ref.: 2374/13. To provide a detached bungalow adjoining the approved unbuilt house with new vehicular access.
Location	40 Edenmore Avenue, Raheny, Dublin 5.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2798/19
Applicant(s)	Eric Byrne
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Eric Byrne
Observer(s)	None
Date of Site Inspection	11/09/19

Inspector

Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located within the side garden of no. 40 Edemore Avenue 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 north.
- 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 wall and contains a vehicular driveway to the front of the dwelling. The appeal site can be seen in full from the adjacent public road.
- 1.4. Planning permission has already been granted for the construction of a dwelling to the side of no. 40.

2.0 Planning Authority Decision

2.1. Decision

Dublin City Council sought to refuse planning permission 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, form and design of the proposed development on an exposed corner site, which significantly breaks the established building line on Edenmore Avenue, it is considered that the proposed development would appear visually incongruous, would have a negative visual impact on the area and seriously injure the residential amenities of the area. The development therefore would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2.2. Planning Authority Reports

2.2.1. Planning Reports

The final planners report is consistent with the decision of the planning authority

2.2.2. Other Technical Reports

Drainage Division: Report dated 22nd May 2019. Seeks additional information due to lack of adequate information.

2.3. Prescribed Bodies

None

2.4. Third Party Observations

None

3.0 Planning History

The following planning history is of relevance:

2374/13 Permission granted for demolition of single-storey extension at the side. Provision of new vehicular access to no. 40 Erection of 1 detached two-storey, 3 bedroom house at side accessed via existing driveway & all associated works.
2374/13X1 EOD granted for the demolition of single-storey extension at the side. Provision of new vehicular access to no. 40 Erection of 1 detached two-storey, 3 bedroom house at side accessed via existing driveway & all associated works.
Expires 9th Aug 2023

4.0 Policy Context

4.1. Development Plan

Dublin City Development Plan

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

- 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

4.2. **Natural Heritage Designations**

- North Dublin Bay SAC is located c. 1.9km east of the site.
- North Bull Island SPA is located c. 1.9km east of the site.

4.3. **EIA Screening**

- 4.4. 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.

5.0 **The Appeal**

5.1. **Grounds of Appeal**

This is a first party appeal against the decision of Dublin City Council to refuse permission for the proposed development. Phelim J Byrne has prepared the grounds of appeal on behalf of the applicant. The issues raised within the grounds of appeal can be summarised as follows:

- Proposal will improve residential amenity.
- Development is similar to that at no.1 Edenmore Grove and co. 1 Edenmore Gardens.
- Building line has been broken by many developments.
- Depreciation of property is without substance.
- There is a precedent for such development.

- Proposal would not cause overlooking or intrusion of privacy to other properties.
- The proposal would not be contrary to the proper planning and sustainable development of the area.

5.2. **Planning Authority Response**

- None

5.3. **Observations**

- None

6.0 **Assessment**

6.1. 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 subject compliance with the Dublin County Development Plan 2016-2022 and relevant Section 28 guidelines. This is a first party appeal against the planning authority's decision to refuse permission, the issues for consideration before the Board therefore can be summarised as follows:

- Visual Impact.
- Residential Amenity.
- Appropriate Assessment.

Visual Impact

6.2. 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 character of the street, compatibility of design and scale with adjoining dwellings, the established building line, proportion, heights, parapet levels and materials of adjoining buildings, 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.

- 6.3. The proposed development seeks to provide a single storey two bedroom dwelling within the side garden or no. 40 Edenmore Avenue. The appeal site, as mentioned above, has the benefit of planning permission for an additional two storey dwelling which will be sited directly beside no. 40 and will be of similar style, layout and design to the existing dwelling.
- 6.4. It is contended by the applicant that there are numerous similar developments within the area. Reference is made in particular to single storey dwellings permitted and constructed at no. 1 Edenmore Grove and no.1 Edenmore Gardens. I note these dwellings and also note that these developments do not significantly breach the established building lines of the properties which are located perpendicular to these sites.
- 6.5. It is of note that the previously permitted two-storey dwelling on the appeal site is similar to the aforementioned in that it does not breach the front building line of no. 42 to the rear. The proposed development, however will be located c. 15 metres beyond the front building line of no. 42 Edenmore Avenue which lies to the north of the site.
- 6.6. Whilst there are a significant number of examples of additional dwellings within side gardens in the surrounding area, none protrude beyond the perpendicular building line to such an extent as that proposed. Whilst I acknowledge the applicant's contentions in relation to the design of similar single storey dwellings in the area I have concerns in relation to the extent to which the proposal breaches the front building line of the established properties to the north. I consider that the proposed development by virtue of its proposed layout would be out of keeping with the prevailing pattern of development in the area whereby new development largely respects established building lines and provides for grassed side garden areas significantly in excess of that proposed.
- 6.7. In relation to the proposed design of the dwelling, I note that a number of such dwellings have been developed within the surrounding area and whilst the design is of little architectural merit it is not of sufficient concern to warrant a refusal on this basis.

Residential Amenity.

- 6.8. It is proposed to provide 39 sqm to the side of the existing dwelling and c.74 sqm to the rear. 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.
- 6.9. 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 2 bed spaces provides for a quantum of open space that significantly exceeds that required.

Appropriate Assessment

- 6.10. 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.

7.0 Recommendation

- 7.1. I recommend that permission is refused for the following reason:

8.0 Reasons and Considerations

The proposal will provide for a development which will significantly breach the established front building line of dwellings to the rear of the site. It is the policy of the Dublin City Development Plan 2016-2022 under Section 16.10.9 to maintain front and side buildings lines where appropriate, this is reasonable. The proposal by virtue of the proposed layout would be contrary to the provisions of the Dublin City Development in this regard and would result in an incongruous form of development which injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Sarah Lynch

Planning Inspector

10th October 2019