



An
Bord
Pleanála

Inspector's Report ABP-305002-19

Development	Construction of a two-storey three-bedroom detached house with a front vehicular access and a single-storey rear extension
Location	19 Greencastle Avenue, Coolock, Dublin 17
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3086/19
Applicant(s)	Pat Lawlor
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party v Condition
Appellant(s)	Pat Lawlor
Observer(s)	None
Date of Site Inspection	21 st October 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

1.1. The appeal site is located on Greencastle Avenue, a residential street adjacent to the Malahide Road Industrial Estate, approximately 6.7km northeast of Dublin city centre. It is stated to measure 412sq.m and contains an unoccupied end of terrace three-bedroom two-storey house. The front boundaries have been secured with temporary fencing. The external finishes to the front of the house consist of a white-dashed render, timber frame windows and doors, and concrete profile roof tiles. The surrounding area is characterised by rows of two-storey terraced dwellings of similar styles, many of which have been extended to the front. Numerous former corner or side garden sites in the immediate vicinity feature infill houses. The industrial lands to the north are separated from the appeal site by a 2.5m-high palisade fence, supplemented by a block wall along the rear of the appeal site. Ground levels in the vicinity are relatively flat.

2.0 Proposed Development

The proposed development comprises:

- the subdivision of the site;
- the construction of a single-storey rear extension with a gross floor area (GFA) of 68sq.m;
- the construction of a three-bedroom two-storey detached house with front porch projection and a GFA of 141sq.m, connections to local services, landscaping and associated ground works, vehicular access from the front and revised boundary treatments.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to nine conditions, most of which are of a standard nature, but also including the following condition no.3:

Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the building:

- a) The main block of the proposed house shall match the front and rear primary building lines of the parent dwelling on Greencastle Avenue.
- b) The main block of the proposed house shall match the ridge heights, eaves heights and roof pitch of the parent dwelling on Greencastle Avenue.
- c) Any residual proposed floor area still required shall be accommodated as best as possible within a subordinated rear return and within a similar front projection as permitted on the parent dwelling, with no further loss of rear private open space.
- d) The proposed dwelling shall be finished in a similar roughcast/painted dash treatment to the wall elevations, dark coloured roof tiles/slates, and dark coloured fascia/soffits and rainwater goods as the parent dwelling.
- e) The amended dwelling shall meet the accommodation requirements that are set out in the DECLG's Quality Housing for Sustainable Communities.

Reason: in the interests of visual and residential amenity

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (July 2019) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- the design of the proposed house does not fully address concerns expressed by the planning authority when previously refusing to grant permission for two houses on the site under Dublin City Council (DCC) Ref. WEB1668/18;
- the front building line of the proposed house would break the building line to the southwest;
- the roof pitch to the proposed house (20 degrees) would not match the roof pitch to the host house (37 degrees);

- the proposed house should follow the front and rear building lines of the host house, and the floor area that would be lost, should be accommodated in the front and rear projections;
- materials for the proposed house have not been detailed;
- it would appear that the proposed house would comply with the minimum floor area requirements set out in the guidelines for Quality Housing for Sustainable Communities;
- concerns are not expressed regarding access to light, overlooking, private open space and vehicular access.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection, subject to conditions;
- Transportation Planning Division - no objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no response.

3.4. Third-Party Submissions

3.4.1. None received.

4.0 Planning History

4.1. Appeal Site

4.1.1. The following planning application relates to the appeal site:

- DCC Ref. WEB1668/18 – permission was granted in March 2019 for a single-storey front extension and permission was refused for two terraced houses in the side garden, both with front vehicular accesses, as the proposed houses would substantially infringe on the building line and would be provided with substandard areas of private amenity space.

4.2. Surrounding Sites

- 4.2.1. Reflective of the built-up residential context, planning applications in the surrounding area primarily relate to proposals for domestic extensions and alterations, as well as infill housing.

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.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the existing development on site, 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 first-party appeal has been lodged only against a condition of the Planning Authority's decision to grant planning permission. The following grounds of appeal are raised:

- it was unfair of the planning authority to request that the front building line of the proposed house be pulled back in line with the host house, as it would follow the building line of 3 houses along the street and as the resultant change to the proposed house would impact on the internal space available for future occupants;
- there are examples of houses within the surrounding area that are not in line with their respective host houses.

6.2. Planning Authority Response

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

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. The grounds of appeal do not state the specific condition of the Planning Authority's decision that they wish to contest. The grounds of appeal refer to design issues, including the required positioning of the proposed house relative to neighbouring houses. Condition 3 of the permission refers to the building line and it would appear to be parts of this condition that the applicant is contesting. Without providing

specific examples, the grounds of appeal assert that there are examples of housing in the area that do not follow established building lines. The Planning Authority's reason for attaching condition 3 is stated as being in the interests of visual and residential amenity.

- 7.1.2. Compliance with condition 3 would have the effect of substantially altering the position, scale, form and design of the proposed house, as well as, the external and internal layout for the proposed house.
- 7.1.3. The Board have two options in considering this appeal. The first option would be to consider the appeal solely against Condition 3 under Section 139 of the Planning and Development Act 2000, as amended, having regard to the nature of the condition and where they consider that the determination of the application would not be warranted. The second option open to the Board would be to decide on the application de novo, as if it had been made to the Board in the first instance.
- 7.1.4. Within their assessment, the Planning Authority noted numerous shortcomings with regard to the position, scale, form and design of the proposed house, which would have knock-on implications for the internal living areas. While the attachment of condition 3 would address some of the shortcomings, by attempting to ensure that the proposed house would better respect the character of the streetscape, further and fundamental consideration of the development with respect to the provisions of the Dublin City Development Plan 2016-2022 and the Quality Housing Guidelines would still be required.
- 7.1.5. Conditions that radically alter the nature of a development to which the application relates are usually unacceptable and further details are clearly necessary in order to decide on the overall merits of the planning application. Therefore, I recommend that the Board do not limit the appeal to the consideration of condition 3 of the planning authority's decision under Section 139 of the Act, but rather consider the application as if it had been made to the Board in the first instance. My assessment proceeds accordingly.
- 7.1.6. I am satisfied that the site is capable of facilitating the development of an additional house and a rear extension to the host house, based on the land-use zoning objectives for the site within the Development Plan. The rear extension and two-storey house would not result in undue impacts on the residential amenities of

neighbouring property, including the host house, and the proposed vehicular access would not result in traffic hazard. Consequently, the remaining and substantive issues that arise in my assessment of the planning application solely relate to the design and layout of the proposed house, which the Board may wish to consider as new issues, as discussed further below.

7.2. Design & Layout

- 7.2.1. The existing site features a house that would be extended at ground floor to the rear, as part of the proposed development. This house has permission for a single-storey front projection (DCC Ref. WEB1668/18), which has not yet been constructed. The site and surrounding area does not have any conservation status and the street is dominated by rows of terraced houses, interspersed within infill housing. Materials for the proposed house could be addressed by condition.
- 7.2.2. With regard to infill sites, the Development Plan 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 side garden sites, including the character of the area, compatibility with adjoining dwellings and the maintenance of building lines.
- 7.2.3. There are a number of infill houses located on side garden and corner sites in the immediate area, including a dormer-style house (No.17c) approximately 20m to the southwest on the corner with Macroom Road, which is attached to a pair of two-storey semi-detached houses (Nos.17a and b), which are also infill houses. While the design and style of the house at No.17c differs from the surrounding streetscape and the roof pitch of each of the 3 infill houses differs very slightly from the pair of houses at Nos.17 and 19, the scale, form and layout, including front building line, predominantly follows the established pattern of housing in the area and creates a coherent streetscape. Views of the proposed development would be restricted to the front street area along Greencastle Avenue.
- 7.2.4. At ground-floor, the front porch to the proposed house would step forward 1.5m beyond the existing front projection to No.17 and the permitted front projection to No.19. At first-floor level the proposed house would step forward of the established

building line to the southwest by 2m. There is an established relatively consistent and coherent building line along the southwest side of the site and the position of the proposed house would interfere with this, despite its position at the end of the row of houses. While I recognise the context of the site and the neighbouring infill housing, the layout, building lines, form and design of housing along Greencastle Avenue, including roof pitches, are design features that provide a visual amenity that is worth protecting. I am satisfied that the position of the proposed house, set forward of the building line to the southwest, at both ground and first floor, and the low pitch to the roof of the proposed house, substantially at variance with neighbouring roof pitches, would introduce incongruous elements to the streetscape that would be out of character with the surrounding pattern of development in the area.

- 7.2.5. In conclusion, the proposed development would detract from the character of Greencastle Avenue, as well as the visual amenities of the area, and would not comply with the provisions of Section 16.10.9 of the Development Plan, which requires residential development on side garden sites to be attentive to the established building lines of the area and to be compatible with adjoining dwellings. The proposed development should be refused for this reason.
- 7.2.1. As stated above, the issues that I have raised in my assessment of the planning application are new issues, as they have not been raised in the grounds of appeal. If the Board agree with my approach and choose not to use its discretion to limit its assessment solely to consideration of condition 3 under Section 139 of the Act, and to consider the application, as if it had been made to the Board in the first instance, the Board may wish to seek the comments of the first-party appellant in respect of the issues raised in the recommended reason for refusal.

8.0 Appropriate Assessment

- 8.1. Having regard to the existing development on site and to the nature of the proposed development and to 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 refused for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022, the position of the proposed house substantially breaking the building line of housing to the southwest and the roof pitch to the proposed house, substantially at variance with housing in the area, it is considered that the proposed development would be visually obtrusive within the streetscape, would detract from the visual amenities of the area and would be contrary to the provisions set out under Section 16.10.9 of the Dublin City Development Plan 2016-2022, which require developments on side garden sites to have regard to the character of the area, including building lines and compatibility with adjoining dwellings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

21st October 2019