



An
Bord
Pleanála

Inspector's Report

ABP-304811-19

Development	House with new vehicular access and site works.
Location	6 Griffith Walk, Dublin 9, D09 Y0H3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2726/19
Applicant(s)	John Clohisey
Type of Application	Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	John Clohisey
Observer(s)	Click here to enter text.
Date of Site Inspection	20 th September 2019.
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is an end of terrace corner site at the junction of two roads - Grace Park Terrace and Griffith Walk. The quite recently built terrace of 6 dwellings is more finely grained than the prevailing plot widths along the road. The mid terraced units are about 4.6m wide. The gable of the existing house aligns with the front building line set by another similar terrace perpendicular to the site along Griffith Walk. The site is distinctive in that it is enclosed by a circa 2.4m high dashed wall and a large tree stump. The wall is cracked. Griffith Walk rises in a northerly direction towards Griffith Avenue and has mature trees. The southern views along the road of the existing house on the site are obscured by the mature vegetation. Confusingly, both Terraces perpendicular to each other are named Griffith Walk. Nos 1-6 face onto Grace Park Terrace and numbers 7-14 front onto Griffith walk.
- 1.2. The Port Tunnel Route is located within 100m of the west of the site.

2.0 Proposed Development

- 2.1. It is proposed to construct a new end of terrace two-storey dormer house with a total floor area of 108 sqm and accommodation over three levels. In terms of habitable space provision it is stated to be for 4 bed spaces.
- 2.2. Accommodation comprises 47 sq.m. at ground level which includes a porch extension to the front, 40 sq.m. at first floor which included two double bedrooms and a study and 21sq.m. at dormer level which provides a study and store rooms.
- 2.3. The house continues the roof profile and ends the terrace to the boundary which is not at right angles. The proposed house is wider than the adjacent terrace houses of 4.635m. The gable projection is not repeated and the ground floor porch deviates from the house style. Other deviations include the solar panels in the façade and the larger dormer window in the rear elevation.
- 2.4. A new vehicular entrance is proposed adjacent to the existing and this involves narrowing the frontage to less than the width of the house by angling the new party to the front. It will also require alterations to the existing boundary wall.
- 2.5. In the grounds of appeal it is proposed to remove an additional party wall which will increase space to 118 sq.m.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a notification of decision to refuse permission for the following reasons:

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 line on Griffith Walk** to the north, 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 development of the area.

Having regard to section 16.10.2 Residential Quality Standards as set out in the Dublin City Development Plan 2016-2022, it is considered that the proposed development would provide **substandard level of accommodation** in terms of floor area. It is therefore considered that the proposal would result in an unacceptable low level of residential amenity for future occupants. The proposed development would therefore by itself and by the precedent it would set for other development would be contrary to the Ministerial Guidelines Quality Housing for Sustainable Communities – Design Guidelines 2007, be contrary to the provision of the Dublin

3.2. Planning Authority Reports

3.2.1. Planning Reports: While not opposed in principle to a proposed dwelling there are serious concerns about

- Significant breach of building line, construction of gable on boundary and the consequent overbearing impact and impact on character of area
- the floor area and layout such the living room.
- The low level of private open space at 37.8 sq.m.

3.2.2. Other Technical Reports

Drainage Division: No objections

Roads streets and Transportation: No report.

3.3. Prescribed Bodies

No reports

3.4. Third Party Observations

none

4.0 Planning History

No recent history on site

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The objective for the site is Z1 'To protect, provide and improve residential amenities.'
- 5.1.2. Chapter 16 set outs 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 **corner sites** / 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 QH5 – To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned 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 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.

- 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

- 5.2.1. The site is located about 900m north of the River Tolka which is about 1.8km upstream of the South Dublin Bay and River Tolka Estuary SPA.

5.3. EIA Screening

- 5.3.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- Planning authority could have been more lenient in the decision having regard to other decision and absence of objections.
- Not uncommon for infill development to breach building line
- Disputes that it would be incongruous as it matches the existing terrace in many regards

- The proposed house only marginally breaches the minimum recommended space requirements of the Development Plan and the Quality Housing for Sustainable Communities – Best Practice Document (2007)
- The house can be increased from 106 to 116 sq.m. by omitting a doubling in width of the proposed party wall. This will for example widen the living room by 400mm.
- While up to 60-70sq.m. is generally guided for a house in the development plan the proposed 42 sq.m. is not considered low. Size of open space countered by qualitative approach to planting. An example of creative planting in line the National Pollinator plan is provided. This is supported by the Parks Department. It is also pointed out that smaller gardens encourage more engaged out side the house in the community.

6.2. Planning Authority Response

No further comments have been submitted on the grounds of appeal.

7.0 Assessment

7.1. Issues

- 7.1.1. This appeal relates to a proposal for a new end of terrace house to the side of a terrace of six dwellings on an irregularly subdivided corner site. While the principle of additional housing development is supported in the development plan in accordance with national policy, in this case there are issues relating to both design and overall standard of development.

7.2. Design

- 7.2.1. There are a number of elements to visual impact. Primarily this relates to the breach in building line along Griffith Walk and to a lesser extent the ground level breach along Grace Park Terrace to the front. Further deviations from the terrace design

relate to plot width, elevational details and roof profile by reason of a larger dormer to the rear. The proposed angled plot division to the front is also incongruous.

- 7.2.2. The breach of building line set by Griffith Walk to the rear of the site is unacceptable to the planning authority and is one of the reasons for refusal. It is argued by the applicant that the design is not incongruous by reference to the generally permitted practice of houses breaching building lines on corner sites, although no particular example is given.
- 7.2.3. In this case the site corner site is more than twice the width of the adjacent mid terrace plots. The high boundary wall of over 2.4m which extends partially along the frontage and Griffith Walk also substantially conceals the site. I further note that the views of the site and terrace as viewed along Griffith Walk are obscured by the mature trees. Coupled with this Griffith Walk is a very short road and its vertical alignment also reduces the any potential visual dominance of the extended terrace. In these circumstances I consider there is potential to subdivide the plot and construct a two-storey structure by way of an extension to the terrace.
- 7.2.4. As viewed from the eastern side the development will have the most visual impact particularly as the proposal is to partially lower the high wall and to build a gable wall up to an along the boundary which would accentuate its visibility. The scale and relationship of this gable with the the footpath and road would be quite out of character and would be quite oppressive particularly in the context of the terrace with quite narrow plots which is somewhat offset by the more generous corner site. Additional development would be better assimilated if it were set behind the already high wall and serve to integrate the proposal in a less obtrusive manner. A house inside and set back form this wall could not I consider be unduly obtrusive. The retention of the high wall is therefore necessary as it would obscure views. The omission of the porch would retain the stepped façade building line.
- 7.2.5. Accordingly from a visual perspective, an additional dwelling could be provided subject to narrowing the width at first floor level to match the existing terrace, retaining and reinforcing the existing boundary wall and using it as a parapet wall to conceal the irregular ground level/roof projection to side, omitting the porch, revising door style to match existing and omitting the large dormer to the rear.

- 7.2.6. The proposed vehicular access arrangements would be quite disorderly whereby the proposed new entrance would partially front the existing house in contrast to the terrace layout. A slight realignment and provision of a 2.5m wide entrance could be provided. Alternatively, off-street parking could be provided in the rear garden - this would however further reduce open space and it would also require revision to public notices. A third option would be to share the access. In view of the landscape pattern absence of party boundary walls and opportunity to use for example a pebbled bed as boundary marker this single access arrangement would not unduly deviate from the streetscape character. It would also permit the retention of more of the 2.4m high wall. I note this was an option, although under different circumstances, which was permitted in the case of An Bord Pleanála reference 304498.
- 7.2.7. In adhering to the above modifications, I do not consider the proposed development would unduly deviate from the existing built form or be unduly incongruous and accordingly do not the proposed development should be refused for reasons set in reason 1.

7.3. **Standard of accommodation.**

- 7.3.1. There are concerns about the substandard nature of some of the internal spaces by reference to the development plan and the Quality Housing for sustainable communities- Best Practice Guidelines for Delivering Homes Sustaining Communities (DoEHLG) 2007. The applicant in an effort to address overall space proposes a reduction in the width of the party wall with the existing house which would increase the space to 118 sq.m.in the response to what are considered only minor breaches.
- 7.3.2. While the total floor area exceeds a target gross area of 80sq.m. for a two bed four-person house (2007 Guidelines) the planning authority raises concerns about the 11 sq.m. living room where a minimum of 13 sq.m. applies and also at the less than 2m width where 3.6m minimum width is set at as a minimum requirement. This layout is triggered by the desire of the applicant to have a separate living area that can be converted to a bedroom for flexibility of accommodation in line with guidance. I consider the planning authority to be correct in applying the area standards in the first instance. I note that by swapping the kitchen with the living room would provide

adequate comfortable space in line with guidance for day to day use and this should be the priority. The potential for an additional downstairs bedroom is a secondary issue and should be sacrificed to accommodate adequate day to day space. This could be addressed by condition.

- 7.3.3. The narrowing of the dwelling to match those of the existing terrace at upper floor level will further reduce the floor area but will be somewhat offset by the revision to the party wall – in any event the study could be omitted or, reduced or replaced by a bathroom in lieu of one or two en-suites. The provision of 4 bed spaces could be comfortably provided.
- 7.3.4. The open space at 42sq.m. for the proposed house and resultant 37.8 sq.m. for the existing house is marginally below and above the average 10sq.m. per bed space where the houses are two bedroomed units. While it is low, it is in keeping with that prevailing along the adjacent terraced units, numbers 1-5.

7.4. **Other Matters**

The site is about 100m east of the port tunnel. The proposal was not referred to TII. However in view of the small scale of the development and absence of basement works it is highly unlikely that the development of this nature would need to be refused. I am satisfied that a condition of permission as a precautionary measure will adequately address this matter.

7.5. **Appropriate Assessment**

- 7.5.1. 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. Having inspected the site and having regard to the pattern of development in the area and submissions on file I recommend a decision to grant permission based on the on the flowing reasons and considerations.

9.0 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.

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. The proposed development shall be amended as follows:
 - (a) The first floor and roof level over shall be reduced in width to match the existing dwelling on site by setting back from the eastern boundary.
 - (b) The study shall be omitted at first floor level and revised to a bathroom together with the omission of at least one ensuite.
 - (c) The dormer window to the rear shall be omitted and the roof level shall provide for ancillary storage only.
 - (d) The kitchen shall be relocated to the proposed living room area.
 - (e) The proposed porch shall be omitted and the building line where

it adjoins no.6 shall not step forward of the principal building line.

- (f) The proposed plot division shall be revised such that the front garden division line shall be perpendicular to the terrace façade and shall align with the house width.
- (g) The existing high boundary wall shall be maintained. It shall be rebuilt where necessary and used, in part, as a parapet wall to conceal the roof and guttering of the ground floor projection to the side if any.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

- 3. 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 order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

- 4. The external finishes of the proposed extension including bricks and roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 5. The development hereby permitted shall be carried out and completed at

least to the construction standards as required by Transport Infrastructure Ireland and as set out in Dublin City Council's Dublin Port Tunnel Guidance Notes March 2009. In this regard a structural engineer shall submit a development assessment for prior written agreement with planning authority.

Reason: To protect the structural integrity of Dublin Port Tunnel.

6. A singular vehicular entrance of no more than 3m in width 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, wall/gate piers and boundary 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. All such works facilitating the development shall be at the expense of the developer.

Reason: In the interest of safety and visual amenity

7. 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

8. 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.

9. 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

14th October 2019