



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306392-20

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<b>Development</b>	Demolition of 14 garages within the site and retaining the garage walls where they are on a boundary, and construction of 2 single and 2 storey semi-detached dwellings.
<b>Location</b>	Lands immediately to rear and side (west) of 7, St. Pappin's Road, Glasnevin, Dublin 11
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	2555/19
<b>Applicant(s)</b>	Des Mangan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Bridget O'Neill & Others.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> May 2020.

**Inspector**

Sarah Lynch

## 1.0 Site Location and Description

- 1.1. The subject site is rectangular shaped and is located to the rear of Nos. 3, 5 and 7 St. Pappin's Road and no. 133-139 Ballymun Road. The surrounding area which is north of Glasnevin is characterised by residential development of semi-detached and terraced type housing. A neighbourhood centre is located directly to the south of the site access.
- 1.2. The site is currently derelict and contains 14 no. of derelict single storey garages and an ESB sub-station, all of which are accessed via an access point between Nos. 7 and 9 St. Pappin's Road. The site has a stated area of 709sqm.
- 1.3. Access to the site is narrow, c. 3.8 metres and is obtained directly from St. Pappin Road. The existing footpath at St. Pappin's Road is wide and visibility in both directions is adequate.

## 2.0 Proposed Development

- 2.1. It is proposed to construct 2 no. dwellings and associated car parking.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council determined to grant permission for the proposed development subject to conditions. Condition no. 3 requires amendments to the first floor, bedroom 2 shall be relocated from the rear to the front and the bathroom shall be similarly located.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planners report is consistent with the decision of the planning authority.

Further information was requested in relation to the following:

- Ability for vehicles to manoeuvre within the site.

- Access for refuse and emergency vehicles must be demonstrated.
- Potential for impacts arising from ESB substation.
- Details of structure and demolition methodology which demonstrates retention of rear walls of existing garages.
- Re-orientation of first floor plan to address overlooking.

### 3.2.2. Other Technical Reports

- Drainage Division – no objection subject to standard conditions.
- Transportation Planning Division –further information sought.
- Waste Management Division – no objections

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

A number of third party submissions were received from local residents, the issues raised are outlined within the grounds of appeal.

## 4.0 Planning History

- ABP 223559, Permission was **refused** for 3 no. dwellings for the following reasons:
  1. Having regard to the scale of the proposed dwellinghouses and the size of their associated private amenity areas it is considered that the proposed development would provide an inadequate level of private amenity open space and would thereby constitute a substandard form of development that would be unsympathetic with and seriously injurious to the pattern of development in the vicinity and which would seriously injure the amenities of the future occupants of the dwellinghouses. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the submissions made in connection with the application and appeal the Board are not satisfied that adequate provision for the parking and manoeuvring of vehicles and for the movement of pedestrians has been made within the proposed development. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

### **7 St. Pappin's Road**

- 3585/02 - Application for permission to erect a single storey granny flat extension at the rear. Permission was granted for the development, subject to conditions.

Enforcement History E0316/19 – Complaint received in relation to development at 7 St. Pappin's Road

## **5.0 Policy Context**

### **5.1. Development Plan**

Dublin City Development Plan 2016-2022

The site is zoned Z1, 'Sustainable Residential Neighbourhoods' which seeks to 'protect, provide and improve residential amenities'

- QH8 – Promote development of vacant sites
- QH22 – New houses to be in keeping with character of existing.
- Section 16.6 – Site Coverage
- Section 16.10.8 Backland Development.
- Section 16.10.10 Infill Housing

National Planning Framework Project Ireland 2040

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

## 5.2. **Natural Heritage Designations**

The nearest Natura 2000 site is c. 4km to the south east of the site, South Dublin Bay and River Tolka Estuary SAC.

## 5.3. **EIA Screening**

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal have been submitted by the residents of properties which directly adjoining the site. The residents have employed the services of Mr. Ronan Kearns Engineer with regard to traffic issues raised within the appeal. The issues raised within the grounds of appeal can be summarised as follows:

- Overdevelopment of backland site.
- Lack of public open space
- Limited private open space.
- Impact on existing boundary wall.
- Condition of permission does not specifically state that existing boundary wall should be retained.
- The model of car used for the swept path analysis is seriously misleading, an estate car was used and cars available in 2020 are larger.
- Insufficient parking.
- Sightlines are regularly impacted by delivery vehicles serving the neighbourhood centre across the road.

- Copies of previous correspondence with Dublin City Council have also been submitted.

## 6.2. Applicant Response

Finn Behan has prepared a response to the grounds of appeal on behalf of the applicant Des Mangan, which can be summarised as follows:

- A condition swapping the first floor bathroom and bedroom has been imposed and is acceptable.
- Proposal does not impact residential amenity.
- Adequate rear private amenity space is provided for.
- Loss of vegetation along boundary wall would occur with any development of this site.
- The use of no. 7 Pappin Road as a rental unit has been referred to enforcement and DCC have found no basis for these complaints and the files were closed.
- Appellants engineers report is inaccurate and uses incorrect measurements.
- Sightlines are adequate and adjacent public road is 30kph.
- The access road is narrow and the footpath is wide, this approach is in compliance with DMURS.
- Future residents will be required to bring their bins to the road.
- The dwellings are designed to cater for fire tender.
- Laneway is 5 metres at passing point
- The applicant liaised with the transport section in relation to the response to the FI.
- The proposal supports the development of higher densities in urban areas.

## 6.3. Planning Authority Response

Dublin City Council have responded to the appeal and stated that the reasoning for granting the proposed development has been clearly set out in the planners report.

## 6.4. Observations

- None

## 7.0 Assessment

7.1. The proposed development is located within an area subject to the Z1 zoning objective which seeks to protect, provide and improve residential amenities. The principle of residential development is accepted within this zoning objective.

7.2. It is important to note at the outset that the applicant was requested to submit revised drawings in response to a further information request. These plans replaced a rear bedroom window with a partially opaque window and roof light, a condition of permission also required bedroom no. 2 to be relocated to the front of the dwelling and the proposed bathroom to be similarly relocated to the rear. In the interest of clarity, it is the revised permitted plans which will be considered within the assessment of this appeal.

7.3. The relevant issues pertaining to the proposed development are as follows:

- Overdevelopment of the site
- Overlooking
- Carparking and Access
- Appropriate Assessment
- Other matters

### **Overdevelopment of the site & Open space**

7.4. It is contended by the appellant that the proposal is an overdevelopment of this backland site. The development provides for the construction of a pair of semi-detached dwellings on a site area of 702sqm, resulting in an overall site coverage of 22%. Dublin City Development Plan 2016-2022 permits site coverage of up to 45% - 60% in areas subject to a Z1 zoning objective. However, it is stated within Section 16.6 of the plan that whilst site coverage is a useful indicator of overdevelopment within a site, additional criterion must be assessed in tandem with this particular indicator.



7.5. Other such criterion outlined within this Section of the plan include: the pattern of development within the vicinity, accessibility to public transport and impacts on sunlight and daylight to both proposed and existing development. I consider that the provision of adequate open space and the provision of adequately sized rooms and circulation areas within the property are additional criterion that require assessment with regard to this development.

7.6. I have assessed the proposed development in the context of the foregoing criterion as follows:

- As aforementioned site coverage within the appeal site is 22% which is below the Development Plan standard of 45-60%. It is of note that site coverage on plots within the immediate vicinity in many instances are similar to that proposed.
- The prevailing pattern of development within the immediate vicinity is compact with car parking provided both off street and on street.
- Public transport is highly accessible from the appeal site. The appeal site is located directly off Saint Pappin Road and the Ballymun Road, which have a high frequency bus service to the city centre and connections to alternative sustainable transport modes.
- The proposed east west orientation of the development, separation distances and the overall two storey height of the development will not negatively impact upon accessibility to adequate levels of both sunlight and daylight for either the proposed development or existing within the vicinity of the site.
- Rear private amenity space is provided for each dwelling with an overall area in excess of 70 sqm and rear garden lengths of between 11 and 8.5 metres. Side access is provided to both units in order to facilitate bin storage. Given the inner suburban location of this site and the quality of the open space provided to serve these 3 bedroom units I considered the level of open space to be adequate. Given the limited number of units and the quantum of private open space to be provided, I do not consider communal public space to be necessary in this instance.

- Internal room sizes are in accordance with Appendix I of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018.

7.7. Having regard to the foregoing it is clear that the proposed development has been designed adequately and complies with the requirements of both the Dublin City Development Plan 2016-2022 and government guidance in relation to accommodation standards for residential development. As such whilst I acknowledge the concerns of the appellants in this regard, I consider the development, which exceeds the minimum requirements of the Dublin City Development Plan, is not an overdevelopment of this highly accessible suburban site.

### **Overlooking**

7.8. Concerns have been raised by the appellants in relation to overlooking. The proposed development will be two storey in height and will be directly located to the rear of no. 139 and 137 Ballymun Road. Properties along both the Ballymun road and St. Pappin Road have large rear gardens, whereby lengths can be in excess of 35 metres, as seen at no. 137. The proposed first floor windows within the development will be set back from the boundary of the site by 11 metres in the case of house no. 1 and 9.5 metres for house no. 2. The separation distance in relation to first floor opposing windows is therefore significantly in excess of 40 metres.

7.9. Standard separation requirements for such development situations is 22 metres. Having regard to the foregoing, I am satisfied that overlooking will not be significant and would not be beyond what would be considered reasonable in an urban or suburban location. I do not consider therefore, that the proposed development would unduly impact the residential amenities of properties backing onto the site, in particular no. 137 and 139 given the separation distances proposed.

7.10. In this context and in the interest of providing an adequate residential environment for future residents I consider that the provision of a partially opaque window and roof light to serve bedroom no. 3 of dwelling no. 2 is unreasonable and not necessary given the separation distance achievable. Should the Board be of a mind to grant permission I consider that a condition is imposed which omits this roof light and inserts a standard window in its place.

## **Access**

- 7.11. It is contended by the appellant that the proposed access is inadequate, and details submitted by the applicant in support of the application are misleading. I note that the applicant has submitted an analysis of turning movements and has demonstrated that a domestic vehicle can turn and leave the site in first gear. I further note that a 5 metre passing point can be achieved and this has been agreed with the Transportation Division of Dublin City Council in response to the further information request. The appellants have also raised concerns in relation to the availability of sight lines at the junction with St. Pappin's Road and state that delivery trucks park at this location. Whilst I did note parked cars along this Section of the road, it is not reasonable to refuse permission on this basis. Adequate visibility can be achieved when exiting the site onto the St. Pappins Road and as such the proposed entrance is acceptable in this regard.
- 7.12. It is stated within the information submitted that residents will be required to leave their refuse bins at the end of the access lane, this is not uncommon throughout the city and I am satisfied that this arrangement will not give rise to impacts on either residential amenity or to pedestrian movement on the pavement whereby bins will be left on collection days.
- 7.13. Further concerns have also been raised in relation to the level of car parking to be provided and it is stated that only 1.5 spaces have been provided for each dwelling. Table 16.1 of the Dublin City Development Plan 2016-2022 permits a maximum of 1.5 spaces per 3 bed unit. The proposed development is in accordance with these requirements and the proposed parking arrangements have been endorsed by the DCC Transportation Division. The site is highly accessible by public transport and I therefore consider the level of parking provided to be satisfactory.
- 7.14. Overall, based on the information submitted I am satisfied that the proposed development provides for a development which can be adequately catered for in terms of access and car parking. The proposal has been designed in accordance with the requirements of the Dublin City Development Plan and will not result in a traffic hazard to road users along the Ballymun Road.

### **Appropriate Assessment**

- 7.15. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **Other Matters**

- 7.16. The appellant has raised concerns in relation to the retention of the existing boundary wall. The applicant has confirmed that these walls which form part of the rear boundary of the existing sheds will be retained. I am satisfied on the basis of the information submitted that this can be achieved. However, should any of these boundary walls be damaged during the construction or demolition of the proposed development, I consider it prudent to impose a condition which requires the developer to repair or rebuild such damage, where required, at their expense. Any repairs or rebuilding of this wall should be agreed with the planning authority prior to the works commencing.

## **8.0 Recommendation**

- 8.1. It is recommended permission is granted.

## **9.0 Reasons and Considerations**

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

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the appeal, except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

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

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

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

**Reason:** In the interest of public health

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

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

5. The proposed first floor roof light serving bedroom no. 3 of dwelling no. 2 shall be omitted and a standard window inserted to serve this bedroom.

**Reason:** In the interest of residential amenity.

6. Details of all boundary treatments to be submitted and agreed in writing with the planning authority prior to the commencement of development. The existing boundary walls to the rear of the existing sheds, between the development site and properties along the Ballymun Road and St Pappin's Road, shall be

retained, any damage to these boundary walls during the demolition and construction stage of the proposed development shall be repaired/rebuilt at the expense of the developer, details of any works required shall be agreed with the planning authority prior to the commencement of such works.

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

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

**Reason:** In the interests of visual and residential amenity.

8. The site and development works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developers expense.

**Reason:** In the interest of orderly development.

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

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

10. The demolition and construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Sarah Lynch  
Planning Inspector

8<sup>th</sup> June 2020