



An
Bord
Pleanála

Inspector's Report ABP-304873-19

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| Development | Demolish house and construct three detached houses with two additional entrances onto a residential access road |
| Location | Derwent, 106 Howth Road, Clontarf, Dublin 3 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 4280/18 |
| Applicant(s) | Eugene O'Carroll & Margaret Brick O'Carroll |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third-Party |
| Appellant(s) | Liosa and Ross Spelman & Others |
| Observer(s) | Cllr. Naoise Muirí |
| Date of Site Inspection | 15 th October 2019 |
| Inspector | Colm McLoughlin |

Contents

| | |
|---|----|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 4 |
| 4.0 Planning History..... | 6 |
| 5.0 Policy & Context | 6 |
| 6.0 The Appeal | 7 |
| 7.0 Assessment..... | 11 |
| 7.1. Introduction | 11 |
| 7.2. Access, Parking & Traffic | 12 |
| 7.3. Residential Amenities..... | 13 |
| 7.4. Design & Visual Amenities | 14 |
| 8.0 Appropriate Assessment..... | 15 |
| 9.0 Recommendation..... | 16 |
| 10.0 Reasons and Considerations | 16 |
| 11.0 Conditions | 16 |

1.0 Site Location and Description

- 1.1. The appeal site is located on the northwest side of Howth Road (R105 regional road), at the intersection with a residential access road serving Castle Court and Auburn. It is approximately 3.5km northeast of Dublin city centre.
- 1.2. It is stated to measure 0.18ha and currently comprises an unoccupied detached dormer-style two-storey house featuring a front recessed veranda and a red-clay tile hipped roof. Vehicular access is from the southwest front corner off Howth Road and the site comprises an expansive rear garden featuring lawns and mature trees. Attached to the west side of the house is a pitched-roof garage. The front boundaries of the site are formed by a low capped wall supplemented by mature hedgerows on the garden side. The boundary siding onto the residential access road and backing onto a green area serving Castle Court is formed by a 2m-high capped block wall.
- 1.3. The surrounding area is characterised by a variety of house types. To the northeast is two-storey terraced housing in Castle Court and three-storey terraced housing and apartments in Auburn. Contemporary style detached houses are located adjoining to the west of the site on Howth Road and to the east on Lawrence Grove. Harry Byrnes public house is situated opposite the site to the south. Ground levels in the immediate vicinity drop gradually in a northwest direction towards the railway line

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - demolition of a two-storey six-bedroom detached dormer-style house, attached side garage and rear outbuildings with a gross floor area (GFA) of 274sq.m;
 - construction of three houses, including a five-bedroom two-storey detached house (A) fronting onto Howth Road with a GFA of 319sq.m and two four-bedroom two-storey detached houses (B & C) to the rear of the site, both with a GFA of 151sq.m;
 - provision of two adjoining vehicular entrances serving houses B and C onto the residential access road serving Castle Court and Auburn and the

relocation by 6m to the east of the existing vehicular access along Howth Road to serve house A;

- connections to local services and landscaping, including boundary treatments.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by a Certificate of an Exemption from the provision of Part V housing. Following requests for further information, a Planning Report, a Services Report, a set of computer-generated images (CGIs) of the proposed development, a set of Shadow Analysis drawings and a letter of consent from the stated adjoining landowner to facilitate the proposed vehicular accesses over the portion of footpath and grass area to the east side of the site, were submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to 18 conditions of a standard nature, including the following:

- Condition no.9 – specific height requirements for the internal walls separating the proposed house boundaries.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (December 2018) noted the following:

- based on planning policy provisions, there would be no objection in principle to the proposed demolition of the house on site and the backland residential development proposed, including the density of 17 units per hectare;
- the angle and front building line of proposed house A should be altered to follow the established layout and design of the street;

- the proposed roof profile and ridgelines, floor areas and separation distances for the houses would be acceptable. Further information is required with respect to the proposed materials and finishes to the houses;
- the 6m to 6.5m depth of private gardens serving houses B and C would appear insufficient and a lighting assessment should be provided to show compliance with the Building Research Establishment (BRE) guidance titled 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (2011);
- drainage details for the site, a flood risk assessment and boundary treatment details for houses B and C are required;
- written consent from the owner of the section of land along the residential access road proposed to accommodate the vehicular accesses to houses B and C should be provided;

With the exception of the response regarding ownership of the land along the residential access road, the second report of the Planning Officer (March 2019) highlighted that previous concerns had been largely addressed by way of the further information submitted.

In response to a request to clarify the further information submitted, the applicant subsequently provided written consent from the stated owner of the adjoining section of land and the final report of the Planning Officer (June 2019) reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) – initially sought further information and subsequently stated no objection, subject to conditions;
- Transportation Planning Division – no objection, subject to conditions;
- Parks Department – no response.

3.3. Prescribed Bodies

- Irish Water – no response;

- Irish Rail – no response.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the Planning Authority, third-party submissions were received from neighbouring residents of Castle Court, Auburn and Howth Road. The issues raised in the submissions are similar to those also raised in the grounds of appeal and are summarised within the grounds of the appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. I am not aware of any recent planning applications relating to the appeal site.

4.2. Surrounding Sites

- 4.2.1. There have been numerous applications for infill residential developments and domestic extensions in the surrounding area, including the following:
- 104 Howth Road – DCC Ref. 2929/14 – permission granted by the Planning Authority in September 2014 for change of house types to the previously permitted development (DCC Ref. 6276/07), with each detached house to be served by an independent vehicular entrance onto Howth Road, adjoining to the west of the appeal site;
 - 1 & 3 Lawrence Grove – ABP Ref.305046 / DCC Ref.2988/19 – third-party appeal lodged in August 2019 against the demolition of a detached house and the construction of one detached and two semi-detached houses on a site 50m to the southeast of the appeal site.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.

- 5.1.2. Relevant planning policies for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Amongst other National Guidelines, policy QH1 of the Plan seeks to build upon and enhance standards outlined in 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Policy QH21 of the Plan is relevant as this 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'.
- 5.1.3. Design principles for infill development are set out in Section 16.2.2.2 of the Development Plan. Design standards for houses are set out in Section 16.10.2 of the Plan, and matters to be considered in assessing proposals for corner/side garden sites and infill housing are specifically outlined under Sections 16.10.9 and 16.10.10 of the Plan. In this part of the city (area 3), a maximum of 1.5 car parking spaces per house is required based on standards within Section 16.38 of the Plan.

5.2. **Environmental Impact Assessment - Preliminary Examination**

- 5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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**

- 6.1.1. A third-party appeal has been lodged by a group of residents from the neighbouring Castle Court estate and the grounds of appeal can be summarised as follows:

Planning Policy

- overdevelopment of the site would arise;
- proposals are contrary to zoning objectives and infill / backland planning objectives;

- an excessive density of development would arise relative to the surrounding area and the Residential Density Guidelines;

Road Safety

- health and safety concerns regarding the proposed accesses to houses B and C off a curved bend in a residential access road and traversing a path serving housing;
- access serving the proposed houses should only be taken off Howth Road;
- a traffic assessment of the impacts of the proposed development is required;
- the loss of parking would lead to increased parking congestion in the area;
- increased traffic congestion would arise in the area;

Visual Amenities

- the proposed development would set a precedent for further similar development, to the detriment of the character of the area;
- the proposed houses feature excessive building heights and are unsympathetic in their design relative to the surrounding housing;

Residential Amenities

- overshadowing, overbearing and overlooking impacts would arise and there would be a loss of privacy for neighbouring residents with inadequate separation distances between the existing and proposed houses;
- undue impacts would arise for local amenities, including overlooking of the green space to Castle Court estate and the loss of green area along the residential access road;
- the proposed development would result in disruption and nuisance in the area;
- specific details of boundary treatments are required;

Other Matters

- environmental impacts on local wildlife, including mature trees should be considered;

- proposals would lead to a depreciation in the value of property in the area.

6.2. Applicants' Response

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows:

Principle

- the site is proximate to a host of public transport options and local amenities;
- the area does not have any conservation status;
- the proposed density is appropriate in the context of the site constraints and the surrounding character and pattern of development;

Access, Parking & Traffic

- provision of an additional two accesses traversing the footpath and grass area would have minimal impact on pedestrian safety when considered in the context of the number of existing accesses to houses within Castle Court;
- provision of three entrances onto Howth Road would present greater road safety concerns than the proposed arrangement;
- the nearest curve or bend in the residential access road is approximately 35m to the north of the proposed new entrances to houses B and C;
- the scale of the proposed development would not attract excessive levels of traffic to the area;
- sufficient parking would be provided for each of the houses, with parking currently prohibited along the double-yellow lines on the west side of the residential access road;

Visual Amenities

- there is significant variety and architectural styles in housing within the immediate area and the proposed development would add to this;
- mature trees outside the site would not be lost and additional tree planting is proposed within the site, which would screen further views of the development;

Residential Amenities

- house C would provide an element of passive surveillance along the residential access road;
- excessive overlooking would not occur from the proposed houses into neighbouring properties, nor would this occur into the green area to the rear of houses B and C;
- general disruption and nuisance, including noise mitigation measures, arising from construction works would be addressed as part of the Construction Management Plan required to be submitted in response to a condition of the permission.

6.3. Planning Authority Response

6.3.1. The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1. An observation in support of the grounds of appeal was received from a local political representative.

6.5. Appellants' Response

6.5.1. Two responses from the appellants were received in response to the applicants' response to the grounds of appeal and these can be summarised as follows:

- the site area outlined in the images submitted is inaccurate and, as such, is misleading in relation to matters raised by local residents;
- it is noted that two vehicular entrances onto the residential access road would be provided and not one single entrance as asserted by the applicants;
- there is a failure to recognise the full extent of amenities provided by the green space and, as a result, the extent to which the proposals would undermine this space and the lives of local residents;

- the proposed entrances, which present significant visibility concerns, should not be compared on a like-for-like basis with the existing entrances onto the access road within the Castle Court estate;
- the boundary wall with the estate needs to be protected as much as possible;
- proposals would lead to increased anti-social behaviour;
- the residual grounds referred to by the applicants are in fact used as open space for picnics by local residents and the enjoyment of this space would be lost following the proposed development;
- images presented by the applicants have been selected in order to minimise the visual impact of the development on the area;
- local precedent for the scale of the development is not provided by buildings within Castle Court;
- detailed analysis of the roads layout and access arrangements has not been provided with the application;
- parking concerns have not been fully addressed and there is precedent and ample scope for vehicular access for each house to be taken off Howth Road.

7.0 Assessment

7.1. Introduction

7.1.1. Subject to planning and environmental considerations addressed below, the principle of demolishing the existing house and developing three houses on the subject urban infill site with a zoning 'Z1 - Sustainable Residential Neighbourhoods', complies with relevant housing policies and land-use objectives contained within the Dublin City Development Plan 2016-2022. Consequently, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Access, Parking & Traffic;
- Residential Amenities;
- Design & Visual Amenities.

7.2. Access, Parking & Traffic

- 7.2.1. The grounds of appeal assert that the proposed development would impact on the safety of road users and pedestrians using the residential access road and footpath adjoining the site to the east. To serve the two proposed detached houses B and C to the rear of the site, it is proposed to provide two adjoining individual vehicular entrances onto the residential access road, by removing a 5.4m section of the boundary wall and traversing a strip of landscaped green area and a footpath serving housing within Castle Court and Auburn. The grounds of appeal assert that a more suitable and appropriate means of providing access to these houses, would be via alternative individual accesses off Howth Road to the front of the site. It is asserted that this would follow the access arrangements for recent developments in the immediate area. In response, the applicants assert that the proposed arrangement would have minimal impacts when compared with the existing proliferation of individual accesses to housing within Castle Court and that the suggested alternative to provide access solely off Howth Road would present greater road safety concerns, given the typology and greater number of road users along this route.
- 7.2.2. The Transportation Planning Division of the Planning Authority stated that they not object to the proposed repositioning of the vehicular entrance to serve house A to the front of the site off Howth Road. In relation to the proposed accesses to serve houses B and C, the Transportation Planning Division concluded that this arrangement would not give rise to a traffic hazard and would not generate significant additional vehicular movements to warrant refusal of permission.
- 7.2.3. There would appear to be approximately 72 residential units within Castle Court and Auburn served by the access road, which features a carriageway of over 7m in width and a double-yellow line on the west side adjacent to the appeal site. The point at which the proposed entrances would meet the residential access road would be approximately 47m to the north of the junction with Howth Road and a similar distance to the south of the inside of the bend to the access road. Given this context, including traffic speeds that would be attainable and the urban speed limit restrictions, this would ensure that sufficient visibility would be available in both directions from the proposed entrances onto the access road and traversing the footpath. The proposed houses would be provided with sufficient space to

accommodate at least two cars within their respective curtilages and the Transportation Planning Division of the Planning Authority is also satisfied with this arrangement. The proposed development would not impact on the existing provision of on-street parking. While I recognise that the houses would to some extent attract additional traffic to the area, this would be largely imperceptible and would not lead to concerns regarding traffic safety or convenience. Accordingly, the development should not be refused permission for reasons relating to access, traffic and parking.

7.3. Residential Amenities

- 7.3.1. The Development Plan requires proposals for houses in infill garden sites to have regard to the impact on the residential amenities of adjacent houses. The orientation, scale and siting of the proposed houses on site, is such that the potential for undue overshadowing, overlooking and overbearing impacts on neighbouring residential amenities would not arise. I note that the rear windows of the proposed houses B and C would be 7.5m to 8.5m from the boundary with a green area serving Castle Court and, despite the assertions within the grounds of appeal, I am satisfied that such an arrangement would not undermine the continued use of this space. Furthermore, I note the existing provision of mature planting and a 2m-high block wall along the eastern and northern boundaries of the site, which would continue to provide extensive screening of the site. Consequently, I am satisfied that undue impacts on the amenities of future occupants of the proposed houses would not arise as a result of overlooking from adjoining areas.
- 7.3.2. Policy QH21 of the Development Plan seeks to ensure that new houses provide for the needs of family accommodation with the provision of a satisfactory level of residential amenity, in accordance with the standards for residential accommodation. The target gross floor area for a four-bedroom two-storey seven-person house, as set out within the Departmental 'Quality Housing Guidelines' and referenced in the Development Plan, is 110sq.m. The proposed houses B and C would provide a gross floor area substantially in excess of this at 151sq.m each. Minimum standards for a five-bedroom house are not provided in the Guidelines. The minimum living-room areas, aggregate living areas, aggregate bedroom areas, storage areas and natural lighting requirements are all achieved for each of the three houses. I am

satisfied that the internal space and layouts for the proposed houses would provide an appropriate level of amenity for their future occupants.

- 7.3.3. Based on Development Plan standards requiring 10sq.m of private amenity space per bed space in new houses in this part of the city, the minimum amount of private amenity space required for proposed houses B and C would be 70sq.m to 80sq.m. The Plan also stipulates that generally up to 60sq.m to 70sq.m of rear garden area is considered sufficient for houses in the city. Generous private amenity areas are provided for house A. In response to a further information request from the Planning Authority, the applicants repositioned houses B and C further from the rear boundary, and as a consequence between 82sq.m and 88sq.m of amenity space would be provided for residents of these houses. Given the size of the rear amenity areas, restrictions on exempted development rights for houses B and C would be warranted.
- 7.3.4. In conclusion, subject to a condition addressing exempted development rights, I am satisfied that the proposed development would provide a suitable level of amenity for future residents of the proposed houses in line with Development Plan provisions.

7.4. Design & Visual Amenities

- 7.4.1. The grounds of appeal primarily assert that the design of the proposed development would be unsympathetic to the character of housing in the surrounding area. In response to the grounds of appeal, the applicants highlighted that the area does not have any conservation status and that there is great variety in house types and architectural styles within the immediate area.
- 7.4.2. The existing site features a house that is not of significant architectural merit and extensive planting, including trees, along the site boundaries that would largely remain as part of the landscaping for the proposed development. While the character of the area is predominated by residential uses, there is a lack of a consistent urban grain to the area with various infill housing proposals of differing eras and densities occupying previous backland and side garden sites associated with the historical residences that occupied large plots leading northeast along Howth Road. Views of the proposed development would be primarily restricted to

the residential access road and Howth Road, with proposed and existing planting providing screening of the development.

- 7.4.3. With regard to infill sites, the Dublin City Development Plan 2016-2022 states that development should respect and enhance its context and should be well-integrated with its surroundings, ensuring a more coherent cityscape. Section 16.10.9 of the Development Plan lists a range of criteria to be assessed in relation to housing proposals on corner sites, including the character of the area, compatibility with adjoining dwellings and building lines.
- 7.4.4. There are infill developments in the immediate area that incorporate a contemporary design and a similar scale house type to that proposed on site, including houses to the west on the former site of 104 Howth Road and those to the south along Lawrence Walk. Proposed house A would continue the building line established by the detached housing to the west along Howth Road. As part of the further information response, the applicants outlined that a contemporary palette of materials would be used to finish each of the proposed houses. An established consistent building line along the west side of the residential access road does not currently exist and as concluded above, the layout of houses B and C would not interfere with the amenities of neighbouring residents. While the proposed two-storey houses would increase the density of development on site and house A would be of greater scale and height than the existing house, the houses would not be highly visible and would also respect the character of the immediate area.
- 7.4.5. In conclusion, I am satisfied that the design and siting of the proposed houses would have sufficient respect and regard for the established pattern and character of development in the area. Accordingly, permission should not be refused for reasons relating to the design and visual impact of the proposed development.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the zoning for the site, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would respect the character of existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future occupants in accordance with the provisions of the Dublin City Development Plan 2016-2022 and would be acceptable in terms of pedestrian and traffic safety and convenience. 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, as amended by the further plans and particulars submitted on the 26th day of February 2019 and on the 20th day of May 2019, 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 materials, colours and textures of all the external finishes to the proposed houses and details of the internal boundaries to the curtilage of each of the houses shall be submitted to and agreed in writing with the Planning Authority before the commencement of construction of the houses.

Reason: In the interest of the visual and residential amenities of the area.

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 proposed houses B and C without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear amenity space is retained for the benefit of the occupants of the houses.

4. a) The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.
b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. 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.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets 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 roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

8. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in

connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. 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.

Colm McLoughlin
Planning Inspector

15th October 2019