



An
Bord
Pleanála

Inspector's Report 305292-19

Development	1 no. single storey, 2-bedroom detached dwelling with new vehicular entrance
Location	Rear of No. 19 Kilbarrack Road, Kilbarrack, Dublin 5.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3224/19
Applicant(s)	Victoria Kavanagh
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Gearoid & Sinead Conroy & others
Observer(s)	None
Date of Site Inspection	24 th October 2019
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 245 m² and is generally rectangular in shape. It forms part of the rear garden of the existing two-storey dwelling located at No. 19 Kilbarrack Road. A semi-detached dormer bungalow with a two-storey rear extension adjoins the site to the east at No. 17 Kilbarrack Road.
- 1.2. The western and southern site boundaries are formed by a local access road known as “Island View” which terminates in a cul-de-sac to the south-west of the application site. A number of existing residential properties are accessed via Island View, comprising two-storey detached, semi-detached and terraced dwellings and a small, 2-storey apartment complex known as “Island View Court” which is located to the south-east of the application site.
- 1.3. A pedestrian footpath with bollards and tree planting extends along the site’s western boundary and terminates to the south, enclosing a small green space which directly abuts the site’s southern boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises 1 no. single-storey, 2-bedroom detached dwelling of 76 m², with new vehicular entrance accessed off Island View and other works including SuDS drainage, landscaping, boundary treatments and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued Notification of the Decision to Grant Planning Permission for the proposed development subject to 12 no. conditions on 2nd August 2019.
- 3.1.2. Condition No. 3(a) requires the provision of a main bedroom of at least 13 sq.m. and storage space of at least 3 sq.m. within the dwelling.
- 3.1.3. Condition No. 4(i) requires the submission of revised drawings for the proposed on-site car parking space with a minimum width of 3 metres and a depth of 5 metres.

3.1.4. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's Report recommended that planning permission be granted for the proposed development subject to 12 no. conditions.

3.3. Other Technical Reports

3.3.1. Transportation Planning Division - recommended that: (i) further information be submitted showing a revised car parking space of 3 metres x 5 metres, or (ii) 6 no. planning conditions be attached in the event of a grant of planning permission.

3.3.2. Engineering Department Drainage Division - no objection to the proposed development subject to 7 no. standard conditions, including the undertaking of a Flood Risk Assessment.

3.4. Prescribed Bodies

3.4.1. **Irish Water:** No submission received.

3.5. Third Party Observations

3.5.1. A total of 12 no. Third Party observations were made on this application. The primary planning issues contained therein generally relate to: insufficient access and car parking arrangements; inaccurate planning drawings; failure to address the planning history of the site; inappropriate bulk and scale of development; overlooking; poor quality private open space; failure to comply with Development Plan policy concerning backland development; and, insufficient refuse storage space.

4.0 Planning History

4.1. Two recent planning applications on the subject site have been refused planning permission as follows:

- 4.2. **PA Reg. Ref. 4394/18:** Permission sought for a 2-storey, 3-bedroom house with rooflights and other works including SuDS drainage, landscaping, boundary treatments and all associated site works to facilitate the development, with access from Island View.
- 4.3. Permission refused, January 2019, for 2 no. reasons generally relating to: (i) the scale and mass of the building; and, (ii) overdevelopment and the overlooking of No. 17 Kilbarrack Road.
- 4.4. **PA Reg. Ref. 3278/18:** Planning permission sought for development comprising a 2-storey, 3-bedroom flat roof house, with rooflights and other works including SuDS drainage, landscaping and boundary treatments and all associated site works to facilitate the development, with access via the existing vehicular entrance at No. 19 Kilbarrack Road.
- 4.5. Permission refused, August 2018, for 3 no. reasons generally relating to: (i) the scale and mass of the building; (ii) overdevelopment and the overlooking of No. 17 Kilbarrack Road; (iii) unacceptable access and parking arrangements.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Zoning: The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods), which has the objective "*to protect, provide and improve residential amenities*". Residential land uses are permissible under this zoning objective.
- 5.1.2. Policy: The housing policies of Dublin City Council are contained within Chapter 5 of the Development Plan. Those policies which are directly relevant to this appeal case are identified below.
- 5.1.3. Policy QH1: To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in

Urban Areas' and the accompanying '*Urban Design Manual: A Best Practice Guide*' (2009).

- 5.1.4. Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 5.1.5. Policy QH21: 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.
- 5.1.6. Policy QH22: To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.
- 5.1.7. Section 16.10.8 Backland Development
- 5.1.8. The development of individual sites can conflict with the established pattern and character of development in an area and can cause significant loss of amenity to existing properties. Applications for backland development will be considered on their own merits.
- 5.1.9. Section 16.10.9 Corner/Side Garden Sites
- 5.1.10. Such development can make valuable additions to the residential building stock of an area and will generally be allowed on suitable larger sites. The Planning Authority will have regard to the following criteria in assessing such proposals:
- The character of the street;
 - Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings;
 - Impact on the residential amenities of adjoining sites;
 - Open space standards and refuse standards for both existing and proposed dwellings;
 - The provision of appropriate car parking facilities, and a safe means of access to and egress from the site;

- The provision of landscaping and boundary treatments which are in keeping with other properties in the area;
- The maintenance of the front and side building lines, where appropriate.

5.1.11. Section 16.10.10 Infill Housing

5.1.12. In general, infill housing should comply with all relevant Development Plan standards for residential development. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

5.1.13. Infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings;
- Comply with the appropriate minimum habitable room sizes;
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

5.2. **Natural Heritage Designations**

5.2.1. None. The boundaries of the North Dublin Bay SAC and North Bull Island SPA are located approx. 120 metres to the south-east of the application site.

5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development, comprising 1 no. residential dwelling in an established residential area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. 1 no. Third Party appeal has been received from Gearoid and Sinead Conroy and others, the grounds of which can be summarised as follows:

- The residential amenities of local residents will be adversely affected by the current application, which does not meet the requirement for new development within Z1 zones to have a positive impact on the local character of the area;
- The alterations which are required to the plans, including revisions to the dimensions of the storage space, main bedroom and parking provision, should have been addressed by way of a Request for Further Information rather than by planning condition;
- The Planning Officer's Report does not address previous considerations and reasons for refusal for two previous planning applications on the site (Reg. Refs. 3278/18 & 4394/18);
- The Planning Officer's Report does not address concerns raised in observation letters from local residents;
- The installation of services to facilitate the development will require significant excavation of the Island View access road, causing severe disruption to local residents and may also cause damage to the decorative boundary wall;
- The proposed development is not consistent with the Dublin City Development Plan, does not constitute sustainable development for the area and the application of planning conditions will not remedy the negative impacts of the proposal.

6.2. Applicant Response

6.2.1. A First Party Response to this appeal has been prepared by Hughes Planning and Development Consultants on behalf of the Applicant, which can be summarised as follows:

- The proposed development is fully compliant with the Dublin City Development Plan 2016-2022 and in particular, Section 16.10.10 of the Plan in relation to infill housing. The development has sought to address the previous refusal reasons under Reg. Refs. 3278/18 and 4394/18;
- The proposed development will not harm existing residential amenity by way of loss of privacy or overlooking, nor will it constitute a visually obtrusive or dominant form of development;
- No undue noise impacts will arise on foot of the proposed development, with potential noise disturbances during the construction phase addressed by way of Condition Nos. 8 and 10 of the Planning Authority's decision;
- No significant mature vegetation or screening will be lost as a result of the proposed development;
- In the event the rear neighbouring sites are developed in the future, vehicular access to these sites would be most appropriately provided from an existing side street off Kilbarrack Lower Road, directly to the south east of the appeal site;
- The proposed development will make a valuable addition to the residential stock within the Kilbarrack area;
- The design alterations which have been requested by way of Condition Nos. 3(a) and 4(i) will have no effect on the adjoining residential properties, or the wider area;
- The dwelling has been designed to maximise the rear garden space of No. 19 Kilbarrack Road, with maximum unobscured light penetration provided from the north and north-west. A skylight can be provided to Bathroom No. 1 if considered necessary by An Bord Pleanála;
- The provision of vehicular access to the site will not eliminate any existing on-street car parking spaces, while the provision of one in-curtilage parking space accords with the maximum standards of the Development Plan;

6.3. **Planning Authority Response**

6.3.1. None received.

6.4. **Observations**

6.4.1. None received.

7.0 **Assessment**

7.1. I am satisfied that the issues raised in the appeal are the main issues for consideration in this case, including:

- Zoning;
- Compliance with Development Plan Policy;
- Planning History of the Subject Site / Scale of Development;
- Impact on Residential Amenity;
- Access and Car Parking Arrangements; and,
- Appropriate Assessment.

7.1.1. Each of these issues is addressed in turn below.

7.2. **Zoning**

7.2.1. This application seeks permission to provide 1 no. single-storey, 2-bedroom detached dwelling of 76 m², with a new vehicular entrance off Island View and all other associated site development works. The application site currently forms part of the rear garden of the detached, two-storey dwelling located at No. 19 Kilbarrack Road, with site frontage available onto Island View to the west and south.

7.2.2. The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods), which has the objective "*to protect, provide and improve residential amenities*". Residential land uses are permissible under this zoning objective.

7.2.3. The site is located in an established residential area, which is generally characterised by detached, semi-detached and terraced dwellings, with a small 2-

storey apartment scheme known as “Island View Court”, located to the south-east of the application site.

- 7.2.4. Having regard to the site’s Z1 land use zoning objective, the established residential character of the area and the pattern of development in the immediate vicinity, I am satisfied that the development is acceptable in principle at this location.

7.3. Compliance with Development Plan Policy

- 7.3.1. The Development Plan policies concerning infill development, backland development and corner/side garden sites are relevant to this application. In general, these policies seek to ensure that a satisfactory standard of residential accommodation is provided in a manner which respects the existing character of the area and protects existing residential amenities.

- 7.3.2. On balance, I consider that the proposed development would be appropriate at this location having regard to the established residential character of the area. The lands which adjoin the subject site generally comprise a mix of detached, semi-detached and terraced dwellings and apartment units, resulting in a notable diversity of dwelling style. The subject site has independent frontage along its western and southern boundaries and as such, is less constrained by existing developments than might otherwise arise in the context of an urban infill or corner/side garden site. In addition, the scale of development which is proposed, comprising a single-storey detached dwelling, is subservient to the neighbouring residential developments, which are predominantly two-storeys in height.

- 7.3.3. While the appellants have objected to the lack of interaction between the proposed dwelling and the adjoining public road at Island View, it is considered that a reasonable balance has been struck in providing a scale of development which will avoid overbearing or overlooking impacts on the neighbouring properties. In addition, an attractive brickwork wall of 1.64 metres fronts onto Island View along the site’s western boundary and it is considered that the removal of a larger portion of this boundary wall, apart from that which is required to facilitate vehicular access, would not be warranted in this instance. I note that a separate pedestrian access is not proposed from Island View and as such, the pedestrian and vehicular movements which will be generated through the site access, will facilitate some level of interaction between the subject site and the adjoining street network.

- Internal Floorspace Requirements

7.3.4. The *Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities, 2007* confirm a target gross floor area of 60 m² for 2-bedroom/3-person single-storey dwellings. The floorspace of the proposed single storey dwelling in this case is 76 m², which is significantly in excess of the minimum target.

The Guidelines also recommend the following:

- A main bedroom area of at least 13 m² (minimum width 2.8 metres);
- A single bedroom of at least 7.1 m² (minimum width 2.1 metres);
- An aggregate bedroom area of 20 m²;
- Main living room with a minimum floorspace of 13 m²;
- An aggregate living area of 28 m²; and,
- Storage space of 3m².

7.3.5. Having regard to the foregoing, I note that the floorspace of the main bedroom is 12 m², while that of the cloakroom/storage area is 1 m². Given that the overall floorspace of the dwelling is significantly in excess of the minimum target, it is considered that the submission of revised floorplans demonstrating compliance with the relevant internal standards could be addressed by way of planning condition.

7.3.6. I note that the appellants object to the resolution of this matter by way of planning condition. However, I do not consider that these internal alterations are material, and as such, I am satisfied this matter can be appropriately addressed by planning condition.

- Private Amenity Space

7.3.7. The proposed private open space to serve the new dwelling generally extends along the site's northern boundary and will act as a buffer to the remaining rear garden area of No. 19 Kilbarrack Road.

7.3.8. The Development Plan confirms a minimum private open space requirement of 10 m² per bedspace, with a rear garden area of 60-70 m² considered sufficient for houses in the city. I note from the planning application drawings that the proposed dwelling will be served by a private amenity space of 104 m², while the applicant's

appeal response confirms that a rear garden space of c. 76 m² will be retained for the existing dwelling. Thus, the proposed and retained areas of private open space are considered sufficient having regard to development plan requirements.

7.3.9. A separation distance of 14.07 metres will arise between the opposing elevations of the existing and proposed dwellings. A landscaped buffer is proposed within the application site along the shared boundary with No. 19 Kilbarrack Road and it is considered that this planting will provide sufficient screening to the private amenity space of the new residential dwelling.

- Car Parking

7.3.10. The subject site is located within Area 3 of the City with respect to car park standards as confirmed with reference to Map J of the Development Plan. The maximum car parking standard for residential land uses in Area 3 is 1.5 space per dwelling.

7.3.11. A total of 1 no. off-street car parking space is proposed in this instance, which complies with Development plan standards. This matter is discussed in further detail below in relation to assessment item (v) Access and Car Parking.

7.4. **Planning History of the Subject Site/ Scale of Development**

7.4.1. Planning permission has previously been refused on two occasions for the development of a two-storey, three-bedroom dwelling on the subject site (DCC Reg. Ref. 3278/18 and 4394/18 refer). The refusal reasons generally related to the scale and massing of the proposed dwellings and the resulting overdevelopment of the site, the overlooking of the neighbouring property at No. 17 Kilbarrack Road, and, unacceptable access and car parking arrangements.

7.4.2. Having reviewed the details of these applications, I consider that the current application has adequately addressed the previous refusal reasons. While the earlier applications sought permission to develop a two-storey dwelling on the subject site, a single storey dwelling of 76m² is now proposed. In my opinion, this scale of development would be sympathetic and subservient to the existing dwelling at No. 19 Kilbarrack Road and the neighbouring residential developments. The omission of the first floor of accommodation also removes the potential for overlooking of the rear of No. 17 Kilbarrack Road.

7.4.3. I note that the previous refusal reason relating to unacceptable access and car parking arrangements has been addressed to the satisfaction of the Planning Authority as evidenced by the report of the Transportation Planning Division, with no objection noted in relation to the proposed development subject to 6 no. conditions. This matter is discussed in further detail below in relation to assessment item (v) Access and Car Parking.

7.5. Impact on Residential Amenity

7.5.1. The appellants submit that the proposed development will have a direct and adverse impact on the residential amenities of local residents. However, I consider that the proposed development will not have any undue negative impact on the established residential amenities of the area.

7.5.2. The proposed dwelling is single-storey in height, and as such, I consider that no overlooking or overbearing impacts will arise. In reviewing the site plan layout and roof plan drawings, I note that the dwelling is proximate to the site's southern and western boundaries, with the roof profile extending directly along the shared eastern boundary with No. 17 Kilbarrack Road for a distance of 9.5 metres.

7.5.3. However, I note that the height of the proposed dwelling to eaves level is 2.325 metres, increasing to a lower ridge height of 3.475 metres and a maximum ridge height of 4.125 metres, with only the pitch roof of the dwelling visible in surrounding views of the site. I further note that No. 17 Kilbarrack Road has a considerable depth of rear garden area, in excess of 20 metres, with the proposed single-storey dwelling being positioned at the furthest distance possible from the rear elevation of this neighbouring dwelling. As such, I consider that the proposed development would not be unduly overbearing in this context.

7.5.4. In considering the residential amenity of the proposed dwelling itself, the appellants have queried the availability of natural light within the internal spaces. In this regard I note that the windows to the main living space and bedroom no. 1 are primarily north-east facing, while the window to bedroom no. 2 is south-west facing. Large glazed panels are proposed along the length of the northerly façade serving the sitting room/dining area, which is considered satisfactory with respect to the availability of natural light within the main amenity spaces.

Having regard to the foregoing, it is considered that the scale of development proposed is not unreasonable in an urban context and would have no significant negative impact on the visual or residential amenities of the area.

7.6. Access and Car Parking Arrangements

- 7.6.1. The appellants submit that the proposed vehicular access to the site will compromise access for emergency services and the availability of on-street car parking on Island View. The appellants further submit that the vehicular sight lines at the site access are insufficient and that the proposed onsite car parking space does not comply with Building Regulation requirements.
- 7.6.2. In considering the issues which have been raised by the appellants, I note that the existing dwellings at Island View generally have 1 no. on-site car parking space, with the larger detached dwellings served by approximately 2 no. on-site spaces. Car parking at Island View Court is facilitated on-site within the grounds of this apartment complex, which is accessed via a controlled gate. During my site inspection, I noted some on-street car parking along Island View, which appears to be uncontrolled.
- 7.6.3. Having regard to the foregoing, I consider that car parking for residents is already adequately catered for within the grounds of the existing properties, with opportunities for informal visitor parking facilitated along Island View. In my opinion, the provision of a new vehicular entrance to the subject site will not impede on the existing parking arrangements to any significant extent.
- 7.6.4. I further note that the Transportation Planning Division of the Planning Authority has no objection to the creation of a new vehicular access at this location, subject to conditions, including the submission of revised drawings demonstrating an off-street car parking space of 3 m x 5 m and a requirement to liaise with Dublin City Council in relation to the removal of street trees and bollards to facilitate the vehicular access.
- 7.6.5. In reviewing the planning application drawings, I note that the site plan drawing suggests that the requested car parking dimensions may not be achievable within the site. However, I further note that the proposed pitched roof oversails the ground floor level of the dwelling by c. 0.5 metres and as such, the requested car parking dimensions should be achievable on this basis. This matter can be addressed by way of planning condition.

Other Issues

- 7.6.6. The appellants assert that the provision of services to facilitate the proposed development will result in significant disruption to the residents of Island View and Island View Court and may cause further damage to the decorative wall along the site boundary.
- 7.6.7. I consider that these issues can be dealt with in the normal manner through the attachment of appropriate planning conditions relating to these works.

7.7. Appropriate Assessment

- 7.7.1. Given that the development is proposed to be connected to the public water supply and drainage networks, and having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the site's location on serviced urban land, the nature and scale of the proposed development and the pattern of existing and permitted residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual 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
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	<p>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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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.</p> <p>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.</p>
3.	<p>The development shall be amended to include a main bedroom of at least 13 m² and at least 3 m² of storage space within the dwelling, in accordance with the relevant Ministerial Guidelines. Revised floor plan drawings demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interests of residential amenity.
4.	<p>A boundary wall of 2 metres in height above ground level shall be constructed between the proposed dwelling and the remaining rear garden area of No. 19 Kilbarrack Road. The wall shall be constructed in concrete block, and shall be capped, and rendered on both sides in a finish that matches the external finish of the dwellings.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>A naming/numbering scheme for the dwelling shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.</p> <p>Reason: in the interest of orderly street numbering.</p>
6.	<p>(a) Prior to commencement of development, the applicant/developer shall submit revised drawings for the car parking space with a width of 3 metres and a depth of 5 metres.</p> <p>(b) Footpaths shall be dished at the road junction in accordance with the requirements of the planning authority. Details regarding the removal/relocation of trees/bollards in the vicinity of the vehicular access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of pedestrian safety.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Prior to the commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from</p>

	<p>these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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Louise Treacy
Planning Inspector

1st November 2019