



An
Bord
Pleanála

Inspector's Report

ABP-305185-19

Development	Demolition of garage and construction of detached house at the side
Location	12, Grange Park View, Dublin 5
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3119/19
Applicant(s)	Anthony Kelly.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Anthony Kelly.
Observer(s)	None.
Date of Site Inspection	11 th October 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located on the corner of Grange Park View and Grange Park Walk, which is accessed off Raheny Road (R809) or Kilbarrack Road (R104) and is approximately 450m to the west of Kilbarrack DART station and 7.6km northeast of Dublin city centre.
- 1.2. It contains a two-storey semi-detached dwelling with a single-storey flat-roof side extension. The external finishes to the dwelling on site include stone cladding to the ground level walls, render to the upper walls and a roof finished with concrete profile tiles. To the front of the house there is a small garden and a hardstanding area for off-street parking. The street side boundaries comprise low walls backed by hedgerows. The site backs onto the side and front garden of an infill detached property at No. 37 Grange Park Walk. The finished-floor level of the dwelling on site is approximately 1.2m above street surface level.
- 1.3. The surrounding area is characterised by pairs of semi-detached dwellings, many of which have been extended, fronting onto tree-lined residential streets, interspersed with schools, local services and green spaces. Kilbarrack Shopping Centre and associated surface-level car park is located directly to the north of the site. Ground levels in the vicinity are relatively level with only a slight drop moving east

2.0 Proposed Development

- 2.1. It is proposed to construct the following:
 - Demolish single storey extension.
 - Build 2 storey 3-bedroom dwelling.
 - Reposition existing vehicular entrance.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council refused permission for the following reason:

1. Having regard to the Residential Quality Standards set out in Section 16.10.9 'Corner/Side Garden Sites' of the Dublin City Development Plan, 2016--2022, it is considered that the proposed dwelling which will have a shallower roof pitch and lower finished levels than that of the parent dwelling, and which along with the proposed high side boundary wall would substantially break the building line of Grange Park Walk residential estate, would result in an incongruous insertion into a formally designed and laid out residential area and would reduce the openness and visual coherence of the planned streetscape. The proposed development would, therefore, be contrary to the said provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report is consistent with the decision of the local authority.

3.2.2. Other Technical Reports

- Drainage Division – No objections subject to conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

- PL.301256-18 Permission was refused for two-storey detached dwelling due to inadequate level of amenity space.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan

Land use zoning objective Z1 – To protect, provide and improve residential amenities.

- QH22 – New houses to be in keeping with character of existing.
- 16.10.9 Corner/Side Garden Sites
- Section 16.6 – Site Coverage
- Section 16.10.10 Infill Housing

National Planning Framework Project Ireland 2040

- Section 2.2 - Compact Growth
- NSO 1 – Compact growth

5.2. Natural Heritage Designations

Nearest sites:

North Dublin Bay SAC is located c. 1.3km east of the site.

North Bull Island SPA is located c. 1.3km east of the site.

5.3. EIA Screening

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

- The issues raised in the reason for refusal by ABP have been met.
- The proposed height, depth, floor space and bulk have been reduced and the private open space been increased.
- Proposed boundary wall is similar in height to previously approved developments.
- A hedge would be acceptable to developer.
- Pitch angle is similar to existing house difference is 1.5 degrees.
- Difference in height is to allow for house to be adapted in future.
- Proposal is compliant with Dublin City Development Plan.
- Building line has been breached in number of other developments.
- Precedent should be taken into account.

6.2. Planning Authority Response

- The Planning Authority did not respond specifically to the grounds of appeal and referred the Board to the planner's original report.

6.3. Observations

- None

7.0 Assessment

- 7.1. The proposed development is located within an area subject to the Z1 zoning objective which seeks to protect, provide and improve residential amenities. The principle of residential development is accepted within this zoning objective subject to compliance with the requirements of the Dublin City Development Plan. This is first party appeal against Dublin City Council's decision to refuse permission. The issues for consideration before the Board relate to the concerns raised within the

reason for refusal which can be summarised as follows, I am satisfied that no other substantive issues arise.

- Visual Impact
- Open Space
- Appropriate Assessment.

Visual Impact

- 7.2. The Local Authorities decision to refuse permission was partially based on the location of the dwelling forward of the established building line within Grange Park Walk. It was also considered by DCC that the proposed dwelling by virtue of its scale, proportions and height of the proposed boundary wall would be incongruous within this corner plot and would reduce the openness and visual coherence of the area.
- 7.3. The Dublin City Development Plan 2016-2022 within Section 16.10.9 specifies that the provision of additional residential units in side gardens will be generally supported subject to a number of criteria. Developments in side gardens must be assessed in relation to the character of the street, compatibility of design and scale with adjoining dwellings, the established building line, proportion, heights, parapet levels and materials of adjoining buildings, quality of design and layout, the adequate provision of car parking, open space and landscaping and the impacts upon the residential amenities of adjoining sites.
- 7.4. Issues were raised within the previous appeal (ref: PL.301256-18) in relation to the excessive depth of the previously proposed dwelling as well as the height, scale and mass of the dwelling.
- 7.5. In order to address the aforementioned, the applicant has omitted the roof accommodation and dormer window to the rear, and has reduced the depth of the proposed dwelling to 9.1 metres which results in the rear building line protruding beyond the neighbouring dwelling to the north west by 1.3 metres. Furthermore, the height of the proposed dwelling has been decreased and the applicant has stated that the proposed reduction in floor levels is to accommodate wheelchair access to the property.

7.6. Whilst I note the concerns of the Council in relation to the building line, the proposed breach is minimal and measures c. 2 metres. Given the siting of the proposed dwelling c. 10 metres to the north east of no. 37 Grange Park Walk and having regard to the northern elevation of no. 37 which comprises a flank side wall without any windows I consider the potential for impact to be limited. In addition, I do not consider the breaching of this building line by such a minimal amount to be of sufficient concern as to warrant a refusal.

Open Space

7.7. I note that concerns were raised by the Board within the previous appeal in relation to the inadequacy of open space proposed. In response to these concerns, the applicant has removed the proposed parking space and access to the rear of the site and proposed to provide 66 sqm of open space at this location.

7.8. Section 16.10.2 of the Dublin City Development Plan 2016-2022 states that private amenity space can be provided for, to either the side or the rear of a dwelling. A minimum standard of 10sqm per bed space is applicable to residential development in the city with this figure reducing to 5-8sqm in inner city locations.

7.9. A single bedroom represents one bed space and a double bedroom represents two bed spaces. Generally, as stated within the aforementioned Section, up to 60-70 sq.m of rear garden area is considered sufficient for houses in locations such as the appeal site.

7.10. The proposed development provides for 3 no. double bedrooms with a requirement for 60 sqm of private open amenity space. Given the quantum of open space to be provided I consider that the development as proposed adequately complies with the requirements of the Dublin City Development Plan 2016-2022 in this regard.

Appropriate Assessment

7.11. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

Conclusion

- 7.12. Having regard to the foregoing assessment I consider that the proposed development adequately complies with the requirements of the Dublin City Development Plan 2016-2022 and provides for an adequate standard of accommodation for future residents.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to standard conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area

3. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

4. Access and parking arrangements shall comply with the requirements of the planning authority for such works. Full details of the proposed footpath and kerb to be dished shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of public health and traffic safety.

5. Details of all boundary treatments to be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity for future occupants.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. The site and development works shall be carried out in such a manner as to ensure that the adjoining street(s) 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 road, the said cleaning works shall be carried out at the developers expense.

Reason: In the interest of orderly development.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

9. 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

5. 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.

Sarah Lynch

Planning Inspector

15th October 2019