



An  
Bord  
Pleanála

## Inspector's Report ABP 305658-19.

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<b>Development</b>	Two no semi-detached bungalows, with attic bedroom, rooflights to the front and site development works.
<b>Location</b>	No 1 Rafters Road,(rear), Drimnagh, Dublin 12.
<b>Planning Authority</b>	Dublin City Council
<b>P.A. Reg. Ref.</b>	3627/19
<b>Applicant</b>	Rafters Electrical Ltd.
<b>Type of Application</b>	Permission.
<b>Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	John and Charles Cullen.
<b>Date of Site Inspection</b>	17 <sup>th</sup> January, 2020.
<b>Inspector</b>	Jane Dennehy.

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## 1.0 Site Location and Description

- 1.1. The site is that of a semi-detached cottage on Rafter's Road close to the junction with Crumlin Road and overlooking public open space. There is off street parking for one car to the front and a large rear garden which extends northwards around the rear garden boundaries of Nos 2 and 2A Rafter's Road to the side boundary of dwellings on Rafter's Avenue. Dense overgrown scrubland is within the site and along the side and rear boundaries.
- 1.2. The area is characterised primarily by mature residential development and some additional infill development on subdivided plots, The Children's Hospital to the south west. Crumlin Road is a major arterial route between the south and south west and the city centre.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of a semi-detached pair of two bungalows incorporating master en-suite bedrooms at attic level and a second en-suite bedroom at ground floor level to the front at ground floor level off an open planning kitchen, dining and living areas.
- 2.2. Vehicular access and a shared driveway are shown along the side and around to the rear of the existing house at No 1 Rafter's Road to four parking spaces.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.2. By order dated, 20th September, 2019 the planning authority decided to grant permission for the proposed development subject to conditions of a standard nature and an additional requirement for an amendment under Condition No 4. According to this condition, the private amenity space allocated to the existing dwelling is to be increased to a depth of at least three metres and a compliance submission is required. Under Condition No 6 there is a requirement for landscaping scheme to be prepared and a compliance submission is also required.

### 3.3. Planning Authority Reports

The planning officer in his report notes that there are no objections in the technical reports and concludes that the issues that arose in connection with the prior unsuccessful proposal lodged under P. A. Reg. Ref. 2665/19 are substantively overcome and that the proposal is adequate. It is also remarked that the site configuration and extent of existing development limits the potential for a more coordinated approach to be achieved.

### 3.4. Third Party Observations.

Third party observations were lodged by two parties, including the Appellant party. Issues raised include concerns about impact on the character of the cottages, on visual amenities and residential amenities and traffic safety and convenience, including ease of access for services vehicles.

## 4.0 Planning History

**P. A. Reg. Ref. 2665/19:** Permission was refused for two, two storey semi-detached houses on the appeal site.

**P. A. Reg. Ref. 3612/13:** Permission was granted for relocation and widening of the vehicular entrance and construction of a new pedestrian entrance on the site frontage.

**P. A. Reg. Ref. 2937/01:** Permission was granted for a two-storey house to the side of the existing house.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective: *Z1: To protect, provide and improve residential amenities.*

Development Management Standards for residential development are set out Chapter 16 with guidance and standards for residential quality in section 16.10.2 and guidance and criteria for backland developments and infill developments being set out in sections 16.10.8 and 16.10.10.

Objective QH 8 provides for higher density development which respects the character of surrounding development on vacant or under-utilised sites.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. According to the appeal which was received from Charles and John Cullen of No 2 Rafter's Road on their own behalf on 15th October 2019 according to which:

- There is little difference between the current proposal and the previous unsuccessful proposal other than the lower ridge height and an immaterial reduction in dwelling size. (P. A. Reg. Ref. 2665/19 refers – see para 5 above.) Therefore, the reasoning for the refusal of permission are applicable to the current proposal.
- The proposed dwelling will be out of character with and will dwarf the existing cottages which date from the 1900s and would be crammed into a back garden in an overpopulated location.
- The residential amenities and privacy of No 2 Rafter's Road and No 2A Rafter's Road would be adversely affected, particularly due to the proposed position

which is less than one metre from the side of these properties and the site configuration.

- A smaller rear garden space (80 square metres being proposed) for No 2A Rafter's Road and this would make the site more viable because it could be linked to the three bungalows that have been constructed. It would be possible to have a proper road structure to Rafter's Avenue. Incorporation of the narrow strip at the rear of No 1 and adjacent to No 2A Rafter's Road would also enlarge the site and render an acceptable development with no impact on visual and residential amenities being possible.

## 6.2. Applicant Response

A submission was received from the applicant's agent, Tom Phillips Associates on 12<sup>th</sup> November, 2019. It includes a detailed description and commentary on the site location and context, the prior unsuccessful application, development plan provisions and the proposed development and comments on the planning authority's assessment.

In response to the appeal:

- The current proposal is fundamentally different from the prior unsuccessful proposal with the ridge height being reduced to 6063 mm from 8525 mm and the total floor area from 318 to 208 square metres. (Some illustrations are provided in the submission.) It enhances the site and responds to the neighbourhood character, in which there has been varying forms of infill development and which has a mixture of detached, semi-detached and terraced houses and some apartment schemes. It complies with urban infill policies and objectives and is a refined form of development which does not negatively affect adjoining properties. It also complies with the zoning objective and a range of relevant CDP policies, in particular, QH5, QH7, QH 21, and QH22.
- It is confirmed in the planning officer report that this revised proposal is not piecemeal as it is the only viable site and it was previously subdivided with the remaining area being 210 square metres in area. Extracts from the planning

officer report to this end and as to acceptability of the form, scale and layout at the location, and vehicular, cyclist and pedestrian access are provided.

- The revised design delivers positivity in sense of place and overcomes issues of overlooking noise and lack of screening and this is noted in the planning officer report. (An extract is provided.) It is confirmed that the applicant is willing to comply with the requirement under Condition No 6 to provide for a landscaping plan.
- It is also submitted that comments as to possible use of the houses as rental properties and as to precedent are not relevant in that with regard to the latter each application should be considered on its own merits.
- The site location is highly accessible being close to the centre of the city to public transport and local services and facilities are within walking distance.

### **6.3. Planning Authority Response**

There is no submission from the planning authority on file.

## **7.0 Assessment**

- 7.1. The issues considered below and central to the determination of the decision, in conjunction with the specific issues raised in the appeal concern backland development and impact of the proposed development on residential and visual amenities and on residential property value.

### **7.2. Backland, Piecemeal Development.**

- 7.2.1. There is no dispute that the proposed development is backland development and to this end, regard the provisions of 16.10 8 of the CDP have been taken into consideration. It has been concluded that the proposed development is substandard and contrary to the interests of the proper planning and sustainable development even though consolidation of development, as envisaged through national policy is to be encouraged and the site location benefits from the availability of existing services

and facilities. Contrary to the view of the planning officer, it is considered that the concerns which arose in connection with the previous unsuccessful proposal cannot be satisfactorily overcome by the modifications in the current proposal and the claim in the appeal that the current proposal is not significantly different to the previous proposal is not unreasonable.

- 7.2.2. The statement as to the extent of additional development that has taken place in the immediate area increasing the density indicated in the appeal is acknowledged. However, these existing authorised developments, (the dwelling to the side of No 2 Rafter's Road and the five dwellings to the south of No 12 Rafter's Road) are not comparable to the current proposal in that it, unlike these developments, is undisputedly for a backland site. The planning officer's comments as to the limitations of the site configuration are acknowledged but it is not agreed that the proposed development which is considered to be substandard development can be justified on the basis of the constraints of the configuration of a backland site.

### **7.3. Residential amenities of the proposed dwellings.**

- 7.3.1. It is considered that the proposed development on the backland site is piecemeal and substandard by reason of lack of direct street frontage, and substandard in attainable amenity potential at the private open spaces at the rear, which also is not supplemented by alternative private open space of utility value to the sides and front. Indeed, the shared parking and amenity space at the front of the dwellings is to be reduced under Condition No 4 to facilitate an improvement to the private open space provision for the existing dwelling. Storage space for refuse and provision cycle parking has also not been shown on the plans. Furthermore, the fenestration and dwelling front facades have poor outlook and the fenestration to the sides and rear of ground floor level main open plan living space lack direct access to sunlight in addition to having a poor outlook. However, it is acknowledged that a study demonstrating indicative sunlight and daylight access that might be achieved is not available.

### **7.4. Impact on the existing dwelling at No 1 Rafter's Road and adjoining properties.**



7.4.1. It is considered the residential amenities and value of the existing dwelling, would be significantly diminished by the proposed development, notwithstanding the adjustment to the private open space at the rear required under Condition No 4 of the decision to grant permission. Of particular concern is the proposal for an internal access around from the public road extending along the side and around to the shared parking spaces at the rear and to the front of the proposed dwellings. Noise and disturbance through use of the access laneway and frontage of the proposed dwellings and consequent intrusiveness of privacy and residential amenities would and property value would not only adversely affect the existing property but also the adjoining property at No 2 (the Appellant property) and the terraced dwellings to the south side of the access road.

7.4.2. Furthermore, the existing original pair of semi-detached cottages at Nos 1 and 2 Rafter's Road, which are approximately one hundred years old have distinct characteristics which contribute positively the visual amenities and character of the area. These cottages are at a prominent position overlooking green space in views from the Crumlin Road and the adjoining road network. The two dwellings to be inserted directly at the rear to the rear would be clearly visible above the ridge lines resulting in a cluttered, irregular and negative impact detracting from their character and their positive contribution to the visual amenities of the area.

#### 7.5. **Environmental Impact Assessment Screening.**

7.5.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### 7.6. **Appropriate Assessment.**

7.6.1. Having regard to the planning history for the site, the zoning objective, the location of the site which is on serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

9.0 In view of the foregoing it is concluded that the planning authority decision to grant permission should be overturned. It is therefore recommended that permission be refused on the basis of the draft reasons and considerations set out below.

## 10.0 Reasons and Considerations

The proposed development constitutes haphazard, piecemeal, backland development which is; substandard and out of character with the established pattern and layout of development in the area and would result in significant adverse impact on the amenities and value of the existing dwelling, the adjoining dwellings and the attainable residential amenity standards of the proposed dwellings by reason of the noise and disturbance and intrusiveness on privacy attributable to the proposal for an access road along the side and rear of the existing dwelling to shared parking, proximity to site boundaries, poor amenity potential for the internal main living accommodation for the proposed dwellings and rear private open space provision for the existing and proposed dwellings due to poor configuration and outlook and, lack of access to sunlight. As a result the proposed development would be contrary to Policy Objective 16.10.8 of the Dublin City Development Plan, 2016-2022, would be seriously injurious to the residential amenities of the existing and adjoining properties and the attainable residential amenities for the future occupants, serially injurious to the visual amenities and character of development in the area, would depreciate the value of property in the vicinity and, would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
21<sup>st</sup> January 2020.