



An
Bord
Pleanála

Inspector's Report

ABP-305910-19

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|-------------------------------------|---|
| Development | Demolition of Commercial Building, and construction of Dwelling |
| Location | 179c Cabra Road (Accessed off Quarry Road), Cabra, Dublin 7. |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | WEB1519/19 |
| Applicant | Derrol O' Neill |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party |
| Appellant | Derrol O'Neill |
| Observer(s) | Una Redmond |
| Date of Site Inspection | 28 th February 2020 |
| Inspector | L. W. Howard |

1.0 Site Location and Description

- 1.1.** The application site, roughly rectangular in shape, with a stated area of c.108m², is located within the established residential neighbourhood of Cabra, Dublin7 (see series of 'location mapping', together with photographs taken at the time of physical inspection, attached).
- 1.2.** Specifically, the site, 'infill' in character, is located to the rear of No.179 Cabra Road, and fronting onto the eastern side of Quarry Road, halfway between its junction with Cabra Road to the south, and Leix Road to the north. Between the application site and No.179 Cabra Road, is No.179b Cabra Road – a single storey 'semi-detached' house, fronting onto the eastern side of Quarry Road, and with pedestrian access only (apparent).
- 1.3.** At the time of physical inspection, the application site was unkept, with the single story commercial building vacant and in disrepair ("Aaron Insulations"), indicative of no active usage for some time. What appears as demolition waste and materials were present within the site curtilage.
- 1.4.** Topographically, ground levels in the vicinity of the application site slope gently towards the north, moving away from Cabra Road passed the site.
- 1.5.** The application site is accessed by way of an open double splay directly off Quarry Road.
- 1.6.** Pedestrian movement from Quarry Road through the passageway way to the rear of No.177 Cabra Road is restricted by 2no. locked security gates. One is at the Quarry Road frontage, the second is approximately halfway up the laneway, in line with the front elevation of the existing disused commercial building on the application site. Each of these gates are locked, restricting access.
- 1.7.** Contextually, the surrounding Cabra neighbourhood is characterised by rows of terraced and semi-detached dwellinghouses of similar styles in a uniform and

symmetrical layout. 3no. commercial units, including a pharmacy and a hairdresser, are located directly opposite Quarry Road from the application site.

2.0 Proposed Development

2.1. Proposed development comprises –

- demolition of existing single storey commercial building (47m²),
- construction of a part single storey, part 2-storey, 1-bedroom detached dwelling (66m²), and
- all associated site works.

2.2. The existing commercial building is single storey, occupying the north-south extent of the site, and is set back from Quarry Road.

2.3. The proposed dwelling comprises a primarily single storey, 1-bed, 2-person dwelling. The dwelling measures max. 7.94m wide, at ground floor and provides a large living / kitchen area, hallway, toilet and storage space at ground floor level, together with a bedroom and bathroom at first floor level. A garden area of 28.5m² is incorporated to the rear. A single car parking space exists to the front and side, adjacent the southern lateral boundary. The dwelling is of a contemporary, flat roof design and incorporates projecting bay windows to the front, at both ground and first floor levels.

2.4. Detailed clarification regarding the substance, composition and spatial arrangement of the proposed development on the application site, is provided by –

- the applicant /1st party as part of the planning application documentation and mapping / drawings received by the Planning Authority date stamped – 29/08/2019, and subsequently in the applicant's / 1st party 'Appeal Submission' received by the Board date stamped 14/11/2019 respectively, and
- the Planning Authority in the Deputy Planning Officers 'planning report' dated 23/10/2019 respectively.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Decision to 'Refuse' planning permission, for 1 no. 'refusal reason' as follows –

“The proposed development by virtue of its box-like design, immediate proximity to the west (front) site boundary and forward of the established building line, would be highly prominent and visually obtrusive, to the detriment of the amenities and character of the surrounding area, contrary to the provisions of Section 16.2.1 of the Dublin City Development Plan 2016-2022, which requires that such development proposals should have regard to the character of adjacent buildings, the spaces around and between them and the character and appearance of the local area. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022, and be contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Report

The key planning issues considered as follows –

Zoning Objective

- Site designated with the 'Z1' Zoning Objective, which seeks *“to protect, provide and improve residential amenities”*.
- Residential land use is 'permissible' on lands zoned 'Z1'.
- Proposed development acceptable, subject to design, layout and siting considerations”.

Planning History of the Site

- Reference the site has been subject to considerable planning assessment in recent years. Particularly in relation to –
 - acceptability, or otherwise of a house, and

- potential impacts on neighbouring properties / residents, and the character of the area.
- From the planning assessment of the most recent application, note that the main objections were –
 - the fragmented nature of the ‘private open space’, and
 - the overbearing impact of the proposed dwelling, on adjoining property No.177 Cabra Road.

Site Layout and House Design and Layout

- Note the overall size of the proposed dwelling has been reduced (from that last refused), from 72m² to 66m².
- Note revised footprint in site, with the dwelling now set back from the eastern boundary, and set closer to the front boundary.
- Note amended house design proposed. Now a part single storey and part 2-storey dwelling which, whilst incorporating a ridge height of 0.15 higher than was previously proposed, incorporates a reduced 1st floor element.
- In amending the house layout, note the current revised proposal –
 - seeks to breach the established building line, with the front plane of the dwelling extending to within 1m of the pavement.
 - the bay windows would project beyond the front plane of the dwelling
- Whilst siting amendments (from previous) appear to address overbearing concerns, other significant issues arise, particularly in regard to the location and design of the dwelling currently proposed, within the site. These include –
 - that the “box-like design” of the dwelling is not of sufficient quality, located in such a prominent and exposed position on site. Thereby appearing as an engineered design response to site constraints.
 - concern as to the incorporation of “extensive blank facades” in the dwelling, particularly along the northern elevation.
 - whilst acknowledge an existing mature tree located on adjoining lands provides for a degree of screening, these lands (& tree) are not in the ownership of the applicant. There no assurance can be given by the applicant of the retention of the tree in the future. Were this tree to be felled in the future, the new dwelling proposed would be consequently more prominent and intrusive within available views.

- Conclude “the proposed design and location of the proposed dwelling within the site are unacceptable”.

Internal Layout of the Dwelling

- Assessment of the ‘internal layout’ is normally made against the requirements set out in ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007, DEHLG).
- However, no corresponding requirements are apparent for a 1-bed, 2-storey house.
- Notwithstanding, having reviewed the Drawings submitted, consider that the proposed dwelling incorporates adequate aggregate living space, bedroom and storage spaces.

Private Amenity Space

- Notwithstanding applicants’ statement that “a rear garden area of 28m² would be provided”, respond commenting that “it is unclear what this area comprises”.
- Note green shaded area appears to measure c.14m². However, the rectangular space to rear of the dwelling appears to measure c.23m². This exceeds the City Development plan 2016-2022 standard of 20m² for a 1-bed, 2-person dwelling.
- Accordingly, consider private open space provision as acceptable.

Residential Amenity Impact

- Consider it unlikely, proposed dwelling would negatively impact adjacent residential amenity, by way of overlooking.
- Note that the development includes “a high-level obscured glass window on the east side elevation”. However, no east side elevation drawing has been submitted.
- Consider it as unclear where this window is to be located on the elevation.
- No overshadowing of adjacent dwellings will occur, having regard to the spatial proximity and orientation of the proposed dwelling to adjoining dwellings.
- Whilst some overshadowing of the north adjoining garden may occur, consider this as minor and of no concern.

Existing Tree

- Note existing tree within the side garden of No.1 Quarry Road. The 'crown spread' of the tree extends to the application site boundary.
- Consider it unlikely the proposed development would adversely impact the long term viability of the tree, noting that :
 - there is no further encroachment of built form towards the root structure of the tree, and
 - it appears minor pruning would be sufficient to separate this tree from the proposed dwelling.
- Clarify tree as being outside of the applicant's stated ownership.

Existing Laneway to North of application site

- Note 3rd party objector confirmation of their "sole ownership" of the laneway to the immediate north of proposed dwelling.
- Consider as valid, 3rd party concern as to how the north elevation is to be finished. Affirm that should favourable consideration be given to the proposed development, a response from the applicant would be required.

Appropriate Assessment

- Having regard to :
 - the nature and scale of the proposed development
 - the proximity to the nearest European site,no 'appropriate assessment' issues arise.
- Accordingly, do not consider 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.

Recommendation

- That planning permission be refused, for the single 'Refusal Reason', as set out in the Decision Order of the Deputy City Planning Officer (23/10/2019).

3.2.2. Other Technical Reports

Engineering Dept. – Drainage Division No Objection, subject to Conditions (11/10/2019)

3.3. Prescribed Bodies

Irish Water No Report Received

Irish Rail No Report Received

National Transport Authority No Report Received

Transport Infrastructure Ireland Confirmation the application site located “within the area of the LUAS Cross City S49 Supplementary Development Contribution Scheme (24/09/2019).

3.4. Third Party Observations

3.4.1. The Planning Authority reference “a letter of objection”, as received.

3.4.2. The issues argued include –

- The site has been the subject of 2no. previous applications, both of which were refused. The same issues arise (currently), as were the ‘refusal reasons’ in the previous applications
- The area notated as ‘passageway entrance to No.177 Cabra Road’ is in the objector’s ownership. The applicant has no rights over this passageway strip.
- Construction of the proposed 2-storey element will require assembly of scaffolding along the ‘side access passageway’. Applicant has no permission for the use of the ‘side passageway’.
- Proposed ‘stair configuration’ may not provide sufficient headroom. It is unlikely that the floorspace shown as storage within the bedroom will be achievable.
- The development would be visually obtrusive.
- Amenity threat due to ‘overshadowing’ and ‘overlooking’.
- Existing and proposed ‘site levels’ and ‘floor levels’ have not been specified.
- Impact threat on existing tree at No.1 Quarry Road.
- Drainage and Water Services concerns.

Planning Authority confirm that the above references have been noted, and taken into account in the assessment of the proposed development.

4.0 Planning History

Ref.3536/17 Application for the demolition of single storey retail structure, and the construction of a single storey dwelling with 1-bedroom (in the roof space) plus study, velux windows to the front, new vehicle access with gates and walls to the front, and all associated site works.

Planning Permission Refused, on appeal (**ref.PL29N.249350** attached to current Appeal File), for 2no. 'Refusal Reason' as follows –

1. Overdevelopment of the restricted site, having regard to inadequate and fragmented provision of private open space, with consequent serious injury to the residential amenity of future occupiers, contrary to Policy QH21 of the City Development Plan.
2. Visually Overbearing impact on the residential amenities of adjoining property (No.177 Cabra Road), contrary to the provisions of Section 16.10.9 of the City Development Plan, which requires no impacts on adjoining residential amenity.

Ref.3469/08 Application for the demolition of single storey commercial unit to be replaced with a new 2-bedroom, 2-storey house.

Planning Permission Refused for 2no. 'Refusal Reason' as follows –

1. Material contravention of the City Development Plan due to the under provision of usable private open space (c.31.5m²), and setting a precedent for similar substandard development.
2. Visual obtrusion when viewed from adjoining properties, due to immediate proximity to the site boundary. Further, significant overshadowing would arise.

5.0 Policy Context

5.1. Project Ireland 2040 – National Planning Framework

Chapter 4 : Making Stronger Urban Places

National Policy Objective 4 Ensure the creation of Attractive, Liveable, Well Designed high-quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

Chapter 6 : People, Homes and Communities

National Policy Objective 35 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Dublin City Development Plan (2016-2022)

Relevant provisions include (see copies attached) :

Ch5 Quality Housing

5.5 Policies and Objectives

S5.5.1 National and Regional Guidelines and the ‘Housing Strategy’

It is the Policy of Dublin City Council:

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).

S5.5.2 Sustainable Residential Areas

It is the Policy of Dublin City Council:

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.

QH13: To ensure all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Residential Quality Standards and with regard to the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

S5.5.7 Houses

It is the Policy of Dublin City Council :

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.

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.

S10.5.7 Trees

It is the Policy of Dublin City Council :

GI28: To support the implementation of the Dublin City Tree Strategy, which provides the vision for the long-term planting, protection and maintenance of trees, hedgerows and woodlands within Dublin City.

GI29: To adopt a pro-active and systematic good practice approach to tree management with the aim of promoting good tree health, condition, diversity, public amenity and a balanced age-profile.

S14.8 Primary Land-Use Zoning Categories :

Table 14.1 Primary Land-Use Zoning Categories

| <i>Land Use Zoning Objective</i> | <i>Abbreviated Land Use Description</i> |
|---|--|
| Z1 | 'Sustainable Residential Neighbourhoods' |

S14.8.1 **Sustainable Residential Neighbourhoods – Zone Z1**

Zoning Objective **Z1** “To protect, provide and improve residential amenities”.

Z1 Permissible Uses include – “Residential”.

(see copy of pg. 238 attached)

S16.2.1 **‘Design Principles’ and relevant ‘Development Standards’**

Emphasise that “development will respond creatively to and respect and enhance its context, and have regard to :

1. The character of adjacent buildings, the spaces around and between them and the character and appearance of the local area, and the need to provide appropriate enclosure to streets.
2. The character, scale and pattern of historic streets, squares, lanes, mews and passageways
3. Existing materials, detailing, building lines, scale, orientation, height and massing, plot width
4. The form, character and ecological value of parks, gardens and open spaces, and
5. Dublin’s riverside and canal-side settings”.

S16.10 **Standards for Residential Accommodation**

S16.10.2 **Residential Quality Standards – Houses**

(see copy of pg. 311 attached)

S16.10.3 **Residential Quality Standards – Apartments & Houses**

- Floor Area

- Aspect, Natural Lighting and Ventilation
- Private Open Space
- Public Open Space
- Safety and Security
- Acoustic Privacy

S16.10.10 **Infill Housing**

- Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the Planning Authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, 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.
- 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.

Appendix 5 : **Roads Standards**

- S5.1 sets out the standards for ‘Roads’ and ‘Footpaths’ for residential development, including Driveways. Where Driveways to be provided, they shall be at least 2.5m or, at most 3.6m in width, and shall not have outward opening gates.
- Reference relevant ‘Design Guidelines’ set out in Planning Authority’s leaflet “Parking Cars in Front Gardens”

5.3. Other relevant ‘Ministerial Guidelines’

- 5.3.1. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG – 2009)
- 5.3.2. Urban Design Manual – A Best Practice Guide (DoEHLG – 2009)
- 5.3.3. Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities – (DoEHLG – 2009)

5.4. Natural Heritage Designations

None.

6.0 The Appeal

6.1. 1st Party Grounds of Appeal – Derroll O’Neill (c/o No.17 Drumalee Road, North Circular Road, Dublin 7, dated 14/11/2019) :

The grounds of appeal are set out fully in the documentation dated 14th May 2019, received by the Board date stamped 14th May 2019. These may be summarised as follows :

6.1.1. Brief Planning History

Plan Ref. 3469/08 Planning permission refused for too little private open space, and too close to the site boundaries.

Plan Ref. 3536/17 Planning permission refused due to –
Fragmented private open space provision, and
Construction directly on the rear and side boundary of No.177
Cabra Road.

6.1.2. Application Site

- Zoned ‘Z1 – Sustainable Residential Neighbourhoods’.
- Residential development is ‘permissible’ on lands zoned ‘Z1’.
- Proposed development is therefore acceptable, subject to design, layout and siting considerations.

6.1.3. Design

- The proposed design was derived having regard to –
 - several site constraints,
 - concerns by adjoining neighbours, and
 - provision of a modern, contemporary design that would aim to blend into its surrounds.
- Proposed dwellinghouse positioned away from the rear boundary of No.177 Cabra Road. This enabled the application site with –
 - suitable private open space in compliance with City Development Plan 2016-2022 Standard, and
 - capacity for reduction in the overbearing effect on the adjoining property.
- The dwelling footprint has also been moved away from the side boundary of 179b Cabra Road. This enabled the site with improved amenity provisions by way of –
 - a side passageway, and
 - mitigation of the overbearing effect on the adjoining property.
- The on-site implication of these design considerations was that the proposed dwelling is to be sited towards the front, western site boundary.
- In this regard, review of the existing local pattern of development was undertaken towards identification of examples in the immediate area as ‘Precedent’. Comparable similar development of ‘infill housing’ locally –

No.88 Cabra Road, Cabra, Dublin 7

City planning Ref.0251/03

Description : 2-storey dwellinghouse to the rear of No.88 Cabra Road, with vehicular access onto Annamoe Terrace.

House design and onsite location –

- utilised an early form of box design on one elevation to reduce the height, scale and bulk onto the adjoining property, and
- positioned the house within 1.0m from the western boundary to fully utilise the site

No.57 Quarry Road, Cabra, Dublin 7

City planning Ref.1440/16

Description : Demolition of existing single storey extension and garage to side. Construction of single storey porch to front and single storey granny flat to front and side, and widening of existing vehicular entrance.

“This modern, contemporary, box type prominent extension to the front, side and rear of the existing dwelling illustrates how modern, box type construction can blend in and compliment traditional design of the existing streetscape, by clearly defining eras of construction technology”.

No.142 Quarry Road, Cabra, Dublin 7

Description : Construction of modern, flat roof, box like extension to the side and roof along with similar porch to the front.

“This modern, contemporary, box type prominent extension to the front, side and rear of the existing dwelling illustrates how modern, box type construction can blend in and compliment traditional design of the existing streetscape, by clearly defining eras of construction technology”.

No.196 Quarry Road, Cabra, Dublin 7

City planning **Ref.3398/19**

Description : A 1st floor side extension (on top of existing ground floor extension) to provide an additional bedroom / bathroom.

“This modern, contemporary, box type prominent extension to the side of the existing dwelling illustrates how modern, box type construction can blend in and compliment traditional design of the existing streetscape, by clearly defining eras of construction technology”.

6.1.4. Finishes

- Emphasise awareness of the site constraints.
- Finishes were decided whilst trying to future proof maintenance, repair or renewal.
- Proposed a simple external construction build-up of blockwork, with a modern grey render finish.
- Whilst alternatives given due consideration, this finish was specifically selected due to its modern appearance and simple use of materials while having one

eye on the sustainability of the project. Consequently, only 2-materials are required to finish the external walls.

- Further, alternative ‘finish’ considerations (eg. – a timber cladding) would have required the same structural foundation. It would also have required ongoing maintenance and consistent engagement with neighbours to allow access for maintenance, repair or renewal.
- The original rendered finish proposed would last 30-40 years from original application. Consider this as a more sustainable approach.
- Clarify the positioning of the windows throughout the proposed dwellinghouse was to remove any threat to adjacent amenity due to ‘overlooking’, a concern of previous 3rd parties.
- Explain the use of the parapet wall and flat roof reduced significantly the height, overshadowing and overbearing effect of the proposed dwelling house on adjoining properties.
- Reference the spatial relationship of the proposed dwelling to the established building lines by way of drawing at page 7 of the 1st party appeal submission.

6.1.5. Applicant

- Confirm ownership of the application site.
- Confirm use of the existing buildings on site as a workshop for his business.
- The business has now outgrown the current footprint of the unit on site
- Confirm current residency with his parents nearby at Drumalee Road, off the North Circular Road.
- Confirm now wishing to build own home in the locality, “my dream considering my ties to the locality.

6.1.6. Conclusion

- Having reference to the pattern of similar, comparable developments locally, express hope that the Board be mindful to a grant of planning permission.
- Confirm willingness to work with both the ‘Board’ and the ‘City Council’ to resolve to mutual agreement any design changes required.
- Clarify willingness to use a cladding system on the 1st floor should the Board decide it would be required, in order to break the design up.

6.2. Planning Authority Response (11/12/2019)

- 6.2.1. Affirmation of the Deputy Planning Officers report, upon which the Planning Authority's decision was based.
- 6.2.2. Planning Authority of the view that "the comprehensive planning report deals fully with the relevant issues raised, and justifies its decision".

6.3. Observation : Ms Una Redmond – No.177 Cabra Road (c/o TODD Architects, 09/12/2019)

- 6.3.1. Affirm original 3rd party submission dated 26th September 2019 (copy attached on file), and the issues of concern detailed therein.
- 6.3.2. Emphasised reference to the contextual location of the Observer's property, in relation to the application site.
- 6.3.3. Emphasise to the Board that the side access path, bordering the application site's northern boundary, provides the sole means of access from her rear garden to Quarry Road. This accessway must be maintained at all times.
- 6.3.4. Further, no access will be permitted to enter the curtilage of No177 Cabra Road, and nor should any damage whatsoever be caused to the boundary walls bordering the rear of No.177 Cabra Road, and adjoining the application site arising from the proposed development.
- 6.3.5. **Original 3rd Party Submission (26/09/2019) :**
 - Two historical planning applications under Ref.**3469/08** and Ref.**3536/17**, both of which 'refused' planning permission for two principal refusal reasons, as follows –
 - Provision of substandard private open space, in material contravention of the City Development Plan 2016-2022. This would result in substandard amenity for future occupiers, and would set an adverse precedent for future similar sub-standard developments. All contrary to the proper planning and sustainable development of the area.

- Visual Obtrusion as viewed from adjoining properties (ie. consequent close proximity of the building to the western side boundary with No.177 Cabra Road), and significant overshadowing across much of the rear garden. Therefore, contrary to the zoning objective, and to the proper planning and sustainable development of the area.
- Notwithstanding the reduction from a 2-bedroom to a 1-bedroom house, several of the same concerns remain in relation to the proposed development. Emphasise notable concern regarding threat of overshadowing, and consequent loss of residential amenity.
- Emphasise the area on plan notated as “passageway entrance to No.177 Cabra Road” is within their ownership. Neither the applicant, or another 3rd party, have any rights over this area. Clarify the passageway is gated at both ends, rather than shown in application drawings as freely accessible from the public footpath.
- Assert construction of, and particularly the rendering of the north facing side elevation wall, will require assembly of scaffolding along the side access passageway. Affirm ownership of the passageway, and that the applicant has had no consultation with them, nor has permission been granted to make use of the side access during the construction phase.
- The proposed ‘internal stair’ configuration from ground floor to 1st floor, will not enable sufficient headroom above the pitch line of the stair flight, and the floor space shown as storage within the bedroom, will not be achieved.
- Their home, adjacent at No.177 Cabra Road faces North to the rear. The presence of afternoon and evening sunlight from the west, significantly contributes to enjoyment of their residential amenity. This direct sunlight is of significant importance.
The proposed dwelling would be visually obtrusive when viewed from their rear facing rooms and their rear garden. The new dwelling would also cause a significant increase in overshadowing, and the loss of direct sunlight, particularly during winter months.
- Notwithstanding the 1st floor ‘en-suite’ shown with high level obscured glass window, the Observers remain concerned and unconvinced regarding the threat for overlooking from any pane in the window proposed.

- Existing and proposed site and floor levels have not been included in the drawings submitted. The existing side boundary wall separating the respective private amenity spaces is between 1.6m-1.7m in height. Assert careful consideration of the proposed ground floor level will be required to ensure that overlooking and consequent loss of privacy is not caused to the Observers. The close proximity of the proposed rear elevation window wall, to the side boundary wall of No.177 Cabra Road will make overlooking a threat to their amenity, if not considered carefully, and potential threats mitigated at the design stage.
- The effect of the proposed development on the canopy and crown spread of the existing mature tree located at No.1 Quarry Road, should be considered.
- Drainage infrastructure locally consists of mainly clay pipes. Problems exist with the operation and maintenance of this network. Therefore, any development which proposes increase in capacity, together with potential damage to the existing drainage runs, merits careful assessment.
- Their mains water supply runs from Quarry Road, along the narrow passageway to the gate to their rear garden. Any proposed development should have regard to this, and ensure no damage or disruption is caused, should permission be granted.
- Having regard to all of the above, the proposed development represents an inappropriate development of the application site. Accordingly, request that planning permission be refused.

7.0 Assessment

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Planning History of the Application Site – ref.nos.**3536/17** and **3469/08**
- Principle and Location of the proposed development
- Visual Amenity Impact : Townscape / Streetscape

- Residential Amenity Impact
- Road Access and Traffic Safety
- Land – Legal Issues : Use of the Narrow Pedestrian Accessway to Rear of No.177 Cabra Road.
- Appropriate Assessment.

7.2. Planning History of the Application Site – planning ref.nos.**3536/17** and **3469/08** :

7.2.1. I have taken careful note of the available relevant planning history of the application site. Planning history documentation has been submitted by the Planning Authority, and may be found on the appeal file (see planning ref.nos.**3536/17** and **3469/08**).

Having preliminary regard to the ‘Z1 – Sustainable Residential Neighbourhoods’ Zoning Objective, and to the relevant provisions of Section 16.10.8 and 16.10.10 of the Dublin City Development 2016-2022, I have no objection ‘in principle’, to the proposed residential development of the modest ‘infill’ application site. I am of the opinion however, notwithstanding this planning history, that each case must be considered on its own merits, and that the current application be deemed a new application.

7.2.2. However, as acknowledged and emphasised by both the Planning Authority and the 3rd Observer, this contextual residential neighbourhood at Cabra, D7 has a distinctive built character, pattern of development and associated amenity, which requires careful maintenance. The current proposed development itself, as acknowledged by the Planning Authority in the Deputy Planning Officers reports, challenges the existing composition and pattern of development, character and associated visual amenity. Notwithstanding the need to consider each application on its individual merits, I believe that the planning permissions historically refused on the application site (planning ref.nos.**3536/17** and **3469/08**), provide a benchmark or reference against which the merits of the current application may be measured for its compliance with prevailing statutory planning and development frameworks, which facilitate and enable the proper planning and sustainable development of the area.

7.3. Principle and Location of the proposed development

- 7.3.1. Public policy advocates that residential development driven by urban areas should take place, as a general principle, within the built-up urban areas and on lands identified through the Development Plan process, for integrated, serviced and sustainable development. In the case of the current application, this context is provided for by the Dublin City Development Plan 2016-2022 in particular, which sets out the way forward for the urban growth and development of Dublin City.
- 7.3.2. The application site is zoned “Z1 – Sustainable Residential Neighbourhoods”, with the objective to protect, provide and improve residential amenity. The applicable zoning matrix designates residential land use as being permitted in principle within the zone. The “Z1” zoning objective therefore seeks to ensure that any new development within existing neighbourhoods has minimal impact on, and enhances existing residential amenity.
- 7.3.3. If the Dublin City Development Plan 2016-2022 is intended as providing the way forward for the proper planning and sustainable development of the area, then the application site must be regarded as being appropriately located within residentially zoned (ie: ‘Z1 – Sustainable Residential Neighbourhoods’) and serviced lands within Cabra, Dublin 7.
- 7.3.4. The challenge, having regard to the proposed architectural and planning design, and the proposed layout of development on the small, roughly rectangular shaped c.108m², restrictive ‘infill’ application site, together with the relevant requirements of the Dublin City Development Plan 2016-2022, is to ensure the proposed 1no. ‘part single storey, part 2-storey, 1-bedroom detached dwellinghouse (c.66m²) development, has no disproportionate and unacceptable adverse impact on the existing residential development and associated amenities enjoyed by the adjacent neighbours surrounding the application site, and who’s properties front onto Cabra Road, Quarry Road and Leix Road respectively.

7.4. Visual Amenity Impact : Townscape / Streetscape

- 7.4.1. I have taken note of the established scale and pattern of residential development in the area. Excepting for the properties on either side of Quarry Road, at its intersection with Cabra Road, all of the Cabra Road, Quarry Road, Annamoe Road and Leix Road frontages are characterised by rows of 2-storey semi-detached houses fronting onto each of the roads respectively, with deep rear yards / gardens. No.177 Cabra Road (3rd party Observer) shares its rear lateral boundary with the rear / eastern boundary of the application site. The sense of place of this Cabra neighbourhood is clearly influenced by the density and pattern of residential development, and by the architectural style, design, and general finishing of the existing houses, all set in a local topographical and environmental context (see photographs attached taken at the time of physical inspection).
- 7.4.2. Whilst acknowledging that no preservation or protection status has been designated in terms of the Dublin City Development Plan 2016-2022, I have empathy with the approach apparent by the Planning Authority and emphasised by the 3rd party Observer regarding the need for careful maintenance and preservation of this unique townscape. I note that the threat of negative visual impact on this local townscape, was a principal consideration informing the historical decisions to refuse planning permission under planning ref.nos.**3536/17** and **3469/08** respectively (see 4.0 above).
- 7.4.3. With respect to the Quarry Road frontage, the application site enjoys a prominent location with high visibility from each of the Northern and Southern approaches along Quarry Road. A lesser, but still clear view is possible of the application site from Cabra Road moving through the 'robot controlled' intersection with Quarry Road. Clear visibility is also possible approaching the intersection along Annamoe Road. This visibility would be particularly possible by pedestrians
- 7.4.4. From the rear however, intervisibility is restricted to the rear elevations and rear yards / gardens of the adjacent properties to the east. Contextually, the surrounding residential development comprising pairs of 2-storey dwellinghouses, appears in accordance with relevant City Development Plan 2016-2022 Standards.

7.4.5. Section 16.10.10 – ‘Infill Housing’ of the City Development Plan 2016-2022, provides that the development of underutilised infill sites within existing residential areas, such as the application site, is generally encouraged. Noteworthy in this regard is the development objective sustained throughout the Development Plan 2016-2022, emphasising the need to make the most sustainable use of land and existing urban infrastructure.

Notwithstanding however, the City Development Plan 2016-2022 emphasises that a balance is needed between the protection of existing amenities, privacy and the established character of the local Cabra area, and the proposed new modest single house residential infill development. Towards this end I note that Section 16.10.10 – ‘Infill Housing’ sets out that ‘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”.

7.4.6. In my view, it is in this context that the proposed development is significantly challenged. I am inclined to share the concerns articulated by the Planning Authority in response to the proposed house design and footprint on the application site. Whilst the overall house size may have been reduced from the last refused application (ie. 72m² to 66m²), the revised site footprint is now set back slightly from the rear / eastern boundary shared with the 3rd party Observer (No.177 Cabra Road), with consequence that the front of the house is much closer to the sites front boundary onto the pedestrian footpath.

The clear implication of this in my view, is that the unique local ‘building line’ established along Quarry Road from the south at its intersection with Cabra Road, is broken, with the front plane of the house now projecting to be within c.1.0m of the pedestrian sidewalk. An undesirable further consequence is that the ‘bay window’ elements then project out beyond the ‘front plane’ itself.

7.4.7. In and of itself, I have regard to the applicants proposed architectural design of the modest single house as unique and impressive. However with its modern form, composition, size / height and the materials and finishes proposed, I share the Planning Authority view that it does not successfully integrate visually into the local Cabra residential neighbourhood, and the local Quarry Road ‘streetscape’ particularly.

Rather the modern “box-like design” referenced by the Planning Authority, is not suitably compatible in the established local context, located in such a prominent and exposed position along the Quarry Road frontage (see photographs attached taken at the time of physical inspection. I also reference as useful, the Board to the copy of Drawing No.PD10 – “Existing Plans / Sections / Elevations”, clearly illustrating the ‘Street Elevation Existing’ and included within the previous case documentation under ref.no.**3536/17** (copy included on file)).

The resultant negative visual externality therefore appears more as an engineered design response to the challenging site constraints. I do not believe that this is what was envisaged for the application site by the ‘Z1’ Zoning Objective, and Sections 16.2.1 – “Design Principles” and 16.10.10 – “Infill Development” of the City Development Plan 2016-2022.

- 7.4.8. In the applicant’s favour, I do note the existing mature tree / conifer located adjacent the northwest corner of the application site, within the side garden of No.1 Quarry Road. The presence of this tree indeed does fulfil a role of screening development on site, when approaching the site along Quarry Road from the north.

However, because the tree is located outside the application site and beyond the scope of the applicant’s landownership, no influence is apparent in favour of the applicant to ensure its sustained presence at its existing location.

Rather, this falls to the property owner of the adjacent No.1 Quarry Road, who would be entitled at any time to remove the existing tree, thereby exposing the proposed development to a full unencumbered view when approaching from the north.

This absence of certainty regarding the retention of the tree, is of no assistance to the applicant in ensuring mitigation of negative visual impact on the local insitu amenities.

- 7.4.9. A consequent visual impact must logically and reasonably be expected of any residential development on the application site. This cannot be avoided, subject to compliance with the Dublin City Development Plan 2016-2022. In my view, application of the provisions of the City Development Plan 2016-2016-2022, should be towards positively enabling reasonable residential development, whilst protecting residential amenities both of individual property owners, as well as collectively within the local Cabra neighbourhood. This outcome is the reasonable expectation of the ‘Z1 –

Sustainable Residential Neighbourhoods' Zoning Objective. Having regard to the above considerations, I believe this has not reasonably been demonstrated by the applicant in compliance with the relevant provisions of the City Development Plan 2016-2022.

7.4.10. Having regard to the architectural design details submitted, the proposed modest single part single storey, part 2-storey dwellinghouse development –

- will be disproportionately visually prominent or obtrusive to adjacent and nearby residents,
- would have a disproportionate negative impact on the established character and associated amenity enjoyed within the local Cabra Road, Quarry Road and Leix Road neighbourhood generally, and of adjacent property specifically,
- has not demonstrated satisfactory compliance with the relevant provisions of the Dublin City Development Plan 2016-2022, and

accordingly, would be contrary to the proper planning and sustainable development of the area.

7.5. Residential Amenity Impact

7.5.1. Residential amenity values refer to those natural or physical qualities and characteristics of the local Cabra neighbourhood, that contribute to the residents appreciation of its pleasantness, liveability and its functional and aesthetic coherence. The 3rd party 'Observer', who shares the rear lateral site boundary (ie. No.177 Cabra Road) with the rear / eastern boundary of the application site, understandably wants to protect this local amenity, which in my view is supported by the designated 'Z1 – Sustainable Residential Neighbourhoods' zoning objective. The 'Z1' zoning objective over these lands does however enable change, and the inevitable increased intensity of suburban residential land use, which requires responsible management in the public good. I believe that the proposed modern, single house sub-urban residential development will have a serious, disproportionate negative visual impact on this prevailing residential amenity (see 7.4 above).

7.5.2. In substantiating this viewpoint I have had regard to specific potential negative residential amenity impacts, as follows :

Visual Amenity – Townscape / Streetscape :

- I consider this to be the case having regard to the discussion of the impact of the proposed development on the prevailing visual amenity, the contextual townscape of Cabra, and the local streetscape along Quarry Road particularly, at 7.4 above, which in my view would disproportionately, negatively influence the character and quality of the contextual residential amenity enjoyed in the local neighbourhood.

Noise :

- There is understandably an existing ambient noise level prevalent, which derives from the spatial relationship of the adjacent existing Cabra Road, Quarry Road and Leix Road residential communities, to the range of land uses and activities normally associated with a sub-urban environment. I do not believe that levels of noise externality which may result from the proposed single house residential development will be substantially greater than the existing ambient noise levels, or those noise levels reasonably to be expected of a built up compact, sub-urban area such as Cabra, within 'North-West', Dublin City.

Overshadowing / Loss of Natural Light :

- Whilst located generally, to the north, northwest and southwest of the nearest Cabra Road, Quarry Road and Leix Road residents respectively, having regard to the single part single storey part 2-storey detached house proposed, the contextual footprint on the application site, and separation distances from the respective nearest existing single and 2-storey houses, I believe that no serious or disproportionate threat of overshadowing and consequent loss of natural light will result from the proposed development.

In this regard I note the concern emphasised by the 3rd party Observer at the threat of overshadowing and consequent loss of residential amenity. The argument is made that the existing afternoon and evening sunlight from the west, which enhances enjoyment of their residential amenity enabled by their

deep north facing rear garden will be reduced due the blocking of direct sunlight and consequent overshadowing of the rear garden by the proposed single house development to the west. However, what the 3rd party Observer does not clarify is that under the current application, the proposal is now for a part single-storey, part 2-storey house, and where the 1st floor element has been reduced from that previously refused planning permission. The rear elevation of the proposed new house is also set back away from the rear / eastern site boundary shared with the 3rd party Observer. Therefore, whilst some overshadowing of the rear garden at No.177 Cabra Road must reasonably be expected, I believe that such would be significantly reduced from that under previously refused applications, would be confined to the northern end of the rear garden and of relevance only through the winter months. I also reference that significant overshadowing of the 3rd party Observers rear garden already occurs consequent of the substantial 2-storey semi-detached house on site. In my view, the arguments made against the proposed development in this regard, cannot be sustained.

Internal Living Space :

- The proposed single house development comprises 1-bedroom, with an anticipated 2no. person occupancy. In respect of the need for proper internal space planning which ensures adequate standards in relation to overall dwelling and individual room sizes, I am of the view that as proposed, a satisfactory standard of accommodation will be provided, with enough space for the requirements of modern households in this sector. Satisfactory compliance with Sections 16.10.2 and 16.10.3 – ‘Residential Quality Standards – Houses’ of the City Development Plan 2016-2022 has been reasonably achieved.

Overlooking / Loss of Privacy :

- Privacy or a freedom from observation is a basic qualitative aspect of residential design, and which is acknowledged within the Dublin City Development Plan 2016-2022. The ‘Residential Quality Standards’ set out at Sections 16.10.2 and 16.10.3 seek to ensure that housing layouts achieve reasonable levels of such privacy, both internally and in relation to the adjoining existing built

environment. In this regard, I believe that the proposed development would not threaten the levels of privacy currently enjoyed by the surrounding adjacent residents along Cabra, Quarry and Leix Roads respectively.

- Specifically, having regard to the concerns argued by the 3rd party Observer, adjacent to the east at No.177 Cabra Road, I believe I believe that no serious or disproportionate overlooking and loss of privacy⁶ will result consequent of proximity of the proposed new single house to both the 2-storey semi-detached house and its deep rear garden sharing a boundary with the application site.
- In my view, the arguments made by the 3rd party Observer against the proposed development in this regard, cannot be sustained.

Private Amenity / Leisure Space :

- Section 16.10.2 – ‘Residential Quality Standards – Houses’ emphasises ‘private open space’ as an important element of residential amenity. Private open space for houses is usually provided by way of private gardens to the rear or side of a house. A minimum standard of 10m² of private open space, per bedspace, will normally be applied, with up to 60-70m² of rear garden area considered as sufficient for houses in the city.
- Consequent of the proposed development, I note an area of c.28m² will be available to the proposed single house – 1no. Bedroom (2no. beds). Whilst it is unclear as to the composition and qualitative usability within the rear garden of this c.28m² indicated on the site layout, the quantitative area exceeds the City Development Plan 2016-2022 ‘Standard’ of 20m² for a 1-bedroom, 2-person dwellinghouse.
- A rear private amenity area of satisfactory utility and amenity value is enabled.
- Further, having regard to adjacent contextual residential development, I believe that no serious or disproportionate negative impact will result on adjacent domestic amenity spaces, inclusive of the 3rd party observer.

On-Site Car Parking :

- Capacity for adequate onsite car parking space has been provided within the curtilage of the proposed single house development, in satisfactory compliance

with City Development Plan 2016-2022 Standards (ie. Section 16.38 – ‘Car Parking Standards’, Table 16.1 – ‘Maximum Car Parking Standards’).

- Notably, the 1no. space per dwellinghouse provided is less than the Table 16.1 Standard of 1.5no. spaces per dwellinghouse. However, having regard to the provisions set out at Section 16.38 in terms of which on site car parking space provision below the maximum may be permitted, I am of the view the application site in context, satisfies for such relaxation.
- Further, I distinguish that by providing for 1no. space only, the number of traffic movements onto and off Quarry Road has been proportionately reduced.
- I also reference there being no objection apparent, by the City Transportation Planning Division in this regard.

Impacts from Site Works and Construction Activity :

- I do acknowledge the potential for negative impact of construction activity on contextual residential amenity locally, whilst site works and construction activity are on the go. The 3rd party Observer has recorded specific concerns in this regard. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this development.
- The 3rd party Observer concerns will require resolution, via direct consultation between the parties. I have also addressed these ‘land-legal’ concerns by the 3rd party Observer at 7.7 below.
- Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate supplementary Conditions to a grant of permission, should the Board be mindful to grant permission, and deem such mitigation of negative impact necessary.

7.5.3. Having regard to the discussion above, and notwithstanding satisfactory compliance with most other elements which potentially threaten ‘residential amenity’, I conclude the negative impact of the proposed development on the prevailing visual amenity, the contextual townscape of Cabra, and the local streetscape along Quarry Road particularly, to be such that it would seriously and disproportionately negatively influence the character and quality of the contextual residential amenity enjoyed in the

local Cabra neighbourhood. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area. I recommend to the Board accordingly.

7.6. Road Access and Traffic Safety

- 7.6.1. The suitability of the application site for a small residential development will be determined amongst others, with reference to potential for traffic hazards caused by the proposed development, and consequent additional vehicular access onto and loading of Quarry Road and the local suburban road network beyond. The safety and convenience of all road users is emphasised by the Dublin City Development Plan 2016-2022.
- 7.6.2. At present, the application site is accessed by way of an open double splay directly off Quarry road. Therefore, a new vehicular access is not required in order to enable off-street car parking space. The current application will see to the consolidation of the existing access arrangements towards a more conventional access enabling domestic residential development.
- 7.6.3. Having regard to the proposed modest single house residential development, I believe that no new, or additional traffic movements onto and off Quarry Road and loading of the local suburban road network will result. Consequently, I believe that no serious or disproportionate threat to public safety due to traffic hazard will result.
- 7.6.4. Along the application site frontage good sightline visibility is available to each of the northerly and southerly approaches along Quarry Road. Further, I believe that proposed access to be sufficiently distanced from the Quarry Road / Cabra Road 'robot' controlled intersection, to avoid traffic conflicts consequent of the back-up of vehicles from the intersection along Quarry Road passed the site frontage.
- 7.6.5. I further note that no record of concern or objection is apparent, by the City 'Transportation Planning Division', in response to the proposed development.

7.6.6. Therefore, having regard to the above, no serious or disproportionate threat to public safety, due to traffic hazard, will result from the proposed development.

7.7. Land – Legal Issues : Use of the Narrow Pedestrian Accessway to Rear of No.177 Cabra Road :

7.7.1. I have taken careful note of the arguments made by the 3rd party Observer, in respect of land / legal matters relating to –

- the potential for the applicant to make use of the side pedestrian accessway during the construction phase,
- assertion that construction of, and particularly the rendering of the north facing side elevation wall, will require assembly of scaffolding along the side access passageway, which is in the 3rd party Observers ownership, and
- that no consent has been provided by the 3rd party to the applicant, allowing for access onto and over the accessway in order to physically enable construction operations, and the sustained feasibility of the proposed development (ie. maintenance). This would include for the opening and closing of the existing 2no. locked gates, and / or for their removal completely.

7.7.2. I have also had regard to the comments by the applicant

- that having regard to the proposed house design and positioning on the application, and to the considered decisions by the applicant regarding materials and finishes particularly, the house once completed would require minimal maintenance and associated works for a stated approximately 30-years. As a consequence, very little impact would be made on the adjacent 3rd party Observers pedestrian passageway, and
- that accordingly, the issue of ownership, as argued by the 3rd party Observer would not be an issue.

7.7.3. Notwithstanding, having regard to the arguments raised against the proposed development by the 3rd party Observer, I have had regard to the application for planning permission on its planning merits alone, as set out in the above discussions. I am inclined to the view that any decision on the planning application does not purport to determine the legal interests held by the applicant, or any other interested party in

relation to use of the side narrow pedestrian accessway in this instance, and the consequent impact, or not, on the proposed development.

- 7.7.4. I would also draw attention to Section 34(13) of the Planning and Development Act, 2000 as amended, which relates as follows :

“A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development”.

In this regard, I reference the explanatory notes which read as follows –

“This subsection ... makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate”.

Consequently, I understand that any legal obligations on the applicant, to ensure that the legality of landownership and user privileges enjoyed by the 3rd party Observer in particular, are not compromised, are covered.

- 7.7.5. Accordingly, I do not believe these arguments by the 3rd party Observer against the proposed development to be reasonable and substantive grounds for refusal.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and small scale of the proposed development, to the location of the site within a fully serviced suburban environment, and to the separation distance and absence of a clear direct pathway 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.

8.0 Recommendation

- 8.1. I recommend that planning permission be Refused for the Reasons and Considerations set out below.

9.0 Reasons and Considerations

9.1. The proposed development by virtue of its box-like design, immediate proximity to the west (front) site boundary and forward of the established building line, would be highly prominent and visually obtrusive, to the detriment of the amenities and character of the surrounding area, contrary to the provisions of Section 16.2.1 and 16.10.10 – ‘Infill Housing’ of the Dublin City Development Plan 2016-2022, which requires that such development proposals should have regard to the character of adjacent buildings, the spaces around and between them and the character and appearance of the local area. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022, and be contrary to the proper planning and sustainable development of the area.

L. W. Howard

Planning Inspector

13th March 2020