



An
Bord
Pleanála

Inspector's Report ABP-305046-19

Development	Demolish house and construct three houses with front vehicular entrances and rear external storage areas
Location	Cuilin, 1/3 Lawrence Grove, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2988/19
Applicant(s)	Patrick & Jude Ryan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Ken Rush & Others
Observer(s)	None
Date of Site Inspection	15 th October 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site is located on the north eastern end of Lawrence Grove in the Clontarf area, 40m from Howth Road (R105 regional road), and approximately 3.5km northeast of Dublin city centre.
- 1.2.** It is stated to measure 0.09ha and currently accommodates a detached five-bedroom bungalow stated to have been built in the 1970s, set back 17m from the front boundary and featuring a shallow pitch roof. Vehicular access to side and rear hard surfaced areas is available from the northwest corner off Lawrence Grove and the house on site benefits from an expansive front garden featuring lawn area and mature trees, including willow and copper beech. Situated to the rear north eastern corner of the subject property is a single-storey building stated to be used as a garage and ancillary accommodation for the house on site. The boundaries of the site are primarily formed by capped concrete walls of varying heights.
- 1.3.** The surrounding area is characterised by a variety of house types includes modern two to three-storey detached houses adjacent to the north, west and south of the site along Howth Road, Lawrence Walk and Lawrence Grove. A two-storey shed structure with mono-pitch roof adjoins the southwest corner of the site. Ground levels in the immediate vicinity drop gradually in a southwest direction.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:
 - demolition of a single-storey five-bedroom detached house with a gross floor area (GFA) of 180sq.m and site clearance works, including the removal of trees;
 - subdivision of the property and construction of three houses each with vehicular entrances onto Lawrence Grove and rear external storage areas, including two four-bedroom three-storey semi-detached houses (nos.2 & 3) both with a GFA of 252sq.m and a four-bedroom three-storey detached house (no.4) with a GFA of 279sq.m;
 - connections to local services and landscaping, including replacement front 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 and an Engineering Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to 17 conditions of a standard nature, including the following:

- Condition no.4 – side elevation windows shall be fitted with obscure glazing and no windows shall be installed above ground floor to the south side elevation of house no.4;
- Condition no.5 – provide revised details to show cladding to the south elevation of house no.4 and brick surrounds to the rear-facing upper-level windows;
- Condition no.6 – rainwater goods shall only to be installed on the side elevations.

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 and notes the following:

- demolition of the house on site would not appear to raise planning issues and the proposal to increase the density of development on site would be consistent with planning policy;
- the loss of the trees on site would not be of sufficient merit to refuse the proposed development;
- a concurrent planning application under Dublin City Council (DCC) Ref. WEB1286/19 has been submitted and some clarity is required as to how the projects would merge;

- the design, height, scale and layout, including front and rear building lines, of the proposed development would be appropriate considering the immediate urban context;
- excessive overshadowing or overlooking would not arise based on Development Plan standards, despite some overlooking of the gardens to the rear serving Nos.57, 58 and 59 St. Lawrence Road;
- two off-street car parking spaces per house would be reasonable.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) – no objection, subject to conditions.

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, a total of five third-party submissions were received from neighbouring residents of St. Lawrence Road, Lawrence Walk 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. Pre-planning discussions between representatives of the planning authority and the applicants was undertaken in February 2019 under DCC Ref. PAC0049/19, in order to discuss proposals to demolish the house on site and construct four three-storey houses. Key issues raised during these discussions related to the proposed parking provision and the impact of the development on the streetscape.

4.1.2. The following recent planning application relates to the appeal site:

- DCC Ref. WEB1286/19 – permission was refused by the Planning Authority in July 2019 for a detached house on the northern side of the subject property, along with a new vehicular entrance to a hardstanding area to serve the existing house on site, as the proposed house would have an overbearing impact and would result in overshadowing and loss of aspect for the adjoining house to the north.

4.2. Surrounding Sites

4.2.1. There have been numerous planning applications for infill residential developments in the surrounding area, including the following:

- Derwent, 106 Howth Road – ABP Ref. 304783-19 / DCC Ref. 4280/19 – permission granted by the Board in October 2019 for the demolition of a house and the construction of one detached and two semi-detached houses on a site 60m to the northwest of the appeal site;
- 111 & 113 Howth Road – DCC Ref. 4232/16 – permission granted by the Planning Authority in March 2017 for the demolition of a house and the construction of two detached houses, adjoining to the north of the appeal site;
- 9 Lawrence Grove – DCC Ref. 5050/06 – permission granted by the Planning Authority in January 2007 for a three-storey house in the rear garden of 54 St. Lawrence Road, with independent vehicular entrance onto Lawrence Grove, 7m to the south of the appeal site;
- 1 to 4 Lawrence Walk – DCC Ref. 2443/06 – permission granted by the Planning Authority in July 2006 for the demolition of a nursing home and the construction of four three-storey houses, each with independent vehicular entrances onto Lawrence Grove, directly opposite the appeal site to the west. This permission was subsequently amended under DCC Ref. 5930/07.

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'. The properties to the rear along St. Lawrence Road are protected structures with a land-use zoning objective 'Z2 – Residential Neighbourhood (Conservation Areas)'.
- 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 residential 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 Development Plan, and matters to be considered in assessing proposals for infill housing are outlined under Section 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 allowed based on map J and standards within Section 16.38 of the Development 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 residents of Nos.1 and 2 Lawrence Walk, and the grounds of appeal, which include photographs of the site and the surrounding area, along with the issues raised in the third-party submissions can be summarised as follows:

Planning Policy

- over intensive use and overdevelopment of the site would arise relative to the surrounding area and planning guidelines;
- proposals are contrary to zoning objectives and development standards and would lead to precedent for further similar development in the area;
- proposals omit the provision of public open space on site;

Visual Amenities

- the height, modernist contemporary design, form, including flat roof, scale and layout of the proposed houses would not respect the established distinctive scale and pattern of development in the area, including the neighbouring vernacular and traditional design of housing and the protected structures located on lands zoned 'Z2 – Residential Neighbourhood (Conservation Areas)' to the rear of the site;
- the proposed houses could be repositioned further towards the rear of the site;
- further details of materials are necessary and the proposed materials are inappropriate, including the render finish to the rear;
- there would be an undesirable loss of mature trees that contribute substantially to the appearance of the streetscape and these trees could be incorporated into the overall redevelopment of the site;
- the excessive number of entrances and areas for parking would reduce the potential for the provision of an appropriate front boundary treatment and soft landscaping;

Residential Amenities

- excessive overlooking of the residential properties adjoining to the rear and south side would arise;
- potential for excessive overshadowing and loss of light to neighbouring properties would arise;

Road Safety

- vehicles exiting the houses would have to reverse onto Lawrence Grove and a more appropriate solution would be to use one entrance to serve all of the proposed houses;
- proposals provide for an excessive provision of off-street car parking and would lead to unwarranted loss of on-street car parking in an area experiencing significant parking demand;
- traffic safety hazards would arise during the construction period;

Other Matters

- the application should have been declared invalid due to discrepancies and inconsistencies in the drawings and documents submitted;
- to reduce the risk of planning permission not being granted for an element of the overall redevelopment, the applicant has submitted a concurrent planning application, DCC Ref. WEB1286/19, which is clearly a form of 'project splitting' of two inextricably linked developments;
- a report screening for appropriate assessment should have been submitted with the planning application and an Appropriate Assessment of the proposed development would also be necessary;
- a robust and complete assessment of the proposed development cannot be undertaken in the absence of a construction and demolition management plan, an urban design statement, an acoustic assessment, a tree service, an arboricultural impact assessment and various related plans, a waste management plan, a traffic management plan and a landscape plan.

6.2. Applicants' Response

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

Principle

- the proposed development has been designed with respect to its urban context, including the architectural styles of local housing and the residential amenities of the area;
- a concurrent planning application was submitted for a house to the north (DCC Ref. WEB1286/19), in order to potentially allow the redevelopment of the property to be undertaken in a phased manner. This permission was refused and a revised application will be submitted;
- the scale, massing, heights and layout, including building lines, of the proposed houses would be consistent with the approach taken in Lawrence Walk directly opposite the site to the west;

Visual Amenities

- there is significant variety and architectural styles in housing within the immediate area, with gap sites interrupting the streetscape along Lawrence Grove;
- the development would be of a high architectural standard and would make a positive contribution to the streetscape;
- the contemporary design approach taken is intended to provide for simplicity in the form of the building, to provide a clear definition of the building function without ornamentation of the façade and to avoid a pastiche design approach;
- images of contemporary-style housing in the Clontarf area are included;
- to maintain the trees on site, which are of limited aesthetic and biodiversity value, would require the proposed houses to be set back from the front boundary by a further 9m, and this would be impractical and would result in an inefficient use of the site;

Residential Amenities

- the rear windows of the proposed houses would be 40m from the rear of houses along St. Lawrence Road to the east.

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. None received.

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 planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

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

7.2. Design & Visual Amenities

7.2.1. The grounds of appeal primarily assert that the design of the proposed development would be out of character with existing housing in the surrounding area, which is designed in the vernacular style, comprising extensive use of brick and pitch roofs. In response to the grounds of appeal, the applicants addressed the rationale for the design of the proposed development and highlighted that there is a variety of house

types in the immediate area, including housing constructed in a contemporary architectural style and featuring flat roofs.

- 7.2.2. The existing site features a house that is not of significant architectural merit and mature trees to the front garden area that would be removed as part of the proposed development. The grounds of appeal object to the loss of these trees in the absence of appropriate surveys and assessments, given the visual amenity value of the trees, which are considered integral to the streetscape. In response the applicants assert that the redevelopment of the site should not be constrained by virtue of the existence of the mature trees on site, which they consider to be of limited value.
- 7.2.3. While the character of the area is dominated by residential uses, a consistent urban grain is not readily identifiable with various infill housing proposals of differing eras occupying former backland and side garden sites associated with historical residences that occupied large plots leading northeast along Howth Road and on St. Lawrence Road. Views of the proposed houses from the public realm would be primarily restricted to Lawrence Grove and these would be partially obstructed by a two-storey shed structure adjoining the southwest corner of the site.
- 7.2.4. The houses on St. Lawrence Road are included in the Record of Protected Structures and have a 'Z2' land-use zoning objective, while the appeal site does not have any conservation status. 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 16.10.10 of the Development Plan lists a range of criteria to be assessed in relation to housing proposals on infill sites, including the character of the area, compatibility with surrounding building lines, proportions, heights and materials.
- 7.2.5. There are infill developments in the immediate area, including No.9 Lawrence Grove and Nos.1 to 4 Lawrence Walk, that accommodate three-storey houses similar in height, scale and proportions to the proposed houses. The siting of the proposed houses would follow the building line to the south, which is interrupted by the aforementioned shed structure, and would mirror the approach taken directly opposite the site along Lawrence Walk. A contemporary palette of materials would be used to finish each of the proposed houses, including extensive use of brick to the front elevations. The more recently constructed housing developments in the

immediate area primarily feature semi-mature tree cover. While the construction of the proposed houses would require the removal of mature trees, I am not aware of any protection assigned to these trees and I would consider that a landscape plan with provision for replacement tree planting should be provided to in part compensate for the loss of the trees.

- 7.2.6. 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 the visual impact of the proposed development.

7.3. Residential Amenities

- 7.3.1. The Development Plan requires proposals for houses on infill 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 relative to neighbouring residential properties, is such that the potential for undue overshadowing, overlooking and overbearing impacts on neighbouring amenities would not arise. I note that the side windows of proposed house no.4 would be 1.7m from the side boundary to an expansive elongated garden to no.56 St. Lawrence Road. To address the potential for excessive overlooking of this rear garden area, the planning authority decided to attach a condition restricting the upper-floor side elevation windows to house no.4 to comprise obscure glazing and the applicants did not object to this. The proposed development would not undermine the development potential of the portion of the property subject of the recent refusal of planning permission (DCC Ref. WEB1286/19). Furthermore, the rear elevations of the proposed houses would be approximately 12m from the rear gardens and 28m from the rear elevations of properties along St. Lawrence Road. Consequently, I am satisfied that undue impacts on the amenities of neighbouring properties would not arise.
- 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 three-storey seven-person house, as set out within the Departmental 'Quality Housing Guidelines' and referenced in the Development Plan, is 120sq.m. The proposed houses would provide a gross floor

area substantially in excess of this at 252sq.m and 279sq.m. 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 the proposed houses 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 of between 90sq.m and 135sq.m are provided for the proposed houses.

7.3.4. In conclusion, I am satisfied that the proposed development would not injure the residential amenities of the area and it would provide a suitable level of amenity for future residents of the houses in line with Development Plan standards.

7.4. Access, Parking & Traffic

7.4.1. The grounds of appeal assert that a more suitable and appropriate means of providing access to these houses, would be via one vehicular access off Lawrence Grove. The Transportation Planning Division of the Planning Authority did not comment on the planning application. Lawrence Grove is not a through road, and as consequence it is relatively lightly-trafficked. A double-yellow line extends along the entire frontage of the site and no loss of parking would arise, nor would there be restricted visibility onto the roadside. The layout of the development, including individual entrances onto Lawrence Grove would again mirror the approach taken in Nos.1-4 Lawrence Walk. The proposed houses would be provided with sufficient space to accommodate at least two cars within their respective curtilages.

7.4.2. The proposed development would follow the access arrangements for recent developments in the immediate area. 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. I also recognise that the proposed development would attract additional traffic to the area during the construction period. However, the impacts of this construction-related

traffic would be for a temporary period and can be suitably addressed within a construction management plan for the proposed development to be agreed with the planning authority. Accordingly, the development should not be refused permission for reasons relating to access, parking and traffic.

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 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, 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 upper-floor side elevation windows to house no.4 shall be permanently fitted with obscure glazing.

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 residential amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed internal boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

4. 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.

5.
 - a) The 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.

6. 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, traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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

6th November 2019