



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305193-19

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<b>Development</b>	Construction of a new house in the side garden and associated site works
<b>Location</b>	1 Glenville Way, Castleknock, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW19A/0084
<b>Applicant(s)</b>	Harbine Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Harbine Ltd
<b>Date of Site Inspection</b>	30 <sup>th</sup> October 2019
<b>Inspector</b>	Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The site is located in the side garden of no.1 Glenville Way, Castleknock, Dublin 15. No. 1 Glenville Way is one half of a pair of semi-detached two storey dwellings. Glenville Way is a cul-de-sac which runs roughly north-south and the dwelling is located at the entrance to the cul-de-sac. Glenville Way forms a T-junction with Roselawn Glade which is a spine road serving several cul-de-sacs. The area is characterised by two-storey semi-detached and detached dwellings. Glenville Way has a number of mature trees and grass verges on both sides of the road with room for on-street parking. A national school is located immediately to the rear of Glenville Way.
- 1.2. No.1 Glenville Way adjoins no.3 Glenville Way (home of the objector at Planning Authority stage) and is orientated east-west with the west façade facing towards Glenville Way. The northern gable wall runs parallel to Roselawn Glade and there is currently a garage attached to that gable wall with a side garden. The garage as well as a porch project forward of the building line. A low boundary wall surrounds the front and side of the dwelling with vehicular access off Glenville Way.
- 1.3. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. It is proposed to construct a new dwelling in the side garden and to the north of the existing dwelling. The new 179sq.m dwelling will be attached to no.1, and will comprise living areas at ground floor, three bedrooms at first floor level and an attic room above. A rear garden area of 65sq.m will be provided for the new dwelling and the existing dwelling will maintain a garden area of 65sq.m. The proposal includes for the demolition of a garage and for new drainage works.
- 2.2. The dwelling proposed does not align with the existing dwelling – it steps up at roof level. In addition, the projecting roof/canopy over the ground floor living room and porch is lower than the proposed front extension of the existing dwelling. (Note a separate planning application has been lodged to provide for a ground floor front extension and a new vehicular entrance to the *existing* dwelling - see Planning History below).

2.3. It is proposed to widen the existing vehicular entrance off Glenville Way, as well as to introduce a new pedestrian gate into the side of the rear garden off Roselawn Glade. A new vehicular entrance to the existing dwelling forms part of the separate planning application as previously referred.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for one reason as follows:

*Having regard to the character and appearance of the area, the proposal if permitted would be overbearing, by virtue of its size, design, layout and relationship with the established built character of the area. Taking particular account of the front, rear, side building lines and ridge lines, the proposal if permitted would seriously injure the amenities of property in the vicinity, be visually incongruous and give the appearance of overdevelopment of the site. The proposal is therefore contrary to objectives DMS39, DMS40 and the RS land use zoning objective of the Fingal Development Plan 2017 – 2023, the proper planning and sustainable development of the area, and would create an undesirable precedent.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Notes objective DMS39 and DMS40 of the Development Plan which refer to Infill Development and Corner Site Development. Considers proposal broadly consistent with the design, scale, massing of other houses but that it varies the established ridgeline, front, rear and side building lines sufficiently for the proposal to be incongruous with existing development.

- Presentation of 12m long gable wall onto Glenville Avenue (Roselawn Glade) considered to have overbearing potential and be visually incongruous and give appearance of overdevelopment of the site.
- Notes proposed gate resolves access difficulties to the rear for new dwelling but not for existing dwelling.
- Surface water concerns are raised by Water Services as it is considered there may be insufficient space to construct soakaways. Planner recommends FI on this basis.
- Construction of newly widened entrance will have an impact on a street tree and on the grass verge. It is noted that in order to accommodate access to the proposed new entrance for the existing dwelling in a separate planning application, an existing tree will have to be removed.
- Concludes that the proposal is overdevelopment of the site and in order to make the proposal viable, a major redesign would be required beyond that which is reasonable in a request for Further Information.
- Planner recommends refusal of permission.

The decision was in accordance with the Planner's recommendation.

### 3.2.2. Other Technical Reports

- **Transportation:** No objection subject to condition. Express concern with proximity of proposed new gable to the edge of the footpath.
- **Water Services:** Concern regarding surface water disposal.
- **Parks Division:** Concerned with impact on street trees and loss of grass verge and recommends conditions.

### 3.3. Prescribed Bodies

- **Irish Water:** No objection

### 3.4. Third Party Observations

One objection is submitted from the neighbour of the adjoining property. In summary it includes:

- Object to removal of mature tree and loss of grass verge.
- Proposed new vehicular access will pose a risk to motorists and children.
- Due to the 'attached' nature of the proposal it is inconsistent with developments of a similar nature in Glenville, Delwood and Roselawn area which are 'detached' and therefore do not alter the 'semi-detached' status of their adjacent properties.
- Concerned with utilities.
- Notes inconsistencies with roof ridgeline and window lines.
- Span of front extension is inconsistent with the rest of the area.
- New pedestrian gate will pose a hazard and security risk.

### 4.0 Planning History

As noted above there is an application for modifications to the existing dwelling:

- **FW19A/0113:** A planning application was submitted to Fingal County Council on 1<sup>st</sup> July 2019 for a single storey extension and alterations to no.1 Glenville Way, including construction of a single storey extension to the front of the dwelling, construction of a new vehicular entrance off Glenville Way involving removal of tree, alterations to existing window and door opes including new velux windows to the front and rear and associated demolitions. This is currently at Further Information (FI) stage. FI was sought requesting the applicant to submit a revised site plan clearly outlining in red the dwelling house including all structures to be demolished. Of note in the Planning Report having regard to the Council's decision to refuse the subject application (albeit recognising that it was still in the appeals period at the time of writing), it was considered that the provision of a second vehicular entrance is not justified and would be superfluous to need.

In the general vicinity:

- **FW12A/0117:** Permission was granted in December 2013 for the development of a 2 storey *detached* dwelling in no.81 Glenville Avenue.
- **F06A/1082:** Permission was granted in January 2007 for a two storey *detached* dwelling in the side garden of no.2 Glenville Way (i.e. immediately opposite the subject site). This development has not been built.
- **F06A/1085:** Permission was granted in January 2007 for a two storey *detached* dwelling in the side garden of no.6 Glenville Drive.
- **F06A/1084:** Permission was granted in January 2007 for the development of a two storey *detached* dwelling in the side garden of no.1 Glenville Lawn.
- **F04A/0981:** Permission was granted in August 2004 for the development of a two storey *detached* dwelling in no.80 Roselawn Road.

## 5.0 Policy Context

### 5.1. Fingal County Council Development Plan 2017 – 2023

- 5.1.1. The site is located in an area with a land use zoning '*RS: To provide for residential development and protect and improve residential amenity*'.
- 5.1.2. Chapter 12 addresses Development Management Standards. Under the heading 'Other Residential Development', reference is made to development in side gardens. It is stated that:

*The development of underutilised infill and corner sites in existing residential areas is generally encouraged. However, it is recognised that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be encouraged for this type of development.*

*Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas.*

**Objective DMS39** states:

*New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.*

**Objective DMS40** states:

New corner site development shall have regard to:

*Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*

*Impact on the amenities of neighbouring residents.*

*The existing building line and respond to the roof profile of adjoining dwellings.*

*The character of adjacent dwellings and create a sense of harmony.*

*The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.*

*Side/gable and rear access/maintenance space.*

*Level of visual harmony, including external finishes and colours.*

## 5.2. **Natural Heritage Designations**

There are no designated sites in the vicinity. The nearest site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).

## 5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development comprising the construction of a dwelling in a serviced urban area, 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

A first party appeal against the decision of the Planning Authority has been submitted by the applicant, accompanied by new drawings amending the proposal.

In summary the appeal states:

- The planning application associated with the existing dwelling is still live and a decision has yet to be issued. Explanation provided with respect to the applicant's intention to submit two concurrent applications but due to invalidation of one, the timelines differ.
- Revised plans illustrate amendments that deal with issues set out in the Local Authority decision, and it is requested that the Board take these amendments into account when assessing the proposal.
- The amendments include revisions to the roofline which is now proposed to match the existing roofline, and which also include window cill and head level revisions and canopy revisions which it is considered allows the front elevation to sit more comfortably with the existing house.
- No works are now proposed to the footpath or the grass verge relating to the proposed widening of the existing vehicular entrance.
- Development requirements in terms of room sizes, private amenity space etc. have all been met or exceeded.
- The principle of this type of house has been accepted and it is considered that the assessment turns towards the scale of the proposal and its context. Of the opinion that the full width of the site should be used to provide a proper family sized home as opposed to leaving a narrow passage of limited use.
- A number of development precedents have been detailed including 81 Glenville Way, 6 Glenville Drive, 1 Glenville Lawn, 2 Glenville Lawn, and 80 Roselawn Road. Consider that these developments have a dimension of 4m or less from the gable of the new house to the road edge. The subject proposal has a 4.1m offset from the road edge to the nearest part of the proposed gable.



- Of the opinion that the proposal delivers a long-term family sized house that makes efficient use of the site and provides an improvement to what is currently a dated property with haphazard ancillary add-ons.

## 6.2. **Planning Authority Response**

The Planning Authority did not respond to the appeal within the timeframe provided.

## 7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design of dwelling
- Appropriate Assessment

### 7.1. **Principle of Development**

- 7.1.1. A revised design has been submitted as part of the appeal and will be considered herein. The principle of a dwelling in a side or corner garden is well established in the area. As can be seen from the Planning History in Section 4 above and as referred to by the applicant as part of the appeal, there have been a number of dwellings permitted in side/corner sites in the vicinity. Of note is the fact that they have all been detached dwellings. The subject application is for an attached dwelling – this will be addressed further under design of dwelling, but I am satisfied that the principle of a dwelling in a side garden is acceptable in this case.
- 7.1.2. I draw the Board's attention to the fact that there is a separate planning application, FCC Reg. Ref. FW19A/0113, for works to the existing dwelling as detailed in Section 4 above. This is currently at Further Information stage. The application is for works to the front elevation of the dwelling and for a separate vehicular entrance to serve the existing dwelling. The drawings associated with the subject application include the modifications proposed to the existing dwelling for reference and context purposes.

7.1.3. If the application for works to the existing dwelling is refused permission, or if the works are not carried out, it could impact on the subject proposal, particularly with respect to the vehicular access. There may also be difficulty with windows etc. in the existing gable wall due to the 'attached' nature of the subject proposal. However, as the subject proposal has been submitted as a standalone development, it will be assessed on its own merits.

## 7.2. Design of Dwelling

7.2.1. As noted previously, the subject proposal is for an attached dwelling of 179sq.m in floor area. It is proposed to extend the floorplate to the edge of the site boundary wall with Roselawn Glade on its north face as well as adjoin no.1 Glenville Way on its southern boundary. This will result in a terrace of three dwellings.

7.2.2. Modifications to the design of the dwelling have been made as part of the appeal. The original proposal included a higher roof ridgeline and a lower projecting ground floor front elevation when compared to the existing dwelling. The revised design now incorporates a matching roofline and matching front projecting elevation (albeit the proposed ground floor elevation for the existing dwelling has not been permitted at the time of writing this Report). Should the Board be of a mind to grant permission, I recommend that this revised design is a condition of a grant for visual amenity purposes and for compliance with Objective DMS40 which requires new corner developments to have regard to the existing building line and to respond to the roof profile of adjoining dwellings.

7.2.3. As previously noted, the design will result in the current semi-detached pair becoming three dwellings with no side passageway for the existing or new dwelling. I have concerns with this aspect of the design in this prominent location along the spine road. As can be seen in Planning History above and from my site visit, I can confirm that other dwellings permitted and/or constructed in side/corner gardens have all been detached. Due to the fact that the dwelling is proposed proximate to the boundary wall on both sides with no relief, I am of the opinion that it will result in a terrace effect which does not add to the visual amenities of the area and will detract from the relationship with the existing dwelling and immediately adjacent properties contrary to Objective DMS40.

- 7.2.4. The applicant states as part of the appeal that the full width of the site should be used to provide a proper family sized home. However, I am of the opinion that there is sufficient room to allow for a side passage which will avoid the terrace effect, and which will comply with Objective DMS40 which seeks side/gable and rear access for such dwellings. The subject proposal is for a large dwelling of 179sq.m in area – therefore a reduction in the width of the dwelling to allow for a side passage would not unduly reduce the overall size of the dwelling such that there could be difficulties meeting minimum room size standards.
- 7.2.5. The Planning Authority had concerns with the presentation of a 12m gable wall onto Roselawn Glade as it would have the potential to be overbearing and would be visually incongruous. I agree that coupled with the terrace effect this would be the case due to its development right up to the boundary wall on this prominent site facing onto the spine road. I am of the view that it will be visually incongruous, overbearing and result in the appearance of overdevelopment of the site.
- 7.2.6. It is proposed to widen and use the existing entrance for vehicular access to the new dwelling and provide an alternative access for the existing dwelling which will result in the removal of a tree. There is no need for trees to be removed to widen the existing access and should the Board be of a mind to grant permission, I am of the opinion that a tree bond should be a condition of permission to ensure that trees are protected during construction.
- 7.2.7. In conclusion, I am not satisfied with the design of the dwelling proposed in terms of it being attached to no.1 and built up to the boundary in this prominent location. From my site visit the area has indeed a number of houses in side/corner gardens – however all of the dwellings that I saw were detached. While there are a number of dwellings that have built over garages within the various cul-de-sacs, the semi-detached character has been maintained in the area. Moreover, the development right up to the boundary wall in this prominent location will result in the appearance of overdevelopment of the site.
- 7.2.8. Thus, I am of the opinion that a house in a side garden is well-established in the area, however they are detached type dwellings which provide some relief and avoid the appearance of overdevelopment. I consider an attached dwelling as proposed would be visually incongruous and overdevelopment of the site.

### **7.3. Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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**

I recommend that planning permission should be refused for the reasons and considerations as set out below.

### **9.0 Reasons and Considerations**

Having regard to the prominent location of this site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, design and proximity to site boundaries would result in the appearance of overdevelopment of this site and would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would, therefore be contrary to objectives DMS39 and DMS40 of the Fingal County Development Plan 2017 – 2023, would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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Ciara Kellett  
Inspectorate

31<sup>st</sup> October 2019