



An
Bord
Pleanála

Inspector's Report

ABP-306741-20

Development	Construction of detached house with part single storey with pitched roofs at both ends.
Location	Land adjacent to, 26, Maywood Lawn, Raheny, Dublin 5
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1515/19
Applicant(s)	Bernard Somers
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sinead Murphy and Others.
Observer(s)	None
Date of Site Inspection	28 th May 2020.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located within an existing established estate within the side garden of 26 Maywood Lawn which is c. 1.3km east of Raheny village. The site is accessed directly from Maywood Lawn and is a corner site within the development.
- 1.2. A new two storey dwelling has been recently constructed directly to the northeast of the appeal site. The surrounding area is characterised by two storey detached and semi-detached dwellings. A number of new dwellings have been constructed within side gardens in the general vicinity of the site.
- 1.3. The appeal site is a rectangular shaped parcel of land which is bounded on all sides by residential development. The lands are enclosed by a 2-metre block wall and a timber fence and is flat in terms of topography.

2.0 Proposed Development

- 2.1. It is proposed to construct the following development:
 - Detached house and associated car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to grant permission for the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report is consistent with the decision of the planning authority. It is of note that further information was requested in relation to the following:

- The Planning Authority considers that the height, form and length of this mansard roofed building, at minimal separation distance to the northern boundary, would have an overbearing impact on the rear of dwellings on Raheny Park and would be visually obtrusive and incongruous. The planning precedent on the site is for a single storey dwelling of more modest dimensions

with a typical A-frame pitched roof with a maximum height to ridge of 4.5m. The dwelling proposed has a substantial floor area to its ground floor and there is sufficient area within that footprint to allow a single storey three-bedroom dwelling to be provided. The applicant is requested to consider the above and to revise the proposed dwelling as appropriate.

3.2.2. Other Technical Reports

- Drainage Division - no objection subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One submission was received, the issues raised are outlined within the grounds of appeal.

4.0 Planning History

- 1421/01 Outline Permission Granted for subdivision of garden and erection of two storey house.
- 2648/03 Permission Granted on foot of outline - 2 storey detached house to side.
- 5875/07 Outline Permission Granted for the subdivision of existing garden for the erection of 2 two storey house detached houses to the north east of the existing house.
- 4119/15 Permission Refused for 1 no. 4 bedroom, 2 storey detached house, with 2 car park spaces, a shared front vehicle entrance & all associated site works.
- 2629/17 Permission Granted for the construction of a 4 bedroom, 2 storey high with pitched roof detached house with 2 no. car parking spaces, shared front entrance and associated site works.

- 4400/18 Split Decision Issued for minor alterations to planning permission as previously granted under Ref: 2629/17 for a 4 bedroom, 2 storey dwelling.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan

Land use zoning objective Z1 – To protect, provide and improve residential amenities.

- QH22 – New houses to be in keeping with character of existing.
- 16.10.9 Corner/Side Garden Sites
- Section 16.6 – Site Coverage
- 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 sites to the proposed development are as follows:

- North Dublin Bay SAC and North Bull Island SPA are located c. 358 metres east of the site.
- South Dublin Bay and River Tolka Estuary SPA is located c. 2.16km south of the application site.
- Howth Head SAC is located c. 4.6km east of the site.
- Rockabill and Dalkey Island SAC are located c. 7.42 km south west of the site.

5.3. EIA Screening

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

This a third-party appeal submitted by Sinead Murphy and others who reside within Raheny Park to the rear of the appeal site. The grounds of appeal can be summarised as follows:

- Proposal contravenes Dublin City Development Plan
- Overbearing and unacceptable impact on appellants property
- Negative impact on residential amenity
- Too close to boundaries
- Unclear if ground level of entire site is to be reduced.
- Concern raised in relation to the integrity of existing boundary walls with properties along Raheny Park.
- Windows not in compliance with building regulations

6.2. Applicant Response

- Existing boundary wall is c. 2.4 m high
- Proposed dwelling is 4.5m
- House will be largely out of sight from rear gardens of Raheny Park
- Ground is to be reduce by 250mm
- No impacts are anticipated to arise in relation to the boundary wall.

6.3. Planning Authority Response

- None

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 subject to compliance with the requirements of the Dublin City Development Plan.

7.2. It is of note that as a result of a further information request, the proposed development has been altered from a two-storey dwelling with mansard roof profile to a single storey dwelling with a pitch roof. The single storey development is the permitted scheme and therefore the proposed development subject to the assessment of this appeal.

7.3. Issues for consideration before the Board pertain to the issues raised within the grounds of appeal, I have reviewed the plans and particulars submitted with the appeal and am satisfied that no other substantive issues arise. The issues for consideration can be summarised as follows:

- Visual Impact
- Residential Amenity
- Open Space
- Appropriate Assessment
- Other Matters

Visual Impact

7.4. Concerns have been raised within the grounds of appeal in relation to the overall appearance of the proposal and the suitability of the dwelling within the established pattern of development in the area. The applicant has responded to these concerns within the response to the grounds of appeal stating that the proposed dwelling will be largely out of sight with only the upper part of the roof being visible from dwellings along Raheny Park.

- 7.5. I note that the established pattern of development in the area is suburban in nature with conventional plot layouts containing detached and semi-detached two storey dwellings. A number of dwellings have been constructed within side and corner gardens within the immediate vicinity of the site. The proposed development is therefore not a new form of development within the area.
- 7.6. The Dublin City Development Plan 2016-2022 within Section 16.10.9 specifies that the provision of additional residential units in side gardens will be generally supported subject to a number of criteria. Developments in side gardens must be assessed in relation to the character of the street, compatibility of design and scale with adjoining dwellings, the established building line, proportion, heights, parapet levels and materials of adjoining buildings, quality of design and layout, the adequate provision of car parking, open space and landscaping and the impacts upon the residential amenities of adjoining sites.
- 7.7. The proposed dwelling which is single storey in height will be set back largely out of sight from the adjacent street. The single storey height of the structure will ensure that the building appears modest in terms of proportions and the pitched roof profile as opposed to the mansard roof originally proposed will provide for a less bulky structure when viewed from the surrounding properties.
- 7.8. I acknowledge that the proposed dwelling is different in terms of its overall design, height and layout to the established pattern of development in the area, however having regard to the plans submitted with the appeal it is evident that the proposed site is of sufficient size to accommodate the proposed dwelling in a manner which provides for an adequate level of residential amenity for both the future residents of the development and existing development in the vicinity.
- 7.9. Materials proposed are reflective of existing development in the vicinity and are therefore in keeping with the overall character of the area. Overall I consider the proposal by virtue of the modest proportions and materials proposed and the layout which is significantly set back from the public road to be acceptable in terms of visual impact and in accordance with the requirements of the Dublin City Development Plan.

Residential Amenity

- 7.10. It is contended by the appellants that the proposed development will negatively impact the current levels of amenity within their properties. Whilst I acknowledge that the

proposed development will introduce development in close proximity to a rear boundary wall where there was none, it is important to also acknowledge that the proposed development has been reduced in height to a single storey structure. I further note that the applicant proposes to reduce ground levels within the appeal site in order to further reduce any impacts on properties along Raheny Park.

- 7.11. No overlooking to the rear of these properties will be afforded from the proposed development given its limited height. Over shadowing will also be minimal for the same reason. Having regard to the foregoing, I consider that current levels of residential amenity will be preserved.

Open Space

- 7.12. Section 16.10.2 of the Dublin City Development Plan 2016-2022 states that private amenity space can be provided for, to either the side or the rear of a dwelling. A minimum standard of 10sqm per bed space is applicable to residential development in the city with this figure reducing to 5-8sqm in inner city locations.
- 7.13. A single bedroom represents one bed space and a double bedroom represents two bed spaces. Generally, as stated within the aforementioned Section, up to 60-70 sq.m of rear garden area is considered sufficient for houses in locations such as the appeal site.
- 7.14. The proposed development provides for 3 no. double bedrooms with a requirement for 60 sqm of private open amenity space. Given the quantum of open space to be provided I consider that the development as proposed adequately complies with the requirements of the Dublin City Development Plan 2016-2022 in this regard.

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. Concerns have been raised by the appellants with regard to the potential for impact to arise in relation to the existing boundary wall. It is stated that this wall is old and the

appellant is concerned that the proximity of the dwelling to the foundations of this wall will undermine the integrity of the wall. The applicant has responded to the appellants concerns in this regard and states that investigations have been carried out and a section of the foundations for this wall have been inspected. It is concluded within the applicant's response, in which he states that he is a structural engineer, that the proposed development will not negatively impact the integrity of the boundary wall in question.

- 7.17. I note that the proposed dwelling is to be constructed c. 800mm back from this wall and based on the information submitted and my findings at the time of site inspection, I am satisfied that the proposed development provides for an adequate distance of separation and will not negatively impact the existing boundary wall. If the Board is of a mind to grant permission, these concerns can be adequately addressed by way of condition, whereby any damage caused as a result of the proposed development should be repaired at the expense of the developer.

Conclusion

- 7.18. Having regard to the foregoing assessment I consider that the proposed development adequately complies with the requirements of the Dublin City Development Plan 2016-2022 and provides for an adequate standard of accommodation for future residents.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to standard conditions.

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 application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to 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. Details of all boundary treatments to be submitted and agreed in writing with the planning authority prior to the commencement of development.

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

6. 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.

7. 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.

8. The site and development works shall be carried out in such a manner as to ensure the integrity of the northern boundary wall shared with dwellings along Raheny Park is maintained, any damage to this boundary wall shall be repaired at the developers expense.

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

10. 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.

11. The 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

5. 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.

Sarah Lynch
Planning Inspector

28th May 2020