



An
Bord
Pleanála

Inspector's Report

ABP-304772-19

Development	Planning permission for 2 storey 2 bedroom dwelling house attached to the side and all associated works.
Location	12 Vernon Grove, Clontarf, Dublin 3, D03 PD71
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2695/19
Applicant(s)	Paula Good
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Paula Good
Observer(s)	None
Date of Site Inspection	17 th September 2019
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 510 sq m, is located at the corner of Vernon Grove and Vernon Gardens in Clontarf, Dublin 3. It currently comprises a two storey semi-detached house, with rear extension, which faces onto Vernon Grove and its associated front, side and rear garden areas. A single storey detached garage is located to the rear, adjacent to the rear site boundary. There are separate pedestrian and vehicular accesses to the site, both of which are located on Vernon Gardens.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two-storey two-bedroom dwelling house attached to the side of the existing house, with the existing pedestrian access at the corner with Vernon Gardens as its front pedestrian entrance gate, a new pedestrian garden gate on Vernon Gardens, 2 metre high capped garden walls, including raising part of the existing garden wall fronting onto Vernon Gardens to 2 metres. The house is stated to include an accessible attic space with dormer at rear and extended ground floor, with new private drain and relocated foul drain connection for both the existing and new dwellings, front vehicular access to the existing dwelling and associated site and alteration works.
- 2.2. The proposed house would be relatively similar to the existing house in terms of materials, design and height, albeit with a gable-fronted elevation to the front and rear. I note that the attic level includes a relatively large window to the rear and two roof lights.
- 2.3. I also note that pre-application consultation undertaken with the Planning Authority related to a proposal for 2 No. new houses, one to the side and one to the rear.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse 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 a restricted corner site, which significantly breaks the established building line on Vernon Gardens, 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.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report can be summarised as follows:

- The proposed house falls short of the minimum recommended space requirements as set out in the Development Plan and Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities' (2007) in terms of double bedroom size.
- Given the aspect and location of the site, the development would meet the requirements of the BRE guidance document 'Site Planning for Daylight and Sunlight, A Good Practice Guide'.
- All habitable rooms are naturally ventilated and lit.
- Approximately 35 sq m of private open space is proposed, which does not comply with Development Plan standards.
- While the proposed development matches the building line of the adjoining houses on Vernon Grove to the south, it significantly breaks the building line of the houses on Vernon Gardens, which is not considered acceptable and would have a negative visual impact.
- Given the restricted nature of the site, it is considered that the proposed dwelling would appear overbearing and would have a negative impact on the character of the area.

- The site is in Flood Zone C, and the Drainage Division has no objection to the development.
- Appropriate Assessment is not required.
- Proposed development would provide a substandard level of accommodation, resulting in an unacceptably low level of residential amenity for future occupants,
- Proposal does not respond to the existing character, context and urban form of the area and would appear visually incongruous.

3.2.3. **Other Technical Reports**

3.2.4. **Drainage Division:** No objection, subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. **Reg. Ref. 0264/97:** Permission granted for a ground floor living room extension over site of existing conservatory and to rise the floor level and extend first floor bathroom at the rear.

4.2. **Surrounding Area**

4.2.1. I am not aware of recent relevant planning history in the surrounding area.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. The appeal site is zoned 'Z1', to protect, provide and improve residential amenities.

5.1.2. Chapter 5 of the Development Plan relates to 'Quality Housing', and the following Policies are noted:

- **QH5:** To promote residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.
- **QH8:** 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.
- **QH13:** To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Residential Quality Standards and with regard to the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- **QH21:** 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.
- **QH22:** 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.

5.1.3. Section 16.10.2 sets out residential quality standards for houses. It states that "houses shall comply with the principles and standards outlined in Section 5.3: 'Internal Layout and Space provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)". It also states that "a minimum standard of 10 sq.m

of private open space per bedspace will normally be applied...Generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city”.

5.1.4. Section 16.10.9 relates to ‘Corner/Side Garden Sites’ and states 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.”

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or in the immediate vicinity of any sites with a natural heritage designation. The closest such site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), located c. 0.3km to the south.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no 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

- 6.1.1. A first party appeal was submitted by Paula Good and can be summarised as follows:
- The existing building line for both Vernon Grove and Vernon Gardens has been broken. This can be seen on the junction of Vernon Avenue and Vernon Gardens, the junction of Vernon Grove and Clontarf Park, and the junction of Vernon Grove and Kincora Road.
 - The proposed development will not exceed the existing building line of the houses on Vernon Gardens and Vernon Grove.
 - Permission is sought so that the appellant's daughter and future family can live beside her. The existing house was originally the appellant's parents and she hopes to raise her grandchildren alongside.
 - The current established building line for Vernon Gardens is set by Nos. 35 and 37 Vernon Avenue. The proposed development does not break this building line.

- Photographs are enclosed to demonstrate neighbouring houses in the Clontarf area where existing building lines have been broken.
- The design complements and is in keeping with the existing houses on Vernon Grove and Vernon Gardens. The front elevation follows a similar layout to the existing house, with a hipped roof to complement the houses on Vernon Gardens. This is for appearances purposes and bookends the row of houses.
- The pitched dormer finish at the rear marries the surrounding houses. A lot of thought was put into it so that it was not obtrusive to its surrounding houses.
- The design does not superimpose on the existing house and does not appear visually incongruous with the houses of Vernon Grove and Vernon Gardens.
- It is intended to build an A-rated, Near Zero Energy Building (NZEB) with renewable energy sources.
- The design, form, layout and look of the building is very much in keeping with the surrounding houses and is not visually incongruous. It would not have a negative visual impact on the area or seriously injure the residential amenities of the area.
- The 28 sq m of private open space to the front of the house was not taken into consideration. If the private open space needs to be increased, the wall can be moved at the rear to accommodate this.
- The size of the internal rooms can be easily amended by moving the internal partitioning walls to meet minimum requirements. The appellant's architect has confirmed that he will redesign the drawings as needed to accommodate the minimum requirement.

6.1.2. A personal statement from the appellant's daughter and fiancée was included with the appeal. It states that the proposed house is to accommodate them and it outlines their connections with the Clontarf area and the financial and family-related rationale behind seeking permission for a house adjacent to her parents.

6.1.3. The appeal also includes a number of enclosures, including certificates relating to NZEB training courses, correspondence relating to the appellant's daughters

mortgage offer and upcoming wedding and a booklet of photographs to support the points made in the appeal.

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. I consider that the key planning issues arising in this appeal are as follows:

- Principle of proposed development.
- Visual amenity.
- Residential amenity.
- Car parking.
- Appropriate Assessment.

7.2. **Principle of Proposed Development**

7.2.1. I consider that the proposed development, which entails the construction of an infill house on a side garden site, accords with the 'Z1' zoning objective for the area and is acceptable in principle. In this regard I note that infill housing, and more particularly the development of such dwellings in the side garden of existing houses, is recognised in the Development Plan as a means of making the most efficient use of serviced residential zoned lands and urban infrastructure. Such development is encouraged on suitable sites subject to, inter alia, compliance with Development Plan standards, compatibility with the character and visual amenities of the

streetscape and the protection of adjoining residential amenities. These issues are discussed in more detail below.

7.3. Visual Amenity

- 7.3.1. The proposed development entails the construction of a new house in the side garden of an existing semi-detached house located at the corner of Vernon Grove and Vernon Gardens. The proposed house would follow the established building line and building height along Vernon Grove, but would extend beyond the established building line along Vernon Gardens, to the rear.
- 7.3.2. The Planning Authority decided to refuse permission on the basis that the proposed development would significantly break the established building line on Vernon Gardens and would thus have a negative visual impact on the area and seriously injure the residential amenities of the area. In response, the appellant has submitted photographs of various recent developments in the area which breach established building lines, as well as corner houses which breach the building line on perpendicular streets.
- 7.3.3. Of particular relevance, in my opinion, are Nos. 35 and 37 Vernon Avenue, which are located at the opposite end of Vernon Gardens from the appeal site (i.e. at the junction of Vernon Avenue and Vernon Gardens). These two houses, which are not infill houses, extend beyond the building line of Vernon Gardens in a very similar manner to that proposed in this instance. Noting the considerable separation distance between Nos. 35 and 37 Vernon Avenue and the set back Vernon Gardens houses behind (c. 25m), I do not consider that the breach of the building line is excessive or that it results in an overbearing impact on the existing dwellings. Likewise, with respect to the proposed development, the new house would have a very similar separation distance of c. 24m from the closest house on Vernon Gardens, and I consider that this would serve to mitigate the effect of the building line breach to a level that is acceptable. The development would, in effect, be replicating the existing arrangement at the opposite end of Vernon Gardens and as such it would not result in a development that is overbearing or visually incongruous and I do not consider that it would negatively impact on the character of the area,

which is defined by relatively narrow streets and relatively dense semi-detached two storey houses.

- 7.3.4. As noted above, Section 16.10.9 of the Development Plan sets out criteria for assessing proposals for corner/side garden sites. These include “the maintenance of the front and side building lines, where appropriate”. It is clear from this that the Development Plan envisages that there may be circumstances where it would be appropriate for front or side building lines to be breached, and I consider that such a breach of building line is warranted due to the particular context of the site and the nature of the proposed development, as outlined above. I therefore conclude that the proposed development would not seriously injure the visual amenities of the area.

7.4. Residential Amenity

- 7.4.1. It is proposed to build a new house within the curtilage of an existing house in an established residential area and the assessment of residential amenity must therefore consider the impacts of the proposed development on the amenity of the existing house, neighbouring properties and the level of amenity that will be afforded to future occupants of the proposed house.
- 7.4.2. The proposed house is due north of the existing house, and therefore is not likely to result in any significant overshadowing or loss of sunlight/daylight to that house or its private open space. With regard to other neighbouring properties, I note that the separation distance with the closest house to the north (on the opposite side of Vernon Gardens) is c. 15m, and that the separation distances with the closest houses to the east and west is c. 25m. Having regard to the modest scale and massing of the proposed house, I consider that these separation distances are sufficient to ensure that there would be no significant impact on residential amenities due to overshadowing or loss of sunlight and daylight.
- 7.4.3. With regard to overlooking, I note that no windows are proposed in the side elevations, and that the rear windows would face the side elevation of No. 35 Vernon Gardens which features no side windows. To the front, the separation distances with the opposing houses are in excess of 25m, as noted above, which is sufficient to ensure that no undue overlooking occurs. I conclude, therefore, that the proposed

development will not have seriously injure the residential amenities of the existing dwelling or other properties in the vicinity.

- 7.4.4. With regard to residential quality standards and the level of amenity that will be afforded to future occupants, I note that all habitable rooms are naturally lit and ventilated and that the depth of the house, with its set back first floor, is not excessive in this regard.
- 7.4.5. Section 16.10.2 of the Development Plan states that houses shall comply with the principles and standards outlined in Section 5.3 of the document 'Quality Housing for Sustainable Communities: Best Practice Guidelines for delivering Homes, Sustaining Communities, 2007'. As noted in the Planning Officer's report, the proposed house does not fully comply with the minimum recommended space requirements set out in the Guidelines and Development Plan in terms of double bedroom size and private open space provision, respectively.
- 7.4.6. With regard to the bedrooms, for a 2 bed/4 person/2 storey house the Guidelines require a main double bedroom size of 13 sq m, a minimum double bedroom size of 11.4 sq m and an aggregate bedroom area of 25 sq m. The proposed house has a main double bedroom size of c. 13.4 sq m, a smaller double bedroom of c. 10.3 sq m, and an aggregate bedroom area of c. 23.7 sq m.
- 7.4.7. The appellant states that the size of the internal rooms can be easily amended by moving the internal partitioning walls to meet the minimum requirements and that their architect has confirmed that he will redesign the drawings as needed to accommodate the minimum requirement. No such drawings were submitted with the appeal, however having reviewed the floor plans submitted it appears that it may be feasible to achieve the minimum standards without increasing the footprint of the proposed house, although this may require substantial reconfiguration of the first floor layout.
- 7.4.8. With regard to private open space, it is proposed to provide c. 35 sq m, while the Development Plan requires a minimum of 10 sq m per bed space, with 60 – 70 sq m considered sufficient for houses in the city. The appellant contends that the Planning Authority has not taken into account the proposed patio area to the front of the proposed house, which extends to c. 28 sq m.

- 7.4.9. Given that the appeal site includes the large rear garden of the existing house, it is not clear why the proposed rear garden is so limited in extent, given the space available. The appellant has, however, indicated that they have no difficulty with moving the rear boundary to enlarge the rear garden of the proposed house. Given the dense residential character of the area, I consider that the provision of private open space in an adequately sized rear garden is far preferable to the proposed patio area to the front of the house which would not constitute a suitable private space. I also consider that enlarging the rear garden of the proposed house to provide a minimum c. 60 sq m rear garden would not have a materially detrimental effect on the amenities of the existing house, which would retain a sizable garden and detached garage.
- 7.4.10. While I consider the proposed development to be acceptable in principle and further consider that it may be possible to address the shortcomings in residential quality standards, I consider that the changes to the design and layout that would be required are sufficiently extensive that it would be more appropriate to refuse permission on the grounds that the development, as proposed, would constitute a substandard form of residential development and be contrary to Policy QH21 of the Development Plan.

7.5. Car Parking

- 7.5.1. With regard to car parking, I note that the appeal site is located in Zone 3, where a maximum car parking standard of 1.5 spaces per dwelling applies. Section 16.38 of the Development Plan states that parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety.
- 7.5.2. I note that vehicular access to the existing dwelling is currently to the rear garden via Vernon Gardens (i.e. to the side), where there is a detached garage. It is proposed to create a new vehicular access from Vernon Grove to serve the existing dwelling, however the existing vehicular access would also be retained to the rear, thus providing two vehicular access points to the existing house. With regard to the proposed house, it is proposed to utilise the existing pedestrian access which currently serves the existing house, and to provide a second pedestrian access to

the rear garden. No off-street car parking is proposed to serve the new house, with the site plan indicating 'kerb car parking' on Vernon Gardens.

- 7.5.3. On my site inspection I noted that cars along both Vernon Grove and Vernon Gardens tend to park either on, or partially on, the footpath on both sides of the roads due to the relatively narrow road widths. This results in an obstruction of the footpaths, particularly on the more narrow Vernon Gardens, and has the potential to impede pedestrian traffic, particularly for people with pushchairs and disabled people.
- 7.5.4. The Transportation Planning Division did not return a report to the Planning Officer, and the issue of car parking is not addressed in the Planning Officer's report. Nevertheless, noting the narrow streets in the surrounding area, I consider that the proposed on-street parking on Vernon Gardens would result in the exacerbation of a traffic hazard, given the inadequate road width and resultant likelihood that cars associated with the proposed development would either impede vehicular traffic by parking fully on the roadway close to a junction, or impede pedestrian traffic by parking on the footpath.
- 7.5.5. Having regard to the extent of the appeal site, I consider that there is potential to facilitate at least 1 No. off-street car parking space for both the existing and proposed houses. While the Board may consider that this constitutes a new issue in the context of the appeal, I consider that the failure to adequately address parking matters is indicative of the wider failure to fully comply with residential quality standards, which I have addressed elsewhere.

7.6. **Appropriate Assessment**

- 7.6.1. The appeal site is not located within or in the immediate vicinity of any designated sites. The closest such site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), located c. 0.3km to the south.
- 7.6.2. Having regard to the nature and relatively small scale of the proposed development, the location of the site within a serviced urban area, and the distance from the nearest European sites, I consider that no Appropriate Assessment issues arise, and 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. I recommend that planning permission should be refused for the reason set out below.

9.0 Reasons and Considerations

1. The proposed development, by virtue of its design and layout, fails to fully comply with the residential quality standards set out in Section 16.10.2 of the Dublin City Development Plan 2016-2022 and Section 5.3 of the 'Quality Housing for Sustainable Communities: Best Practice Guidelines for delivering Homes, Sustaining Communities', published by the Department of Environment, Heritage and Local Government in 2007. The proposed development would, therefore, constitute a substandard form of residential development and would be contrary to Policy QH21 of the Development Plan, which seeks 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Niall Haverty

Senior Planning Inspector

18th September 2019