



An
Bord
Pleanála

Inspector's Report ABP-305067-19

Development	Construction of dwelling & widening of vehicular entrance.
Location	21, Beach Road, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4220/18
Applicant(s)	Vivian Healy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Caroline McKenna Copper & Others
Date of Site Inspection	23 rd October 2019
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0139 hectares, is located off Beach Road, Sandymount, Dublin 4. The site is part of an existing vacant site on which a dwelling has been demolished. The appeal site is the rear portion of the vacant site with permission granted on the rest of the vacant site under PL29S. 249137 for a replacement dwelling. Existing boundary treatment on site consist of walls along the northern, southern and eastern boundary with no physical boundary along the eastern boundary of the site. The site is adjoined to the east by Beach Road, to the north by adjacent two-storey dwellings and to the south by the single/two-storey dwellings that front onto Seafort Avenue. The area forms a residential suburb to the south of the city centre. Sandymount village, located to the south east provides a range of facilities for local residents.

2.0 Proposed Development

2.1. Permission is sought to construct a detached single-storey dwelling in the rear garden of no. 21 Beach Road and widen the existing front vehicular entrance. The dwelling is a two-bed unit with floor area of 66sqm and a ridge height of 3.025m. The dwelling features a flat roof and external rendered finish.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 9 conditions. Of note is the following condition...

Condition no. 7: The driveway is not to have outward opening gates.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (13/12/19): Further information including clarification of ownership/control over the lands between the site and the road, submission of a Flood Risk Assessment and an auto-track analysis.

Planning Report (30/04/19): Clarification of further information including confirmation of the finished floor level of the proposed development in the context of flood risk measures and its impact on the overall height of the dwelling.

Planning Report (08/07/19): The proposal was considered to be acceptable in the context of visual amenity, adjoining amenities, traffic impact and flood risk. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (No date): Further information including details regarding flood risk.

Transportation Planning (05/12/18): Possible inadequate space for off-street car parking, auto-track analysis required.

Drainage Division (16/04/19): No objection subject to conditions.

Transportation Planning (25/04/19): No objection subject to conditions.

3.3. **Third Party Observations**

3.3.1 A number of observations were received. The issues raised in these submission can be summarised as follows...

- Overdevelopment of the site.
- Adverse impact on residential amenity.
- Insufficient space for off-street car parking.
- Lack of demonstration sufficient legal interest of the land to the front.
- Insufficient open space provisions.

4.0 Planning History

- 4.1 PL29S.249137: Split decision, permission granted for demolition of dwelling new vehicular access and construction of replacement dwelling and permission refused for a new dwelling in rear garden.

One refusal reason...

1. Having regard to the restricted nature of the site that forms part of the rear garden of a house proposed for replacement, the location and orientation of the development and the proximity to adjacent property, it is considered that the development of an additional house to the rear would seriously injure the residential amenity of adjoining property by way of overlooking and loss of privacy. In addition, it is considered the proposed development would result in overdevelopment of the site and the inadequate provision of private open space for both the replacement house and the new house to the rear which would result in a substandard level of amenity for future occupants. Furthermore, the provision of an additional vehicular entrance onto the heavily trafficked Strand road would be likely to constitute a traffic hazard due to the additional turning movements on this road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The relevant Development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective *'To protect, provide and improve residential amenities'*. (note Planning reports state site is zoned Z2 which is incorrect).

Relevant sections of the development plan include - Residential Quality Standards (Section 16.10.2) and Backland Development (Section 16.10.8) and Infill Housing (Section 16.10.10).

The site is located within the Sandymount Village & Environs ACA.

Extracts from the Plan are appended to the back of the report for the information of the Board.

5.2. Natural Heritage Designations

5.2.1 None.

5.3. EIA Screening

5.3.1 In this circumstance, upon preliminary examination, it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded 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 Keenan Lynch Architects on behalf of...

Caroline McKenna Cooper, 41 Seafort Avenue, Sandymount, Dublin 4.

Angela & Christopher Clarke, 37A Seafort Avenue, Sandymount, Dublin 4.

Maura Whelan, 22 Beach Road, Sandymount, Dublin 4.

- The parking area to the front is not within the boundaries of the appeal site.
- There is an issue of overlooking with the two-storey dwelling overlooking the site of the new dwelling and providing for a substandard amenities of future residents.
- There is an inadequate separation distance between the proposed dwelling and the existing dwelling at no. 21 providing for a substandard development.
- One of the bedrooms proposed is below the minimum floor area under National Guidelines.

- The level of private open space is below the minimum required standard for a two bed dwelling. It is also noted that the proposal results in a reduction in the level of private open space associated with the existing dwelling to an inadequate level.
- In relation to on site manoeuvres it is noted that the parking area along the road is not included within the site boundary. It is noted that the claimed car movements that can be facilitated by the applicant are not possible.
- The proposal would be contrary Development Plan policy in regards to backland development under Section 16.10.8.

6.2. Applicant Response

6.2.1 A response has been submitted by Brian O'Donoghue Architects on behalf of the applicant, Vivian Healy.

- It is noted that the previous reason for refusal at this location have been addressed.
- The proposal creates no unacceptable overlooking or overshadowing.
- The room sizes are compliant with Development Plan standards.
- The proposal for a small single-storey dwelling at the rear of an urban site are acceptable.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Principle of the proposed development

Development plan policy/development management standards

Appropriate Assessment

7.2. Principle of the proposed development:

7.2.1 The proposal is for a single-storey dwelling on site formerly the curtilage of a dwelling which has since been demolished. The dwelling proposed is on a backland site being on a portion of land to the rear of the vacant site. The site is zoned Z1 with residential use permitted in keeping with the existing use and land use zoning objective. Backland development is facilitated by the development plan, with each case being considered on its own merits. The protection of the established pattern and character of development in the area and protection of residential amenity are primary considerations.

7.2.2 There was a previous application on a larger site incorporating the site subject under ref no. PL29S.249137, on which a split decision was issued with permission for demolition of a dwelling, new vehicular access and construction of replacement dwelling and permission refused for a new dwelling in the rear garden. This dwelling in the rear garden was refused on the basis of being injurious to amenities of adjoining properties through overlooking and loss of privacy, and being overdevelopment of the site due to inadequate private open space for the both the replacement dwelling and proposed dwelling. The dwelling was also refused on the basis that the provision of an additional vehicular entrance was deemed to be a traffic hazard. The current proposal is an amended design for a new dwelling in the rear garden. The difference between the current proposal and previous proposal refused is that the proposed dwelling is a single-storey dwelling and not a two-storey dwelling as proposed previously. It is also proposed to widen the existing vehicular entrance and use the parking area to the front to facilitate the new dwelling to the rear. There is a question on whether the current proposal has addressed the refusal reason for the previous proposal for a dwelling in the garden.

7.3 Development plan policy/development management standards:

7.3.1 The reason for refusal for the dwelling on the same site under PL29S.249137 indicated concern that the proposal was overdevelopment of the site and deficient in

the provision of private amenity space for both the proposed dwelling and the replacement dwelling that was permitted on the front portion of lands the current appeal site is taken from. Under Section 16.10.2, Residential Quality Standards-Houses of the City development Plan the requirement for private open space is 10sqm per bedspace. The proposed dwelling has a double bedroom and a single bedroom giving a requirement of 30sqm. The proposed dwelling provides for 23sqm of private open space, which is located to the rear of the dwelling. There is an open space area to the front of the proposed dwelling. I would question whether such is private open space due to proximity of the two-storey dwelling permitted under PL29S.249137, it is two-storey design and provides for the living space at first floor level. One of the issues noted in assessing the PL29S.249137 and leading to the decision to refuse permission for a dwelling on the appeal site previously, was the level of private open space retained with the permitted dwelling. The permitted dwelling has requirement of 80sqm of private open space (4 double bedrooms) and the provision of the new dwelling on rear portion of the site does not facilitate the provision of such. The proposed development still represents overdevelopment of the site with insufficient private amenity space provided with the proposed dwelling and retained with the dwelling permitted under ref no. PL29S.249137. The proposal although different in design does not address the fundamental issue that the proposal is overdevelopment of the site. The layout of the proposal is effectively an independent dwelling in the rear portion of what was formerly the garden associated with a dwelling. I would consider that permitting the pattern of development proposed would set an undesirable precedent for similar proposals in the rear gardens of existing dwellings.

7.3.2 There is an existing vehicular access to the site. It is proposed to widen the vehicular access from 2.2m to 2.8. It is proposed to provide parking for 2 no. cars to the front of the dwelling permitted under PL29S.249137. This area is not within the site boundaries, however does appear to be under the applicant's control. Under Table 16.1 of the City Development Plan the maximum requirement for dwellings is 1 per unit (Area 2). There is space for 2 no. parking spaces on site, which is consistent with Development Plan standards. Notwithstanding this fact I would note the backland nature of the site means the proposed dwelling is not totally

independent of the permitted dwelling under PL29S.249137 and is reliant use of the site the front to gain access as well as car parking. Given the proximity of the site to the city centre and existing public transport (bus route and Sandymount Dart Station is approximately 10 minute walk) I do not necessarily believe that car parking is an essential requirement for the proposed development. I would consider that the issue in the case of the car parking is that the proposed dwelling is not a completely independent unit in that access needs to be gained across the site to south, which has permission for a dwelling. This shared arrangement illustrates that the site does not lend itself to the provision of an additional dwelling and that the proposal would be overdevelopment of the site as the proposed dwelling cannot be facilitated with separate access or car parking.

7.4 Visual Impact/Adjoining amenities:

7.4.1 The proposed development is located on a backland site behind existing dwellings and its single-storey low profile design would mean it would not be visible from the public roads or public realm in the vicinity of the site. The proposal would be satisfactory in the context of the visual amenities of the area.

7.4.2 The proposal provides for a single-storey dwelling. This coupled with existing and proposed boundary treatment would mean the proposed dwelling would have no significant or adverse impact on adjoining properties through overlooking or overshadowing. In relation to the permitted dwelling the relationship between it and the proposed dwelling is generally acceptable in the context of residential amenities.

7.5 Traffic/car parking:

7.5.1 As noted above there is space for 2 no. car parking spaces to the front of the dwelling permitted under PL29S.249137. As noted above this would meet development plan standards if this area is provided to cater for 2 no. dwellings including the permitted dwelling and that proposed under this case. The appellants' raises issues of concern regarding whether vehicular movement associated with 2 no. cars can be facilitated without generating dangerous traffic movements such as reverse movements onto the public road. The provision of an entrance is permitted

and its widening would be acceptable. There is sufficient space to the front of the permitted dwelling for two cars and there is nothing preventing its use for such purpose regardless of the provision of one or two dwellings at this location.

7.6 Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend refusal based on the following reason.

9.0 Reasons and Considerations

1. Having regard to the restricted nature of the site that forms part of the rear garden of a house for which permission was granted for a replacement dwelling under PL29S.249137, it is considered the proposed development would result in overdevelopment of the site and the inadequate provision of private open space for both the replacement house permitted under PL29S.249137 and the new house to the rear which would result in a substandard level of amenity for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

25th October 2019.